Failure (II)

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Kawkab al-Sharq, 24 December 1933

1 Where do the ministry and its supporters wish to drive this country? And where do the ministry and its supporters wish to take this country's dignity and its welfare? And where do passions and private aims wish to drive these men? And what burdens do passions and private aims wish to load upon these men, burdens they have no strength for and no capacity to bear?

2 These men are imposing excess upon themselves, and undertaking what they cannot carry through, and this drives them to inflict upon their country grave injuries, deeply harmful in their effect and far-reaching in their consequence. The good man would do well to withdraw into himself for an hour of the day or an hour of the night, and to call his conscience to account for this harm which his stance, and that of his companions, is on the verge of pouring down upon Egypt in full measure, exposing it to the ugliest of dangers.

3 The good man's advisers gave him poor counsel when they put it into his mind that the council of ministers could issue its warning to the lawyers before they elected their head; and his advisers gave him poor counsel when they put it into his mind that the council of ministers could draft its legislation to punish the lawyers after they had elected their head; and his advisers gave him poor counsel when they put it into his mind that the council of ministers could approve the explanatory memorandum which the minister of justice presented in support of this grave piece of legislation.

4 His advisers counseled the good man poorly in none of this so much as when they drove him into a predicament he would have done well to avoid and to refrain from rushing into; for in all of this there lies a mistaken notion whose harm is not confined to those who devised it, nor to those against whom it was aimed, but reaches beyond both of these to another group of men who ought never to be touched by harm, nor exposed to injury, nor spoken of except with esteem and reverence; for people's esteem for them, people's trust in them, and people's reverence toward them are a fundamental condition of any ordered life in any civilized country worthy of the name. These men are the judges.

5 And the ministry meant, in its warning, that putting forward as candidates lawyers against whom judgments had been issued amounted to an insult to the rulings of the judiciary — and the ministry ought never to have said such a thing, had it respected the truth, for it knows full well, were it to search its own conscience, that there is no Egyptian, lawyer or otherwise, who thinks of insulting the rulings of the judiciary, or whose mind so much as entertains the thought of insulting them.

6 And the ministry, had it reckoned what dignity and sanctity are owed to the judiciary and its men, ought never to have set down, in an official communiqué issued by the executive power, that among Egyptians, and among lawyers in particular, there are those who insult the rulings of the judiciary or think of insulting them. This is a claim that ought never to have come from the executive power; only the judicial power itself has the right to say such a thing, and the right to punish those who dare to insult the rulings of the judiciary; and the criminal court, seeing in the conduct of those lawyers a slight upon its authority, ruled against them with a fine, and the public prosecution, seeing in that conduct a slight upon the authority of the judiciary, referred it to the disciplinary council, and the disciplinary council ruled as it ruled, and no one said a word, nor did anyone have cause to say a word; and we know of no complaint from the criminal court to the public prosecution, nor of any complaint from the disciplinary council to the government, nor of any judicial quarter that asked the government to vindicate the judiciary against the lawyers who put themselves forward, or were put forward by their colleagues, for the election of 15 December; and neither we nor the government itself knows that this candidacy occurred after the disciplinary council's ruling was issued — what we know, and what the government knows, is that this candidacy came many days before that ruling was issued.

7 The government, then, went to excess against the lawyers when it added, in its warning, the charge of insulting the rulings of the judiciary; and it went to excess against the judiciary itself when it claimed, without any right, that the lawyers insult its rulings; and it went to excess against itself when it dragged the affairs of the judiciary into its political quarrels; and it went, then, to excess against all of Egypt with this mistaken stance into which political rivalry drove it, for it planted in Egyptians' minds the notion that the body of lawyers, who are the judges' partners in protecting right and justice, might defy the judiciary and insult its rulings.

8 This was excess on the government's part, and reprehensible excess. The lawyers drew its attention to this, and the lawyers denounced it in the strongest terms at their general assembly, and the lawyers declared, plainly and unequivocally, that they harbor toward the judiciary and its men nothing but affection, esteem, and reverence. The government would have done well to return to its senses and its right mind and desist from its excess; but the advisers who had counseled the good man poorly over the council of ministers' warning went on with their mistaken counsel, and tempted the good man into carrying out the threat and making good on the menace.

9 And so the council of ministers drew up its legislation and had the decree issued upon it, and it was driven, with the good man at its head, into an excess unbefitting good men. And it set down in law a thing that never happened, knowing full well that it never happened, recording that the lawyers had defied the judiciary, when they had not defied it and could not defy it. Then this ugly error was compounded by another no less ugly, dragging the provisions of its law backward over the past, contrary to the simplest principles of legislation, and straining after pretexts and contrivances that the least learned in the principles of legislation could not swallow.

10 And from all this followed its natural, mistaken, harmful consequences — harmful to Egypt, harmful to the judiciary. And here is one of the ministry's morning newspapers, published today, that does not scruple, does not blush, to state in plain words that the lawyers have mocked and belittled the judiciary, and that the ministry drew up this legislation solely to vindicate the judiciary and protect it. And it writes this, as it says, so that Europeans may know of it and not be deceived by what the Arabic newspapers write and what other foreign newspapers repeat from them.

11 So one of the ministry's newspapers tells foreigners, in the ministry's name, that Egyptian lawyers belittle the Egyptian judiciary, and that the Egyptian government departs from ordinary legislative practice in order to vindicate the judiciary and protect it from the lawyers! Does the good man not agree with us that this talk is a sin? Does the good man not agree with us that he, along with his ministry, bears responsibility for the newspapers' taking it upon themselves to publish this talk and its like? Does the good man not agree with us that it is a sin to tell foreigners and Egyptians alike that the lawyers in Egypt belittle the judiciary? Does the good man not agree with us that it would have

been fitting for him, and fitting for his companions, to swallow their anger, govern themselves, curb their passions, and bear with Makram's election as head of the lawyers, and that all of this would have been a lighter thing than to have the newspapers spread among Egyptians and foreigners the lie and slander that the lawyers belittle the judiciary? Does the good man not agree with us that the judiciary has every right to blame him and to blame his colleagues, for having been the cause of the spread of this false and injurious article?

12 And what, then, does the public prosecution make of this talk? Does it accept being told, before foreigners and Egyptians alike, that the standing of the judiciary in Egypt has fallen so low that the lawyers' general assembly agreed as one to defy it, and that the government was compelled to protect it with legislation that overreaches justice and departs from ordinary practice? Does the public prosecution not have the right to ask the ministry's newspaper about this sinful statement it broadcast this morning, to safeguard the dignity of the judiciary, even if the matter of the lawyers is no concern of its own? Those who said this ministry was never destined for good fortune, but destined instead for failure, have spoken truly.

13 And what greater failure is there than the one it now finds itself in? It claims it wishes to protect the judiciary, yet achieves nothing but harm to the judiciary — and the judiciary is too great and too exalted to be protected by injustice, too great and too exalted for anyone to think of assailing it, too great and too exalted for Egyptians to allow anyone, whoever he may be — even Makram and Makram's companions — to insult its rulings.

14 The ministry has enjoyed no good fortune, and had it possessed any measure of good fortune and sound judgment, it would never have entangled itself, nor entangled Egypt along with it, in this great harm.