

Al-Qaeda's grievances in context: reconciling sharia and society

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Abstract

At a time when political debate in the West is preoccupied with the perceived impact of extremist ideas on individuals who embrace or support terrorism, this article uses the publicly articulated grievances of Ayman al-Zawahiri, Al-Qaeda's most prolific ideologue, as a case study to examine how a globally focused and distributed extremist narrative matches political realities on the ground. The approach of the article is to compare two political processes: the approach of Islamist extremists, as represented by Zawahiri, to constitutional reform as articulated through public appeals to potential supporters versus the reality of constitutional amendments and evolution of fundamental law in the Middle East and South Asia. Incorporating insights from studies on law and society and international relations, the article demonstrates how Zawahiri's interpretation of religious law emphasises wholesale adoption of *sharia* whilst the process of legal reform has invariably resulted in the creation of legal hybrids, mixing Islamic and non-Islamic legal traditions. This is not an article about theology or religious law but an effort to dissect the public relations of an international terrorist movement. The analysis pays particular attention to events in Zawahiri's native Egypt, where evolving grievances concerning a series of constitutional amendments—including those following the Arab revolutions and the toppling of Mohammed Morsi—are assessed.

Key words

Islamist extremism, constitutions, legal hybrids, *sharia*, Al-Qaeda, terrorism, Ayman al-Zawahiri, public relations, political rhetoric and reality, Egypt, ISIL, jihadism

Introduction

Major cataclysms of contemporary jihadism, such as the 9/11 attacks or the Islamic State of Iraq and the Levant (ISIL or Islamic State, IS) takeover of parts of Iraq and

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3 Syria in 2014, often provoke debates about the ‘essence’ of the jihadi mindset. What
4 are they fighting for? What are they trying to achieve? Some argue ‘they’—the array
5 of Islamist extremist militants captured by the catchall term ‘Salafi-jihadists’—hate
6 the very essence of their adversary, whilst others point to tangible grievances such as
7 Western hegemony and foreign policy. In reality, these two principal sources of
8 grievance are intertwined: depictions of suffering and hardship are mixed with notions
9 of illegitimacy of the current order and the need to replace it. One manifestation of
10 this grievance narrative—and a major preoccupation of jihadi movements—is the
11 focus on replacing colonial and positive law with religious law. This legal emphasis
12 combines diagnosis and prognosis in the rhetoric of jihadi movements¹ and is
13 epitomised by transnational groupings such as ISIL that claim to have established and
14 implemented (their interpretation of) Islamic governance in the territories they
15 control.

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18 Yet this major preoccupation of Salafi-jihadi groups often focuses on
19 territories and regions where legislators and society have been grappling with the role
20 of Islam and *sharia* for generations.

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23 This article, in turn, compares two political processes: the ‘Salafi-jihadi’
24 approach to constitutional reform as articulated through public appeals to potential
25 supporters versus the reality of constitutional amendments and evolution of
26 fundamental law on the ground. My focus is on communiqués delivered by Ayman al-
27 Zawahiri, Usama bin Ladin’s successor as leader of Al-Qaeda.

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30 I wish to compare Zawahiri’s public rhetoric against political realities
31 whereby attempts to introduce *sharia* for multifaceted societies invariably result in the
32 construction of legal hybrids. The focus of the article is on Zawahiri’s native Egypt,
33 where the Al-Qaeda leader first became involved in politics in the late 1960s and in
34 militancy in the 1980s.² The objective is to highlight constitutional reform—and
35 constitutional hybrids especially—as particular grievance that is central to Zawahiri’s
36 public messages but something that is often overlooked in analyses of this discourse.
37 The focus is less on Zawahiri himself, therefore, but rather on his rhetorical output
38 which can be seen as indicative of how a globally focused terrorist leader seeks to
39 frame political events and reconcile these with existent master narratives.³

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3 I want to explore this content broadly, rather than focusing on the detailed
4 evolution of particular narrative themes. In doing so, I incorporate insights from
5 constitutional, socio-legal and political-historical studies as well as analyses of Al-
6 Qaeda and other jihadi movements. I begin by examining constitutional and socio-
7 legal issues as part of Al-Qaeda's public narrative, introducing the concept of
8 fundamental law in Al-Qaeda's and Zawahiri's discourse, setting out the context of
9 this narrative: the evolution of legal-hybrids and role of *sharia*-based claims in Al-
10 Qaeda's war of words with ISIL. I then trace the evolution of legal hybrids in Egypt
11 and explain the substance of Zawahiri's *sharia*-focused retort. I conclude by
12 discussing the significance of contrasting the substance of these public relations
13 initiatives against the evolving political landscape on the ground. Before setting out
14 this argument, however, it is important to clarify the meaning of key concepts and
15 terms as they are presented in this article.
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33 ***What is sharia?***

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35 *Sharia* has been described as 'God's eternal and immutable will for humanity', which
36 is binding for believers. This will is expressed directly through the Quran and by
37 Muhammad's example (*Sunnah*), captured in accounts of the prophet's conversations
38 (*hadith*) and actions. Yet only a small proportion of Quranic verses specifically
39 address questions of law (even though some are extensive).⁴ In the centuries after the
40 formation of the first Islamic societies, therefore, professional scholar-jurists were
41 entrusted to interpret *sharia* through a process of logical reasoning in order to arrive
42 at jurisprudential edicts.⁵
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49 The term *sharia*, therefore is often used to refer to 'the entirety of legal
50 disciplines as developed from within the Islamic tradition', as Mallat notes,⁶ including
51 decrees arrived at through human reasoning that would be seen as immutably fallible.⁷
52 Since Sunni Islam lacks a clerical hierarchy, however, such human interpretations and
53 applications of scripture can be readily refuted and challenged. For instance, Ayman
54 al-Zawahiri, a surgeon by training, acknowledged in an online statement published in
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3 September 2015, 'I love knowledge but I am by no means a scholar or an academic'.⁸
4 Yet, as I explore below, he has frequently set out his own vision for implementing
5 *sharia* through constitutional reform without elucidating in any detail how he defines
6 the term or how he will extrapolate from scripture to judge and design contemporary
7 society. *Sharia*, as this article unwraps, exists for Zawahiri as a rhetorical tool which
8 is deployed as a sacred constant that is used to expose the illegitimacy of 'the other'
9 and the inherent righteousness of his own political position.
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18 *Al-Qaeda, the 'Salafi-jihadi' universe and beyond*

