

Enforcement

Kawkab al-Sharq (Hadith al-Massa), 24 April 1934.

That judicial rulings are issued to be enforced, and enforced without indulgence on the part of the authority obliged to enforce them, and without delay on the part of those against whom the rulings were issued, is a thing beyond doubt or dispute, and no educated or uneducated man ought to trouble himself over it, so long as he lives in a civilized country governed by order and law.

But that these rulings should be issued during the third hour, and then enforced before the seventh hour has ended, even though they impose neither imprisonment nor anything resembling it, but merely a fine, and impose it upon a group of well-known men whom no one has ever spoken of, and whom the authority itself has never, at any time, accused of delaying payment to the government of a debt or of evading any right owed to it — this is what calls for reflection, and for lengthy reflection, because it calls for some explanation and interpretation that I do not know how one is to arrive at.

For it is certain that the writers whom the Criminal Court fined yesterday are well-known men, and we think they are men no one fears might flee Egypt, or emigrate from the land, to escape these fines imposed on them by the judiciary, or out of dread of having to pay them to the authority, or of evading them.

And it is certain, too, that these writers write for two newspapers, each of which has posted with the government a surety far exceeding the fine imposed by the court many times over. So even if their character were suddenly to turn bad, and their integrity were to collapse at once, and they were to prepare their own flight from the public prosecution to evade these fines, they would still be covered by the surety the newspapers have deposited in the government's treasury. And we think — indeed we are nearly certain — that it was precisely for such circumstances that the government required this surety from the newspapers; for it may be said — and this is known to the government, the prosecution, and the professors of law — it may be said that there is a provision in the Press Law stipulating that such fines are to be collected from the surety, on condition that the newspapers so fined replenish it within five days, failing which they are barred from publication.

It might therefore also be supposed that the rulings the judiciary issued yesterday against the writers of "al-Siyasa" and "al-Kawkab" raised no doubt whatsoever as to the possibility of their being enforced without any dereliction on the authority's part or any procrastination on the writers' part; for, in the first place, these writers' standing itself precludes their evading the judiciary's rulings, and secondly, the government holds funds belonging to the two newspapers sufficient to guarantee the enforcement of these rulings. And yet yesterday something happened that none of these writers had anticipated, and that no one at all had anticipated.

What happened was that the police went, in a dramatic and alarming manner, to the house of al-Ustadh Hafni Bey Mahmoud, demanding enforcement — swift enforcement — demanding payment of the fine at once, without delay or waiting, before the seventh hour struck. And what happened was that the writer of this column was telephoned and told to pay this fine immediately, before the seventh hour struck, failing which measures would be taken.

And the fines were indeed paid before the seventh hour, as the prosecution wished, and not one of these writers spent a single night in prison, and not one of these writers had his house stormed, and no one saw any one of these writers led off to prison by the police for having been slow in complying with the judiciary's rulings, or for having delayed this enforcement, or for having evaded these fines by a little or by much.

I confess I spent a good deal of effort trying to understand this particular kind of haste, this particular manner of enforcement, and I found no way to it; and it seems I was not alone in bearing this effort and undertaking this inquiry, for many shared it with me. Suppose one of these writers had not, in these few hours, had the means ready at hand to produce the amount of the fine, with the financial crisis still ongoing — thank God the Finance Minister had not yet resolved it, nor had that good man settled it with his rare blessing and competence — and with the banks closed in the afternoon save for the one single hour that followed the issuing of the verdict.

Suppose all of these writers, or even one of them, had not had the amount of the fine ready to hand yesterday evening — what would the prosecution have done with him? Would it have cast him into the depths of a prison for a night, so that he might taste a pleasure the judiciary had not, this time, decreed he should taste? Or would it have ordered his

house stormed, his belongings put up for sale under cover of darkness, without warning or anything resembling warning? Or would it have ordered his house stormed and kept police stationed there all night, holding its doors and windows so the writer could not slip away during the night, so that when morning dawned the sultan's men would stay fast upon him until he paid the fine? Or what, exactly, would the prosecution have done? Questions I put to myself, and that some people put to one another, without my or their finding an answer.

