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Tracing a State and its Language from Province to Republic: Translations of Modern Egypt's Constitutions

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**Tracing a State and its Language from Province to
Republic: Translations of Modern Egypt's Constitutions**

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Classics Honors Thesis
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Professor Wessam Elmeligi
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Abstract

The driving question behind this translation project is whether translating Egypt's constitutions from their original Arabic into English aids in comprehension of linguistic and contextual meaning of the texts. From my experience, I found that reading the constitutions in Arabic and translating them into English provided much greater insight into both Arabic language and Egypt's history than did reading the constitutions in their English versions. I also found that including relevant contextual or linguistic findings from translating and from supplementary research improved the translation overall. Existing English translations of Egypt's constitutions lack historical context or explanations for selecting one word rather than its synonym, which is unhelpful considering existing Arabic versions and English translations often contain errors. The purposes of my translators notes throughout this project are twofold: (1) transparency in the translation process and (2) highlighting contextualized meaning that a reader may overlook by reading the existing Arabic or English translations alone.

Introduction

This project seeks to find whether or not translating Egypt's 1923, 1956, and 1971 Constitutions from their original Arabic into English aids in comprehension of the text. In attempting to provide evidence of my hypothesis that translating in the original language does in fact aid in comprehension, I have included significant linguistic findings¹ in the footnotes, introductory, and summary sections of each chapter. This project also aimed to document why certain translations were chosen, particularly those that were influenced by or that inspired contextual findings through research or the act of translation itself. Completion of this project's goal of explicating more confusing or vague parts of each constitution also necessitated some additional research to grasp the political and historical contexts that help explain the meanings of particularly cryptic or allusive articles. Where additional research was required to comprehend the meaning or context of a specific article, I have included this information in translators notes featured in the footnotes sections of this piece.

The particular Arabic in these constitutions is both highly political and, in some cases, outdated. Translation of the constitutions therefore necessitated learning new and subject-specific vocabulary. It also meant making tougher decisions on the proper translation of certain words or phrases. The verdict on what word or phrase to choose when there were many possible translations was often made with consideration of the political, economic, social, or historical

¹ My finding that translating in the original Arabic does aid in comprehension might also be influenced by the amount of time and focus spent on reading, which is naturally greater than when reading in my native English. Therefore, this thesis is not a very empirical study, but rather mostly a qualitative analysis of a few particular cases.

context, and the ultimate decision when confronted with multiple definitions often required verification with the project advisor.

Some research behind this project was also intended specifically to place each constitution in its respective context. This information is featured primarily in the beginning section of each chapter before the start of the translation of the constitution itself. It involves light analysis on the history directly preceding or during the time of the constitution. Therefore these sections rely on works by scholars or journalists of Egyptian history, politics, society or economy.

Because the 1923 Constitution is the first of its kind in establishing the modern Egyptian state, the contextual analysis of this constitution is related to Egypt's revolution and secession from the Ottoman Empire. It is also focused on explaining the origins of some of the concepts and content behind the articles that contributed to the construction of this new monarchy. The following two chapters about the 1956 and 1971 Constitutions contain introductory sections which are by nature more cumulative in that the analysis can place each constitution not only within the context of its immediate past and present but also in relation to the preceding constitution(s). Because the 1923 and 1956 Constitutions resulted in entirely different political systems their contents are considerably diverse. On the other hand, both the 1956 and 1971 Constitutions were after the Free Officers Movement, which means their governing bodies are both republics. This is where key wording and amendments become more important in contextual and linguistic analysis. Often the addition or alteration of one or a few words or sentences

resulted in significant political, economic, and social differences between the Nasser and Sadat, and later Mubarak, regimes.

The result of the following work is three separate translations with introductions, footnotes, and summaries, which work to place each constitution within its own context and provide comparison to the preceding or succeeding constitutions examined in this project. The “Findings in Summary” sections of these chapters seek to highlight some of the important meanings, contextual or linguistic, discovered by translating each constitution in its original Arabic. By including this section, each chapter in whole relates back to the driving thesis that translating these constitutions in their original Arabic forms results in greater understanding of the text, and that by placing these translations in their historical contexts, better comprehension and translation is achieved.

In addition to striving for an accurate English translation, I have attempted to replicate the appearance of the original document in its Arabic form. The intention is to provide an easier comparison to the original document for those who wish to examine the translation from Arabic into English themselves. The result is a very formulaic style format, appropriate for the content it contains which constructs, article by article, the foundations of the modern Egyptian republic.

Chapter One: 1923 Constitution

Egypt's first constitution as the independent state it is today was published in 1923 as a declaration of separation from the crumbling Ottoman Empire and a demonstration of burgeoning Egyptian nationalism. Despite distancing itself from one ruler, the Ottomans, Egypt during this time found itself under another influential foreign power in the form of British colonialism. Perhaps as a result of heavy British colonial influence, both in the government and in the economy of Egypt, the original modern Egyptian state was established as a monarchy with two Parliamentary bodies and a largely foreign-owned economy (*Midan Masr*; Macpherson, 39). Some scholars also argue that the British nature of Egypt's new state and society may have been primarily due to Egyptians' desires of distancing themselves from their Ottoman rulers in the last half of the nineteenth century (Pollard, 2005, 10). Whatever the causes or motivations, the ultimate transition from being an Ottoman province to an independent state marked for Egypt a huge political change, a change that is both a product and part of Egypt's political history. In translating this important constitution, I found the historical narrative of Egypt's newfound independence reflected in both the language and meaning of these revolutionary articles.

Much of the political history that inspired this constitution, and the revolution that produced it, can be explained by the British colonial influence which began in 1882. This occupation was 'justified' by the belief that Egypt could not govern itself due to the habits and nature of its people (Pollard, 2005, 2). As a result, Egyptians were often denied access to their own political systems.

Increasingly aware of Britons' prejudiced beliefs and hegemonic power in domestic politics, Egyptians eventually developed strong enough discontent for their occupiers to rebel in 1919, particularly after an event in which Britain disallowed an Egyptian delegation to participate in post-World War I negotiations (Pollard, 2008). The resulting independence movement in 1919 developed a nationalist jargon that can be seen in the Introduction to this constitution, which contains comparisons to what were, at the time, the most accepted characteristics of successful nations, characteristics such as greater equality among all citizens (Pollard, 2005, 6). These ideas of a just nation were then implemented in Part Two of this constitution, which establishes Egyptians' rights. The speech seen in the Introduction, and the message behind the constitution as a whole, was therefore part of a larger effort to demonstrate Egypt's increasingly democratic goals as a newly independent state, capable of civilization and self-rule (Pollard, 2005, 16).

The following is my translation of this important constitution, which marks the birth of the modern Egyptian state in 1922 and provides the foundation from which a republic eventually arose. Much of the content of this constitution is related to the political and social climate of Egypt at the time the constitution was created, to include both the subject of some of the articles and the vocabulary, as in the use of the term Khedive in Article 168 to reference an incident that occurred with a previous Ottoman ruler. Where these specialized words and meanings are used, I have noted their translations and any contextual significance

I have learned during my translation process.² For this reason, many of the footnotes throughout my translation are intended to elaborate on how the political history and context of this important constitution have greatly influenced the language and contents of its articles.

The Constitution of the Kingdom of Egypt and Sudan for the year 1923

Introduction

We are the King³ of Egypt and Sudan.

Since we assumed the throne of our forefathers and we took it upon ourselves to protect the gift that God gave to us, we still seek goodness for our nation always with all our power and seek to rule her with whatever means we know would lead her to the happiness, development, and joy that the free and civilized nations enjoy.⁴

And this does not happen in the correct manner⁵ except if it has a constitutional system similar to constitutional systems in the best or most progressive nations in the world, to live in its shadow as satisfactory and happy a life as possible and be able to go on in an absolutely free path of life, guaranteed real participation in the administration of national affairs and the supervision in establishing its laws and monitoring its implementation.⁶ This would give Egypt a feeling of comfort and reassurance of its present and future, maintaining its national soul, its characteristics, and distinctions of its heritage and glorified history.

² Much of this translation has been cited as provided by Professor Wessam Elmeligi, who was a huge help in deciphering the political and sometimes defunct Arabic vocabulary of this constitution. I also relied heavily on my dictionary, *Al-Mawrid Al-Quareeb*, to find the root words of the vocabulary with which I was unfamiliar.

³ Elmeligi.

⁴ Elmeligi.

⁵ Elmeligi. This phrase is used often throughout the constitution. The literal translation of the words from Arabic into English results in the phrase “on its face,” but their actual meaning is “in the manner.” I originally translated the phrase as “on its face.” When I presented the translation to Professor Wessam Elmeligi, he informed me of the true meaning of this idiom. This insight has informed the rest of my translations of “on its face,” or “على الوجه,” in this constitution.

⁶ These were likely viewed as important rights of an independent nation, rights that Egypt previously did not enjoy as a province under the Ottoman Empire. This section serves as a sort of declaration of Egypt’s independence, which may explain its poetic and nationalist tone.

And because achieving this was always one of our biggest desires and the greatest intent of our will, we are set upon uplifting our people to the highest positions that they qualify for based on their intelligence and potential and in agreement with the magnificence of their ancient history and thus allowing them to assume their proper place among citizens of the civilized world and its nations.⁷

With this, we dictate the following:

Part One - The Nation of Egypt and its System of Government

Article 1

Egypt is a sovereign nation and is free and independent. Its monarchy is not divided and does not concede anything from itself. Its government is a representative, hereditary monarchy.

Part Two - On the Rights and Duties of Egyptians

Article 2

The Egyptian nationality is determined by law.

Article 3

Egyptians are equal under law. They are equal in enjoyment of civil and political rights, and duties and taxes are not different among them for reasons of origin, language, or religion.⁸ They alone have access to public, civil, or military employment and no foreigners may be appointed to such positions except in exceptional situations determined by the law.

Article 4

The right to privacy is guaranteed.

Article 5

It is not possible to arrest any person or imprison him except in accordance with the rule of law.

Article 6

There will be no crime or punishment except according to the law and no one may be punished for actions that were made illegal by a law that was issued after they acted.

⁷ Elmeligi.

⁸ This is an early form of the modern human rights system which protects against various discriminations. It is also an example of Egypt's efforts to establish good human and civil rights practices in the process of transitioning from British colonial rule and Ottoman provincial rule (Pollard, 2, 6).

Article 7

It is not permissible to banish any Egyptian from the lands of Egypt, and it is not permissible to ban an Egyptian from establishing a residence in any place, and Egyptians do not have to reside in any specific place except in situations determined by the law.

Article 8

Housing has sanctity. So it is not possible to enter a house except in situations determined by the law and on a manner building upon what is in the law.

Article 9

The monarchy has sanctity. So no one may remove the king except with the reason of public benefit in situations clarified in the law and in a manner building upon the law, and with the condition that the King is compensated with justice.

Article 10

Punishments by public seizure of money are prohibited.

Article 11

It is not permissible to disclose secrets from letters, telegraphs, or telephone communications except in situations clarified by the law.

Article 12

Freedom of ideology is absolute.

Article 13

The nation defends the freedom of performing religious practices and creeds according to prevalent customs in the lands of Egypt provided that it does not⁹ dislocate this system or disrupt its morality.¹⁰

Article 14

Freedom of opinion is guaranteed.

Article 15

The press is free within the limits of the law and censorship of the press is prohibited. Warning, stopping, or cancelling the press with executive powers is also prohibited except if it is necessary to protect the societal system.

Article 16

It is disallowed to restrict anyone's freedom in using any language he wants in social, private, or commercial dealings or religious affairs in any press and prints of any kind or in public gatherings.

⁹ Elmeligi.

¹⁰ Elmeligi.

Article 17

Education is free as long as it does not disrupt the public system or contradict morals.

Article 18

The organization of public education affairs will be within the law.

Article 19

Primary education is obligatory for Egyptian boys and girls. And Egyptian children are admitted free of charge in public libraries.

Article 20

Egyptians have the right to gather in calmness and peace without carrying weapons. No one from the police has the right to attend their group and no one needs to notify the police of the gathering, but this rule does not apply to public gatherings. Public gatherings submit to the rule of law so that they are not unbeneficial or so that they do not prevent any arrangement made for the protection of the societal system.

Article 21

Egyptians have the right to establish assemblies. The working manner for this is determined by the law.

Article 22

Individual Egyptians have the right to speak to public authorities in written and signed form. Concerning speaking to the authorities, it is not to be done with one name of the group except for organized entities and legal persons.¹¹

Part Three - The Authorities

Chapter One: Public Rules

Article 23

All authority originates from the nation and its workings are in the manner shown in this constitution.

Article 24

Legislative authority is handled by the King and he shares it with the Senate and House of Representatives.

Article 25

Laws are not issued unless the Parliament decides so and the King approves of it.

¹¹ This concept is very similar to the concept in the United States that, under law, ‘corporations are people.’

Article 26

The laws will be open to all of the country of Egypt once the King releases them on his part and this release is confirmed by publication in the official newspaper. The laws are issued in all directions in the country of Egypt from the time this knowledge is acquired and the laws are considered known in all of the country of Egypt 30 days after the date of publication and it is permissible to shorten this deadline or length by explicit text in these the laws.¹²

Article 27

The rule of law is not applied except to what happens after the day it is published. There is no retroactive consequence regarding what has happened before the law was issued unless the law states otherwise.

Article 28

The King, House of Representatives, and Senate have the right to recommend laws except those that are especially composed of taxes or their increase because those are for the King and the House of Representatives.

Article 29

The executive authority is assumed by the King within the limits of this constitution.

Article 30

The judicial authority is assumed by the courts in different types and degrees.

Article 31

Different courts issue verdicts and implement them according to the law in the name of the King.

Chapter Two: The King and the ministers

Section One - The King

Article 32

The throne of the Kingdom of Egypt is hereditary within the family of Muhammad Ali.¹³ And the throne is hereditary according to the system decided by the royal order issued 13 April 1922.

¹² Elmeligi.

¹³ Muhammad Ali was the provincial governor in Egypt appointed by the Ottomans. He, and later his son Ibrahim, had this position of power during the mid-nineteenth century under Ottoman rule, a time of economic hardship. The legacy they left behind due to the social and seemingly beneficial economic reforms that Muhammad implemented and Ibrahim continued was so strong that their family continued to hold prominence through the establishment of this monarchy in the early twentieth century (Pollard, 9; Rivlin).

Article 33

The King is the highest ruler in the nation and he himself is protected and not to be touched.

Article 34

The King approves of the laws and issues them.

Article 35

If the King does not approve of a draft law that has been approved by the Parliament he returns the law to the Parliament within one month for it to revise the system in it. If the King does not return the law within this period, the law is considered approved by the King and is issued.

Article 36

If the King replies to the draft law within the closest date and the Parliament gives another approval with 2/3 of the members of both the Senate and the House of Representatives approving, the draft law becomes rule of law and is issued. If the approval is less than 2/3, considering the same draft is disallowed in the same meeting session and the Parliament will resume approval about the draft law in another regular session to obtain the absolute majority of opinions and so that the draft law will become the rule of law and issued.

Article 37

The King establishes the necessary regulations to execute the laws, but he shall not amend or disable the laws or dismiss their execution.

Article 38

The King has the right to dissolve the House of Representatives.

Article 39

The King can postpone the meeting of Parliament. In this case, it is not permissible for him to increase the postponement from the duration of a month and it is not permissible for him to repeat this postponement in the same meeting session without the approval of the two Parliamentary bodies.

Article 40

When necessary, the King can call the Parliament to an irregular meeting and he can also do this when he seeks to petition the Parliament for an absolute majority of the members of either Parliament. The King can call the adjournment of this irregular meeting.

Article 41

If it happens between the stages of Parliamentary meetings that the Parliament needs to hurry and take on the arrangement, postponement will not be acceptable. So the King can issue decrees in these affairs and these decrees have the power of law provided that they are not in dispute with the constitution. And in this case the

Parliament needs to be called to ad hoc meetings and the King needs to present the decrees to the Parliament in the first of these meetings. So if the decrees are not presented or if they are not approved by one of the two Parliamentary bodies, their legal power ends.

Article 42

The King opens the Parliament's regular meeting session with a 'speech of the throne' in the two Parliamentary groups and the King shall present in this speech matters of the country.¹⁴ And each of the Parliamentary bodies offers writings which include their responses to the King's speech.

Article 43

The King grants civilian and military decorations and ranks and other honorable titles and he has the right to issue coinage as law and similarly he has the rights to execute pardons and civilian punishments.

Article 44

The King arranges public services and appoints and fires staff in the manner clarified in the law.

Article 45

The King announces emergency laws and he must present the declaration of the laws¹⁵ immediately so that Parliament can decide whether they will be continued or abolished. If this publication falls in an irregular Parliamentary session, it is necessary to request that the Parliament make these decisions quickly.

Article 46

The King is the highest ruler in the forces of land and sea and he wages and ends¹⁶ war and declares peace and establishes treaties and reports them to the Parliament when the peace and the security of the nation permits, accompanied by¹⁷ clarification. In this, the publication of offensive war is not permissible without the majority of the Parliament. This is also the case for treaties of peace, alliances, commerce, and sending ships, and all that results in changes in the costs or rules of public or private rights of the Egyptians, those will not be implemented except if the Parliament approves and it is not possible in any situation to be secret in a treaty that contradicts what was announced to the public.

Article 47

It is not permissible for the King of Egypt to assume any other state positions like Admiral of another nation without consent of the Parliament and neither

¹⁴ This speech is similar to State of the Union speeches by the United States President at the beginning of each congressional session.

¹⁵ Elmeligi.

¹⁶ Elmeligi.

¹⁷ Elmeligi.

Parliament can debate this issue¹⁸ except in the presence of two-thirds of its members at the least and its decisions are not correct except with the two-thirds majority of the attending members.

Article 48

The King assumes authority through his ministers.

Article 49

The King hires his ministers and fires them. He hires the representatives of the politicians he fires on the basis of what he presents to the Minister of Foreign Affairs.

Article 50

Before the King carries out his constitutional authority, he swears the following oath before the body of the two Parliamentary groups: “I swear with the almighty God that I respect the constitution and the laws of the nation of Egypt and I guard the independence of the homeland and the peace of its lands.”

Article 51

The guardians of the throne do not assume their work except after they perform, in front of the two Parliamentary groups, the oath stated in the preceding article and add to it: “and we are devoted to the King.”

Article 52

After the death of the King, the two Parliaments meet with the rule of law in no more than ten days from the time that the death of the King was announced. So if there was a House of Representatives from this time and if it was dissolved specifically in the matter of the situation, they can meet exceeding ten days so that the old Parliament can return for work until the Parliament that follows it meets.

Article 53

If the person who follows the King is not on the throne, then the King will specify his successor with approval of the combined Parliament in the form of a conference. And the Parliament will provide corrections to the King’s decisions in the presence of three-fourths two Parliaments and two-thirds of the members of the conference.

Article 54

In the situation of vacancy of the throne and the absence of the existence of a successor to the King or the lack of determining who should follow him, according to the previous article the two parliaments meet. The meeting, by the rule of law, should take place¹⁹ immediately in the form of a convention for the selection of a king. This selection happens in no more than eight days from the time of their meeting and for validity it must include the presence of three-fourths

¹⁸ Elmeligi.

¹⁹ Elmeligi.

of each of the two Parliaments and a two-thirds majority of the approved attendees. If the selection is not possible in the aforementioned time, on the ninth day it is legitimate for the two Parliamentary groups to meet with any attendance.²⁰ In this situation, the selection is valid with a majority of the people. And if the House of Representatives at this time was not convening,²¹ the Parliament returns to work until the Parliament that follows it meets.

Article 55

From the time of the death of the King to the crowning of his successor, or selection of the guardianship of the throne, the constitutional authorities of the King will go to the Cabinet of Ministers and the members of this Cabinet make an oath by the name of the people of Egypt and the King's constitutional authorities are under their responsibility.

Article 56

The King has as his task the determination of the benefits and allowances of the House of the King within the law, and this shall be for the duration of his rule. The law determines the salaries of the guardians of the throne, regarding what they take from the allowance of the King.

Section Two - The Ministers

Article 57

The Cabinet of Ministers oversees²² the interests of the nation.

Article 58

Only Egyptians may assume the role of minister.

Article 59

No one from the family of the King may assume the ministry.

Article 60

National decisions need the King's signature and they need the signature of Prime Minister of the Cabinet of Ministers and the leader of any Ministry that specializes in the subject in order to be implemented.

Article 61

The ministers are responsible for and involved with the House of Representatives regarding domestic politics and each of them is responsible for the works of their Ministry.

²⁰ Elmeligi.

²¹ Elmeligi.

²² Elmeligi.

Article 62

Written or spoken orders of the King do not invalidate or absolve the current responsibilities of the ministers.

Article 63

The ministers can attend either of the two Parliaments, and they need to agree whenever they are requested to speak. Their votes are not taken into account except if they are members of the Parliament. And those who are seen as senior staff from their offices or their representatives can attend. Each of the two Parliaments can necessitate that the ministers attend their meetings.

