Acquittal . . .

Al-Wadi (Hadith al-Wadi), October 26, 1934

An acquittal is indispensable, if this country is to enjoy any real assurance that justice is guaranteed within it, that fairness is secured within it, and that every individual may feel safe in his own person, his property, his dignity, and his interests, whatever form those interests may take.

An acquittal must be established in every mind, clearly, beyond the shadow of doubt, brightly, unclouded by suspicion — an acquittal that must serve as a pillar of both individual and collective life, part of that very certainty which fills hearts, sets consciences at ease, and enables people to live as free men who genuinely believe in liberty, and to live as civilized men who genuinely trust that civilization serves as a path toward good and progress, never as a path toward evil and corruption.

This is the acquittal we demand, and press for, and hope — indeed, most earnestly wish — that the plain facts themselves will demonstrate to be firm and self-evident, and will likewise demonstrate that those who have stirred up doubt around it, and cast suspicion upon it, were driven to do so in error rather than in truth, laboring artificially rather than genuinely depicting the frightening reality of the matter. A great deal has been said these days concerning what is claimed to be the Public Prosecutor's own encroachment upon political affairs, his personal involvement in them, and his participation in resolving certain of their difficulties — difficulties that grow harder at times and easier at others, and are, in any case, invariably shaped by self-interest and temperament, by passion and inclination — influences the public must be thoroughly convinced remain entirely beyond the reach, entirely beyond the capacity, of the office of public prosecution and the judiciary itself.

Nearly every newspaper — or very nearly every one — reports that the Public Prosecutor has issued a ruling in the present crisis concerning two ministers whose removal from government is sought, on the grounds that removing them would be neither proper nor permissible before a judicial verdict has been rendered against them. Yet the Public Prosecutor is not a minister, nor anything resembling a minister, in Egypt; he is, for that very reason, no member of the Council of Ministers, nor a royal adviser to the Council of Ministers or to any particular ministry. He therefore has no business offering counsel on whatever

political difficulties confront the state, and the very nature of his office obliges him — obliges any holder of that office, whoever he may be — to remain as far removed as possible from politics and its difficulties. We had accordingly expected — indeed, we never doubted for a single moment — that these reports, which Al-Muqattam was first to broadcast on Tuesday, and which other newspapers then broadcast continuously thereafter, would be denied at the very earliest opportunity, in the strongest, plainest, most categorical terms, and in whatever manner would most effectively dispel any lingering suspicion. But Tuesday passed, followed by Wednesday, followed in turn by Thursday, and the Public Prosecutor never denied this report; nor did the Prime Minister deny it; nor did the Minister of Justice deny it; nor did anyone else deny it at all. Indeed, the newspapers reported, and continue to report, that the political case at the heart of the dispute between the two ministers and Mr. Hifni Bey Mahmoud, which had not originally been listed among the cases scheduled for hearing in November, has now been added to that very list.

And the newspapers reported, and continue to report, that the Criminal Court had originally been set to convene on the thirteenth of November, but it was then decided that it would convene instead on the fifth of that month; and the Prime Minister declared that the matter concerning these two ministers would be resolved only once the judicial verdict had been rendered. Which means, in effect, that the two ministers will remain in office should the accused be convicted, and will leave office should the accused be acquitted. Which means, in turn, that the judiciary will not simply be settling a dispute between two ministers and a certain writer, but will in fact be settling a purely political dispute between the ministers themselves and the English. And all of this together means that what the newspapers have reported concerning the Public Prosecutor's involvement in resolving political difficulties — or his handling of their resolution in his official capacity as Public Prosecutor — is either accurate, or at the very least probable, or at the very least plausible, for as long as it remains undenied. The public therefore has every right to feel uneasy about whether the Public Prosecutor genuinely stands above politics, genuinely remains removed from it; and the public has every right to feel uneasy, too, about whether the Public Prosecutor genuinely stands above party politics, genuinely remains removed from it — for politics in Egypt today is, in essence, party politics, and whoever involves himself in it, bearing its various burdens, becomes, in effect, a partisan actor. And the public knows perfectly well that the Public Prosecutor is

entrusted with the public case, and that the public case neither is, nor ought ever to be, the property of any single party — for the Public Prosecutor represents the entire community when he bears that trust. It is no concern of ours here whether political theorists, legal scholars, or jurists would consider it good or ill for the Public Prosecutor to involve himself in partisan politics — such theoretical debate is not our purpose in the midst of this present crisis. What concerns us, rather, is the settled principle that has governed Egypt until now: namely, that the Public Prosecutor remains removed from politics and its difficulties, and from party politics and whatever disputes it stirs up. We are therefore entitled to know whether this principle has actually changed, and whether it has now become accepted that the Public Prosecutor is somehow a member of the government, or a political partner to the government, sharing in its political burdens and following its various political courses.

We would very much like to know this, so that the opposition may take comfort in knowing that, though they may suffer hardship today, they may well enjoy good fortune tomorrow, once they too have a Public Prosecutor who, once power shifts into their own hands, will share in their own political affairs and follow their own political course. And so the public case would then shift between parties exactly as governments themselves shift, and the affairs of the prosecution would then proceed exactly as the affairs of governments proceed — and since fortune's wheel forever turns, let the government's opponents suffer today in order to prosper tomorrow, and let the government's own supporters suffer in turn on the day the wheel finally turns against them. We do not believe such an arrangement could possibly stand, nor do we believe the Public Prosecutor himself would ever accept it, nor do we believe his own judicial conscience and legal training could ever permit him to remain silent about it, nor do we believe the Public Prosecutor — a man so exacting in everything touching his own office — could possibly continue in the very silence he has maintained until now. We therefore continue to await a clear, explicit statement from the Public Prosecutor himself, denying what the public is saying and the newspapers are broadcasting: namely, that he has involved himself in politics and taken a hand in resolving its difficulties.

There is another matter, too, that we cannot imagine the Public Prosecutor remaining silent about: one Al-Siyasa reported yesterday, and returned to again today, touching certain judicial advisers who are members of the Criminal Court — Al-Siyasa claimed that the Public

Prosecutor made certain remarks to the eminent Mr. al-Hilbawi Bey. We had felt certain that yesterday afternoon would not pass before the Public Prosecutor issued a statement denying what Al-Siyasa had reported; indeed, we firmly believed the Public Prosecutor would not content himself with mere denial, but would go still further — he who once opened an investigation against the head of the Bar Association, then against the head of the Wafd together with the head of the Bar Association, then against Mr. Qasim, simply because they had ventured to criticize him. We do not believe the Public Prosecutor personally holds anything dearer, or anything more precious to him, than the very sanctity of the judiciary itself. The Public Prosecutor will surely excuse us, then, without any doubt, for pressing him so insistently to convince the entire public of his own brilliant, unclouded innocence — innocence, on the one hand, of any encroachment upon politics, and innocence, on the other, of whatever has been alleged concerning certain judicial advisers. And the Public Prosecutor will surely agree that we ask nothing beyond fair measure and moderation, nor anything beyond the very least that justice itself demands of us, when we ask him to restore to the public whatever trust and reassurance it rightfully deserves: the assurance that the public case remains, even now, an Egyptian case belonging to all Egyptians, not a partisan case belonging to any single party.