And if the prosecution follows this course with Muhammad Hussein Haykal Bey, Hafni Mahmoud Bey, al-Ustadh Abdo Hasan al-Zayyat, and Taha Hussein, what course would it follow with other people whom no one knows, whom no one vouches for, whom nothing guarantees, and who hold no standing whatsoever among their fellow Egyptian citizens?! I do not think the prosecution will be angered, nor feel its chest tighten with resentment, when we point out to it that its conduct yesterday was truly strange; and I do not think the prosecution will be angered, nor feel its chest tighten, if it hears what people were saying yesterday, what they are saying today, and what they will say tomorrow, about this strange haste! His Excellency the Attorney General, and the learned head of the Cairo prosecution, know these writers full well, and know full well with whom it is fitting that the utmost, excessive severity be shown, and with whom it is fitting that firm but courteous treatment be shown — treatment which, even if it cannot dispense with firmness, ought not to dispense with civility and due regard for circumstance.

And people are saying that fines are sometimes issued against men who cannot immediately produce the money, and that the native prosecution grants them time, and the Mixed prosecution grants them time, and their fines may be spread out in installments, or collected from them in installments — and these men do not hold the standing of these writers, for God willed that these writers should have standing, whether their adversaries like it or deny it. And people are asking: why did the prosecution not wait until the following morning with these writers, so that if they were slow or evasive it could then press them harder — if it was so insistent on enforcing the Press Law and collecting the fine first from the surety posted by "al-Siyasa" and "al-Kawkab"? And people are asking: why was the prosecution in such haste, when the treasury was closed in the afternoon, and when the official who received the fines could not give those who paid them official papers proving payment, but gave them only informal receipts, asking them to return the next day

during working hours to collect the official papers? And people are asking other things besides this. As for me, I asked and wondered, and when I found no answer, I abandoned the question, and left the matter to His Excellency the Attorney General and the learned head of the prosecution, to assess it as established custom requires it be assessed, and as the law requires it be assessed — a law whose sanctity must be upheld without either indulgence or leniency, but also without excess.

I confess, however, that this conduct of the prosecution carries a valuable and curious meaning for us, one directed not only at us but at other people as well — namely, the ministers. For it would appear that in the prosecution's haste to enforce these rulings, and in its taking them up with this fierce firmness, free of neglect and free of grace periods, there lies a lesson the Ministry would do well to learn, that it might dispatch Egypt's great affairs with this same resolute speed, free of delay and free of procrastination. For people are still waiting for a whole set of crises to be resolved that ought to have been resolved long ago: the public-debt crisis, which Sidqi Pasha postponed and postponed, leaving office with it still unresolved; the public-debt crisis, which the good man has likewise postponed and postponed, and which, when he too leaves office tomorrow or the day after, may still stand unresolved; the mortgage-debt crisis, for which the Finance Minister still seeks a decisive solution, without having found one even on the shores of the Red Sea during that blessed, fortunate journey of his, and which may still stand unresolved when the Finance Minister himself leaves office tomorrow or the day after; the Corniche crisis, the land-exchange crisis, and whatever other crises you like, which the government takes up and then shrinks back from — and I nearly forgot the Mixed Courts crisis, which the Minister of Justice held to be already resolved by operation of law, until morning came, and its light shone forth and appeared, as the old tales say, and the Prime Minister was found to consider it difficult after all, requiring postponement and lengthy delay, to be resolved through negotiation.

I hope the Ministry will profit from this valuable, fruitful lesson that the prosecution delivered yesterday, when it enforced the judiciary's rulings with such strict speed, before even a few hours had passed since they were issued; for it would be a very great harm indeed if this valuable lesson were to pass by unheeded, and the Ministry failed to profit from it in conducting the public affairs that people need dispatched with haste — far more than the prosecution needed to hasten the enforcement of these rulings, and far more than people fear delay in the dispatch of those

affairs than the prosecution feared delay in the enforcement of these rulings.