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20 Public statements from the Al-Qaeda leaders have focused primarily on constitutional
21 developments in Saudi Arabia, Pakistan and Egypt—countries where significant
22 measures have been put in place to respect and adhere to Islamic legal norms. The
23 outcome of constitutional debates in these countries, moreover, invariably results in
24 some form of compromise in the form of legal hybrids. Such hybrids undermine the
25 very notion of religious purity upon which Salafi-jihadi movements are based and
26 thus become part of their grievances as regards legal and constitutional matters in
27 Muslim-majority countries.
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34 'Salafi-jihadi' entities, of course, do not constitute a homogenous monolith.
35 They are a scattered, diverse and heterogeneous set of actors, united, as Wagemakers
36 noted, in their belief 'that jihad should not just be waged against invading or
37 aggressive non-Muslim enemies but should also be used in a revolutionary way
38 against the 'apostate' rulers in their own midst'.⁹ 'Salafi-jihadism', therefore, is a
39 holistic reference that, as Hegghammer argued, tells us virtually nothing about who is
40 considered the main enemy and how he should be fought: 'the actors subsumed in this
41 category do not share political preferences.'¹⁰ The 'Salafi-jihadi' umbrella term
42 disguises many conflicting approaches to theology, implementation of scripture,
43 conceptualisations of enmity, methodology and strategic prioritisation as I shall revisit
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53 Before the emergence of ISIL, Al-Qaeda reigned as the most prominent global
54 jihadist entity and its agenda has been most prolifically posited by its second
55 commander-in-chief, Ayman al-Zawahiri. Zawahiri spent decades battling what he
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3 perceived as secular authoritarianism in his native Egypt before merging his flock
4 with that of Usama bin Ladin to create 'Qaedat Al-Jihad' ('the base of jihad'). Whilst
5 his agenda became more international, however, Zawahiri never lost sight of his
6 native Egypt and the process—in particular—of constitutional reform. Yet these
7 ambitions clashed with the political realities on the ground in Egypt where Zawahiri's
8 voice has been just one of many articulating a preference for constitutional reform
9 that reconciles the role of *sharia*.

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Zawahiri thus competes with other actors within his milieu, such as ISIL, as well as other alternative voices, vying for the attention of the same population. The political context—often underexplored in studies of 'terrorist media'—is therefore central to and intertwined with my argument. Zawahiri's rhetoric, and that of others like him, is ultimately supposed to relate to people's daily lives and the realities they face in the communities in which they live. Developing two analytical threads that explore both the rhetoric and the reality on the ground is thus essential to understand this message in the political context for which it is designed.

The thrust of Zawahiri's focus since the dawn of the Arab uprisings in late 2010 was on the turmoil in Egypt—from revolution to government by the Muslim Brotherhood and back to secular(ish) authoritarianism—to which he has sought to respond via public media initiatives. This article presents Zawahiri as a political actor who has—albeit remotely—been involved in these debates and who has a stake in their outcome. This study is also relevant in the context of the emergence of ISIL that has challenged Zawahiri's version of Islamist-inspired militancy and transition in the region.

Why is this perspective important? As well as defeating terrorist organisations, political attention in the West has increasingly turned to challenging the ideas that are seen to underpin them. Debates about 'poisonous ideologies'¹¹ and how to counter them have become prominent on the international political stage. The latter task, moreover, seems harder than the former: organisations can be undermined by targeting leaders or striking at headquarters and infrastructure. But 'killing' an idea is much more difficult. An understanding of how these beliefs and ideas are constructed, therefore, and in particular how they relate to the political realities that they are

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3 supposed to shape becomes increasingly important for both the practitioner and
4 student of international relations.
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7 It is important to note, of course, that Zawahiri's contribution to these beliefs
8 and ideas is not scholarly sophisticated, nor is it intended to be. Zawahiri's is a simple
9 and often repetitive narrative that is supposed to appeal to the masses, rather than
10 scholars or intellectual elites, who are usually seen as part of the problem. This
11 narrative forms part of the Al-Qaeda leader's public relations campaign and is often
12 presented in media initiatives that incorporate styles adopted by the mainstream press,
13 such as interviews and written opinion pieces.
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19 It is also important to note that the 'true' meaning of *sharia* and thus the
20 essence of what constitutes a legitimate society differs according to perception and
21 interpretation. No static meaning is universally adopted. *Sharia* in practice, as noted,
22 is a system of law based on analogy and adaptation, not a defined body of edicts. As a
23 result, allegations of improper or unrepresentative references to or applications of
24 *sharia* flavour political debates and the rhetoric of extremist fringe actors. These
25 actors seek to outbid rivals through claiming a greater degree of accuracy in their
26 interpretation of scripture and thus a clearer sense of 'purity' in its application,
27 analogous to the society over which the first four Caliphs of Islam presided, free of
28 subsequent man-made modifications. Zawahiri, for example, compared the Egyptian
29 Islamist An-Nour Party's approach to *sharia* to that of the Saudi royal family: Islamic
30 law was respected on the surface whilst the real ambition was to secure political
31 power by currying favours from America and entrench a system of patronage and
32 corruption.¹² ISIL, meanwhile, has—as I shall discuss in more detail below—
33 presented Zawahiri's approach to *sharia* as inherently misguided, to which the former
34 has retorted with his own allegations of ISIL's *sharia* infringement.
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49 **Constitutional and socio-legal issues as part of the Al-Qaeda public narrative**