Article 64

It is not possible for ministers to buy or rent things from government property and if this was with national auction it is not permissible for them to accept, during their membership as ministers, a membership with any business department management and they cannot buy any real partnership in trade or finance.

Article 65

If the House of Representatives decides that they do not trust the Ministry, the Ministry needs to resign. So if there is a special decision with any of the ministers the Ministry needs to retire him.

Article 66

The House of Representatives alone has the right to charge ministers who commit crimes²³ in performance of their duties, and they cannot issue decisions of charges except with three-fourths approval of opinions. The Special Committee for Verdicts alone has the right to put ministers to trial for crimes. And the House of Representative's approval is from members who assume support for the charges before this Parliament.

Article 67

The Special Committee consists of the Chief Justice of the Supreme Domestic Court, and of sixteen members, eight of whom are members of the Senate as decided randomly and the other eight are from the judges of this Egyptian court as arranged by the oldest. When necessary, the number is filled with Chiefs of the courts that follow it and then by the judges as arranged by the oldest as well.

Article 68

The Special Committee of Verdicts of Allowance implements the laws of punishments in state crimes. And they show in the special law the conditions of responsibility of the ministers that did not deal with the law of punishment.

Article 69

The Special Committee of Verdicts of Allowance issues the rules of punishments with the approval of twelve votes.

²³ Elmeligi.

Article 70

Except in times of publication of special laws, the Special Committee of Verdicts of Allowance itself arranges the method of conducting trials of ministers.

Article 71

The minister who is charged by the House of Representatives stops his work until the Special Committee of Verdicts of Allowance reaches a decision within its authority. Pardoning him from this charge is prohibited²⁴ once the lawsuit has been established, and this verdict remains.

Article 72

It is not permissible to forgive the convicted by means of the Special Committee of Verdicts of Allowance except with the approval of the House of Representatives.

Section Three - The Parliament

Article 73

The Parliament consists of two departments: the Senate and the House of Representatives.

Segment One - The Senate

Article 74

The Senate consists of a number of members, two-fifths of whom are appointed by the King and the remaining three-fifths are elected with a public vote by necessity of the rule of law for elections.

Article 75

Each directorate or province that has as a total number of its citizens that is 180 thousand or more elects members from all 180 thousand of them, or a part from this number that is no less than 90 thousand. Each directorate or province that does not amount to a total of 180 thousand citizens but amounts to no less than 90 thousand citizens elects its members. Each province that has less than 90 thousand citizens elects one member²⁵ unless it joins with another province or directorate.

Article 76

For district elections, each directorate or province is considered to have the right to elect its members for the Senate and also all departments from a directorate or province have the right to elect members for this council. The district elections are determined with a guarantee, as much as possible, of the equal chance of districts in directorates and provinces to have the right to elect more than one member to the Senate.

²⁴ Professor Wessam Elmeli and I discussed this further, and the meaning of this article seems similar to the phrase ‘no take backs.’

²⁵ Elmeli.

It is not permissible to consider under capital law the directorates that do not amount to 180 thousand citizens but have no less than 90 thousand citizens as independent electorate districts. In this situation, other districts are considered as if they were independent directorates concerning the definition of the number of members that they have the right to elect within district elections.

Article 77

Based on electoral law, membership of the Senate is allowed upon reaching 40 years of age at the least with consideration of estimation of his date of birth.

Article 78

It is stipulated about members of the Senate that are elected or nominated that they will be from the following categories:

First: ministers; political representatives; leaders of the House of Representatives; ministers' deputies; chiefs and councilors from the Court of Appeals or any other court from its rank or higher; public representatives; the Lawyers' Union; government employees from the rank of Director General or higher; and anyone that is from these backgrounds either previously or currently.

Second: major scientists and spiritual heads; highest military officers, current or previous; representatives that have spent two sessions representing; owners that pay no less than 150 Egyptian pounds annually; those employees whose incomes are no less than 1,500 Egyptian pounds in the fields of finance or trade or industry or non-profits; and this is all in compliance with the constitution or law of elections, which states it is not permissible to have both one of the aforementioned jobs and a parliamentary seat.

The annual taxes and income concerning the directorate of Aswan²⁶ are determined by the laws of election.

Article 79

The length of membership in the Senate is ten years. Half of those appointed to the Senate and half of those elected to the Senate can be renewed for five years of service. Those who end their membership sentence are permitted to return by election or appointment.

Article 80

The President of the Senate is determined by the King and the Senate elects two deputies. The President of the Senate and the two deputies are appointed for two years. It is permissible for them to be reelected.

Article 81

If the House of Representatives is dissolved, the Senate must also stop meeting.

²⁶ Professor Wessam Elmeligi explained that this is likely the case for Aswan specifically because it has a lot of towns.

Segment Two - House of Representatives

Article 82

The House of Representatives is composed of members elected through public vote in accordance with the appropriate rules from the laws of election.

Article 83

Each directorate or province that amounts to 60 thousand or more citizens elects one representative for each 30 thousand. Each directorate or province that does not add up to a number of 60 thousand but is no less than 30 thousand civilians elects one representative. Each province that does not add up to 30 thousand citizens also has one representative unless it joins under the law of elections with another governorate or directorate.

Article 84

The district elections consider each directorate or province to have the right to elect a representative and each department from a directorate or province also has this right. District elections are determined by the law, ensuring as much as possible the equality of districts in directorates or provinces that have the right to elect more than one representative. In spite of this, capitals of directorates that do not add up to 60 thousand citizens but no less than 30 thousand citizens are considered an independent electoral district.

In this situation other centers of districts are considered independent districts concerning the determination of the number of members that it is permissible for them to elect and the determination of district elections.

Article 85

It is stipulated regarding representation, in addition to stipulations of decisions in the law of elections, that representatives will be from an age of 30 at the least with consideration of the date of birth.

Article 86

The duration of membership of representatives is 5 years.

Article 87

The House of Representatives elects a leader and two deputies annually in the first of each regular session. The leader of the House of Representatives and his two deputies are permitted to be reelected.

Article 88

If the House of Representatives was dissolved in an issue, it is not permissible to dissolve the new council for this same issue.

Article 89

The decree issued for dissolving the House of Representatives needs to include a meeting of delegates for an executive decree for new elections in a date not to

exceed two months, and the decree determines the date for the new parliament's meeting within ten days for the completion of elections.

Segment Three - General Rules for the Two Councils

Article 90

The location of Parliament is Cairo. Where necessary, it is permissible to make its center in another location in accordance with law. Its meeting in an undetermined place is illegal and nullified by the rule of law.

Article 91

Members of the Parliament act on behalf of the entire nation and it is not permissible for its constituents and the authorities electing them to assign deputies any tasks with an obligatory command.²⁷

Article 92

It is not permissible to have dual membership in the Senate and the House of Representatives. And except for this, the law determines the other cases of combining membership.

Article 93

It is permissible to appoint princes and nobles of the royal family as members of the Senate, and it is not permissible for them to be elected to either of the two²⁸ Parliamentary councils.

Article 94

Before the members of the Senate and the House of Representatives assume their work, they must swear publicly in the meeting room their loyalty to the motherland and to the King and obedience to the constitution and laws of the country.

Article 95

Each Council specializes in decisions of membership validity and membership is not considered voided except with decisions issued with the two-thirds majority of the votes. It is permissible to entrust the laws of this specialization to another power.

Article 96

The King calls the Parliament to convene its regular meeting each year before the third Saturday in the month of November. If he does not invite them, the Parliament shall meet with the rule of law in the day mentioned and this regular

²⁷ Elmeligi. Wessam helped with the wording here and he also explained the meaning in that anyone who is elected to the Parliament can decline the position.

²⁸ Elmeligi. Thanks to Wessam's teaching, I now know another grammatical rule about the word "كل," which usually means all. In this case, I learned it can also mean each depending on whether the noun that follows it is singular or plural.

meeting session lasts for a duration of six months at the least. The King announces the adjournment of this session.

Article 97

The convening sessions are only for the two Parliamentary groups so if any of them or all of them meet in other than the legal time, the meeting will be illegal and the decisions that are issued in this meeting are voided with the rule of law.

Article 98

The meetings of the two Parliamentary groups are public but both of them can convene secretly at the request of the government or ten of its members. Then they can decide whether they want to debate the proposed topic that is before them publicly or not.

Article 99

It is not permissible for either of the two Parliamentary groups to make decisions except if the majority²⁹ of its members attend the meeting.

Article 100

In situations that do not necessitate³⁰ a special the majority, decisions are executed with the absolute majority and where opinions are equal the issue under deliberation would be cancelled.³¹

Article 101

Opinions are given by votes verbally or by standing and sitting.

With respect to the laws generally and voting in the House of Representatives on issues, opinions are always given with calling on members by their names and with loud voices.

It is always the right of the ministers to seek from the House of Representatives a delay in debating for a period of eight days in voting on impeachment of them.

Article 102

Each draft bill needs to be referred to one committee of the Parliament for examination and for the Parliament to submit a report on it before debating begins.

Article 103

Each draft bill that is proposed by one or more members needs to be referred to a committee for examination and the opinions and possible views of the Parliament

²⁹ This word is one of the hardest words for me to pronounce in Arabic. Wessam and I found this fitting considering how difficult it is sometimes to achieve the meaning of that word, majority, in relation to Parliamentary or electoral voting decisions. This seems true particularly in countries with multiple party systems like Egypt (see Tadros) or, in the case of the US, two dominant parties who diverge in voting along party lines. Parliamentary majority is a difficult thing across many political systems and apparently sometimes across languages.

³⁰ Elmeligi

³¹ Elmeligi

need to be shown in it. If the opinion of the Parliament directly follows it, refer to the rules³² of the previous article.

Article 104

It is not permissible for either of the two Parliamentary bodies to report a draft bill as law except after they take the opinions in it article by article and the two Parliamentary bodies have the right of amending and revising specifically what is presented from the amendments.

Article 105

Each bill that is decided by one of the Parliamentary bodies must be sent by the leader of the first Parliamentary body to the head of the other.

Article 106

Each bill proposed by one of the members and rejected by Parliament is not allowed to be submitted another time in the same convening session.

Article 107

Each member of the members of Parliament can direct questions or investigations to the ministers, and this shall be in the manner revealed in the internal regulations³³ of each Parliamentary body. Debating on the investigation will not be executed except after at least eight days from the day it was submitted and this is in non-urgent situations and with the assent of the minister.

Article 108

Each of the two Parliamentary bodies has the right to carry out investigating certain issues for enlightenment, within the limits of its purview.³⁴

Article 109

It is not permissible to penalize members of the Parliament regarding what thoughts and opinions they have shown in the two Parliamentary bodies.

Article 110

It is not permissible during a meeting session to take incriminating measures toward any member from the members of the Parliament and it is not permissible to arrest them except with the permission of the Parliament he is a follower of,

³² Elmeligi. Rules vs. verdict: in this translation, most instances I have used the word rules instead of verdict in translating the word “حُكْم” because Wessam pointed out that this synonym may be more accurate in certain contexts like this one when translating into English and referencing courts or governmental decisions.

³³ Elmeligi.

³⁴ Elmeligi. The literal translation of this part of the article was “limits of his specialization.” Wessam and I talked it through and decided that the word “purview” is a more topically accurate, or political, way to translate this meaning into English. Wessam compared this to the phrase “it’s none of your business,” which also conveys how this article may restrict both actions and access to knowledge. In other words, it may imply that employees must still have a ‘need to know’ for such investigations.

and this shall be the case except when the Parliamentary member has been caught in the act³⁵ of committing a crime.

Article 111

Parliamentary members cannot be granted ranks or medals for the duration of their membership and members who hold government positions that are not contrary with membership in the Parliament are excepted from this rule, as are³⁶ military ranks and medals.³⁷

Article 112

It is not permissible to fire anyone from their Parliamentary membership except by a decision issued by the Parliament of which he is a member³⁸ and this is also true for firing him in other situations of not combining jobs and situations of breaking oaths with this constitution, and in accordance with the law of election it is required to issue the decision with the three-fourths majority of the members of the Parliament.

Article 113

If a spot of any of the members of Parliament is vacant due to death or resignation or another reason, his replacement is selected through appointment or election according to³⁹ the situation, and this will be done in a time of two months from the day the Parliament informed the government of the spot vacancy, and the representation of the new membership does not continue except in the end of the duration of his predecessor.

Article 114

Public elections for a new House of Representatives are conducted in a period of 60 days preceding the end of its period of representation. In the situation that election procedures are not possible in the time mentioned, the term of representation of the old Parliament is extended until the time of the mentioned elections.

Article 115

Half of the Senate needs to be renewed whether through elections or appointments within the 60 days preceding the date of the end of its members' representative

³⁵ Professor Wessam Elmeligi helped me with this phrase because it translates literally to “dressed in crime,” which is an idiom in Arabic similar to “caught in the act.”

³⁶ Professor Wessam Elmeligi explained that in regards to the word “كما,” which usually means “as” for example in the phrase “كما تريد,” or “as you like,” whenever كما is not followed by a noun it can also mean “in addition to” or “as well as.” So according to this rule and in the context of this article we chose the phrase “as are.”

³⁷ The Egyptian Parliament and government are generally filled with a lot of military members. Wessam and I discussed in translating this article how this may be an example of the means by which the Egyptian military has gained so much political power in the modern Egyptian republic.

³⁸ This originally stated “التابع هو له” or “one who follows it,” but “member” worked better in the English translation than did “follower.”

³⁹ Elmeligi. The literal translation of the phrase “على حسب” is “according to.”

term for those members that end their terms, and if the renewal was not accessible in the period mentioned the representation of the members whose terms ended continues until the time of elections or appointments of the new members.

Article 116

It is not warranted for anyone to address the Parliament personally, and each Parliament can refer to the ministers what petitions they receive and people can offer special clarifications regarding what this petition includes whenever the Parliament requests this of a person.

Article 117

Each Parliament alone has the right to preserve its internal system, and this preservation is a task carried out by its president.⁴⁰ Armed entry into the Parliament is not permitted, and none may occupy space close to the doors of the Parliamentary building except by request of the leader of Parliament.

Article 118

Each member from the members of Parliament receives an annual pay as determined by law.

Article 119

Each Parliament establishes internal regulations which indicate the method of processing the performance of work.

Segment Four - Special Rules About Sessions of Parliament in the Form of a Conference

Article 120

Except in situations when the two Parliamentary bodies meet by the rule of law, they meet in the form of a conference based upon the bidding of the King.

Article 121

Whenever the two Parliamentary bodies meet in the form of a joint conference, the leadership will be assumed by the President of the Senate.⁴¹

Article 122

The decisions of the conference are not considered correct except if the absolute majority of members of the combined Parliamentary body, as it consists from the

⁴⁰ Elmeligi.

⁴¹“Senate” throughout this Constitution is in Arabic "مجلس الشيوخ", and the term “الشيوخ,” can also mean Sheikh, or religious tribal leader. I asked if the two were related, Senate and Sheikh, and Wessam answered that this is an example of how words can change in meaning over time and also in context. Sheikh has ancient religious roots in the tribal system that has existed in the Middle East for a thousand plus years. This term now has less religious connotations and can mean simply a leader that gives verdicts. In both cases, for the Senate and in the tribe, the term Sheikh shares the meaning of a leader who makes judgements, which makes sense given the Senate’s role.

joint conference, is available. The conference takes into account in voting on these decisions the rules of the articles 100 or 101.

Article 123

The two Parliamentary bodies meet in the form of a conference during the regular Parliamentary meeting sessions, or in a different time as long as it does not obstruct the continuance of each of the two Parliamentary bodies in performance of their constitutional functions.

Chapter Three: Judicial Power

Article 124

Judges are independent and there is no power above them in jurisdiction other than the law and no authority in the government can interfere in cases.

Article 125

The form of the judiciary is arranged and its specialization is determined with the law.

Article 126

Appointment of judges is in the manner and with the conditions that are decided by law.

Article 127

It is impermissible to fire judges or transfer them and if that happens⁴² then it has to be within the limits and in the manner designated by the law.

Article 128

General Prosecutors⁴³ are determined in the courts and firing them shall be according to the conditions that are decided by law.

Article 129

Court sessions are public except if the court orders them to be made secret in observance of public order or for the maintenance of decency.

⁴²Elmeligi.

⁴³ This term, "رجال النيابة العمومية," translates literally to general representative or, in the context of a court system, prosecutor, as Wessam noted. Being unfamiliar with this term, I set out to see what the equivalent is in our own legal system. From Wessam's description of this position, I guessed it was the equivalent of an Attorney General here in the U.S. A quick search confirmed this when I typed in the Arabic phrase and there popped up an article about someone with the same title in Qatar. I switched the page to the English setting to see how it had been translated, and it produced the term Attorney General (Qatar Public Prosecution). I also have seen this term used in the context of news articles to describe a position similar to Attorney General (BBC News; Al-Ahram). The repeated occurrence of the same translation in professional articles has given me confidence that this English translation of the title of an Egyptian leader as Prosecutor General is similar to an Attorney General, but has this different name in Egypt.

Article 130

All those accused of a felony must have a defense.

Article 131

The special comprehensive law places for the arrangement of military courts a statement of its specialization and the conditions that must be available for the performance of the judiciary in it.

Chapter Four: Department of Directorates and Department of Township

Article 132

Directorates and cities and villages are considered legal persons with respect to practicing their rights as approved by the law. The Council of Directorates and the Council of Township are represented differently. And the law decides the parameters of their specialties.

Article 133

The Council of Directorates and the Council of Township are arranged by differences in kind and specialization and their connections to government entities, according to the law. These laws take on the following principles: First: These Councils choose their members through elections except in extraordinary situations that are permitted by law in the appointment of some non-elected members.

Second: These Councils specialize in all that concerns the people of the directorate or city or party and this is without negatively impacting the need of approval of its work in situations revealed by the laws and in the manner of the decisions in them.

Third: Their accounts and budgets are published.

Fourth: The publicity of sessions is within the limits determined by the law.

Fifth: The legislative and executive authorities interfere to prevent these Councils from violating the limits of their specialties and the interest of the public and to diffuse what should fall⁴⁴ from this.

Part Four - In Finances

Article 134

It is not permissible to create a tax⁴⁵ nor to modify or cancel it except with the law and it is not permissible to force citizens to pay money⁴⁶ or fees except within the limits of the law.

⁴⁴ Elmeligi.

⁴⁵ Professor Wessam Elmeligi and I discussed how appropriate it is that the word “tax” and “harm or hit” share the same root in Arabic, and how this is similar to the word “taxing” in English. Nobody likes taxes, regardless of language or culture.

⁴⁶ Elmeligi: the word pay.

Article 135

It is not permissible to exempt anyone from payment of taxes in situations not stated in the law.

Article 136

It is not permissible to impose pension, compensation, subsidy or reward on a cabinet of government except within the limits of the law.

Article 137

It is not permissible to make a public loan contract and also not to arrange what might be spending amounts of the treasury in a year or two except with the approval of the Parliament.

Each committee's topic is utilizing resources from the resources of natural wealth in the country or interest of the interests of the general public and all monopolies are not permitted grants except with the law and only for a limited time.

Parliamentary approval is required beforehand for establishing or repealing railways and public roads and canals and drains and irrigation works⁴⁷ that concern more than just the directorate and also in all free use of national property.

Article 138

The overall budget for national revenues and expenses needs to be presented to the parliament at least three months before the start of the fiscal year so that the Parliament can examine and adopt it, and the fiscal year is determined by law. And the budget is decided section by section.

Article 139

The discussion and report on the budget happens in the House of Representatives first.

Article 140

It is not permissible to adjourn a regular Parliamentary session before finishing all decisions regarding the budget.

Article 141

Adoptions of a special budget are for premium pay of public debt and it is not permissible that it should influence Egypt's pledges in these affairs and this is

⁴⁷ Elmeligi. For all of these specialized irrigation and public systems terms I relied first on Google Translate and then on Professor Wessam Elmeligi to confirm my findings. The problem with translating these phrases is that the combination of two or more words produces a different meaning entirely. For example, looking up the individual words of the phrase "أعمال الري" might produce an English translation of "works of estimation" by use of a regular dictionary. With Google Translate you can enter in a phrase and the translator will usually provide a fairly accurate translation of the phrase in its entirety. In this case, Google Translate produced the phrase "irrigation works" and Wessam confirmed this as correct. As I progressed through my translation, I began to recognize these special phrases that do not tend to make sense when translated word by word, and I began to understand when in Arabic going to Google Translate provides a more accurate translation over a Dictionary to avoid nonsense translations like "works of estimation."

also the case for all expenses mentioned in the budget implemented for international pledges.

Article 142

If a law was not issued with the budget before the start of the fiscal year, the government works with the old budget until the law with the new budget is issued. If the Parliament accepts some of the sections of the new budget they may work with them temporarily.

