

The Injustice of the Law...

Al-Wadi (Hadith al-Wadi), December 2, 1934

The Ministry lifted, the day before yesterday, from the Egyptian people the injustice of the Constitution, when it abolished that hateful system — which was never truly a system at all, but rather corruption and despotism, as the head of the Wafd said when he addressed the multitudes yesterday. For systems are not imposed upon peoples; rather, they issue from them. The hateful system did not issue from the people — indeed, its authors did not seek to please the people; indeed, its authors sought nothing but to anger the people, to humiliate them, and to subject them to a life of degradation and abasement.

And we showed yesterday that this great constitutional injustice did not touch any one individual, nor any one particular group, but touched the whole Egyptian people, in its present and its coming generations.

We wish now to speak of another injustice, one that touches the law, and that must be lifted just as the injustice of the Constitution was lifted — this being the injustice that befell the men of the judiciary and the men of the legal profession. Everyone knows that some judges were dismissed, and that others were transferred, for no reason but that they did not judge according to caprice, and would not consent to subordinate the law to what the law ought to rise above — namely, advantage and appetite.

The wrong that befell these men of the judiciary did not strike their persons so much as it struck the whole nation, and struck virtue, and struck justice, and struck the law itself. For the wronging of judges, as judges, carries within it a hateful meaning that every free soul recoils from, that every living conscience finds intolerable, and that every civilised people rises above — namely, the attempt to corrupt the judiciary, and to make sacred justice a means of satisfying whims and appetites and achieving advantages and ends. Whoever attempts to corrupt the judiciary has attempted to demolish the social and political order outright; whoever attempts to corrupt the judiciary has attempted to erase the trust in justice from people's souls, and has attempted to unleash whims and appetites unchecked, and has attempted to cast into people's minds the notion that the matter no longer belongs to right, nor to justice, nor to law, but has become the property of force, dominion, and tyranny — so that whoever is mighty prevails, and whoever prevails prevails, and whoever is able may do as he sees fit. This is anarchy in its

most hideous form, and this is the demolition of civilisation in its ugliest sense.

This wrong must be lifted — and we do not say lifted from the persons of the judges and the men of the judiciary who were wronged, but lifted from the judiciary as a whole, which the fallen system wished to do harm to, and, fortunately, did not succeed, for it found in the consciences of the judges, and in the nation's faith in those consciences, a safeguard against harm.

Beside this flagrant injustice stands another injustice, no less evil, no less shameful — the injustice done to the legal profession. This injustice was an aggression, open and undisguised, concealing nothing, ashamed of nothing, cautious of nothing — an aggression against consciences, against the laws, and against the hateful system itself. It was an aggression against consciences, and it suffices to recall that the fallen Ministry was not ashamed to request of the lawyers that they should not elect a particular syndic, and should not elect particular persons to their association — and warned them should they disobey its order. This Ministry did not reckon what transgression against even the slightest appearance of decency, what sacrifice of morals and dignity upon the public street, in plain sight and hearing of all people, lay in its request and its warning. And the lawyers knew how to guard their consciences against this aggression, how to meet impudence with scorn and a smile, and how to elect, without hesitation, fear, or turmoil, those whom they had wished to elect all along.

Then this injustice was a flagrant aggression against the law itself, for no law among the laws authorised any ministry among ministries to require of lawyers the election of one man rather than another, or the favouring of one over another, nor to punish them should they turn away from its wishes, disobey its order, and go their own way in sound and upright fashion.

Then this injustice was an aggression against the hateful system itself, without the least scruple or shame — for the Ministry issued a law whose provisions it dragged backward over the past, even though both the old Constitution and the abrogated Constitution plainly state that laws are not to be enforced retroactively, even were they dragged to it by chains and ropes.

And the lawyers knew, at that time, how to refuse obedience to that unjust law, how to stand firm, with dignity, in their honourable position,

and how to preserve their association's syndic and their members' membership.

Thereupon the Ministry proceeded to commit another injustice on behalf of that same hateful system: it prepared a draft law for the legal profession, and put it before its parliament, where it met with some resistance; so it did not press for the law's passage, but waited until its parliament had dispersed, and then set about what it wanted of this wrong, casting it into the form of a law, and issuing it in Parliament's absence, in haste, relying upon an article of the Constitution that ought never to be relied upon except when the country's greatest interests are exposed to danger.

So the Ministry's whole conduct toward the lawyers was one of unmitigated oppression — a shameless oppression, ashamed of nothing, scrupulous of nothing, heeding neither conscience nor morals, neither law nor order. And the lawyers knew how to hold this oppression in contempt, how to stand firm upon their right, and how to struggle against the wrong and the wrongdoers, in a conduct plain and unclouded, without the slightest crookedness in it. Indeed, the fallen Ministry — nay, all the men of the hateful era — regarded war upon the legal profession as incumbent upon them, because the men of that profession are the tongues of right, the interpreters of the law, the champions of the wronged, and the defenders of rights; and their standing firm, proud and dignified, was a danger to every despotism and a resistance to every corruption, so that weakening them became a necessity, and their submission a foundation upon which the life of despots might rest. Some of those upon whom the hateful era relied used to say that the purging of the legal profession, and the purging of the press, was a goal that had to be reached; and the hateful era's effort to purge the legal profession showed itself in aggression against the profession, against its laws, and against the public order itself, just as the hateful era's effort to purge the press showed itself in the laws imposed upon it, and in those it wished, further, to impose. But the injustice done to the press is another story; let us stop, for now, at the injustice done to the law. And let us wait, in confidence, for the Ministry that lifted the constitutional injustice to lift the legal injustice too, and to declare, clearly, plainly, honestly, and resolutely, that whatever measure the hateful era took, whatever decree it issued, whatever law it enacted touching the rights of the judiciary and the legal profession, is null by its very nature, and that the affairs of the judiciary and the legal profession must return to what they were: rising

above injustice, since they are the people's fortress against injustice, and rising above tyranny, since they are the people's refuge from tyranny. Nor should it be that the Ministry begins by doing justice to the wronged everywhere else, while the law itself remains wronged, still asking to be done justice by.