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52 Between April 1994 and August 1995, Usama bin Ladin, then leader of Al-Qaeda,
53 published fourteen open letters to the political leadership of Saudi Arabia, addressing
54 the way in which politics and society had evolved under King Fahd. The central issue
55 for bin Ladin was the extent to which he felt the Saudi regime had paid lip service to
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3 the implementation of religious law and juristic protocols in favour of Western-style
4 'laws of positivism', which, he claimed, were in 'opposition to the will of Allah.'¹³
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7 It may seem strange that bin Ladin became so preoccupied with what he saw
8 as insufficient attention to *sharia* implementation in a country that has otherwise
9 become known as relying extensively on direct references to *sharia* (albeit in
10 uncodified form), especially as regards criminal law. For bin Ladin, however, the
11 principal sin of the Saudi regime was that *sharia* and the spirit of *sharia* was
12 implemented selectively. Reliance on religious law was thus not absolute, according
13 to bin Ladin, and much of the impact of *sharia* law on Saudi society was superficial,
14 he argued.¹⁴
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21 Notions of religious purity and prevention of any form of 'dilution' of the faith
22 in the way society is organised and legislated are presented as stark binaries in Al-
23 Qaeda's rhetoric. Dichotomies pitching virtue against vice, true believers against
24 disbelievers and hypocrites, or the true creed against westernised rationalism and
25 materialism are central to Salafi-jihadi rhetoric.¹⁵ This 'pure' ideal-type, meanwhile,
26 is contrasted against efforts to introduce *sharia* through legal reform in Muslim-
27 majority countries where the outcome has always been some form of legal hybrid.
28 This outcome, in turn, feeds back into the Salafi-jihadi grievance narrative in an
29 apparently perpetual grievance loop that is articulated to audiences and used to
30 rationalise and promote violence.
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41 ***Constitutional hybridity and 'dilution' of sharia***

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43 For years, state legislators in many Muslim-majority countries have sought to
44 reconcile different positions regarding Islamic law by establishing what Fadel calls
45 'systems of legal hybridity'.¹⁶ Since independence in Egypt, for instance, legislators
46 mixed pre-modern Islamic law with remnants of European colonial state law and
47 positive law that sought to reconcile Islamic legal sensibilities with the modernist
48 state project.¹⁷ With the demise of pan-Arabism in the 1970s, many looked to Islam
49 for solutions to the many problems affecting the region. This Islamic revivalism,
50 according to Lombardi, 'profoundly affected constitutions in the Muslim world.'¹⁸
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3 This relates in particular to the introduction of what have been termed ‘Sharia
4 Guarantee Clauses’ (SGCs) or ‘repugnancy clauses’¹⁹. Lombardi writes:
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7 SGCs try to realize through the lens of modern constitutionalism the classical Islamic
8 political principle that a ruler’s laws should respect the fundamental principles of
9 sharia. The SGC provides that, even if a law has been enacted according to
10 constitutionally correct procedures, that law must be treated as void if it is
11 inconsistent with sharia.²⁰
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16 The exact meaning and impact of these SGCs, however, depends on their
17 interpretation and fundamentals of institutional design. Here, compromise between
18 diffuse political interests and dispositions—including Islamists and secularists—
19 becomes key. As Stilt observes:
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23 Once a constitution is promulgated, ‘new sets of interests and expectations form
24 around the clauses and they enter a new phase, both attached to their historical
25 development and available to take on—and be assigned—meanings by new
26 individual and institutional actors within that country and beyond.’²¹
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30 Some have pointed to the so-called ‘Turkish model’ as a potential template for
31 compromise that can be adopted. This model of modern Turkey and the government
32 of the Justice and Development Party (AK) has emerged, Choudhry argues, as ‘the
33 central example of a state that has grappled with the relationship between political
34 Islam, political competition, and constitutionalism in the Muslim world.’²² This spirit
35 of compromise between Islamic and non-Islamic legal codes has a long tradition in
36 Anatolia, where Ottoman expansion and consolidation of power was made easier by
37 the Empire’s willingness to tolerate different religious creeds and socio-legal norms.²³
38 Yet such hybrids and compromises continue to constitute a major grievance for Al-
39 Qaeda and other Salafi-jihadis and herein lies a central contradiction in their rhetoric.
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47 The Al-Qaeda leadership has always been keen to celebrate the reach of
48 Ottoman territorial expansion but ignores its legacy of compromise and reconciliation.
49 The focus is on the re-establishment of the societal organisation apparently introduced
50 by the Prophet Mohammed, his companions and their immediate successors as
51 gauged primarily from *hadith* and biographies of the Prophet, but on a geographical
52 scale that encompasses ‘every land that was once home for Islam’, seen from a
53 contemporary perspective. This of course includes the Ottoman Empire at the height
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3 of its power and Muslim Al-Andalus.²⁴ This central feature of the discourse,
4 therefore, is a myth, an ideological construct upon which the fundamental idea of
5 Muslim 'reconquest' is based.²⁵
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9 The current 'Turkish model', in short, is seen as part of the problem. The AK
10 government and Turkish army were 'tools of the Crusade,' Zawahiri noted in one of
11 his statements, and the country had become secular, despite the AK's Islamist
12 credentials.²⁶ As is often observed, the major problem is the introduction of Western-
13 style liberal democracy—presented as a form of idol worship—intertwined with
14 concepts of the modern nation state and colonial-era drafting of state boundaries.
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19 This position has been embraced by other Islamists and impacted debates
20 surrounding constitutional design. For example, during the formative years of
21 Pakistan, the Jamaat-e-Islami organisation and its founder Mawlana Abul Ala
22 Mawdudi objected to the incorporation of Western-style democratic principles into
23 the constitution of the new Pakistani state. Pakistan had to become an Islamic state,
24 Mawdudi insisted, and avoid legalising polytheism through adoption of pluralist
25 legislative assemblies. Legislation, according to Mawdudi, ought to rest solely on the
26 Quran and *Sunnah*, which would be interpreted and applied by an elected head of
27 state who would be assisted by an advisory (*shura*) council.
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35 Mawdudi's objections inspired other Islamist thinkers, in particular the
36 Egyptian Sayyid Qutb whose life and works later inspired contemporary jihadists,
37 including Zawahiri. Battle lines were drawn between those whose vision of Pakistan
38 was for a homeland for India's Muslims that would protect them against Hindu
39 domination *and* advocates of an Islamic state government by *sharia*.²⁷ Muhammad Al
40 Jinnah, Pakistan's founding father, was strongly opposed to any notions of what he
41 termed a 'theocratic state ruled by priests with a divine mission.'²⁸ Mawdudi,
42 meanwhile, retorted: 'if a secular and Godless instead of Islamic Constitution was to
43 be introduced and if the British Criminal Procedure Code had to be enforced instead
44 of the Islamic *Sharia* what was the sense in all this struggle for a separate Muslim
45 Homeland?'²⁹ These tensions have never been resolved in Pakistani society where
46 repeated attempts at constitutional reform—from the Objectives Resolution of March
47 1949 onwards—have resulted in awkward compromises between religious and 'man-
48 made' legal codes where, ultimately, legal pluralism prevails.³⁰
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Zawahiri has spoken and written extensively about fundamental law in the country that became the Al-Qaeda leadership's adopted home after the collapse of Taliban rule in Afghanistan. In 2008, for instance, he published a four-part essay dedicated to the topic where he sought to dismiss notions that 'the Constitution of Pakistan has been erected upon a sound Islamic foundation.' Zawahiri offered an attractively simple argument: the root cause of the various problems that Pakistan was facing and the issues that many Pakistanis had complained about, such as subservience to the US and entrenched corruption, were due to the fact that Islamic principles were ignored and, for all practical purposes, absent from the Constitution. Notably, the thrust of Zawahiri's critique revolved around dissecting SGCs in the Pakistani Constitution and references to the role of Islam, focusing on the Preamble and Articles 2, 2A, 31, 38, 203 (A-J) pertaining to the Federal Shariat Court (FSC) and Part IX (Islamic Provisions). All these clauses, according to Zawahiri, were 'incapable of bringing about the establishment of the Sharī'ah, both in theory and in practice'.³¹ The Constitution, he complained, legalised *fasiq*, disobedience to the *sharia*, which in itself constituted an act of infidelity, *kufr*. For example, the President, who could be a woman according to the Constitution (Article 41), was given authority to pardon any crime (Article 45), regardless of severity and mandatory *sharia* punishment that might apply, whilst politicians could not themselves be charged with breaching *sharia* (Articles 48, 66, 248).³² The implication of Zawahiri's thesis of course was that the Pakistani state was illegitimate and could thus be justly targeted in acts of violence since its architects of fundamental law 'had received training within the English culture and were in awe of their civilization.'³³