Article 143

All expenses not mentioned in the budget or excesses on the estimations mentioned in it need to be authorized by and granted permission from the Parliament. This is also the case for transferring an amount of money from one section to another in the sections of the budget.

Article 144

The final account of the financial administrator on the elapsed year is presented to the Parliament in the beginning⁴⁸ of each regular meeting session for request of its approval.

Article 145

Budget revenues and expenses of the Council of Endowments and also its final yearly account are subject to the preceding rules pertaining to⁴⁹ the budget of the government and its final account.

Part Five - The Armed Forces

Article 146

Powers of the military are decided by law.

Article 147

The method of recruiting and organizing the military, including what rights and duties its men have, is decided by law.

Article 148

The organization of police units and what specializations they have is determined by the law.

⁴⁸ Elmeligi. I did not recognize this word nor could I find it in the dictionary or in Google Translate. Wessam explained that the term "مبدأ" is a very classical way to say "beginning." It shares the same root as the modern word for beginning, but I could not figure out what the additional "م" letter indicated, likely because this form is not used very often any more.

⁴⁹ Elmeligi. The literal translation of the phrase "الخاصة ب" is "special with" or "especially with," but the best English translation is "pertaining to."

Part Six - Public Rules

Article 149

Islam is the national religion and Arabic is the official language.

Article 150

The city of Cairo is the capital of the kingdom of Egypt.

Article 151

Admission of political refugees is forbidden, as long as it does not breach international commitments that are intended to maintain societal order.

Article 152

There are no amnesties except by law.

Article 153

The laws organize the method by which the King practices his authority, according to the principles of the decisions in this constitution with respect to the religious covenant, and as established by the religious leaders with the endowments that are run by the Ministry of Endowments and generally with the special issues related to the permissible religions in the country. If legislative rules are not established, this authority continues proceeding according to the rules and traditions that are carried out now. The rights practiced by the King as the head of the royal family remain the same,⁵⁰ like those decided by the law number⁵¹ 25 from the year 1922 pertaining to the established organization of the royal family.

Article 154

The application of this constitution does not violate Egypt's pledges to foreign nations and it is not possible to touch what rights are for foreigners in Egypt according to the law, nor is it possible to touch international treaties and protected traditions.

Article 155

It is not permissible in any situation to obstruct a rule from the rules of this constitution except temporarily in a time of war or during establishment of emergency laws⁵² and in the manner shown by the law. And in any situation it is not permissible to obstruct a meeting of the Parliament as long as the meetings meet the⁵³ conditions stated in this constitution.

Article 156

⁵⁰ Elmeligi

⁵¹ Professor Wessam Elmeligi informed me that this phrase "نمرة," which I could not find in my dictionary or in Google Translate, is Egyptian Arabic for the word "number."

⁵² Elmeligi.

⁵³ Elmeligi.

The King and each of the two Parliaments can propose a revision of this constitution, including amendment or deletion of a rule or more from the rules or addition of another rule, however it is not possible to propose a revision of any rules pertaining to the form of government, representatives of the Parliament, the method of inheritance of the throne, and the principles of freedom and equality that are guaranteed by this constitution.

Article 157

In order to revise the constitution, each of the two Parliamentary bodies shall issue necessary decisions and determinations of its subject with the absolute majority of the combined members. So if the King authorizes this decision, the two Parliaments issue the decision after coordinating with the King⁵⁴ concerning issues that are subject to revision. And discussion in each of the Parliaments is not valid except if two thirds of the members are present and it is required for validity that decisions be issued with the two-thirds majority of opinions.

Article 158

Any revisions to the constitution specifically regarding rights of the validity of the kingdom throughout the duration of any guardianship of the throne are not permissible.⁵⁵

Article 159

The rules of this constitution about the kingdom of Egypt are applied without at all violating what pertains to Egypt's rights in⁵⁶ Sudan.

Part Seven - Final and Temporary Rules

Article 160

The full title of the King of Egypt is determined⁵⁷ after the authorized delegates decide a final system of governance for Sudan.

Article 161

The allocations of his majesty are 150,000 Egyptian pounds and allocations of the Royal House⁵⁸ are 111,512 Egyptian pounds and this remains as it is for the duration of his rule and it is permissible to increase these allocations with decisions from the Parliament.

⁵⁴ Elmeligi

⁵⁵ Professor Wessam Elmeligi noted that this Article is particularly interesting for its attempt to protect the throne in times of guardianship or before the successor King becomes of age. He mentioned it is ironic because Nasser overthrew Ahmad Fuad, Fuad's son, and the guardian of the throne that was ruling in place of the underage King.

⁵⁶ Elmeligi

⁵⁷ Elmeligi

⁵⁸ Elmeligi

Article 162

Whoever leaves from the members of the Senate in the end of the first five years can be reappointed by lottery⁵⁹ and of those of the Senate and House that are selected, their term ends on 31 October 1928.

Article 163

The Parliament operates with this constitution from the date they meet.

Article 164

The Department of State and the special legislation pertaining to it, from the date this constitution was published to the time the Parliament meets, follows the rules and procedures now prevailing. However, it needs to consider not violating what is laid down in the rules for the foundational principles of decisions in this constitution.

Article 165

The Parliament reviews, when it convenes, the annual fiscal budget for the year 1923-1924, and the new fiscal law that is issued with the annual fiscal budget does not apply except for the duration of the remainder of that year from the day it was issued. As for the final account of the Financial Department from the year 1922-1923, it is considered approved on the condition that it is approved by the Cabinet of Ministers.

Article 166

If the two Parliamentary groups take a position of disagreement on deciding a part from the parts of the budget, it is solved with a decision issued from the two Parliamentary groups in the form of a conference and with absolute majority. They work this way until a law is issued about this disagreement.

Article 167

Whatever is decided about laws, decrees, orders, regulations and decisions and whatever is legislated before from the works and procedures according to the origins and the current situations remains valid on the condition that their validity agrees with the principles of freedom and equality that are guaranteed by this constitution. All of this is without legislative powers violating the right to cancel and amend decisions about the determination of legislative powers, provided this represents the principles decided with article 27 concerning not implementing the law on the past.

⁵⁹ Elmeligi. Lottery: in other terms, random selection.

Article 168

Law number 28 from the year 1922 regarding removing the possessions of the previous Khedive⁶⁰ Abbas Helmy Pasha and limiting his rights is considered of constitutional validity and it cannot be opposed or revised.⁶¹

Article 169

Laws that should have been presented to the legislative group with the requisites from the second article of the highest decree from the date 18 October 1914 are presented to the Parliament in the first meeting session, and if it is not presented to them in this session the function of these laws will be invalidated in the future.⁶²

Article 170

Our ministers implement the laws in this constitution regarding what they specialize in.

Findings in Summary

The sociopolitical context of this important constitution influenced its content, as did Egypt's modern political history. In these cases of historical references, Professor Wessam Elmeligi was helpful in providing mini history lessons to assist in my translations. These lessons inspired additional research which can be found in the additional context provided in the footnotes throughout.

⁶⁰ Professor Elmeligi explained that this was the title for of a governor of sorts under the Ottoman Empire. The man mentioned in this article was the last Khedive because he was overthrown when Egypt was declared independent from the Ottoman Empire in 1922. Khedive Abbas was known during his rule for his anti-British colonialism sentiments and clashes with British leadership (The Editors of Encyclopedia Britannica; Gershoni, 665). This fact is interesting considering the role that Britain played in Egypt's independence, and the politics that were behind that decision (Midan Masr; Gershoni, 665). This article may therefore be an example of the bias some historians are now noticing in the treatment of Abbas by the Egyptian government around the time this constitution was established, particularly in that its purpose seems to be justifying the actions taken against Abbas in exiling him and taking away his powers and possessions as ruler (Gershoni, 666).

⁶¹ Professor Wessam Elmeligi mentioned that the meaning of this Article, that of justifying actions that were used to overthrow the previous ruler by specifying that this was a very special case, is ironic because Fuad and his family were overthrown by Nasser in the 1957 revolution.

⁶² Elmeligi. This is another historical reference to a set of laws that were created in WWI but were not published and therefore were not well known by the whole of Parliament or by the people of Egypt. The following article (Article 170) discusses that those laws can be reviewed in the first Parliamentary session and thereafter if they are not reviewed those laws will become defunct.

For example, as stated in footnote 60, the word Khedive in Article 168 is a defunct word that lost relevance after the fall of the Ottoman Empire. A Khedive was like a governor, but with more power and land as ruler over a province. The situation referred to in Article 168 is about how the then current leadership in Egypt overthrew their Ottoman rulers, with British collaboration, and became independent (Midan Masr; Gershoni; 665). Its meaning is that the situation in which that leader was overthrown was exceptional and necessary for the establishment of the current state, and that Khedive Abbas cannot be reinstated. The dedication of a whole article to this topic demonstrates the exceptionality of the situation, which may help to emphasize that while taking the title and political power from this Khedive was allowed, Article 33 still remains intact as a form of protecting the power of the current King from such acts. In other words, what happened in the past to usurp the leader's power under Ottoman rule was justified at the time as an exceptional situation. This is an example of how knowledge about Egypt's political and revolutionary history impacts the veracity of translation for this constitution. Because I was unfamiliar with this specific incident, I required additional help from Professor Elmeligi because I was unaware of the events and terms that are referenced in this article. His help guided me on the right path, at which point I executed the research which has given me the linguistic and historical insight necessary to properly comprehend and translate that article into English.

Because this constitutional writing form is exceptionally formal Modern Standard Arabic, after just this first translation I had learned a lot about grammar

and sentence structure. For example, often in a Modern Standard Arabic sentence an adverb is not followed by a verb, as is typical in English. Instead there can be a noun in between. Sometimes with phrases that translate literally to “not situations revealed” the correct translation is “situations not revealed.” These two translations have different meanings but only one is correct. This is a great example of why it is often impossible to translate from Arabic into English by going word for word. The same can be said for verbs in Modern Standard Arabic sentences. Often the verb comes first in the sentence while the noun it corresponds to is in the second half of the sentence. These sentences might result in a direct translation like “Changes the laws and method of legislation the Parliament in accordance...” but in order to get a comprehensible and accurate English translation, the sentence must be switched around to “The Parliament changes the laws and method of legislation in accordance...”. While in the beginning of my project these translations were very difficult and often resulted in incomprehensible English versions, toward the end of this project I began to better recognize these differences by their grammatical rules and I was able to translate correctly the first time through.

Another linguistic challenge was the vocabulary. As I have noted in this translation, some of the words like Sharia or Sheikh have evolved over time. Sharia literally means law, but it is used colloquially today to mean a certain type of religious or traditional law. Whereas now Sharia has this meaning of its own, as seen in use of the phrase ‘Sharia law,’ Sharia at the time the constitution was written was used with the simple meaning of law. To the writers of this

constitution, such use of Sharia as it has today may have meant nonsensically: “law law.” The term Sheikh is another example of vocabulary whose meaning has evolved over time and in certain contexts. While the term has traditionally carried tribal and religious connotations, in this constitution “Sheikh” is used to mean someone who has the power to make verdicts, or a judge. This difference in meaning may be due to the political context of this constitution, or it may be another example of how the Arabic language has evolved over time. Whatever the case, these two words are good examples of how modern dictionaries and common usage of words today do not always reflect the meaning intended in this constitution. Through contextualizing discussions with Professor Wessam Elmeligi, I was able to better understand why this Arabic vocabulary is unique, and why finding the correct English translation was sometimes trickier than it first appeared.

Chapter Two: 1956 Constitution

Many of the differences between this constitution and the 1923 Constitution are inherent to the change in political structure and leadership from monarchy to republic. However, much like the previous constitution, translating from the original Arabic aids in comprehension of some of the linguistic changes that occurred during that time, and some of these changes are tied to that political revolution. Where translation provided insight to the language and history of the constitution and where additional research produced better context, it is indicated in the footnotes and summary of this section. Because this project encompasses three different constitutions, this 1956 translation and the one to follow also include some comparisons to predecessor constitutions.

Under the leadership of Gamel Abdel Nasser, Egypt underwent a coup d'état in 1952 that changed Egypt's constitutional monarchy under Kings Fouad and Farouk to a socialist democratic republic (Hopwood, 37). As a result, there are many differences between the 1923 Constitution and the 1956 Constitution, particularly with regard to the executive branch and its related powers. The changes that Nasser and the new Egyptian government seem to emphasize most in this constitution are the removal of feudalism, the institution of more social welfare programs like health insurance, and increased financial support and structures for the military regime (Abdel-Malik, 104). The latter change was likely due to Nasser's background and the origins of the revolution in the military. All of the other changes were part of larger themes of social and economic

equality that inspired the socialist revolution against the monarchy and led to the foundation of the modern Egyptian republic.

In this constitution, the subject of development is a key difference between this and the previous institution, particularly because the Nasser administration sought to severely reduce British control over and to nationalize the Egyptian economy (Macpherson, 39, 42). These changes produced some economic instability during the first few years of the Nasser administration, particularly during the Suez Canal crisis. Scholar of economics and Middle Eastern politics Bruce James Stewart Macpherson also mentions in his thesis that that the Suez Canal crisis likely inspired the five year plan for development that emerged under this administration, and whose preliminary framework is alluded to in this constitution (10). Macpherson describes Nasser's five year plan as "ambitiously launched with the intention of doubling national income within a decade, expanding employment opportunities and ensuring a greater equality of opportunity" (Macpherson, 47). However, specific references to this new development plan are only found in the succeeding Constitution, as noted in the summaries and footnotes, because this plan was not fully implemented until 1960 (10).

Macpherson also states that Nasser's rein was characterized by a focus on industrialization, which involved employment guarantees and attempts to do away with feudalism to limit the power of the few and to move away from what was at the time an unstable agricultural economy (11, 13). Moving away from feudalism was likely a response to the agricultural crisis of the 1920s and 1930s in Egypt

and to a greater focus on industrialization to promote economy (Macpherson, 40). Macpherson notes that attempts in this constitution to control land or limit the power of landholders may also have been an attempt to limit the power of political opponents or to encourage investment in the industrial sector, which was part of a larger theme of shared financial and social opportunity in changing Egypt from a monarchy to republic (Macpherson, 42). The realization of these attempts to increase employment opportunity and bolster the economy are quite different from those of the succeeding 1971 Constitution, mostly because the Nasser administration sought to nationalize the economy by limiting private competition and funneling funding and investment into government programs (42). The Sadat era politics and economy, by contrast, was more capitalist in nature, and this difference is examined further in the last of these three translation chapters.

To summarize some of the more significant economic and political changes, Macpherson states that “the structure of the sector changed considerably over the Nasser years, from a system dominated by private and foreign ownership, to one of sequestration, Egyptianisation and ultimately nationalisation” (Macpherson, 50). Much of this change is related to the revolution from monarchy to socialist republic, and as such it can be seen in certain parts of this 1956 Constitution. Where this historical context seems to inform the translation or enhance comprehension of an article, it has been noted in the footnotes and conclusions of this chapter.

Full Text

Of the 1956 Constitution of the Arab Republic of Egypt

We are the people of Egypt

Who exact their rights in freedom and life, after the battle that was against the aggressive external monarchy and the manipulative internal monarchy.⁶³

We are the people of Egypt

Who assume command ourselves and take the reins of its affairs henceforth, since the coming of the great victory,⁶⁴ and who realized the revolution of July 23, 1952 and crowned⁶⁵ its struggle throughout history.

We are the people of Egypt

Who was inspired by the example from its past, and take the resolution from present,⁶⁶ to draw the path to the future: free from fear, free from poverty, free from shame.

Building with positive knowledge, and with all our abilities and possibilities, a society where well-being prevails and achieves the following⁶⁷ under the protection of that knowledge.⁶⁸

Elimination of colonialism and wealth

Elimination of feudalism⁶⁹

⁶³ Wessam and I agreed that this phrase referring to external and internal monarchies was likely in reference to British colonialism in addition to the Egyptian monarchy. The British monarchy would therefore be the aforementioned “aggressive external monarchy” and the “manipulative internal monarchy” would be that of Farouk and Fuad in Egypt. So, like the previous constitution, the first part of this constitution emphasizes sovereignty and independence, but this time it is from the British monarchy which had a large colonial influence over Egypt under Fouad and from Fouad’s monarchy itself which lent much power to the king (Feuille, 240).

⁶⁴ Elmeligi. I first translated this as the “Great Nasser,” because his name comes from the root word victory, “نصر,” but in consultation with Wessam I realized that Nasser’s name, “ناصر,” has an additional letter in the form of an “ا” and therefore means someone who achieves victory, which is slightly different from the word “victory” written here.

⁶⁵ Elmeligi. This use of “crowned” here must mean to complete the referred to “struggle” successfully. It is ironic choice of language that may be intentionally poetic or figurative in nature, considering it is in the context of the aftermath of overthrowing the Farouk and Fuad monarchy and dispelling the British colonialist monarchy and turning to a republic system.

⁶⁶ Elmeligi.

⁶⁷ Elmeligi.

⁶⁸ Elmeligi. Much like “على وجه,” whose meaning was explained in the previous translation as an idiom for the phrase “in the manner,” while “ظلاله” here literally translates to the word “shadow,” in Arabic the word “shadow” is sometimes used as an idiom for “protection.” Because the word “shadow” does not have the same connotation in that English language, and in fact is often symbolic of danger or something bad or, in politics, an actor that follows or monitors, the actual meaning of that idiom, “protection,” serves as a better translation in this case (“Shadow Cabinet”).

⁶⁹ Elmeligi.

Elimination of monopolization of wealthy leaders in governance

Establishment of a national military power

Establishment of social justice

Establishment of a life that is soundly democratic

We are the people of Egypt

Who believe that:

Each person has the right to his today

Each person has the right his tomorrow

Each person has rights to his beliefs

Each person has rights to his thoughts

Rights are not controlled except by⁷⁰ the mind and conscience

We are the people of Egypt

Who sanctify honor and justice and equality with consideration of authentic roots for freedom and peace.

We are the people of Egypt

Who feel truly present in the big Arab entity, and who take its responsibilities and obligations in the face of the collective Arab struggle for the honor of the Arab nation and its glory.

We are the people of Egypt

Who know their place in the meeting of continents and seas in this world and undertake pursuing its historical mission in building wellness, and believe in all of humanity, and guard the indivisible welfare and indivisible peace.

We are the people of Egypt

In the name of all this...and for the sake of all this...

We establish these rules and the establishment is constitutional. We organize our effort and its aim, and declare today this constitution, guarding its rules from the depth of our struggle, and from the end of our battle, and the sacred meaning that our masses called for, and from the perpetual battle that settles it the price of our martyrs, dreams of fighting that plunge her our fathers and our new generation after generation from the sweetness of victory,⁷¹ and from the times of defeat.

We are the people of Egypt

And with experience and luck alone, we dictate this constitution and decide it and work on it, with our wants and desires and our certain determination, and support it with power, respect, and regard.

⁷⁰ Elmeligi.

⁷¹ Elmeligi.

Part One - The State of Egypt

Article 1

Egypt is an independent Arab state that is in its essence sovereign, and it is a Democratic Republic, and the people of Egypt are a part of the Arab nation.

Article 2

The sovereignty of the nation and its practices are in the manner clarified in this constitution.

Article 3

Islam is the religion of the state and the Arabic language is its official language.

Part Two - Political Elements for the Society of Egypt⁷²

Article 4

Societal solidarity is the foundation of the society of Egypt.

Article 5

The family is the foundation of society, with its values of religion and loyalty and nationalism.⁷³

Article 6

The state guarantees the state and the freedom and the security and the peace of mind and the equal chance for the Egyptians to gather.

⁷² This section seems to focus on social justice and the achievements of this new ruling group in Egypt. When comparing this section to the format of the previous constitution, it seems there is a trend of highlighting achievements and differences between previous rulers at the outset of each new constitution. Whereas the 1923 Constitution focused on the transition of power from Khedives and the new independence and sovereignty of the Egyptian nation, this constitution seems more of a tool for Nasser to focus on his goals of banishing feudalism and implementing socialist reform. If this prediction is correct then the constitution under Sadat may have a slightly different economic focus in its introduction, to embody the increase in capitalism during that era.

⁷³ Wessam and I discussed how this talk about religious morals and dignities (see Article 8) later allowed space for Islamist groups like the Muslim Brotherhood to gain political ground and legitimacy, particularly during the Sadat era and with the increase of such language in the 1971 Constitution. The Brotherhood was supported by the Nasser, Sadat, Mubarak, and of course Morsi regimes at different times of their reins (BBC). The Brotherhood originally gained prominence as a resistance movement to British colonialist powers in the early 1900s (CFR Backgrounder). The organization originally cooperated with the government under Nasser's era, but this quickly changed due to conflict between the Brotherhood and the military, and the military-backed government, part of the reason being the Brotherhood's disapproval of Nasser-era nationalism, and another large part of it being rumored assassination attempts by the organization and the resulting subjugation and often imprisonment that many Brotherhood members faced (CFR Backgrounder, BBC). This subjugation only served to enflame the Brotherhood's Islamist message, which later saw more support under and by the Sadat regime, whose rhetoric also included reverence for the Islamist movement, as seen in the 1971 Constitution (BBC).