Yet more attempts at societal construction in the Muslim world have presented new and unexpected ideological challenges to Zawahiri's preferred interpretation of doctrine.

Sharia references and a jihadi war of words

The emergence of ISIL—which in contrast to Zawahiri began to implement its interpretation of scripture on the ground after consolidating territory—has forced the latter to formulate a public relations response, which defines Al-Qaeda's model of jihad as more sustainable and legitimate. The ensuing war of words between ISIL and

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3 Zawahiri, which centres on accusations and counteraccusations of *sharia*
4 infringement, helps us to position the latter in this regard within a broader milieu of
5 jihadi actors with a stake in politics and society in the Middle East and beyond.
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9 Zawahiri has charged ISIL of breaking the code of fealty not only to the Al-
10 Qaeda leadership but ultimately to the Afghan 'Islamic Emirate' led by the Taliban.
11 Zawahiri accuses ISIL of being excessive in its violence and unjust in its sectarian
12 targeting, as well as undermining the greater struggle against America and its allies.
13 ISIL's violence is presented as being counterproductive and extra-legal, particularly
14 as regards Muslim victims of violence, and the result of arrogant leadership that risks
15 fomenting turmoil in the region.³⁴
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21 ISIL representatives, in turn, have retorted by challenging Zawahiri's
22 leadership, focusing in particular on his apparent dereliction of *sharia*. ISIL has made
23 explicit references to *sharia* in its public relations output to justify its violence against
24 Sinjar Yazidis and enslavement of those who survived and highlighted examples of
25 *huduud*—sharia punishment—in cities it has controlled for 'offences' such as sodomy
26 and consumption of pornography.³⁵
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32 With respect to Zawahiri and Al-Qaeda, ISIL spokespersons have presented
33 the former's apparently 'relaxed' approach towards sectarianism, and the Shia laity
34 especially, as a form of *sharia* violation that undermines the sanctity of the followers
35 of the true creed. The fifth and sixth editions of ISIL's English language *Dabiq*
36 magazine for example referred to Zawahiri's 2008 media initiative called the 'Open
37 Meeting' where the Al-Qaeda leader responded to questions issued via online forums.
38 Here, Zawahiri used the opportunity to clarify his stance towards Shia who were, he
39 argued, 'excused due to their ignorance' and could thus not be condemned en masse.
40 Their 'guilt', he argued, would depend on particular *action* such as collaborating with
41 American occupiers.³⁶ This stance, argues ISIL, amounts to *sharia* violation since
42 *takfir*—excommunication—is limited to particular individuals and behaviours, not the
43 *essence* of apostasy, which is the position that ISIL representatives embrace.³⁷
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53 In another issue of *Dabiq*, an ISIL loyalist recounted experiences from his
54 time with Al-Qaeda in Waziristan where he claims non-Islamic 'tribal laws' prevailed
55 over *sharia*, accusing the 'pacifist' Zawahiri of neglecting to carry out appropriate
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3 *sharia* punishment in the interest of retaining tribal alliances.³⁸ Zawahiri, ISIL alleges,
4 has thus ‘abandoned the pure heritage’ left by Usama bin Ladin.³⁹
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7 Zawahiri, in turn, has sought to undermine ISIL with his own references to
8 *sharia*, presented in similarly static terms, in his public relations efforts. He accused
9 Abu Bakr al-Baghdadi, the leader of ISIL who declared himself Caliph in June 2014,
10 of contravening the example set by the prophet as described in *hadith*—an extremely
11 serious accusation—especially the principles of consultation and proportionality and
12 of rejecting arbitration of ‘independent’ *sharia* courts, proposed to resolve tensions
13 between rival jihadist groups in Syria. ‘Whoever was testified against by the
14 established religious scholars that he escapes from being called to be arbitrated with
15 Shariah’, Zawahiri warned, ‘is not on the method of Prophet-hood; he is not even
16 suitable for an allegiance to be pledged to him.’⁴⁰
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24 If, for simplicity’s sake, contemporary Salafi-jihadi praxis is divided into
25 political-military pragmatism and ideological puritanism⁴¹, the rise of ISIL and its
26 spat with the Al-Qaeda leadership clearly places Zawahiri, in practical terms, in the
27 former camp in terms of the *methods* to achieve desired results. Whilst he has been
28 condemned by former jihadis in Egypt for his excesses, Zawahiri comes across as a
29 ‘middle-of-the-road’ jihadi next to, for example, ISIL and its followers.
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35 Yet whilst he has shown—and been condemned for—flexibility as regards
36 sectarian issues and aspects of doctrine, Zawahiri has dedicated his career to
37 articulating a particular position in terms of societal construction based on the
38 implementation of his vision of *sharia* and constitutional reform. This component of
39 Zawahiri’s rhetoric is often overlooked or reduced to commonly observed depictions
40 of democracy as an idolatrous, false and alien system. Yet, as the examples from
41 Pakistan above serve to illustrate, Zawahiri has sought to participate in debates about
42 constitutional reform and social-legal issues in great detail which demonstrates the
43 essence of his grievance that goes far beyond a simple protest against foreign
44 interference. Zawahiri’s preoccupation with constitutions and the laws that govern
45 society, meanwhile, unveils a core weakness of his argument: whenever *sharia*
46 implementation has been tabled as a form of constitutional reform the inevitable
47 conclusion has been legal hybridity, a form of compromise which, in turn, becomes
48 central to Zawahiri’s problem diagnosis. Furthermore, and given the number of actors
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3 involved—including Islamists of all stripes—this outcome cannot be blamed on a
4 single set of forces such as ‘America’ or ‘colonialism’ that constitute such prominent
5 sound bites in Zawahiri’s rhetoric. Nowhere is this dilemma more acute than in
6 Zawahiri’s native Egypt.
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10 11 12 13 **The evolution of legal hybrids in Egypt** 14 15 16 17

18 In spring 1947, Hassan al-Banna, the founder and first General Guide of the Egyptian
19 Muslim Brotherhood published an open letter to the Egyptian and Arab political
20 elites. In his letter titled ‘Toward the Light’, al-Banna expressed his desire to ‘guide
21 the nation’ towards ‘the way of Islam and its principles, its rules, its culture and its
22 civilization’ rather than ‘the way of the West and the outward aspects of its life, its
23 organization and its methods.’ For al-Banna the suffering and devastation brought by
24 the Second World War illustrated the failure of the West, its political systems,
25 leaders, conferences and ‘strange ideologies.’ Islam, in turn, provided hope. Al-Banna
26 wrote: ‘there is no regime in this world which can supply the forthcoming nation with
27 what it requires in the way of institutions, principles, objectives, and judgments to the
28 same extent as Islam can’. Al-Banna emphasised amending Egyptian law ‘such that it
29 conforms to all branches of Islamic legislation.’ In terms of administrative matters, al-
30 Banna suggested that graduates from the ancient mosque-seminary Al-Azhar in Cairo
31 would be elevated to senior positions in the military and state bureaucracy. Societal
32 reform would also reflect the envisaged shift to legislation based on the Quran and
33 *Sunnah* exclusively. Alcohol, gambling, dancing and prostitution would thus be
34 prohibited, schools would be segregated according to gender and the state would
35 enforce a strict form of censorship, limiting access to films and music to productions
36 that would be deemed palatable according to Islamic norms and values.⁴²
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50 Al-Banna’s vision, of course, was never realised. Rather, subsequent attempts
51 to draft and re-draft fundamental law in Egypt would refer to some elements that were
52 contained within al-Banna’s roadmap as part of a compromise ‘hybrid’ that was far
53 removed from the General Guide’s desire for a unified, cohesive and ‘pure’ ‘Islamic
54 nation.’⁴³ Although Zawahiri and other ultra-conservative Salafi-jihadis condemned
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3 the Brotherhood for its apparent leniency and willingness to embrace democracy, they
4 too emphasised the need for a unified state governed by Islamic principles solely
5 rather than 'hybrids' that incorporated different legal traditions that thus diluted
6 applied religious doctrine. This hybrid, however, has persisted in Egypt and
7 epitomised the different forces, identities and objectives that need to be reconciled.
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12 A year after al-Banna published his letter, the first major attempt to re-
13 Islamise aspects of the post-independence Egyptian legal system saw the Napoleonic
14 Code replaced with a Civil Code drafted by Abd El-Razzak al-Sanhuri. Al-Sanhuri
15 was an advocate of adapting *sharia* to the needs of the modern state and this was
16 reflected in his Code.⁴⁴ In this sense, as Fadel notes, 'Pre-Modern Islamic Law would
17 have to be transformed into a body of rules consistent with the standards of
18 contemporary legal science.' Sanhuri's Civil Code, therefore, would 'grant a
19 modernised Pre-Modern Islamic Law a central place in Egypt's legal system.'⁴⁵ In
20 seeking to reconcile Islamic law with the modern state, however, al-Sanhuri would,
21 again, arrive at a hybridity that would fail to satisfy Islamist purists. As Fadel argues:
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29 Al-Sanhūrī's proposal to create Islamic State Law, even if it was substantively
30 Islamic, appeared to reinforce the notion that the law was an artefact of sovereign will
31 rather than the product of the religious and discursive practices that constituted Pre-
32 Modern Islamic Law, and to that extent it could still be impeached as not being truly
33 "Islamic." Indeed, one might say in criticism of al-Sanhūrī's vision of an Islamic
34 State Law that there is an inherent tension between the positivist legal culture of the
35 emergent civil law system in Egypt (and by extension, to other Arab states), and the
36 decentralized and pluralistic discursive tradition that was constitutive of Pre-Modern
37 Islamic Law.⁴⁶
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44 This tension has arguably persisted within Egypt and spurred on the militant Islamist
45 fringe. Whilst the Free Officers' coup in 1952 popularised anti-Western sentiments,
46 consensus relating to role of Islam in law and society remained elusive. Gamal Abdel
47 Nasser's notions of nationalism and pan-Arabism in particular were condemned by
48 Islamists and have consistently been derided by Al-Qaeda and other militant Islamist
49 groups. In 1964, two years before he was executed by the Nasser regime, Sayyid
50 Qutb, published an essay titled *Ma'alim fi al-Tariq* (Milestones on the Way). Here he
51 famously proclaimed that Egypt was again in a state of *jahiliyyah*, a form of religious
52 ignorance that prevailed before the revelation of the Quran. This approach and
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3 terminology has remained prominent in the discourse of Islamist militants ever since.
4 Qutb complained that the ‘whole environment, people’s beliefs and ideas, habits and
5 art, rules and laws is Jahiliyyah.’⁴⁷ It was necessary, Qutb argued, to ‘revive that
6 Muslim community which is buried under the debris of the man-made traditions of
7 several generations, and which is crushed under the weight of those false laws and
8 customs which are not even remotely related to the Islamic teachings, and which, in
9 spite of all this, calls itself the “world of Islam.”⁴⁸ Law and society in Egypt had to be
10 based entirely on the concept of *tawheed*, that there was only one god and authority,
11 from which all institutions and legal structures ought to be derived. *Sharia* was
12 universal law, the edict that governed all aspects of human life. Like other Islamists
13 ideologues, Qutb presented his argument as a strict dichotomy:
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22 Islam knows only two kinds of societies, the Islamic and the jahili. The Islamic
23 society is that which follows Islam in belief and ways of worship, in law and
24 organization, in morals and manners. The jahili society is that which does not follow
25 Islam and in which neither the Islamic belief and concepts, nor Islamic values or
26 standards, Islamic laws and regulations, or Islamic morals and manners are cared
27 for.⁴⁹
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32 As with al-Banna, the reality of Egypt’s muddled legal hybrids was, of course, far
33 removed from Qutb’s ideal type.