Article 7

The nation's economy is organized by design of legislative decree with an appearance regarding the principle of societal justice and aims to development and uplifting the standards of living.

Article 8

Private economic vivacity is free, except if it harms the interest of society or disturbs the security of the population or exceeds their freedoms or dignities.

Article 9

The Director of Finance is employed in services to the national economy, and he is not permitted to clash in the path of his employment with the wellness of the nation for the people.

Article 10

The law supports the agreement between the economic vitality of the nation and personal economic vitality in realizing societal aims and welfare of the people.

Article 11

Private ownership is protected, and the law organizes the performance of the employees of its society and ownership of property, except for the benefit of the nation and in exchange for adequate compensation of justice as approved by the law.

Article 12

The law determines the extreme limit of ownership of agriculture with respect to not permitting the foundation of feudalism. It is not permissible for the Egyptians to change ownership of agricultural lands except in the situations that are determined by law.

Article 13

The law determines the methods of protection of small agricultural lands.

Article 14

The law organizes the relationship between the owner of property and its tenants.

Article 15

The state encourages saving, and oversees the organization of credit, and facilitates the use of the peoples' savings.⁷⁴

⁷⁴ This was part of the government rhetoric to sponsor private savings under the Nasser era. However, Macpherson notes that in practice "saving was not actively encouraged, and over the years of Nasser's rule the importance of deposits in relation to money supply declined" (52). Because this article does not specify who would "use" the savings, it may also have served to facilitate the government's use of private savings and assets, which increased during the Nasser era in an attempt to ease growing state debt and economic hardship (Macpherson, 42). Later, the Industrial Plan of 1957 meant that the government would "rely heavily on the private sector for investment" (Macpherson, 42).

Article 16

The state encourages collaboration, and protects the foundation of cooperatives of various forms, and the law organizes the cooperative groups.

Article 17

The state works to facilitate for all citizens a suitable standard of living with a foundation of preparing healthy, cultural, and societal nourishment and housing and working.

Article 18

The state guarantees, and the law instructs, support for the family and defense of the nation and its children.

Article 19

The state facilitates for women prosperity in their work in society and their duties for the family.

Article 20

The state protects the youth from exploitation and protects them from ethical and physical and spiritual negligence.

Article 21

Egyptians have the right to decide, in situations of senility and in situations of sickness or incapacitation, on working. The state supports the work of societal insurance and societal aid and public health⁷⁵ and its gradual expansion.

Article 22

Societal justice is founded on taxes and public order.

Article 23

The Egyptians are sponsors in carrying out the burdens resulting from disasters⁷⁶ and public ordeals.

⁷⁵ Wessam and I talked about how these articles supporting public health may be part of a socialist tactic to gain support of weaker citizens, those that would benefit from social funding of public health entities and insurance. Regardless of any hidden strategy, these programs were part of the socialist movement which brought Nasser to power and supported his nationalistic campaign. They are a new feature that was not present in the 1923 Constitution, and is also absent from the succeeding 1971 Constitution created under Sadat's more capitalist platform, which saw the increase in privatization and free market competition, likely to include health programs and providers.

⁷⁶ Elmeligi.

Article 24

The state guarantees, and the law instructs,⁷⁷ compensating victims of war injuries.⁷⁸

Article 25

The state guarantees, and the law instructs, compensating the victims of military performance and duties.

Article 26

Natural wealth is equal, whether in the inner earth or regional territory, and all sources of its power are property of the state, and it supports the goodness of its civilization with a protocol keeping with the defense and economy of the nation.

Article 27

Public finances are sacred, and protecting them is the duty of all citizens.

Article 28

Public employment is legally binding for those who become responsible for it.⁷⁹ The state employees aim in their performance and the work of their employment to serve the people.

Article 29

Establishing the rearrangement of the civilization is forbidden.

Part Three - Public Rights and Duties

Article 30

Egyptian nationality is decided by law. It is not permissible to drop Egyptian nationality and it is not allowed to change it or take it from whoever obtained it⁸⁰ except within the limits of law.

⁷⁷ Wessam and I discussed how this use of the phrase, “in accordance,” or “as approved by” the law later became a problem with realizing certain rights under Nasser, Sadat, and most notably under the rein of Mubarak. For more on this topic, please see footnote 83 in this translation and also see Chapter Three of this paper (the 1971 Constitution).

⁷⁸ Wessam and I discussed how this article and the others talking about supporting the military and war time injuries may have been used as a means to inspire greater allocation of funds to the military under Nasser, which is likely due to the increase in military power during this time and due to Nasser and the revolution’s military origins (Abdel-Malik, 104). This being this first modern Egyptian republic, the power of the military and its political involvement under Nasser set precedent for the succeeding republics, and the strong presence of the military can still be seen in Egyptian government today (CNN).

⁷⁹ Elmeligi.

⁸⁰ Elmeligi.

Article 31

Egyptians are equal with respect to the law, and they are equal in public rights and duties, and they are not discriminated against for reasons of gender or race or language or religion or belief.

Article 32

There is no crime and punishment except when it is built on law. And there will be no punishment unless in exacting the rights for issuing law that dictates on punishment.

Article 33

Punishment is executed privately.

Article 34

It is not permissible to arrest or imprison anyone except according to the rule of law.

Article 35

It is a right by law to defend oneself or seek acting representation for defense.

Article 36

Every person accused of a felony must have a defense.

Article 37

Bodily or moral harm to the accused is prohibited.

Article 38

It is not permissible to expel an Egyptian from the lands of Egypt or ban him from returning to it.

Article 39

It is not permitted to prohibit an Egyptian from building or establishing a residence in any place, and it is not necessary that he reside in a determined area, except in situations clarified by the law.

Article 40

Admission of political refugees is prohibited.

Article 41

Residences have sanctity, and it is not permissible to inspect them or enter them except in situations clarified by law and in the appropriate manner.

Article 42

Freedoms of correspondence and confidentiality are guaranteed within the limits of law.

Article 43

Freedom of belief is absolute, and the nation protects the freedom of doing religious rituals and of ideological belief for practices of religious rituals⁸¹ in Egypt, except if it violates public order or contradicts morals.

Article 44

Freedoms of opinion and of searching for work are guaranteed. Each person has the right to express their opinion and publish their sayings or writings or drawings or other things within the limits of law.

Article 45

Freedom of press and printing and publishing is guaranteed in accordance with the interests of the people and within the limits of law.⁸²

Article 46

Egyptians have the right to gather in peace unless they are bearing arms or do not provide notification of their gathering beforehand, and it is not permissible for the police to attend their meeting. Public groups and escorts for processions and assemblies are permitted within the limits of law, in that they are intended for society and their questions are sound and the gathering is ethical.

Article 47

Egyptians have the right to gather in the manner clarified by law.⁸³

Article 48

Education is free within the limits of law and public order and ethics.

Article 49

Education is a right for all Egyptians guaranteed by the state with the establishment of different types of schools and cultural institutions and education and expands on it gradually. The state especially takes care of the development of the people civilly and intellectually and morally.⁸⁴

⁸¹ Elmeligi.

⁸² This is another instance where the phrase “within limits of law” has provided a loophole for military and executive restriction and violation of human rights, particularly regarding the freedoms of press and speech (Dinnick).

⁸³ Some scholars like Feuille have noted that this freedom of groups and specifically of political parties was not always upheld under Nasser’s rule, despite its presence in the constitution (Feuille, 241). This is also likely because this freedom is accompanied by the phrase “within the limits of law,” which meant that Nasser could issue laws restricting the freedoms of political groups. However, the fact that this right to political parties as dictated in the constitution was not realized may also be part of a larger trend in Egypt in which many other rulers succeeding Nasser have restricted the activity and rights of political parties at one time or another during their rein. It is also related to the difference between what is written and what is implemented from laws and policies, a contradiction that many other countries have faced, including our own right now with the question of the Supreme Court nomination (Feuille, 240).

⁸⁴ Elmeligi.

Article 50

The state supervises public education and the law organizes its affairs. And in different phases of state schools education is free within the limits that the law organizes for it.

Article 51

The first stage of education is obligatory and complimentary in state schools.

Article 52

Egyptians have a right to work, and the state intends to ensure this.

Article 53

The state guarantees Egyptians the right to equal treatment with consideration of the performance of work and the limits of time of work and with respect for wages and insurance against injury and organizes the right to comfort and breaks.

Article 54

The law organizes the relationship between work and the owners of work on an economic level, and with compliance for the rules of societal equality.

Article 55

The establishment of unions is a guaranteed right, and unions have the right to consideration of privacy and this is in the manner clarified by law.

Article 56

The protection of health is the right of all Egyptians, and the state guarantees it by establishing different types of hospitals and institutions for health and expands on it gradually.

Article 57

Public seizure of funds is prohibited and the punishment for seizure will not be private except with judicial rule.

Article 58

Payment to the nation is a sacred duty, and performance of military service is an honor for Egyptians and is compulsory according to law.

Article 59

Performance of taxes and public payment is a duty according to law. The law organizes the exemptions of admitting children from taxes and it agrees not to touch⁸⁵ those with small incomes⁸⁶ that are the necessary minimum for living.

⁸⁵ Elmeligi.

⁸⁶ Elmeligi.

Article 60

Keeping with public order and respecting societal morals of the public is a duty of Egyptians.

Article 61

Elections are a right for all Egyptians in the manner determined by law. And contribution to public life is a national duty.⁸⁷

Article 62

Egyptians have the right to converse with public leaders in a written and signed manner, and they will not address those rulers with the name of a group except in the form of organizations and legal persons.

Article 63

All Egyptians have the right to present complaints to the state about public workers for breaching the law⁸⁸ or negligence of the duties of their workers.

Part Four - The Authorities

Chapter One: President of the Republic

Article 64

The President of the state is the leader of the republic, and he assumes his specialties in the manner clarified by this constitution.

Chapter Two: The Power of Legislation

Article 65

The House of Representatives is in the entity that practices legislative power.

Article 66

The House of Representatives assumes the supervision of the work of the executive power in the manner clarified by this constitution.

Article 67

The House of Representatives establishes the selection of its members by means of secret national election. The law determines the number of members and conditions of membership and decides the path of elections and its rules.

Article 68

The age of a member of the House of Representatives must be no less than thirty years from the day of birth on the day of election.

⁸⁷ Elmeligi.

⁸⁸ Elmeligi.

Article 69

The term of the House of Representatives is five years from the date of its first meeting and election of a new House of Representatives happens within 60 days before the end of the current House of Representatives' term.

Article 70

If any spot of membership becomes open before the end of that member's term, the person who follows them is elected in the path provided for in the constitution within a period of 60 days from the date from the date the House of Representatives was informed about the vacancy of that spot, and the new term of membership does not rotate ⁸⁹except until the end of the preceding term.

Article 71

In situations when it is impossible to perform elections in the decided time, in exceptional circumstances, the House of Representatives extends by law the date until the election of the new Parliament.

Article 72

The President of the Republic calls the House of Representatives to convene and opens its session.

Article 73

The seat of the House of Representatives is the city of Cairo, and it is permitted in exceptional situations to call a meeting in another place, building on the request of the President of the Republic and holding the meeting in another place is illegal, and the decisions that it issues in that meeting are nullified by the law.

Article 74

The House of Representatives opens to convene the annual session before the second Thursday in the month of November. If they are not called to open, they meet with the rule of law on the mentioned day. The regular meeting session rotates after at least seven months and it is not permissible to adjourn it before the aforementioned authorization.

Article 75

It is not permitted for the House of Representatives to meet, without being called into session, in any time other than its determined meeting time, or its resolutions would be nullified by law.

Article 76

The President of the Republic calls the House of Representatives to irregular meetings, and this is in necessary situations or built on a request of signatures from the majority of members of the House of Representatives. And the President of the Republic calls for the opening of the irregular meeting.

⁸⁹ Elmeligi.

Article 77

The President of the Republic gives a report at the opening of the regular meeting session for the House of Representatives that includes public politics for the government and the draft laws that they show to the nation, and it is also permissible to present other information for public issues⁹⁰ that are shown as necessary for informing the House of Representatives.

Article 78

A member of the House of Representatives makes, in front of the Parliament in a public meeting and before he assumes his work, the following oath: "I swear by the Great Allah to faithfully preserve the organization of the republic, and to protect the interests of the people and the peace of the nation, and to respect the constitution and law."

Article 79

The House of Representatives elects its leadership and representatives in its first regular annual meeting session and they assume their work until the beginning of the following regular annual session. So if there is a vacancy in any of the spots, the Parliament elects a replacement until the end of the session.

Article 80

Sessions of the House of Representatives are public. It is permissible to elect for a secret meeting, building on the request of the government or the request of the president, or ten of its members. Then the Parliament decides if the previous topic that was debated in front of them takes place in a public or secret meeting.

Article 81

It is not permissible for the House of Representatives to adopt its decisions, except if the majority of its members attended the session. In other situations that make a conditional special majority, the House of Representatives issues the decisions with the absolute majority of attendees. When the votes are tied, the subject that was held in deliberation and its related affairs are considered rejected.

Article 82

Each draft law is referred to someone from the Parliamentary Committee for its examination and so it can embark on a decision about it.

Article 83

Each draft law that is suggested by one or more members is referred to the committee for examination and so that it can offer opinions regarding the permission of the organization of Parliament for it. So if the official opinion of the Parliament is to pursue it, the rule of the previous article applies.

⁹⁰ Elmeligi.

Article 84

Laws are not issued unless the House of Representatives decides so. And it is not permissible to decide on a draft law except after opinions on it are taken article by article.

Article 85

Each draft law that was proposed by any of the members and was refused by the House of Representatives is not allowed to be submitted again in the same meeting session.

Article 86

The House of Representatives implements bills for the organization of the interior in the manner appropriate for its work.

Article 87

The House of Representatives alone can govern the organization of the interior, and the President of the Republic carries this out. And it is not permissible for any armed power to enter the Parliament and it is not permissible for them to loiter near the doors except with the request of its leader.

Article 88

The ministers are heard whenever they request speeches in the House of Representatives, and they can seek to see senior workers or their deputies. And the Parliament can make speeches from ministers in their meetings necessary. But there will not be a counted vote for the minister when opinions are taken except if he has membership.

Article 89

The House of Representatives specializes in the validity of the membership of its members. And the court specializes in it, and the law clarifies it with an investigation⁹¹ of the questioning of the validity⁹² of members as it is presented to the House of Representatives, and this is based on a reference from its leader. The results of the investigation are presented to the Parliament for the arrangement of invalidation. The membership is not considered void⁹³ except with a decision issued with a two-thirds majority of the number of members of Parliament. And it is permitted to arrange a challenge within sixty days from when the result of the investigation was presented to the Parliament.

Article 90

Each member of the members of the House of Representatives can send questions or examinations to the ministers and perform debates in the interrogations after seven days at least from the day it was presented, and this is also true for other situations of examination and approvals of ministers.

⁹¹ Elmeligi.

⁹² Elmeligi.

⁹³ Elmeligi.

Article 91

It is permissible for ten of the members of the House of Representatives to request a proposition of a public topic for debate to ask for clarification of policies of the government in its affairs and to exchange opinions about it.

Article 92

The House of Representatives can express the desires and proposals for the government in public questions.

Article 93

It is not permissible for any member from the members of the House of Representatives to intervene in the works that are from any of the specialties of the judicial or executive powers.

Article 94

There will be no establishment, modification, or cancellation of public tax unless it is by law.

And no one is pardoned from the performance of the tax unless otherwise specified by law.

It is not permissible to charge anyone for anything other than taxes and tariffs, except within the limits of law.

Article 95

The law organizes the political rules for the commitment of public money and measures its spending.

Article 96

It is not permissible for the government to contract a loan or commitment with a law for arranging spending from the treasury of the state for a year or two except with the approval of the House of Representatives.

Article 97

The law clarifies the rules for grant arrangements, salaries, compensations, subsidies, and bonuses that the treasury of the state decides, and it organizes situations of commendations from it and the powers it assumes with its implementation.

Article 98

The law organizes the special rules and actions with respect to granting monetary commitments relating to the exploitation of natural income and public facilities.⁹⁴

The same is stipulated for situations of free conduct in real estate property of the state and moveable assets and rules and organizing actions for this.

⁹⁴ Elmeligi.

Article 99

It is not permissible to prevent monopolization except with the law and for a limited time.

Article 100

The law clarifies the way of preparing the budget and presenting it to the House of Representatives, and this is also the case for determining the fiscal year.

Article 101

It is necessary to present a public draft law for the state to the House of Representatives at least three months before the start of the fiscal year so that it can research and adopt it and ratify the budget section by section. It is not permissible for the House of Representatives to perform any change to a draft law except with the approval of the government.

Article 102

If the new budget was not adopted before the beginning of the fiscal year, the House of Representatives works with the old budget until the new one is adopted.

Article 103

Approval of the House of Representatives is necessary for reporting any amount from the first to the last section of the sections of budget and the same is true for all expenditures not mentioned in it or added to its estimates.

Article 104

The House of Representatives designs the final settlement for the state budget.

Article 105

Independent budgets and appendices and its final accounts hold special rules for the public budget and its final account.

Article 106

The law organizes the special rules for the final budgets that are in public form and its final accounts.

Article 107

It is not permitted in the duration of a regular meeting session of the House of Representatives and not in situations other than where someone is caught in the act to take incriminating action against any member from the members of Parliament unless with the permission of Parliament. In situations where measures are taken to conceal crimes from Parliament, it needs to be notified of the crimes.

Article 108

Do not punish⁹⁵ members of the House of Representatives for their ideas or opinions on the performance of their work in Parliament or in their committee.

⁹⁵ Elmeligi.

Article 109

It is not permissible to cancel the membership of any of the members of the House of Representatives except with a decision by the Parliament with a two-thirds majority of its members, building on a suggestion from ten of its members, and this is also the case in situations of lost confidence and consideration or a break in duties of his employment or neglect in attendance of the meetings of the House of Representatives or its committee.

Article 110

The House of Representatives itself approves of the resignation of its members.

Article 111

The President of the Republic has the right to dissolve the House of Representatives, so if he dissolved the Parliament in one matter, it is not permissible for him to dissolve the new Parliament for the same matter.

Article 112

The publication of the dissolution of the Parliament must include the decision to call for voters to perform new elections in a timeline of no more than 60 days and to appoint a date for the new Parliament in the following ten days to complete elections.

Article 113

If the House of Representatives decides it is no longer confident with one of the ministers, that minister must resign the Ministry. It is not permissible to request a no-confidence vote after an interrogation was already directed at him.⁹⁶ And this request is based on a motion of ten members of the members of Parliament. It is not permissible for the Parliament to issue its decision on the request before three days at the least from when it was presented to Parliament.

Article 114

It is not permissible to combine⁹⁷ membership in the House of Representatives and the assumption of public employment. And the law determines other situations of not combining.

Article 115

It is not permissible for any member of the House of Representatives that is appointed to Parliament to manage a company in the duration of the term except in situations that are determined by law.

⁹⁶ The phrase “موجه اليه” in this case actually means “facing toward him.” Whereas in some cases as in the idiom “على وجهه” the word “face” in Arabic is translated as “manner,” in this case, the phrase “face” actually means to face or “directed at” as in the English phrase “facing them.”

⁹⁷ Elmeligi.

Article 116

It is not permissible for members of the House of Representatives to receive medals or honors⁹⁸ during their membership, except those of them that were working in public employment that is not incompatible with membership in the House of Representatives.

Article 117

It is not permissible for any member of the members of the House of Representatives in the duration of their membership to buy or borrow from the money of the state or to rent out or sell things from its monies or to barter with it.

Article 118

The House of Representatives decides bonuses that are determined by law.

Chapter Three: Executive Powers

Article 119

The President of the Republic assumes the executive power and he practices⁹⁹ it in the manner clarified in this constitution.

Section One – President of the Republic

Article 120

It is stipulated that whoever is elected as President of the Republic must be Egyptian from Egyptian fathers and grandfathers and that he is enjoying¹⁰⁰ his political and civil rights and he must be no less than 35 years old from the date of his birth and he must not be from the royal family in Egypt.

Article 121

The House of Representatives nominates the President of the Republic with a majority of the number of its members, and it offers this nomination to the citizens so that they can be polled in this matter. The nomination for the President of the Republic is considered attained with an absolute majority of those who have given their votes in the poll. If that nominee did not attain the majority, the Parliament nominates someone else and his nomination is pursued in the same way.

Article 122

The term of presidency is six years beginning from the date the outcome of the polling is declared.

⁹⁸ Elmeligi. The word “أوسمة” is actually a form of Wessam’s name, which means medal. The meaning of this word is made into a verb with the “أ” at the beginning and the “ة” at the end. The meaning of this verb is “to award a medal.”