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36 This was particularly evident in Nasser’s secular, authoritarian and nationalist
37 Egypt. By the 1970’s, however, the Egyptian government under Anwar Sadat found
38 itself in a crisis of legitimacy.⁵⁰ The regime had failed to attract investment and faced
39 a stagnant economy and a growing Islamist resurgence.⁵¹ In order to shore up support
40 from the liberal opposition and increase confidence in the economy, the Sadat regime
41 resolved to draft a new constitution. The most important decision was to establish a
42 new Supreme Constitutional Court (SCC) as an independent entity to oversee
43 constitutional review.⁵² In an effort to placate conservative Islamists in Egypt, this
44 constitution was later amended to reference *sharia* as the chief source of legislation.⁵³
45 Article 2 thus stipulated: ‘Islam is the Religion of the State. Arabic is its official
46 language, and the principal source of legislation is Islamic Jurisprudence (Sharia).’⁵⁴
47 As Lombardi notes, although Article 2 ‘was not without its ambiguities, most
48 understood it to be an SGC.’⁵⁵ Tasked with interpreting this clause, the SCC dealt
49 with several significant Islamist challenges to Egyptian law, which were sometimes
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3 rejected and sometimes upheld. The Court, Lombardi argues, ‘used a method that was
4 heavily indebted to liberal modernism, but that also made some gestures towards
5 more conservative methods of interpretation.’⁵⁶ The very interpretation of Article 2,
6 therefore, appeared to conform to the spirit of the Constitution itself that incorporated
7 conservative Islamic and modern liberal sources of identity.
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12 Hassan al-Banna wrote in his aforementioned letter from 1947, ‘The most
13 dangerous period in the life of a nation, and the most deserving of critical study, is the
14 period of transition from one situation to another. It is then that plans for the new
15 period are laid and its guiding principles and policies are drawn up, according to
16 which, the nation will be formed and to which it will adhere.’ Although describing the
17 process of decolonisation in Egypt, his words seem equally apt for the turmoil of the
18 2011 revolution and its aftermath.
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25 After winning the elections, the Muslim Brotherhood government quickly
26 became embroiled in bitter disputes with other factions of society and, especially, the
27 judiciary over fundamentals of the post-authoritarian Egyptian state. Despite
28 opposition, Mohammed Morsi and his government pressed on with the drafting of a
29 new constitution, which was eventually approved in December 2012. The process,
30 however, had been hugely controversial, particularly as regards the role of *sharia* in
31 the Egyptian legal system.⁵⁷ While Article 2 was retained, new additions were
32 designed to strengthen the position of Islamic law in Egyptian society. Article 4
33 elevated the role of Al-Azhar and called for its Committee of Senior Scholars to be
34 consulted on matters concerning Islamic law. A new clause, Article 219 was added in
35 order to codify a particular Islamist interpretation of Article 2. This Article decreed
36 that ‘[t]he “principles of Islamic law” include its universal textual proofs, its rules of
37 theoretical and practical jurisprudence, and its material sources as understood by the
38 legal schools constituting Sunni Islam.’⁵⁸ Article 219 was in essence the culmination
39 of protracted wrangling over the wording of Article 2 and was intended to define ‘the
40 principles of sharia principles.’⁵⁹
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52 Article 219 thus offered further (if ambiguous) assurances relating to the
53 Islamic foundations of Egypt’s constitution. The combination of Articles 4 and 219,
54 moreover, caused some to be concerned that Sunni legal doctrine was being
55 incorporated wholesale into the system of positive laws with further interpretive
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3 powers granted to the Al-Azhar.⁶⁰ The impact of these amendments as they stood in
4 the 2012 Constitution, of course, was never realised since the process was interrupted
5 by the July 2013 coup. Nevertheless, even with the added emphasis on *sharia* and
6 Sunni legal tradition in the 2012 Constitution, the hybrid nature of the Egyptian legal
7 system was retained. As Fadel argues:
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12 Whatever else one might say about the 2012 Constitution, it accurately reflects
13 the hybrid nature of Egypt's political and legal regime over the last 150 years:
14 continuity with Islamic legal and religious traditions, while at the same time
15 embracing as national goals modernization in the fields of the organization of
16 the state, economic development, and a qualified acceptance of the post-World
17 War II regime of international human rights law.⁶¹
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23 Even when Islamists finally did reach positions of political power in Egypt, therefore,
24 the outcome of resulting reforms and constitutional amendments retained the spirit of
25 legal hybridity, even if the balance shifted towards Islamic legal norms. It is the
26 nature of awkward compromises, of course, that many groups are left frustrated and
27 disillusioned. Some facets of the Islamist community and the Brotherhood wanted
28 stronger references to *sharia* and a break from the tradition of SCC's novel, and often
29 liberal, legal interpretations. Some Salafis clashed with other Islamists over juristic
30 interpretations and the weight of traditional legal norms and scripture. A small faction
31 within this Salafi milieu, moreover, has resorted to acts of violence that are justified
32 with reference to the apparent need to 'recreate' the socio-legal realities that prevailed
33 during first three generations of Muslims. These elements, which had always warned
34 against the apparent fallacy of democracy, were reinvigorated in Abdel Fattah el-
35 Sisi's Egypt in light of efforts to ban Islamist political groupings. Among the many
36 voices vying for attention during these tumultuous events, moreover, Zawahiri has
37 sought to speak to his supporters and potential sympathisers by offering a detailed
38 dissection of constitutional issues in Egypt as part of his public relations initiative.
39 These references form a prominent and distinct part of his public engagements that
40 yet have largely been overlooked in the analytical literature.
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56 **Zawahiri and constitutional reform in Egypt**