⁹⁹ Elmeligi.

¹⁰⁰ Elmeligi.

Article 123

Before he undertakes the tasks of his position, the President performs¹⁰¹ in front of the House of Representatives the following oath: “I swear by the Great Allah to honestly protect the organization of the Republic and to respect the constitution and the laws and to entirely protect the good will of the people and to protect the independence of the nation and the peace of its territory.”

Article 124

The law determines the salary for the President of the Republic. Changes that are made to the salary will not take effect during the term of his Presidency, and it is not permissible for the President of the Republic to adjudicate on any other salaries or awards.

Article 125

It is not permissible for the President of the Republic in the middle of his term to end his work freely or to work in trade or finance or industry or to purchase or rent things from the money of the state or to rent out or sell things from the money or to exchange it.

Article 126

Sixty days before the end of his term, the President of the Republic begins the measures of choosing the new President of the Republic, and he needs to complete his choice at least a week before the end of his term, and if the term ended without completing the choice of the new President for any reason, the previous President continues immediately in his duties of employment until he completes choosing his successor.¹⁰²

Article 127

If an objection temporarily stops the President from performing his duties one of the ministers would perform those duties for them with the approval¹⁰³ of the House of Representatives.

Article 128

In situations of the President’s resignation or his permanent incapacitation from work or his death, the House of Representatives decides with a two-thirds majority of its members on the vacancy of the position of the President and the leader of the House of Representatives temporarily assumes the presidency and one of the representatives replaces the leader of the Parliament building on the choice of the Parliament. The choice of the President of the Republic is completed

¹⁰¹ Elmeligi.

¹⁰² This article about appointment of the succeeding President is different from the following constitution because presidential election procedures were set up in Article 76 of the 1971 Constitution. The resulting change between this article and its equivalent in the 1971 Constitution is a more democratic presidential election than this initial constitution of the new ‘democratic’ republic of Egypt creates, in that there seems to be less power of choice in succeeding Presidents for the current President, and more for the Parliament.

¹⁰³ Elmeligi.

during a period of no more than 60 days from the date of the vacancy of the position of President.

Article 129

If the President of the Republic resigns from his position, he must submit his resignation to the House of Representatives in written form.

Article 130

The President of the Republic is charged with treachery of honor and disloyalty to the republic building on the recommendation from at least one-third of the members of the House of Representatives, and the decision of the accusation is not issued unless with the two-thirds majority of members of Parliament. The President stops his work as soon as the decision about his accusation is issued. And the leader of the House of Representatives assumes the presidency temporarily. The President's trial will be in front of a special court organized by law. If the verdict is his condemnation, he is fired and that does not exclude him from other punishment.

Article 131

The President of the Republic writes, in a meeting shared with the public political ministers, on the political, economic, societal, and executive aspects of the government and he supervises their execution.

Article 132

The President of the Republic has the right to recommend the laws and objectives for the republic and their publication.

Article 133

If the President of the Republic objects to a draft law, he returns it to the House of Representatives in a period of 30 days from the day the Parliament informed him of it, and if a draft law is not returned in this time, it is considered law and issued.

Article 134

If a draft law is returned to the Parliament in the aforementioned period, and the Parliament approves of it again with a two-thirds majority of its members, it is considered law and issued.

Article 135

If this happens amidst a meeting session of the House of Representatives, or in a period of its dissolution, it is necessary to quickly take measures that cannot be¹⁰⁴ postponed, and it is permissible for the President of the Republic to issue his decisions with the power of law.

It is necessary to present these decisions to the House of Representatives within a duration of fifteen days from the date of their issuance if the Parliament was in

¹⁰⁴ Elmeligi.

session,¹⁰⁵ and in its first meeting in situations of its dissolution. If these decisions are still not presented, they would retroactively¹⁰⁶ lose their legality, and Parliament has the power of law to change the need¹⁰⁷ to issue decisions on this. Concerning its presentation to the Parliament and it still not being approved, this would have retroactive effect that would also cancel their legal power, except if its execution is dependent on the opinion of the Parliament in the previous time or on settling the arrangement of its effect in another manner.¹⁰⁸

Article 136

The President of the Republic can, in exceptional situations and building on the authorization of the House of Representatives, issue decisions that have the power of law. And it is necessary¹⁰⁹ that this authorization be for a limited time and its subjects and basis should be determined.

Article 137

The President of the Republic issues the decisions that are necessary for arranging public services and he supervises their execution.

Article 138

The President of the Republic issues the precise and necessary regulations¹¹⁰ for the execution of the law, and he is authorized to change them in their publication and the President issues the decisions on these affairs building on the proposal of a specific minister. It is permissible for the law to determine who issues the necessary decisions for its execution.

Article 139

The President of the Republic is the highest leader of armed forces.

Article 140

The President of the Republic appoints civilian and military and political representatives as employees and he fires them in the manner specified by the law, and this is also how political representatives of a foreign state are governed.

¹⁰⁵ Elmeligi.

¹⁰⁶ Elmeligi.

¹⁰⁷ Elmeligi.

¹⁰⁸ This article is common to all succeeding constitutions. The way it was abused under the Morsi administration, and under the Mubarak administration, makes evident just how much power the executive branch is afforded in some of these articles, this one in particular. When there was no Parliament under President Morsi and he was abusing the powers of this article, al-Sisi came into power by asking for permission from the people to take action. Because there was no Parliament set up for their voices to be heard via the political system, the people took to the streets to let him know they wanted change. This is eventually how al-Sisi became empowered to overthrow Morsi (Kingsley, El-Behairy).

¹⁰⁹ Elmeligi.

¹¹⁰ Elmeligi.

Article 141

The President of the Republic has the right to pardon or reduce a punishment. There will be no comprehensive pardoning unless it is in accordance with the law.

Article 142

The President of the Republic is the one who declares war, with the approval of the House of Representatives.

Article 143

The President of the Republic signs treaties and presents them to the House of Representatives accompanied by¹¹¹ suitable justifications, and they have the power of law when they are upheld and signed and are published when it is according to this situation.

Treaties of truce, and alliances and trade and navy and all treaties that entail changes or amendment of territory of the state or that deal with the right of sovereignty or that result in a cost to treasury of the state that is not mentioned in the budget, all of these are not applied¹¹² except if approved by the House of Representatives.

Article 144

The President of the Republic declares situations of emergency in the manner clarified by law.

It is necessary for him to present this declaration to the House of Representatives within the following fifteen days so that it can decide what its opinion is in these affairs.

If the House of Representatives is dissolved,¹¹³ the President presents the matter to the new Parliament in its first meeting.

Article 145

The President of the Republic can, after taking opinions from the House of Representatives, poll the people in important questions that are arrived at¹¹⁴ with the highest interests of the country. The law organizes the method of polling.

Section Two – The Ministers

Article 146

The President of the Republic appoints and removes ministers from their positions.

¹¹¹ Elmeligi.

¹¹² Elmeligi.

¹¹³ Elmeligi.

¹¹⁴ Elmeligi.

Article 147

The President of the Republic meets with the ministers in the form of the Cabinet of Ministers to exchange opinions on general matters of the government and to manage its affairs.

Article 148

Each Minister assumes the supervision of the affairs of its ministry and they perform the execution of public politics of the government with regard to these affairs. And it is permitted for them to appoint the minister of State.

Article 149

It is stipulated regarding ministerial appointment that they must be Egyptian of at least the age of 30 from their date of birth and they must be completely enjoying political and civil rights.

Article 150

The ministers perform the following oath in front of the President of the Republic immediately before they assume the duties of their employment: "I swear by the Great Allah to honestly protect the organization of the republic and to respect the constitution and the laws and to completely protect the interests of the people."

Article 151

It is not permissible for a minister to assume during the term of their position practicing a free profession or work in trade or finance or industry or to buy or rent things from the money of the state or to rent out or sell things from its money or to exchange it.

Article 152

The President and the House of Representatives have the right to submit a minister to public trial based on crime in his performance of the work of his employment. The decision of the House of Representatives about the accusation of the minister is based on the suggestions presented from at least five of the members and they do not issue the decision on the accusation unless it is with the two-thirds majority of the members of Parliament.

Article 153

Accused ministers stop working until the Parliament decides on this matter. And it is not permissible for the accused to change the end of his service without setting up a case for it or the continuation of one. The law determines the special form of trials of ministers and organizes examinations of their accusations and trials.

Article 154

It is permissible for a minister to appoint a deputy. The special rules of ministers apply to the deputies of the ministers.

Article 155

Ministers and their deputies are permitted to be members of the House of Representatives.

Article 156

It is permissible for the members of the House of Representatives to appoint deputies of ministers for the affairs of the House of Representatives. The law determines the special rules for them.

Section Three – The Department of Finance

Article 157

The Republic of Egypt is divided into departmental units, and it is possible for all or some of them to be considered people under the law. The law determines the extent of these units and organizes their forms of representation.

Article 158

In the situation of departmental units that are considered legal persons the Parliament chooses the members through elections, and but it is also permissible to appoint a certain amount of members in the manner determined by law.

Article 159

The Parliament specializes in representation of the departmental units for all that concerns the units that they represent, and it can establish and manage facilities and economical, societal, cultural, and health work with its departments, and this is in the manner determined by law.

Article 160

The Parliament meets with the representatives of the departmental units publically, and it is permitted to convene in a secret meeting in the manner determined by law.

Article 161

Taxes and fees that have financial characteristics are entered into the incomes of the departmental units that are considered legal persons, whether originally or supplementary, and this is within the limits determined by law.

Article 162

The state supports the needs of the departmental units that are considered legal persons through technical and departmental and financial assistance according to the law.

Article 163

The state organizes the collaboration of the departmental units with personal consideration in their work through sharing and means of collaboration between it and government facilities.

Article 164

The law determines the specializations of the Committee of the Representatives of the Departmental Units and situations of final decisions such that confirmation from the specializing Minister is necessary.

Article 165

The law organizes the supervision of the work of the Committee of the Representatives of the Departmental Units.

Article 166

It is permissible to dissolve the Committee of the Representatives of the Departmental Units with a decision from the President of the Republic, and the law organizes the establishment of the form of replacing Parliament during the dissolution period.

Section Four – The Defense of the Nation

A) The Department of National Defense

Article 167

The Parliament establishes what is called the “Department of National Defense” and the President of the Republic assumes its leadership.

Article 168

The Department of National Defense specializes in the organization of affairs specific to means of securing the state and its peace. The law clarifies its other specialties.

B) Armed Forces

Article 169

Armed forces in the Republic of Egypt are owned by the people, and its duties are the defense and protection of sovereignty and the peace of its territory and its security.

Article 170

The state alone is the one who establishes armed forces. And it is not permitted for any body or group to establish any military or semi-military forms.

Article 171

The Ministry of the Military is permitted to appoint the general leader of armed forces, who can combine two jobs.

Article 172

The state organizes, according to the law, its training of people for military training and this is how it organizes the National Guard.

Article 173

The public draft is organized according to the law.

Article 174

The law clarifies the conditions of service and ranking for officers in the armed forces.

Chapter Four: The Judicial Powers

Article 175

The independent judiciary does not have powers in their adjudications to change the law, and it is not permissible for any power to interfere in its jurisprudence or in affairs of justice.

Article 176

The law arranges the judiciary authorities and clarifies their specialties.

Article 177

Its trials are held publically, except if the court decides to make them secret in observance of public order or morals.

Article 178

The verdicts are issued and executed with the name of the nation.

Article 179

The judiciary does not oppose what is just, and this is in the manner clarified by law.

Article 180

The law decides the characteristics of appointing judges and their conduct and discipline.

Article 181

The law organizes the employment of public representatives and their specialties and relation to the judiciary.

Article 182

Public representatives are appointed in court and their discipline and the termination of their jobs must be according to what the law decides.

Article 183

The law organizes the arrangements of military trials and states the specialties and the characteristics of those who assume the judiciary in them and their duties.

Part Five – Public Rules

Article 184

The city of Cairo is the capital of the Republic of Egypt.

Article 185

The law clarifies the national flag and the special rules for it. This is also how the logo of the state and the special rules for it are determined.

Article 186

The rule of law is applied, except on things that happened before the law was implemented. In cases that are not criminal, it is permitted to state otherwise in the law, with the approval of the majority of the members of the House of Representatives.

Article 187

The laws are published in the official newspaper within two weeks from the day they were declared and they are put into effect after ten days from the date they were published. It is permitted to extend or shorten this period provided it is according to the law.

Article 188

It is stipulated in the referred to laws in articles 67, 89, 98, 100, 114, 130, 144, 145, and 153 that they must be approved by two-thirds majority of the members of the House of Representatives.

Article 189

The President of the Republic and anyone from the House of Representatives can request one or more amendments to the articles of the constitution, and the article that is requested to be amended and the reason for the cause of its amendment must be contained in the request for the amendment, in order for there to be an amendment.

If the request was submitted to the House of Representatives, it needs to be signed by at least one-third of the members of Parliament.

In all situations the Parliament first debates on the amendment and then issues its decision on the affairs with the majority of its members. And if the request was refused it is not permissible to submit a request for the amendment of the same articles until one year has passed after the refusal.

If the Parliament approves the principle¹¹⁵ of the amendment, it debates, after six months from the date of this approval, the articles subjected to amendment, and if one third of the number of members of the Parliament approves of this amendment, it will announce this to the people to poll them on these affairs. If the

¹¹⁵ Elmeligi.

amendment is approved, it is considered implemented from the date that the referendum results were announced.

Article 190

All what was decided about laws, decrees, orders, regulations, and decisions from the rules before the publication of this constitution remain implemented and it is permitted to cancel or amend them according to the rules and actions of the decisions in this constitution.

Article 191

All decisions that the Parliament issued lead the revolution, and all the decisions that it arrived at and issued are integral or executed for it, and this is also the case for all that was issued from the bodies mentioned that Parliament commands with its selection from decisions and rules, and all the crimes, works, and behaviors that it issued from these bodies or from other bodies that established the interests of protecting the revolution and organize the rule are not allowed to be challenged or for anyone to demand that they be cancelled or to be given compensation for them in any manner and in front of any group.

Part Six – Final Transitional Rules

Article 192

The citizens are unified nationally for working toward realization of the goals that were set out from its generation of the revolution and to prod the efforts to build an unblemished nation with political, societal and economical means.

The union of the nation assumes the nominations for membership of the House of Representative.

The path of this union is clarified with a decision by the President of the Republic.

Article 193

The referendum for this constitution happens Saturday, November 23rd, 1956.

Article 194

The presidency of the republic is introduced on Saturday, November 23rd, 1956.

The term of presidency begins and the President immediately assumes the functions of his position from the day the result of the referendum is announced.

Article 195

The constitution that was declared issued on February 10th, 1952 continues its work until the date of implementation of these laws.

Article 196

The people work with this constitution from the date it is declared approved in referendum.

Findings in Summary

From this translation it seems once more that providing historical context is in some cases crucial for understanding the meaning of the articles, both in language and in overall reading comprehension. This is particularly useful in situations where articles or whole sections have entirely changed since 1923, as is natural for a constitution born out of a fundamental political revolution. In these cases, context in the form of comparison to the previous constitution or background research helps to highlight the significance of particular words, phrases, or entire sections to the creation of this new republic.

Some of the most significant differences between this constitution and its predecessor can be seen in the early parts of the constitution both in the introduction and in the body of the articles themselves. These changes include increased social programs, eradication of feudalism, a more nationalized economy, and of course implementation of a republic system instead of a monarchy, all elements that were central to the Nasser administrations goals and revolutionary platform (Abdel-Malik, 104). Most of these changes are highlighted in what thus far seems to be a pattern of poetic, revolutionary language in the introductions to these constitutions. This flowery, figurative language is best analyzed in footnote 65 of this chapter, with the word “crowned” directly following statements about independence from repressive monarchies.

While in the 1923 Constitution sovereignty and changes from the provincial government to an autonomous monarchy were emphasized at the beginning, in this constitution the socialist changes and the revolution itself are

underscored, as those were the motivations for this new constitution and the change in government structure and leadership. Emphasizing these changes at the outset appears as a means to partially justify the coming to power of the leader of the revolution, Nasser, in much the same way that the first part of the 1923 Constitution may have justified the overthrow of the Ottoman leadership and Farouk's assumption of kingship. Thus far the beginning sections of this and the previous constitution therefore seem almost like marketing tools, to alert the public and world of the changes the new leaders brought to Egypt and therefore to solidify their legitimacy as rulers.

Some of the changes to executive power are particularly important due to the way they have been implemented both during the Nasser era and, in some cases, during subsequent eras. This is the case in Article 135, where the President of the Republic is allowed to make decisions with the power of the law in situations of the Parliament's dissolution. As noted in the footnotes for this article, that Article, or slightly revised versions of it, have remained in Egyptian constitutions but its implementation has at times varied. In a couple situations in particular, such as under Mubarak and then again under Morsi, this power was abused through intentionally dissolving the Parliament in order to pass laws (Kingsley, El-Behairy). Therefore this article is a significant addition to this constitution which establishes the Egyptian republic as it is today, in that its presence in had great impact on later events in Egyptian history by increasing executive powers in constitutional language.

In terms of language comprehension, translating from the original Arabic helped to communicate meanings that otherwise may have been lost. For example, some idioms in this constitution are new compared to the previous constitution. While “على وجه,” or in the manner, is still a popular idiom in this constitution, another similar idiom was introduced “موجه اليه.” While still figurative language, this idiom is more literal than “in the manner” in that the meaning of “face” here is actually the verb “to face.” So while my first instinct was to translate this phrase as “in the manner for it,” I discovered after consultation with Professor Elmeligi that the figurative phrase “facing them,” in the case of Article 113 regarding a legal decision, was the proper translation. What is interesting about this figurative language is that there is an equivalent in the English language; the verb “to face” is often used to describe situations in which a person has to make a decision. Another complicated translation linguistically was the phrase “ظلاله” or “its shadow” as in the Introduction section of the constitution, as mentioned in footnote 66. At first this phrase seems negative in connotation, likely due to such English phrases as “in its shadow” or “to cast a shadow.” However, in the Arabic language this phrase has a positive connotation of protection. Therefore in translating this constitution it was necessary to use the meaning of the idiom instead of the idiom itself in order to convey proper meaning in English.

Another significant change found in translating this constitution as compared to the 1923 Constitution is the slight increase in religious jargon in places such as Article 5. These references may have been a nod to the political

parties with religious platforms, like the Muslim Brotherhood, who at the time were gaining power and cooperating with the Nasser regime (BBC). This quickly changed during the Nasser era when relations soured and conflict between the military and the Brotherhood arose, but the presence of this religious jargon later saw an increase under the Sadat era, whose rhetoric was much more Islamist and whose cooperation with the Brotherhood was at times much stronger (BBC). This change is also noted in relevant places of the following 1971 Constitution.

Because this constitution serves as the foundation for succeeding constitutions, it becomes more important beginning with this constitution to examine the precise wording of articles, particularly because the focus in each constitution is on changing content rather than on establishing entirely new political systems. This is the case in particular for articles that are established on the condition of, or “according to,” laws. In many articles containing information about human rights it is common to see this phrase. This is particularly the case for certain freedoms, like freedom of speech, as explained in the footnote to Article 45 (Dinnick). Egyptians have often been denied the rights promised to them in these constitutions due to emergency or other executive laws passed during war time or due to the dissolution of the Parliament (Feuille, 241). This is an unfortunate consistency throughout the history of modern Egyptian constitutions and implementation of laws. Therefore, added context in these situations seeks to examine how these new articles were actually implemented and highlight any inconsistencies that might alter or influence their actual meaning.

This constitution added to the human rights provided to Egypt's citizens, however many scholars have analyzed how the centrality of military and executive powers in practice has led to abuse of loopholes, like the phrase "according to law" in some of these articles (Abdel-Malik, 104; Feuille, 246). The result is that while human rights may have increased and improved on paper, the concomitant increase in military power and the actions of executive leadership often hindered the realization and protection of these rights. While Articles like Article 15 speak of savings and prosperity, some economic analysts like Macpherson note that the legal changes made during this era served to "inhibit the role of the private sector...in that it permitted extensive state intervention and control" (10). Translator's notes throughout this section have highlighted some examples of changes to the constitution as compared to the 1923 Constitution that reflect this increases in human rights and personal freedoms in tandem with increased executive and military power.

Overall, this constitution on paper advanced many social and human rights and socialist programs as compared to its predecessor. But as the analysis in footnote 83 demonstrates in the case of political parties' rights under Nasser, it is worth noting in moving forward, particularly regarding human rights, that the differences between what is written on paper and what was actually enacted under these regimes are sometimes vast. This becomes more evident and more problematic for the 1971 Constitution, particularly regarding its implementation and revision under the Mubarak administration.