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Despite embracing transnational jihad via Al-Qaeda, Zawahiri has always remained preoccupied with his native Egypt and occasionally issued lengthy statements and publications complaining about developments in Egypt, including the state of socio-legal and constitutional matters. There was something fundamentally wrong, Zawahiri argued, with a constitution that gave legislative power to a People's Assembly⁶²—the foundations of positive law—rather than implementing God's law via a religiously sanctioned process of consultation (*shura*). 'Either we govern according to God's revelation,' Zawahiri argued, 'making our actions agree with our words ("there is no God but Allah"), or we govern in spite of God's revelation, which means associating other gods with God, because sovereignty is God's alone.'⁶³

Constitutional issues have thus been at the heart of Zawahiri's 'grievance' narrative and a core component of his activist stance. In 1999, for instance, Zawahiri published an article on a Mohammed al-Maqdisi's 'Minbar al-Tawhid wa'l-Jihad' website titled 'Muslim Egypt between the Whips of the Torturers and the Administration of Traitors.' Here, Zawahiri identified four main categories where he felt the Egyptian regime had committed 'crimes' against Islam. The first concerned constitutional matters. A constitution that prevented uptake of the *sharia* and representing Western—primarily British—legal norms had not only been established, but also become deeply embedded in the Egyptian system. The other problem areas that Zawahiri identified: foreign affairs, domestic issues and educational matters, all stemmed from the fact that secularists ruled Egypt.⁶⁴ As with bin Ladin's Saudi-focused 'open letters' referred to above, therefore, the fundamental problem was an inherently illegitimate man-made legal structure, which—in turn—spread corruption and weakness in other spheres of society.

During the 'Arab Spring' revolutions, Zawahiri released a statement where these sentiments were reiterated. He argued: 'The Egyptian Government, as stated in its principle documents, is a nationalistic, secular, democratic government,' ruling by '*hukum al-jahiliyyah*', judgments based on religious ignorance. He presented stark alternatives between the old order that was being toppled with the revolution and his vision of what ought to take its place. First, the old Egyptian government had been secular, whereas an Islamic government would abide by the heavenly creed. Second,

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3 although authoritarian in practice, the old regime had claimed to be democratic and
4 adopted a democratic constitution, which respected the wishes of the masses
5 regardless of the Islamic moral code. An Islamic government, in turn, would rely on
6 *shura*, consultation, which would refer to the *sharia* whilst keeping the rulers
7 accountable. Third, despite written references to popular participation, the Egyptian
8 government had in reality been a suppressive and brutal regime that rigged elections
9 and suppressed opposition. An Islamic government, according to Zawahiri, would, via
10 *shura*, rely on spreading justice and confronting oppression, enjoining good and
11 forbidding evil. Fourth, the old regime had relied on nationalistic sentiments and
12 sources of identity and old colonial conceptions of state boundaries and practices,
13 whereas the envisaged Islamic government would be based on principles of Muslim
14 equality and unity under the auspices of a Caliphate.⁶⁵

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24 The statement, and others like it, was not intended as a detailed roadmap.
25 Zawahiri, as noted, is a physician, not an Islamic scholar, and the references to the
26 desired way forward have always been vague in Al-Qaeda's rhetoric. They serve the
27 purpose of inspiring and legitimising violent activism, rather than providing details of
28 suggested alternatives. This justificatory narrative, however, has frequently focused
29 on problems of existing societies and sought to refute measures that might undermine
30 Al-Qaeda's vision. In this regard, Islamist alternatives that are still far removed from
31 Al-Qaeda's extremist rhetoric pose particular challenges as they appeal to some of the
32 same support base (i.e. mobilised Islamists) and offer more realistic and less radical
33 and selective interpretations of religious doctrine.

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41 In this sense, undermining the credibility of those who might offer alternative
42 interpretations of religious doctrine is particularly important. In the case of Egypt, the
43 role of Al-Azhar was especially prominent. As early as 1995, bin Ladin cautioned
44 against some the *shaykhs* of Al-Azhar. They had agreed to shore up the legitimacy of
45 the Nasser regime, despite its rejection of Islamic principles in favour of nationalism
46 and socialism, he argued.⁶⁶

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52 Much later, during the height of the Arab Spring revolutions, Zawahiri issued
53 several statements warning against 'elements' of Al-Azhar, even as the Muslim
54 Brotherhood was exploring ways in which to elevate the position of the mosque-
55 seminary in the new Constitution. Al-Azhar had turned into a 'government agency'
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3 under the Mubarak regime, Zawahiri argued, and thus suffered from a legitimacy
4 deficit. Its ability to operate freely had been undermined by the fact that Al-Azhar's
5 senior leadership depended on the government's seal of approval. This was
6 particularly the case, Zawahiri argued, with Muhammad Sayyid Tantawy, who served
7 as Grand Imam of Al-Azhar from 1996 to 2010.⁶⁷ Al-Azhar, according to Zawahiri,
8 had to be able to select its own leadership regardless of outside influence⁶⁸ if it was to
9 avoid turning into 'trumpets of the government.'⁶⁹ Even within the confines of Al-
10 Azhar itself, however, Zawahiri warned that the institution had a 'bright side' and a
11 'dark side'. The former, according to the Al-Qaeda leader, represented the 'lions of
12 Al-Azhar,' jihadis such as Abdullah Azzam—bin Ladin's mentor and one of the
13 leaders of the Arab jihadis fighting Soviet forces in Afghanistan—and Omar Abdur
14 Rehman—leader of the Egyptian terrorist group Al-Gama'a al-Islamiyya.⁷⁰ The 'dark
15 side', in turn, consisted of the lackeys; scholars and religious figures who were
16 prepared to support 'secular' governments. Examples included Tantawy and several
17 senior Afghan religious figures who opposed the Taliban.⁷¹