Chapter Three: 1971 Constitution

What is immediately surprising about this constitution is the lack of any formal Introduction. Based on the last two translations, my prediction was that this constitution, like the others, would have some sort of Introduction as a way for the new President to address the nation and for him to justify any changes made to the constitution. I was wrong. There is no such Introduction, and perhaps the reason is that this constitution marks the first smooth transition of the Egyptian republic since its founding. This constitution involved no revolution, it simply built on the foundations set down by former President Nasser. The ideals of the Egyptian government and its structure therefore largely remained the same, and the transition process to ushering in a new President was for the first time in modern Egyptian history legal and not a coup d'état. However the content of the articles themselves has been slightly altered and rearranged throughout the constitution, likely to reflect different priorities in values as compared to the last administration. There are also several important additions to this Constitution, such as the framework for the Shura, or Advisory, Council, and increased reference to the role of religion in Egyptian society and politics.

In addition to revision as compared to 1956 Constitution, this version of the 1971 Constitution includes some amendments from Mubarak's rule, which is why a date in the year 2005 is mentioned in article 76. Instead of creating an entirely revised Constitution as did Sadat to Nasser's Constitution, and before him Nasser to Farouk's, Mubarak simply added or changed amendments in Sadat's 1971 Constitution, and thus it kept its title. In approaching this constitution, it is

necessary to consider both the Sadat and Mubarak era contexts. Another close translation and some supplementary research has resulted in a final set of translator's notes in the footnotes, and synopses of important findings in the conclusion.

By the time Sadat took power, the Egyptian economy was suffering. War time expenditures and the Suez Canal Crisis under Nasser had taken their toll on the economy (Macpherson, 49). As a result, the Sadat administration focused a lot of effort into improving the economy that Nasser had nationalized and institutionalized, namely by means of sponsoring laissez-faire economics and capitalism. Perhaps the greater focus on capitalism under Sadat's era was due to reflection on the "lack of competition" that the Egyptian financial and government system under Nasser encouraged to fund state based programs, which "led to a great wastage of resources" (Macpherson, 52). After Nasser's rein "it was evident that without an ideological change on the part of the ruling regime, or an acknowledgement that the prevailing system of economic management was ineffective, the chances of recovery from the political and economic stalemate would have been slight" (Macpherson, 55).

Compared to the nationalization under Nasser, Sadat's development plan is much different from his predecessor's. The economic development measures under Sadat "required the state to loosen its grip on many facets of the economy and recognize the potential contribution of the private sector and foreign investors to stimulating growth and development." (Macpherson, 55). It is unclear in this constitution whether references to the development plan refer to the five-year plan

continued from the Nasser era or if those sections were amended later to include Sadat's 1973 "Open Door Economic Policy" (ODEP) (Macpherson, 10).

However, where there are significant differences from the basic economic values and framework in the previous constitution and the development plan in this Sadat's constitution, it has been noted in footnotes. From Macpherson's analysis it seems that this may be a good approach to Sadat era economic changes: "the need was to stimulate foreign and domestic investment through reforming and developing existing policies and introducing new ones" (Macpherson, 56).

The Sadat era saw many capitalist reforms to politics and economy, in the form of increased freedom of monetary systems from government control, loosening imports restriction, facilitating more competition, increasing foreign exchange opportunities, and opening the Suez Canal (Macpherson, 59- 62). It also saw an increase in Islamist political and economic policies in the constitution in terms of finance and religion (Macpherson, 101). Perhaps partially as a result of this economic policy, the Muslim Brotherhood gained greater power under Sadat, who advocated for sharia and freed Islamists who had been arrested under the Nasser era in return for Brotherhood support (CFR Report). This support again changed under the Mubarak era, likely due to the president's dissatisfaction with the Brotherhood's increasing political power during the 1980s. However, the revisions to this Constitution under the Mubarak era did not remove that Islamist language (BBC). Instead, perhaps to counter the Brotherhood's increase in power and secure its own, it seems the Mubarak administration focused its amendments on increasing its own, or the military's, power. This increase in military and

executive power was accomplished mainly by easing restrictions on presidential actions and by making the process for gaining political power difficult for anyone that was not Mubarak or his son.

Where changes are significant in comparison to Nasser's constitution, where those changes may be specific to either Sadat or Mubarak, and particularly where they influence the meaning or context of articles and language, it has been noted in the footnotes and summarized in the last part of this chapter.

1971 Constitution of Egypt

Part One - The State

Article 1

The Republic of Egypt is an Arab state and its organization is democratic, built on the alliance of the forces of the working people. The people of Egypt are a part of the Arab nation that works toward realizing a comprehensive union.

Article 2

Islam is the religion of the state and the Arabic language is its official language, and the principle of Islamic Sharia¹¹⁶ is its legislation.

Article 3

The sovereignty of the people is unified, and it is the origin of powers, and the people practice this sovereignty and protect it, and preserve the national unity in the manner determined in the constitution.

¹¹⁶ This addition is an important difference between this constitution and its predecessors, particularly when taking into account the analysis provided in the footnotes and conclusion of the 1923 Constitution, for demonstrating how the religious connotation of the word sharia was evolved. It is also important for explaining how Islamic schools and leaders gained prominence in the Egyptian government, to the point that eventually an Islamist Muslim Brotherhood president became elected in 2012, and how Sharia became more standardized in Egypt, to the point that now al-Azhar University is accepted as the leader in education and Islamic jurisprudence in Egypt (Harvard). In this context, the meaning of sharia as law is modified by the term "Islamic," and therefore it refers to the set of Islamic jurisprudence that the word "sharia" by itself conveys today. Reference to this type of religious law is new to Egyptian constitutions as of this article.

Article 4

The economic foundation of the Arab Republic of Egypt is a socialist democratic system built on sufficiency and justice, protecting the people¹¹⁷ from manipulation, decreasing the gap between incomes and protecting legal¹¹⁸ profit, and it guarantees justice in the distribution of duties and public cost.

Article 5

The political system in the Arab Republic of Egypt is based on a multiple party system. This is in the framework of political potential and principles for the society of Egypt that are provided for in the constitution. And the law organizes the political parties.

Article 6

The nationality of Egypt is organized by law.

Part Two - Political Elements of Society

Chapter One: Elements of Society

Article 7

Societal solidarity is the foundation of the society of Egypt.

Article 8

The state guarantees peace of mind of the chance for citizens to gather.

Article 9

The family is the foundation of society, and it is based on religion and loyalty and nationalism.

The state wishes for the preservation of the unique feature of the Egyptian family and what values and traditions represents, with this seal proving its development in interior relations of the society of Egyptians.

Article 10

The state guarantees defense of the nation and children, and protects the youth and provides for them exceptional opportunity for developing their prosperity.

¹¹⁷ Elmeligi

¹¹⁸ Here again we see that the word “sharia” is used simply to convey the meaning “law.” This likely means that the reference in Article 2 still required the word sharia to have the modifier of “Islamic” in order to convey religiosity.

Article 11

The state guarantees women success in their duties for example for the family and in their work in society, and their equality with men in political, societal, cultural, and economic fields of life without disrupting the rules of Islamic Sharia.¹¹⁹

Article 12

The society needs to protect morals and defend them, and uphold the tradition of the original Egypt, and it will keep with the high level of religious¹²⁰ education and the moral and civil values, and the historical tradition of the people, and scientific facts, and socialist behaviors, and the public morals, within the limits of law.

And the state must pursue these principles and uphold them.

Article 13

Work is a right and duty and honor guaranteed by the state, and excellent workers are placed in the esteem of the state and society.

It is not permissible to impose any harmful work on employees except in accordance with the law and the performance of public service and meeting with justice.

Article 14

Public employment is a right of workers, and a duty imposed on those in public office to serve the people,¹²¹ and the state guarantees their protection and guards them in the performance of their duties in protecting the morals of the people, and it is not permissible for any part of them to change the disciplinary method except in situations that the law determines.

Article 15

Old and injured warfighters in the war or because of the war and the wives and children of martyrs are given the preferred chance to work in accordance with the law.

Article 16

The state guarantees cultural and social and health services and they work in the manner specifically for the village in easing and organizing the raising of its standards.

¹¹⁹ This focus on religion demonstrates a big shift from the more secular Nasser era. Whereas before the phrase was about not disrupting societal order and obeying to morals and ethics of the people, now these morals and societal rules are specified as Islamic. This serves to give Islam, and therefore Islamist political parties like the Muslim Brotherhood or those that interpret Islam or respected scholars like those at the al-Azhar University in Cairo, more power in Egyptian society and politics. There is some evidence that this may be case in light of the rapid increase of those groups' power during this era (BBC).

¹²⁰ This reference to religious education is new under the Sadat era, and it likely serves once more to empower religious groups like al-Azhar and the Muslim Brotherhood in the social sphere (Harvard).

¹²¹ Elmeligi.

Article 17

The state guarantees social and health insurance services, and livelihoods disabled from work and unemployed and the elderly for all citizens, and this is in accordance with the law.

Article 18

Education is a right guaranteed by the state and it is obligatory in the elementary stage, and the state works on the necessary length in other stages. It supervises all education and it guarantees the independence of colleges and centers of scientific research. This is all with verifying the connection between the state and the needs of society and productivity.

Article 19

Religious education is a foundational matter in the methods of public education.

Article 20

Education in public schools is free in all stages.

Article 21

Erasure of illiteracy is a civil duty that enlists all the powers of the people for achieving its implementation.

Article 22

Establishing civil titles and ranks is prohibited.¹²²

Chapter Two: Economic Elements

Article 23

The national economy is organized according to the comprehensive development plan, the state guarantees the national increase, and equal distribution, and increasing the standard of living, and getting rid of unemployment, and increasing chances to work, and connecting compensation with productivity, and security to limit lowering of wages, and to creating a maximum guarantees decreasing the income gap.

Article 24

The people control all performance of productivity, and direct its surplus according to the plan of development that the state created.

¹²² This is in reference to previous civil titles like “Pasha,” which were banned in 1952 as another form of separation from previous Ottoman rulers. These were banned from official use but today are still used colloquially as a sign of respect or sometimes even ironically between friends, and today they have more social not official or political meaning (Elmeligi; Encycopaedia Britannica; Wahba; Albaz).

Article 25

Each citizen has a share in the national production as determined by the law with consideration of their work or their ownership without working.

Article 26

Each citizen has a share in management of the plans and in its earnings, and is committed to development of productivity and execution of the plan in their unified productivity according to the law. And the preservation of the tools of production is a civil duty.

The representation of workers in boards of directors of public sector institutions is within 50 percent of the number of the members of those boards. The state guarantees that the law offers owners of small farms and small crafts have 80 percent of the membership of the board of directors of industrial and agricultural cooperatives.¹²³

Article 27

Beneficiaries participate in management of the plans of service that are of public utility and the supervision of it according to the law.

Article 28

The state cares for cooperatives in all of their forms, and encourages the artisan industries with guarantees that they develop productivity and increase revenue. And the state works on supporting the agricultural cooperatives according to the new foundation of working.

Article 29

Property is submitted to the supervision of the people and the state protects it, and it is of three types: public property, collective property, and private property.

Article 30

Public property is the property of the people, and it is verified with continuous support for the public sector. The public sector leads the progress in all fields and endures the primary responsibility in the development plan.

Article 31

Collective property is the property of cooperative societies, and the law guarantees its protection and ensures its self-management.

Article 32

Private property is represented by uninvested capital, and the law organizes the performance of its social function in the service of the national economy and in the framework of the development plan,¹²⁴ without deviation or exploitation, and

¹²³ Elmeligi.

¹²⁴ This relates to Sadat's capitalism, but was at first a continuation of the development plan under Nasser. Sadat implemented a development plan that was less socialist than Nasser's; it inspired increased competition and relied on a laissez-faire system (Macpherson, 10). But Sadat's plan was

it is not permissible for its use to conflict in any way with the public good for the people.

Article 33

Public property has sanctity, and protecting and supporting it is a duty of all citizens according to the law, with considering its support to the power of the nation and a foundation for the socialist organization and a source for the welfare of the people.

Article 34

Private property is protected, and it is not permissible to confiscate it,¹²⁵ except in situations clarified by the law and with judicial verdict, and ownership will not be removed except for public utility¹²⁶ and except with consideration of compensation according to the law. And the right to inheritance is guaranteed.

Article 35

Nationalization is not permissible except with consideration of public services and with the law, and with consideration of compensation.

Article 36

Using public sources for funding is prohibited, and it is also not permissible for private sources except with judicial ruling.

Article 37

The law determines the extreme limits for ownership of agriculture and ensures protection of the farmer and agricultural work from exploitation, and confirms the authority of the unity of the working forces of the people at the town level.

Article 38

The organization of taxes is built on the justice of society.

Article 39

Saving is a civic duty that protects the state and encourages and organizes it.

not published until after this constitution was created, so it is unclear which plan this article refers to.

¹²⁵ Elmeligi.

¹²⁶ Elmeligi. Wessam explained the meaning of this section because it seemed at first to imply that any personal property could be used for public welfare. However, he explained that it means if the law allows confiscation of property then that property would become public and not go to one person.

Part Three - Public Freedoms and Rights and Duties

Article 40

The citizens are equal in the law, and they are equal in public rights and duties, and there is no discrimination among them in this for reasons of origin, race, language, religion, or belief.

Article 41

The right to privacy is a natural right, and it is inviolable and untouchable, and with the exception of situations of being caught in the act, it is not permissible to arrest anyone or search them or imprison them or restrict their freedoms with any restraint or prohibition of movement except with the command that requires an interrogation to be necessary and for the maintenance of the security of society, and the command is issued by the specialized judge or a public representative, and this is according to the rule of law. And the law decides the duration of the detainment.

Article 42

Each citizen that is arrested or imprisoned or had their freedom restricted with any restriction, must be treated by the person who guards him with human dignity, and bodily or spiritual harm is impermissible, and similarly it is not permissible to restrain or imprison him in another place that he is not submitted to by issued laws of the prison system.

Everything that is proved to have been said by a citizen under pressure of any of the above mentioned or under any threat, it is annulled and unused.¹²⁷

Article 43

It is not permissible to perform any medical or scientific examination on any person without his free consent.

Article 44

Residences are protected so it is not permissible to enter them or inspect them except with the judicial command with reason according to the rules of law.

Article 45

The private lives of citizens are protected by the law. And mail correspondence and telegrams and telephone conversations and other such methods of communication are protected, and their secrecy is guaranteed, and it is not permissible to publish them or see them or surveil them except with a judicial command with reason and for a determined time and according to the rule of law.

¹²⁷ Elmeligi.

Article 46

The state guarantees freedom of belief and freedom of practicing religious practices.¹²⁸

Article 47

Freedom of opinion is guaranteed, and all people can express their opinions and produce spoken or written publications or pictures or similar things from means¹²⁹ of expression within the limits of the law, and critiques and constructive criticism¹³⁰ are for guaranteeing peace of the national foundation.

Article 48

Freedom of press, printing, publishing, and media is guaranteed, and supervision of the press is forbidden and threatening it or stopping it or cancelling it with administrative decision¹³¹ is prohibited. Exceptions are permitted in situations of declared emergency¹³² or in times of war, when specific censorship may be imposed on the press and prints and media in matters that are related to public safety¹³³ and this is intended for the peace of the nation, and all of this is according to the law.

Article 49

The state guarantees for citizens freedom of scientific research and moral improvement and of arts and of culture, and provides means of encouragement necessary for realizing this.

Article 50

It is not permissible to prohibit any citizen from establishing residence in a particular place, and it is not permissible to necessitate their residency in any particular place except in situations stipulated by law.

Article 51

It is not permissible to remove any citizen from the country or prevent him from returning to it.

¹²⁸ Elmeligi.

¹²⁹ Elmeligi.

¹³⁰ Elmeligi. I originally had “critique building,” for the phrase “النقد بناء” which is the literal translation of the two words taken separately in Arabic, but when placed together it means “constructive criticism.”

¹³¹ Elmeligi.

¹³² This is a very important change from the 1956 Constitution which later led to abuse of this increased executive emergency power capability by Mubarak. It led to his control over much of the media under the claim that any controversial media violated public security (ABC; Feuille, 243).

¹³³ Elmeligi. When you make the word “peace” feminine as it is here, its meaning is closer to “safety” instead of peace.

Article 52

Citizens have the right to emigrate permanently or temporarily to another place, and the law organizes this right and measures and procedures of migrating and departing the country.

Article 53

The state grants the right of political asylum to all foreigners prosecuted¹³⁴ because of defending the rights of the people, human rights, peace, or justice. Expedition of asylum seekers to their countries is forbidden.¹³⁵

Article 54

Citizens have the right to gather privately in peace unless they are bearing arms and unless they do not provide notification of it beforehand, and it is not permissible for men of security to attend their private meetings. Public meetings, processions, and gatherings are permitted within the limits of law.

Article 55

Citizens have the right to form groups in the manner determined by law, and preventing the establishment of groups will be for those whose activities are hostile to the social system, or are secret, or if the group has a military nature.¹³⁶

Article 56

Establishment of unions¹³⁷ and labor unions on the foundation of democracy is a right guaranteed by law, and they will be considered as legal persons. The law organizes the participation of unions and labor unions in execution of plans and societal planning and in raising the standard of sufficiency and supporting socialist conduct among its members and protecting its finances.¹³⁸ And they are necessitated with questioning their members on their conduct in practicing according to trustworthiness of honor and moral code, and with defending the rights and freedoms of the legal decisions of its members.

Article 57

All aggression against personal freedom, or restriction of the private lives of citizens and similar things from the public rights and freedoms that the law and the constitution guarantees, is a crime that does not become obsolete with the passage of time,¹³⁹ and the state guarantees compensation of justice for whoever the aggression falls on.

¹³⁴ Elmeligi.

¹³⁵ Elmeligi.

¹³⁶ This is what Muslim Brotherhood was accused of because they have weapons, and sought to change the social system to be Islamic (Elmeligi). For this reason restricting the Muslim Brotherhood was justified at various times during the Mubarak era (Feuille, 243).

¹³⁷ Elmeligi. The word “نقابة” comes from “نقب,” which means “to search for,” in this case to search for the rights of the members.

¹³⁸ Elmeligi.

¹³⁹ Elmeligi.

Article 58

Defense of the nation and its lands is a sacred duty and conscription is compulsory according to the law.

Article 59

Protection of the profits of socialism and supporting them and keeping them is a national duty.

Article 60

Maintaining the unity of the nation and keeping state secrets is a duty of all citizens.

Article 61

Performing taxes and public costs is a duty according to law.

Article 62

Citizens have the right of election and nomination and expressing opinions in referendums according to the rule of law, and their contribution to public life is a national duty.

Article 63

Each individual has the right to address public rulers in a manner that is written and signed, and it is not permissible for them to address the public with the name of a group except in the form of an organization and where they are considered in the eyes of the law as people.

Part Four - The Rule of Law

Article 64

The rule of law is based on the authority in the state.

Article 65

The state is subjected to the law, and the independence and immunity of the judiciary is an essential guarantee for protection of rights and freedoms.

Article 66

Punishment is executed privately. And there will be no crime or punishment except based on the law, and a punishment does not fall except with judicial verdict, and there will be no punishment except for actions subsequent to the date the law is enforced.

Article 67

The accused is innocent until proven guilty in a legal trial that is guaranteed, and in which they are guaranteed self-defense.

Article 68

Litigation is a protected and guaranteed right for all people, and all citizens have the right to go to a judge specialized in their case, and the state guarantees approximations of the judgements from litigants and speediness in the session of judgement.

It is prohibited for any law to make any job or administrative decision immune from the judiciary.¹⁴⁰

Article 69

Right to self-defense or defense by representation is guaranteed. The law guarantees for those without financial capability means of recourse from a judge and defense of their rights.

Article 70

A lawsuit of crime is not held except by order from judicial decision, except for situations that are determined by law.

Article 71

All who are caught or arrested are informed immediately of the reasons for catching or arresting him, and they have the right to contact whoever sees his notification of what happened or is waiting for him in the manner organized by law, and it is necessary to quickly notify him of the charges facing him, and he and others have the right to complain before a judge about the procedures of his arrest,¹⁴¹ and the law organizes the right of complaint regarding guaranteeing the session during a determined period or else that person must be released.

Article 72

The verdict is issued and implemented in the name of the people, and the omission or obstruction of its execution by some of the public citizens who specialize in crime will be legally punished, and for the trial for them in this situation they have the right to elevate the criminal lawsuit immediately to a special court.

Part Five - The Organization of Government

Chapter One: The President of the State

Article 73

The President of the State is the President of the Republic, and he attends to the confirmation of the sovereignty of the people and the honor of the constitution and the rule of law and protection of the unity of the nation and the socialist gains,

¹⁴⁰ Elmeligi.

¹⁴¹ Elmeligi.

and he tends to the limits of powers to guarantee the performance of their roles in national work.

Article 74

If there is a threat to the unity or peace of the nation or something that hinders state institutions from performing their constitutional roles, the President of the Republic takes actions quickly for confrontation of this threat¹⁴² and he directs a statement to the people, and a referendum occurs about what actions he took within a duration of sixty days from when he took them.

Article 75

It is stipulated that whoever is elected President of the Republic is Egyptian from Egyptian fathers, and that he is enjoying political and civil rights, and that he is no less than 40 years of age from the day of his birth.

Article 76

The President of the Republic is elected on a date of direct secret polling of the public, and it is necessary in order for the nomination of the President of the Republic to be accepted for at least 250 of the members of the members of the people elected for parliament and the Shura council and the local principalities and districts to support the progression of the nomination, at the very least a number of 65 members of the Parliament and 25 of the members of the Shura council, and ten members from all of local principalities of districts, and at least 14 from districts. And the number of supporters for the nomination increases, from the Parliament and the Shura Council and the local principalities of districts each by equivalent proportion from the increase of the number of any members of these Parliaments.¹⁴³ In all situations it is not permissible to support more than one nominee, and the law organizes special procedures for this. The political parties that were established five years in the past before the announcement of the opening of the nomination session, and continued throughout this duration to practice their activities with procuring members in the last election at a rate of five percent at the least from the seats of those elected from both the Parliament and the Shura Council, can nominate as President of the Republic one of the members of the high committee coming from its organization based on when in the past his membership was established and his commission being a complete year at the least. And excluded from the rule of the previous paragraph, it is permitted for every political party to nominate a nominee in the first presidential elections to take place after adopting this article as long as the nominee is a

¹⁴² Elmeligi.

¹⁴³ Elmeligi. This is meant to make it harder for anyone to run for President by requiring that there always be an equivalent proportion for all branches of government (Feuille, 246). This is also intended to be difficult to understand for anyone who is a native speaker (Elmeligi). It is an amendment from the Mubarak era, and the goal was likely that he wanted his son only to know how to be elected (Elmeligi, El-magd). This was likely one of the articles that made people angry and later resulted in Mubarak being overthrown.

member of a higher committee that was formed before May 10th, 2005,¹⁴⁴ according to the organization of its establishment. The committee that processes applications for nominations, called “The Presidential Elections Committee,” enjoys independence and it is formed of the Chief Justice of the Supreme Constitutional Court and each of the Chief Justices of the Courts of Appeals in Cairo, and all those who are known for neutrality,¹⁴⁵ and three of them are chosen from Parliament and another two are chosen from the Shura Council and this is building off of the recommendation of the offices of the two Parliaments and it is for a duration of five years. The law decides who fills the position of the leader of the Committee or any of its members in situations where there is an objection to them. And this Committee alone specializes in the following:

- 1- Announcing the opening of the matter of nomination and supervising its activities and announcing the final list of nominees.
- 2- Public supervision of the procedures of nomination and selection.
- 3- Announcing election results.
- 4- The sessions of all complaints and appeals and in all issues regarding the committee’s specializations including disputes about competency.¹⁴⁶
- 5- Regulations for organizing the style of its work and the manner of practicing its specializations.

And it issues its decisions with the majority of at least seven of its members, and its decisions are final and it executes them itself, not meeting with recourse in any way and from any side, and it is also not permissible to impose on its decisions any interpretations or hold or stop any of those decisions.¹⁴⁷ The law that regulates presidential elections decides the other specializations of the committee.¹⁴⁸ Similarly the law decides the rules for nominating one of candidates to the position of whoever vacates his position for a reason other than conceding the nomination in the period between the beginning of the nomination and before the end of the voting.

The polling is executed in one day and The Committee of Presidential Elections forms committees that assume the workings of stages of elections and their division, in that it takes up supervision of them in the form of a public committee consisting of members of the judicial bodies. And all of this is according to the rules and actions that the committee decides.

¹⁴⁴ Elmeligi. This applies pretty much only Mubarak himself and excludes everyone else; only a couple of people qualified for presidency based on this rule (Feuille, 246; El-magd).

¹⁴⁵ Elmeligi. This essentially is referring to those that are non-partisan.

¹⁴⁶ Elmeligi.

¹⁴⁷ Elmeligi.

¹⁴⁸ Elmeligi.

The election of the President of the Republic is announced with procuring of one candidate from the majority of the number of valid votes, so if none of the candidates procure this majority the elections are redone after seven days at the least between the candidates that won the greatest number of votes, and if another candidate has the same number of valid votes he will also participate in the redo election, and in this situation the winner of the most valid votes is announced.

The referendums for the President of the Republic take place until and if one nominee progresses for nomination, or no others remain because of a concession of the remaining candidates or the lack of replacing a nomination for those who conceded,¹⁴⁹ and in this situation the winner of the nomination is announced with the quotient of the absolute majority of valid votes cast. The law organizes what follows in situations of not procuring the nomination with this majority, and the President proposes a draft for the law that regulates presidential elections to the Supreme Constitutional Court after the law is approved by the Parliament and before issuing it so that the court decides whether it is constitutional.¹⁵⁰

The court announces its decision on these affairs within a duration of 15 days from the date the verdict was announced to them. And if the half or more of the court decided the provision of the nomination was unconstitutional the President of the Republic replies to the Parliament for working on resolving this decision. In all situations the decision of the court is necessary for all and for all powers of state, and the decision is published in the official newspaper in a period of three days from the date it was announced.

Article 77

The term of presidency is six years from the date the results of the referendum were announced, and it is necessary to repeat the elections for the President of the Republic for another term.

Article 78

The actions for choosing a new President of the Republic begin sixty days before the end of the term of the current President of the Republic, and it is necessary that choosing him happens at least a week before the end of the term, and if the term ended without choosing a new President for any reason, the previous President continues in conducting the duties of the President until whoever follows him is chosen.

Article 79

Before he undertakes the tasks of his position, the President performs the following oath in front of the Parliament: "I swear by the Great Allah to honestly protect the organization of the Republic and to respect the constitution and the

¹⁴⁹ Elmeligi.

¹⁵⁰ Elmeligi.

laws and to entirely protect the good will of the people and to protect the independence of the nation and the peace of its territory.”

Article 80

The law determines the salary for the President of the Republic. Changes that are made to the salary will not take effect during the term of his Presidency, and it is not permissible for the President of the Republic to adjudicate on any other salaries or awards.

Article 81

It is not permissible for the President of the Republic in the middle of his term to end his work freely or to work in trade or finance or industry or to purchase or rent things from the money of the state or to rent out or sell things from the money or to exchange it.

Article 82

If an objection temporarily stops the President from performing his duties one of the ministers would perform those duties for them with the approval of the House of Representatives.

Article 83

If the President of the Republic resigns from his position, he must submit it to the House of Representatives in written form.

Article 84

In situations of the President’s resignation or his permanent incapacitation from work, the head of Parliament assumes his position temporarily, and if the Parliament was dissolved the Chief Justice of the Supreme Constitutional Court assumes the position temporarily, and this is conditional except if any of them are nominated to the presidency.¹⁵¹

And the Parliament announces the vacancy of the position of the President of the Republic.

The choice of President of the Republic occurs within the period of no more than 60 days from the date of the vacancy of the position of President.

Article 85

The President of the Republic may be charged with treachery of honor or committing a criminal offense building on the recommendation from at least one-third of the members of the Parliament, and the decision of the accusation is not issued unless with the two-thirds majority of members of Parliament. The President stops his work as soon as the decision about his accusation is issued,

¹⁵¹ This means of appointing a temporary President is actually much less democratic than the previous constitution’s resolution about the same subject, seen in Article 128 of Constitution 1956. The change eliminates Parliamentary elections of deciding on the Presidential vacancy, which would appear to take agency away from the Parliament and thereby decrease the amount of democratic elections.

and the Vice President¹⁵² assumes the presidency temporarily. The President's trial will be in front of a special court organized by law and the law decides the form and actions of the court he is in front of and the court decides the punishment. If the verdict is his condemnation, he is fired and that does not exclude him from other punishment.

Chapter Two: Legislative Powers

Article 86

The Parliament assumes legislative powers, and decides the public politics of the state, and public chances for economic and social development, and the general budget for the state, and similarly it practices supervision of the work of executive powers, and all of this is in the manner clarified in the constitution.

Article 87

The law decides the circles of election in which the country is divided, and the number of elected members of Parliament, with no less than 350 members, with at least half of them from working and farming, and their election is via the path of direct secret public elections.

The law determines the definition of working and farming.

And it is permissible for the President of the Republic to appoint no more than ten members of the Parliament.

Article 88

The law determines the conditions of available duties for members of the Parliament, and it demonstrates the rules of elections and polling, in that polling for membership in Parliament is under the supervision of the members of the judicial bodies.

Article 89

It is permissible for workers in government and in public sectors to nominate themselves for membership in Parliament. And except for situations that the law decides, a member of the Parliament frees himself of other work or obligations for membership in Parliament, and they keep their employment or work according to the rule of law.

Article 90

A member of the Parliament swears, in front of the Parliament before he undertakes his work, the following oath: "I swear by the Great Allah to faithfully preserve the peace of the nation and the organization of the republic, and to protect the interests of the people, and to respect the constitution and law."

Article 91

Members of Parliament will receive pay as determined by the law.

¹⁵² This is different from the previous constitution which allowed the head of Parliament to assume the Presidency temporarily.

Article 92

Sessions of Parliament are five years from the date it first meets. Elections take place to renew Parliament during a period of 60 days before the end of the term.

Article 93

The Parliament specializes in deciding the validity of the membership of its members. The Court of Appeals specializes in investigating any questioning of the validity of members presented to the Parliament and after a referral from its leader. The investigation must be referred to the Court of Appeals within fifteen days from the date Parliament was informed of it. And it is necessary for the investigation to end within 90 days from the date it was referred to the Court of Appeals. The results of the investigation and the final opinions on it are presented by the Court of Appeals to the Parliament for the arrangement of invalidation within 60 days from the date the results of the investigation were presented to the Parliament. And the membership is not considered void except with a decision issued with a two-thirds majority of the number of members of Parliament.

Article 94

If any spot of membership becomes vacant before the end of that member's term, the person who follows them is elected or appointed¹⁵³ within a period of 60 days from the date the Parliament was informed about the vacancy of that spot. And the term of the new member is complementary to the term of the previous member.

Article 95

It is not permissible for any member of the members of the Parliament in the duration of their membership to buy or borrow things from the money of the state or to rent out or sell things from its monies or to barter for it, or to possess a contract with the state as a contractor or importer.¹⁵⁴

Article 96

It is not permissible to cancel the membership of any of the members of the Parliament except if there was loss of confidence and consideration, or loss of one of the conditions of membership or the title that was the basis for election of a laborer or farmer,¹⁵⁵ or breaching the duties of their membership. And it is necessary for the Parliament to announce the decision of cancelling membership with a two-thirds majority of its members.

Article 97

It is the Parliament who accepts the resignation of its members.

¹⁵³ This appointment is a new option. It used to just be election as an option in the previous Constitution.

¹⁵⁴ Elmeligi.

¹⁵⁵ Elmeligi.

Article 98

Do not punish¹⁵⁶ members of the Parliament for their ideas or opinions on the performance of their work in Parliament or in their committee.

Article 99

It is not permitted in situations where they have not been caught in the act to take incriminating action against any member of Parliament unless with the previous permission of Parliament. And in irregular meeting sessions the Parliament should take permission from the leader of the Parliament. The Parliament gives notices in the first meeting session regarding taking action.

Article 100

The seat of the Parliament is the city of Cairo, and it is permitted in exceptional situations to call a meeting in another city, building on the request of the President of the Republic and the majority of the members of Parliament. Holding the meeting of Parliament in a place other than the one that is intended is illegal, and the decisions that it issues in that meeting are nullified.

Article 101

The President of the Republic calls for the Parliament to open and convene the annual session before the second Thursday in the month of November. If they are not called to open, they meet with constitutional rule on the mentioned day. And the regular meeting session rotates after at least seven months. The President of the Republic adjourns the regular session. And it is not permissible to adjourn it before adoption of the general budget for the state.

Article 102

The President of the Republic can call the Parliament to irregular meetings, and this is in necessary situations, or building on the request coming from the majority of the members of Parliament. And the President of the Republic announces the adjournment of the irregular meeting.

Article 103

The Parliament elects its leader and its representatives for the term of the session in the first meeting of the regular annual meeting session, and if there is a vacancy of any of the spots the Parliament elects who will fill the spot until the end of the term.

Article 104

The Parliament implements its own regulations for the organization of the style of its work and the manner in which it practices its functions.

¹⁵⁶ Elmeligi.

Article 105

The Parliament alone can govern the organization of the interior, and the leader of Parliament assumes this responsibility.

Article 106

Sessions of Parliament are public. It is permissible to elect for a secret meeting, building on the request of the president of the republic or the government or on the request of the leader of Parliament, or at least ten of its members. Then the Parliament decides if the previous topic that was debated in front of them takes place in a public or secret meeting.

Article 107

A meeting of the Parliament is not valid unless the majority of its members are present. The Parliament makes its decisions with the absolute majority of those present, except in cases which require a special majority. And voting for draft bills is executed article by article. When votes are equal the subject that took place in debating on its affairs is rejected.

Article 108

When necessary and in emergency situations and building on the approval of the Parliament with the two-thirds majority of its members the President of the Republic can announce decisions that have the power of law, and the authorization must be for a limited time and the topics of these decisions must be presented as well as the basis on which it was made, and these decisions must be presented to the Parliament in the first meeting after the period of authorization, and if it was not presented and Parliament does not approve of it their power of law is revoked.

Article 109

The President of the Republic and each member of the members of Parliament has the right to propose laws.

Article 110

Each draft law is sent to one of the committees of Parliament so that it can examine it and submit a report on it, yet concerning drafts of laws presented by members of the Parliament they are not referred to that committee except after being examined by a special committee to express an opinion regarding whether the Parliament should look into those drafts, after the Parliament accepts.¹⁵⁷

Article 111

Each draft law submitted by one of the members of Parliament and rejected by the Parliament is not permitted to be submitted again in the same meeting session.

Article 112

The President of the Republic can issue laws or object to them.

¹⁵⁷ Elmeligi.

Article 113

If the President of the Republic objects to a draft law that was endorsed by the Parliament he must reply within 30 days of the date Parliament notified him of it, so if he does not reply to the draft law within this period it is considered law and issued. And if he does reply to the Parliament within this preceding time and the Parliament still decides with a two-thirds majority of its members to pass it, it is considered law and issued.

Article 114

The Parliament decides the general plan for economic and social development and the law determines the path of preparation for the plan and presents it to the Parliament.

Article 115

It is necessary to present a draft of the general budget to the Parliament two months at the least before the start of the fiscal year, and it is not considered effective without the Parliament's approval of it.

Voting for the draft budget is done section by section and it is issued by law, and it is not permissible for the Parliament to amend a draft budget except with the approval of the government, and if a new budget is not adopted before the fiscal year, they must work with the old budget until the new one is approved.

The law decides the path of preparing the budget, and it also determines the fiscal year.

Article 116

Approval of the Parliament is necessary for reporting any amount from the first to the last section from the sections of the general budget and the same is true for all expenditures not mentioned in it or added to its estimates, and it is issued by law.

Article 117

The law decides the rules of budgets regarding its institutions and public forms and accounts.

Article 118

It is necessary to present the final account of the state budget to the Parliament in a period not exceeding one year from the date of the end of the fiscal year. Voting on it is done section by section. And it is issued as law.

It is also necessary to present annual reports for the mentioned Central Body of Accountability and review by the Parliament.

And the Parliament can request of the Central Body of Accountability any data or other reports.

Article 119

There is no establishing and modifying public taxes or cancelling them except by law, and no pardoning anyone from performing them except in situations clarified by law.

It is not permissible to charge anyone for anything other than taxes and tariffs, except within the limits of law.

Article 120

The law organizes the foundational rules for increasing public funds and procedures of exchanging them.

Article 121

It is not permissible for the executive power to contract loans or to become involved in a venture that results in spending large amounts¹⁵⁸ from the treasury of the state in the future except with approval from the Parliament.

Article 122

The law determines rules of granting salaries and pensions and compensations and subsidies and bonuses that the State Treasury decided on. And the law organizes situations of exemption from them and the institutions that would carry out the execution of exemption.¹⁵⁹

Article 123

The law determines the rules and actions particular to granting commitments related to profiteering resources of natural wealth and public facilities, and the same is stipulated for situations of free conduct in the property owned by the state and the descent of its movable funds and rules and actions organized for them.

Article 124

Each member of the members of Parliament can send to the Prime Minister or one of his deputies or one of the ministers or one of the ministers' deputies questions on any topic than falls within their specialties.

And the Prime Minister or his deputy or any of the ministers or one of the ministers' deputies have to answer any of the questions of the Parliament.

It is permitted for the members to withdraw their question at any time and it is not permissible to change the same session into an interrogation.¹⁶⁰

Article 125

Each member of the members of the Parliament has the right to direct an interrogation to the Prime Minister or to his deputy or one of the ministers or one of the ministers' deputies for their accountability in the affairs that fall under their specialties.

¹⁵⁸ Elmeligi.

¹⁵⁹ Elmeligi.

¹⁶⁰ Elmeligi.

The debate of the interrogation takes place after seven days at the least from the day it was submitted, except in what the Parliament sees as urgent situations and with approval of the government.

Article 126

The ministers are accountable before the Parliament on the general politics of the state, and each minister is responsible for the work of his ministry.

The Parliament can decide to withdraw confidence from one of the deputies of the Prime Minister or one of the ministers or their deputies, and it is not permissible to present the request of withdrawing confidence except after an interrogation, and building on the suggestion from ten of its members.

It is not permissible for the Parliament to announce its decision about the request before three days at the least from the day it was submitted. And the withdrawal of confidence is done with the majority of the members of Parliament.

Article 127

The Parliament can decide, building on the request of ten of its members, on the liability of the Prime Minister, and it issues its decision with the majority of the members of Parliament. It is not permissible to issue this decision except after an investigation guided by the government and after three days at the least from the submission of the request.

In situations of deciding liability the Parliament prepares a report and elevates it to the President of the Republic including parts of the subject and its concluding opinions of these affairs and its reasons. The President of the Republic can return the report to the Parliament within ten days. If the Parliament accepts it again, the President of the Republic can present the topic disputed between the Parliament and the government for public referendum.¹⁶¹ It is necessary for the referendum to take place within 30 days from the date of the final report to Parliament, and in this situation the meeting of Parliament stops.

So if the result of the referendum came in support of the government the Parliament is considered dissolved. Otherwise the President of the Republic accepts the resignation of the Ministry.

Article 128

If the Parliament decided to withdraw confidence from one of the deputies of the Prime Minister or from a minister or their deputies, it is necessary for him to resign his position.

The Prime Minister submits his resignation to the President of the Republic if his liability was decided before the Parliament.

Article 129

It is permissible for at least twenty members of the members of Parliament to reject the subject publically for debate for clarification of the policy of the ministry on its affairs.

¹⁶¹ Elmeligi.

Article 130

Members of Parliament can express their wishes on general subjects to the Prime Minister or one of his deputies or one of the ministers.

Article 131

The Parliament can have a special committee or assign a committee for examining the activity of one of the administrative interests or the public liability, or any executive or administrative device, or any project from the public projects, and this with postponing the search for information, and reporting to the Parliament the truth of the financial or administrative or economic conditions, and procedure of investigations in any subject regarding work from the previous works.

The committee can, in the course of fulfilling its mission, gather whatever evidence it needs, and request a hearing of whoever it needs, and all of the executive and administrative bodies must accept its request, and facilitate¹⁶² the acquisition of any documents for that purpose.¹⁶³

Article 132

The President of the Republic, when he requests a meeting session of the Parliament, makes a statement which includes the politics of the state, and he has the right to deliver any other speeches before the Parliament.

And the Parliament can debate the President of the Republic's speech.

Article 133

The Prime Minister presents the program of ministries after the ministries have been formed and when there is a regular meeting session of the Parliament.

And the Parliament discusses this program.

Article 134

It is permissible for the Prime Minister and his deputies and the ministers and their deputies to be members in Parliament, and it is also permissible for them to be members of the Parliament and it is permissible for non-member ministers¹⁶⁴ to attend the meeting sessions of Parliament or its Committee.

Article 135

The Prime Minister is heard in Parliament and its Committee whenever he or the ministers request to speak, and they may seek the help of any senior official they need. But there will not be a counted vote for the minister when opinions are taken except if he has membership.

Article 136

It is not permissible for the President of the Republic to dissolve the Parliament except when necessary and after a referendum of the people, and the President of

¹⁶² Elmeligi. The literal meaning of this phrase “تضع تحت تصرفها” is to “put under its conduct or supervision,” but in this official, political context it means to “give it a free hand in.”

¹⁶³ Elmeligi.

¹⁶⁴ Elmeligi.

the Republic can issue a decision to stop the sessions of Parliament meetings and hold a referendum within 30 days, and if the solution is decided with a majority approval from the number of given votes, the President of the Republic announces the decision.

It is necessary to include in the decision the calling of voters to execute new elections for the Parliament in a period of no more than sixty days from the date the results of the referendum were announced.

The new Parliament meets within twenty days following the completion of elections.

Chapter Three: Executive Powers

Section One - The President of the Republic

Article 137

The President of the Republic assumes the executive power, and he practices it in the manner clarified in the constitution.

Article 138

The President of the Republic writes, in a meeting shared with the Cabinet of Ministers, on the general politics of the state, and they oversee its execution in the manner clarified in the constitution.

Article 139

The President of the Republic can have one or more Vice President, and he decides their specialties, and he relieves them of their positions.

The President of the Republic applies the organizing rules for accountability on his Vice Presidents.

Article 140

The Vice President of the Republic swears, in front of the President of the Republic, the following phrase before he assumes the tasks of his position: “I swear by the Great Allah to honestly protect the organization of the Republic and to respect the constitution and the laws and to entirely protect the good will of the people and to protect the independence of the nation and the peace of its territory.”

Article 141

The President of the Republic appoints the Prime Minister and his deputies and the ministers and their deputies, and he relieves them of their positions.

Article 142

The President of the Republic can call the Parliament to meet and attend their meeting, and he assumes leadership of the meetings he attends, and he also has the right to request a report from the ministers.

Article 143

The President of the Republic appoints civilian and military and political representatives as employees and he fires them in the manner specified by the law, and this is also how political representatives of a foreign state are governed.

Article 144

The President of the Republic announces necessary regulations for the execution of law, and this does not include amending or obstructing them or exempting their execution, and he is authorized to change them in their publication. And it is permissible for the law to determine who issues the necessary decisions for its execution.

Article 145

The President of the Republic publishes precise regulations.

Article 146

The President of the Republic publishes necessary decisions for establishing and organizing public facilities and services.

Article 147

If this happens amidst a meeting session of the Parliament, or in a period of its dissolution, it is necessary to quickly take measures that cannot be postponed, and it is permissible for the President of the Republic to issue his decisions with the power of law.

It is necessary to present these decisions to the Parliament within a duration of fifteen days from the date of its publication if the Parliament is in session,¹⁶⁵ and in its first meeting if it is dissolved. If these decisions are still not presented, this would mean they have lost their legality, and Parliament has the power of law to change the need¹⁶⁶ to issue decisions on this. Concerning its presentation to the Parliament and it still not being approved, this would have retroactive¹⁶⁷ effect that would also cancel their legal power, except if its execution is dependent on the opinion of the Parliament in the previous time or settling arranging its effect in another manner.

Article 148

The President of the Republic declares situations of emergency in the manner clarified by law.

It is necessary for him to present this declaration to the Parliament within the following fifteen days so that it can decide what its opinion is in these affairs. In the first meeting there is an announcement of the emergency situation for a determined time, and it is not permissible to extend this time¹⁶⁸ except with the approval of Parliament.

¹⁶⁵ Elmeligi.

¹⁶⁶ Elmeligi.

¹⁶⁷ Elmeligi.

Article 149

The President of the Republic has the right to pardon or reduce punishments, and there will be no comprehensive pardons except by law.

Article 150

The President of the Republic is the highest leader for armed forces, and it is he who declares war after the approval of Parliament.

Article 151

The President of the Republic signs treaties and presents them to the Parliament accompanied by¹⁶⁹ suitable justifications, and they have the power of law when they are upheld and signed and are published according to this situation. Treaties of truce, and alliances and trade and navy and all treaties that entail changes or amendment of territory of the state or that deal with the right of sovereignty or that result in a cost to treasury of the state that is not mentioned in the budget, all of these need approval by the Parliament.

Article 152

The President of the Republic can call a referendum of the people on important issues that are related to the general interests of the state.

Section Two - The Government

Article 153

The government is an executive body and is the highest administration for the state. And the government consists of the Prime Minister and his deputies and the ministers and their deputies. The leader of the Cabinet of Ministers supervises the work of the government.

Article 154

It is required of whoever is appointed minister or deputy to a minister that they be Egyptian, and an adult of the age of at least 35 years, and that they are enjoying complete civil and political rights.

Article 155

The members of the Ministry perform the following oath in front of the President of the Republic immediately before they assume the duties of their employment: "I swear by the Great Allah to honestly protect the organization of the republic and to respect the constitution and the laws and to completely protect the interests of the people, and to protect the independence of the nation and the peace of its lands."

¹⁶⁹ Elmeligi.

Article 156

The Cabinet of Ministers practices the following in the manner particular to its specialties:

- a. Shares with the President of the Republic in the task of implementing the general politics of the state, and supervising its execution according to the law and the decisions of the Republic.
- b. Guides and coordinates and follows-up on the work of the ministries and the views affiliated with it and the public structures and institutions.
- c. It issues administrative and executive decisions according to the law and it controls the execution of the decisions.
- d. Prepares draft laws and decisions.
- e. Prepares the general draft budget of the state.
- f. Prepares the public plan for the state.
- g. Contracts loans and grants them according to the rules of the constitution.
- h. Observer of the execution of laws and governor of the security of the state and the protector of the rights of citizens and public services.

Article 157

The minister is the highest administrative leader of his ministry, and he assumes the political plans of the ministry within the general political limits of the state, and he implements its execution.

Article 158

It is not permissible for a minister to assume during the term of their position a free profession or work in trade or finance or industry or to buy or rent things from the money of the state or to rent out or sell things from its money or to exchange it.

Article 159

The President and the House of Representatives have the right to submit a minister to public trial based on crime in his performance of the work of his employment or because of it. The decision of the House of Representatives about the accusation of the minister is based on the suggestions presented from at least five of the members, and they do not issue the decision on the accusation unless it is with the two-thirds majority of the members of Parliament.

Article 160

Accused ministers stop working until the Parliament decides on this matter. It is not permissible for the accused to change the end of his service without setting up a case for it or the continuation of one. The trial of the minister and the proceedings of the trial and its guarantees and the punishment are all in the manner clarified with law.

And these rules apply to the deputies of ministers.

Section Three - Local Administration

Article 161

The Arab Republic of Egypt is divided into administrative units that are considered under law as people, consisting of provinces and cities and villages, and it is permissible to establish other administrative units that are considered people under law if public service necessitates it.

Article 162

The local provinces form the path of direct elections gradually at the level of administrative units, so that at least half of the members of the local provinces are from working or farming, and the law transfers power to the units gradually. Choosing the leaders and representatives of the local provinces is done through the path of elections among the members.

Article 163

The law clarifies the path of forming the local provinces, its financial specialties and resources, the guarantees of its members, its relationship with the Parliament and the government, and its role in preparing and executing the development plan and in supervising different activities.¹⁷⁰

Section Four - The Specialized National Councils

Article 164

The Specialized Councils arise on the national level joining in the general political plan of the state in all areas of national action, and these Councils will be subsidiary to the President of the Republic, and a decision from the President of the Republic determines all of its forms and specializations.

Chapter Four: Judicial Powers

Article 165

Judicial powers are independent, and the courts of assume different types and levels, and it announces its verdicts according to law.

¹⁷⁰ Elmeligi.

Article 166

The independent judiciary does not have powers in their adjudications to change the law, and it is not permissible for any power to interfere in its jurisprudence or in affairs of justice.

Article 167

The law determines the judicial bodies and their specialties and it organizes the path of their formation, and clarifies the conditions and procedures of appointing its members and transferring them.¹⁷¹

Article 168

The judiciary does not oppose what is just. The law organizes their disciplinary issues.

Article 169

Its trials are held publically, except if the court decides to make them secret in observance of public order or morals. And in all situations the announcement of verdicts will be in public meetings.

Article 170

The people contribute to the maintenance of justice in the manner and within the limits clarified in law.

Article 171

The law organizes the arrangement of the National Security Court, and clarifies its specialties and the conditions that must be available in those that assume the judiciary.

Article 172

The State Council is an independent form of judiciary, and it specializes in making a decision about administrative disputes and in disciplinary lawsuits, and the law determines its other specialties.

Article 173

The Parliament supports the affairs of the judicial bodies under the leadership of the President of the Republic, and the law clarifies the path of its formation and its specialties and the rules of progressing in its work. And its opinion on the draft law that organizes the affairs of the judicial bodies is taken.

Chapter Five: The Supreme Constitutional Court

Article 174

The form of the Supreme Constitutional Court is judicial, independent, and stand-alone in the Arab Republic of Egypt, and its seat is the city of Cairo.

¹⁷¹ Elmeligi.

Article 175

The Supreme Constitutional Court and no other assumes the judicial supervision of the constitutionality of the laws and regulations, and assumes the explanation of legislative provisions, and all of this is in the manner clarified by law. And the law determines the other specialties of the court and organizes its actions.

Article 176

The law organizes the manner by which the Supreme Constitutional Court forms, and clarifies the conditions of the duties that are available to its members, and their rights and immunities.

Article 177

Members of the Supreme Constitutional Court do not obstruct justice, and the court assumes the accountability of its members in the manner clarified by law.

Article 178

The verdicts issued by the Supreme Constitutional Court in constitutional lawsuits, and the issued decisions regarding the interpretation of legislative texts are published in the official newspaper, and the law determines the consequences of any verdict that a legislative text is unconstitutional.

Chapter Six: The Socialist Public Prosecutor¹⁷²

Article 179

The Socialist Public Prosecutor is responsible for taking actions that solidify the insurance of the rights of the people and peace of society and the political system,¹⁷³ and preservation of the socialist gains and the commitment to socialist behavior, and the law decides their other specialties and they are submitted to supervision by the Parliament, and all of this is in the manner clarified in law.

Chapter Seven: Armed Forces and the National Defense Ministry

Article 180

The state alone is the one who establishes the armed forces, and these forces are owned by the people, its missions are protecting the state and peace of its lands and its security, and suitable protection of the socialist struggle of the people, and it is not permitted for any body or group to establish any military or semi-military forms.

And the law clarifies the conditions of service and promotion in the armed forces.

¹⁷² Elmeligi. People in Egypt are afraid of this figure because he investigates issues of financial corruption, especially for large public figures. This role was changed to another name under President Mubarak as a symbolic gesture of ridding the Egyptian government of socialism (Ibrahim).

¹⁷³ Elmeligi.

Article 181

Organization of the public draft is according to the law.

Article 182

The Parliament establishes what is called the “Department of National Defense” and the President of the Republic assumes its leadership, and it specializes in the organization of affairs specific to means of securing the state and its peace, and the law clarifies its other specialties.

Article 183

The law organizes the military judiciary, and its specializations are clarified, within the limits of the law, in the constitution.

Chapter Eight: The Police

Article 184

The police are a body with civil organization, and its highest leader is the President of the Republic.

The primary duty of the police is service of the people, and solidifying peace and security for citizens, and ensuring the conservation of the organization and security and decency of the public, and it assumes the implementation of what the law imposes on it and the regulations of its duties, and all of this is in the manner clarified by law.

Part Six - General and Transitional Rules

Article 185

The city of Cairo is the capital of the Arab Republic of Egypt.

Article 186

The law clarifies the Egyptian flag and the special rules for it. This is also how the logo of the state and the special rules for it are clarified.

Article 187

The rule of law is applied, except for retroactively on things that happened before the law was implemented. In cases that are not criminal, it is permitted to state otherwise in the law, with the approval of the majority of the members of the Parliament.

Article 188

The laws are published in the official newspaper within two weeks from the day they were declared and they are put into effect after a month from the day after it was published, unless another set time was decided for it.

Article 189

The President of the Republic and anyone from the Parliament can request one or more amendments to the articles of the constitution, and the article that is requested to be amended and the reason for the cause of its amendment must be contained in the request for the amendment.

If the request was submitted to the Parliament, it needs to be signed by at least one-third of the members of Parliament.

In all situations the Parliament first debates on the amendment and then issues its decision on the affairs with the majority of its members. If the request was refused it is not permissible to submit a request for the amendment of the same articles until one year has passed after the refusal.

If the Parliament approves the principle of amendment, and the amendment is debated after two months from the date of this approval, the articles are subjected to amendment, and if one third of the number of members of the Parliament approves of this amendment, it will announce this to the people to poll them on these affairs. And if the amendment is approved, it is considered implemented from the date that the referendum results were announced.

Article 190

The term of the current President of the Republic ends after six years from the date his election as President of the United Arab Republic of Egypt was announced.

Article 191

All what was decided about laws and regulations from the rules before the publication of this constitution remain correct and implemented and it is permissible to cancel or amend them according to the rules and actions of the decisions in this constitution.

Article 192

The Supreme Court practices its specializations in the manner clarified by the law issued for its establishment, and this is until the Supreme Constitutional Court is formed.

Article 192 b.¹⁷⁴

Replaces the word “election” with “referendum” where it is reported in the constitution with regard to choosing the President of the Republic.

Article 193

The people work with this constitution from the date it is declared approved in referendum.

¹⁷⁴ Elmeligi. This is an amendment under Mubarak. This is likely just to show that this change was already made to the constitution.

Part Seven - New Rules

Chapter One: The Shura¹⁷⁵ Council ¹⁷⁶

Article 194

The Shura Council specializes in studying and recommending what it sees as the sponsor of preservation of the principles of the revolutions of July 23rd, 1952, March 15th, 1971, and supports the unity of the nation, and the peace of society, and protection of the united forces of the working people and socialist gains, and the foundational elements of society and its highest values and rights and freedoms and public duties, and reinforces the socialist democratic organization and expands its reach.

Article 195

The opinion of the Shura Council is taken in what follows:

- Recommendations particular to amending one or more of the articles in the constitution.
- Draft laws that complete the constitution.
- The draft of a general plan for social and economic development.
- Treaties for peace and alliance and all the treaties that arrange for the amendment of the territory of the state or that are related to the rights of sovereignty.
- Draft laws that are referred to the President of the Republic.
- What the President of the Republic refers to the Parliament from subjects related to the general politics of the state or its politics in Arab or foreign affairs.

And the Shura Council informs the President of the Republic and the Parliament of its opinion on these affairs.

Article 196

The Shura Council is formed from a number of members that the law decides, and this number will be at least 132 members.

Two thirds of its members are elected through direct secret referendum of the public and at least half of them are from working or farming.

And the President of the Republic appoints the remaining one-third of them.

¹⁷⁵ Shura means “advisory.” It’s not translated into English despite the fact that there is an equivalent word in the language. This is another translation oddity, particularly because “shura” is not a proper noun and should not need to be maintained in the original Arabic. This might be another case like the word “sharia” that does have a translation in English, but begins to have a different meaning due to the evolution of language over time or due to improper translations. Wessam and I speculated that someday there might be a Shura Advisory Council, as there is today Sharia law or “law law.”

¹⁷⁶ Elmeligi. In explaining the Shura Council, Professor Elmeligi commented that people who were appointed to the Shura Council are appointed as a sort of lifetime achievement award, not by merit.

Article 197

The law decides the electoral circles particular to the Shura Council and the number of members in each of the circles, and the conditions of the duty available to those of them who are elected or appointed.

Article 198

The membership term for the Shura Council is six years, and the elections and selection of half of the elected and appointed members is renewed every three years according to the law.

It is always permissible to reelect or reappoint those whose term of membership has expired.

Article 199

The Shura Council elects its leader and deputies for a term of three years in the first meeting of their regular annual meeting session, and if one of their spots is vacant the Shura Council elects someone to replace whoever vacated that position until the end of their term.

Article 200

It is not permissible for someone to have membership in both the Shura Council and the Parliament.

Article 201

The Prime Minister and his deputy and the ministers and other government members are not accountable in front of the Shura Council.

Article 202

The President of the Republic can make a statement on the general politics of the state or any other speeches in a combined meeting of the Parliament and the Shura Council led by the leader of Parliament.

It is permissible for the President of the Republic to present his opinion in speeches before the Shura Council.

Article 203

It is permissible for the Prime Minister and the ministers and other members of government to deliver a speech in front of the Shura Council or one of its committees about a subject that falls within its specializations.

The Prime Minister and his deputy and the ministers and other government members are heard if they request to speak in the Shura Council and its committee, and they can request to see senior employees, and it is not permissible for a minister or someone else from the members of government to have their vote counted when opinions are asked for, except for someone who is a member.

Article 204

It is not permissible for the President of the Republic to dissolve the Shura Council except when necessary, and the decision to dissolve the Shura Council needs to include a call for the voters to conduct new elections for the Shura Council within a period of no more than sixty days from the date the decision of dissolution was issued.

And the Shura Council meets within the following ten days to conduct elections.

Article 205

The following verdicts that were presented in the constitution also apply to the affairs of the Shura Council, those from articles: 89, 90, 91, 101, 102, 104, 93, 94, 95, 96, 97, 98, 99, 100, 105, 106, 107, 129, 130, 134, provided that this does not contradict with the rules in this section of the constitution, for the Shura Council and its leader to undertake the specializations decided in the mentioned articles.

Chapter Two: The Power of the Press

Article 206

Press is an independent power of the people that undertakes its mission in the manner clarified by the constitution and the laws.

Article 207

The Press undertakes its mission with freedom and in independence in service to society with different means of expression, expression of bearing public opinion and contribution to its formation and orientation, in the framework of foundational elements of the state, and preserving the freedoms and rights and duties of the public, and respecting the sanctity of the private lives of citizens, and all of this is according to the constitution and the laws.

Article 208

Freedom of press is guaranteed and censorship of the press is forbidden and threatening it or stopping it or cancelling it by way of executive power is forbidden, and all of this is according to the constitution and the laws.

Article 209

Freedom of publishing press and its ownership by natural and legal persons as well as political parties is according to the law.

And the press is subject to, in its ownership of property and investments and finances, inspection by the people in the manner clarified with the constitution and the laws.

Article 210

Reporters have the right to procure the news and information according to the conditions that the law determines.

And there is no power over them and their work other than the law.

Article 211

The affairs of the press are run by a higher council, and the law determines its form and specializations and relationships with state authorities.

The Parliament practices its specializations in supporting the freedom and independence of press and attains the preservation of the foundational elements of society, and guarantees the peace of the unified nation and societal peace and this is related to what is clarified in the laws and constitution.

Findings in Summary

Some of the most important differences between this constitution and its predecessor are the removal of some socialist programs, the increase in executive rights, the focus on economic development and capitalism, and the increase in religious jargon. These differences opened Egypt back up to foreign trade, increased executive power, and paved the way for an increase in Islamist group power in Egyptian society and politics, which eventually led to an Islamist government under the rule of Morsi.

In terms of increasing executive power, Article 76 is perhaps the best example of this change to Sadat's and Nasser's constitutions via an amendment under Mubarak. As noted in the footnotes, this amendment made it virtually impossible for anyone but Mubarak or himself to secure the Presidential nomination. There were also some surprising instances where electoral Parliamentary procedures were eliminated, which seems counter-intuitive for a country progressing closer toward democracy. These cases can be seen through careful comparison of this constitution to its predecessors. This is the case for Article 84, in which the step of referendum is taken out from the original article in

the 1956 Constitution and in Article 94 where the option of appointment is added to the electoral system.

The increase in religious jargon seen throughout this constitution also gave more power to Islamist groups like the Muslim Brotherhood. This difference is stark compared to the Nasser-era constitution, which was notoriously oppressive to Islamist groups. It can be seen in Articles 2 and 11, which reference “Islamic sharia” as the guiding social principles. The influence this language may have had on Egyptian society and politics has been analyzed in the corresponding footnotes to those Articles.

Still translation lent to the comprehension of original meaning of the article and of the language itself. Interesting linguistic findings include the meaning of the term “shura” and the surprising fact that despite there being an exact translation for the term, and the term “Shura Council” not being a proper noun, translators often leave the word “shura” in Arabic in instead of changing it to the word “advisory” in English. In discussion with Professor Elmeligi we determined that this may be another case where the actual meaning of the word is lost, as in the case of the word “sharia” when used as “Sharia law” to explain Islamic sharia. Another instance of this linguistic insight is found in Article 131, in which the literal meaning of one phrase is to “put under its conduct,” but in this official, political context it means to “give it a free hand in,” or “to facilitate.” What is implied by the literal translation is a relationship of power, in which the administrative bodies would aid the Parliament in its research.

Conclusion

Overall, the translation process was challenging and necessitated much time and consultation with my advisor, Professor Wessam Elmeligi, followed by a bit of research to support or verify our findings. I learned much about Arabic, its evolution, and the sociopolitical context of this constitution simply by translating the text directly from Arabic into English. It seems like many other languages Arabic has evolved over time, particularly since the time this Constitution was written, and like many pieces of art or writing, the context in which it was written influenced its content. Research and discussions which attempted to place the Constitution back into this context were helpful for achieving accurate translations. My translation process has thus given me much insight into the Arabic language and the history of the modern Egyptian republic. It has also better informed me about the importance of historicizing documents for enhanced comprehension, particularly across languages and cultures.

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