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29 What about existing guarantees to safeguard and implement Islamic legal
30 codes in Egypt? Zawahiri, in particular, has always been dismissive of the apparent
31 utility of SGCs in the Egyptian constitution and the feasibility of introducing *sharia*
32 under existing law. Article 2, Zawahiri complained, offered only vague assurances of
33 respecting the 'principles' of *sharia*, without excluding man-made laws.⁷² As a result,
34 any references to Islamic law were cosmetic, he argued, and designed to placate
35 opponents of Western legal traditions. Indeed, other clauses besides Article 2,
36 rendered these references void. For example, references to the role of the President of
37 the Republic (such as Article 134) prohibited non-Egyptian Muslims from being
38 elected president but did not stipulate that the candidate must be 'a Muslim, male or
39 legitimately capable, and this is clear and absolute contradiction with the Islamic
40 *sharia*,' Zawahiri insisted. Christians, Jews and even atheists could thus rise to
41 become Head of State in Egypt or be appointed to the judiciary, whilst Sudanese,
42 Libyan or Palestinian Muslims could not even participate in the elections, since they
43 lived outside the borders drafted by the secret 1916 Sykes-Picot agreement between
44 the French and British. This fundamental error had been retained in the 2012 version
45 of the text, according to the Al-Qaeda leader. The Egyptian Constitution, according to
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3 Zawahiri, thus represented a clear violation of *sharia* as well as the entrenchment of a
4 colonial legacy.⁷³
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7 In a mock ‘interview’ with Al-Qaeda’s media arm As-Sahab published in
8 April 2014, Zawahiri spoke in great detail about the constitutional issues that he felt
9 continued to plague Egypt. Here he elaborated his objections concerning Article 2.
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12 The Article, Zawahiri argued, contained two major contradictions that
13 rendered the clause useless and, by extension, efforts to introduce or adhere to *sharia*
14 in Egypt void. First, it prevented actual application of (Zawahiri’s interpretation of)
15 *sharia* because it spoke only of *sharia* principles, not the wholesale enacting of *sharia*
16 and would thus allow for decisions to be legal even though they contravened Islamic
17 law. The defunct Article 219—of which Nour Party founder Yasser Brhami had been
18 so proud—changed nothing, Zawahiri argued. Second, Article 2 only referred to
19 *sharia* as the *main* source for legislation, but—as Zawahiri noted—‘being the main
20 source for legislation [...] means that it permits for the existence of sources other than
21 the main ones’.⁷⁴
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30 Furthermore, Zawahiri protested that the SCC had ‘made rulings which clash
31 violently and clearly with Islam’—including a ruling from 1993 which argued that
32 Article 2 did not apply retrospectively, thus greatly undermining the apparent
33 adherence to *sharia* principles since laws that preceded it would still be enforceable
34 even though they contravened Islamic law. The SCC, moreover, took its legitimacy
35 from the wishes of the majority, not *sharia*, and could therefore technically repeal
36 Article 2 completely and put the decision to a referendum, elevating ‘people power’
37 over God’s law and sovereignty. Article 2 and its references to *sharia*, therefore did
38 not ‘govern’ society but could in turn be controlled.
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46 Numerous articles of the 2014 Constitution also contradicted it and *sharia*,
47 according to Zawahiri. Article 11, for example, stipulated men and women should be
48 equal, Article 93 obliged the state to respect treaties and conventions on human rights
49 and Articles 65 and 67 guaranteed freedom of thought and opinion without restriction,
50 irrespective of whether these were in violation of *sharia*, as Zawahiri saw it.
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3 Article 2, therefore, was fundamentally flawed in Zawahiri's view since it
4 failed to protect against *sharia* violations elsewhere in the Constitution and in
5 Egyptian society.
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9 Amid the turmoil of the Arab Spring and its aftermath, and following the 2013
10 coup, Zawahiri issued several statements suggesting fundamental changes to the
11 Egyptian Constitution that would remedy the flaws that he had identified. Article 2
12 had to be amended, he insisted, to ensure that all legislation stemmed from *sharia*
13 law.⁷⁵ In fact, the first act of amending the Constitution ought to be replacing the text
14 of Article 2 with the clause: 'Islamic *sharia* is the sole source of legislation, and all
15 the articles of the constitution and the law which opposed it are null and void.'⁷⁶ All
16 caveats and ambiguities would thus be removed. Similar efforts had to be put in place
17 to restructure the judiciary in order to respect and implement religious law.
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25 With the military coup of July 2013 and subsequent efforts of the Abdel Fattah
26 el-Sisi's government to subdue the Muslim Brotherhood, Egypt has entered a new
27 political period. As part of this process, a new Constitution replaced the Brotherhood-
28 sponsored 2012 version after a referendum in January 2014. In the new version,
29 Article 219 was removed, as were provisions regarding the consultative role of Al-
30 Azhar and religious political parties were banned. The 2014 Constitution, moreover,
31 made gender equality more explicit, as noted. Although none of the Islamist
32 provisions of the 2012 Constitution would have satisfied the extremist militant fringe,
33 therefore, the new Egyptian Constitution has reinforced Salafi-jihadi notions of the
34 futility of compromise and conventional political participation.⁷⁷
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42 Within this discourse, and for Zawahiri in particular, the focus and substance
43 of the criticism has been on 'hybrid' legal systems that combine Islamic and non-
44 Islamic sources and on references to 'partial' recognition of Islamic law that is
45 'diluted' both on paper through the drafting of written constitutions with references to
46 SGCs and in practice through the actions and decisions of the executive and judiciary.
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52 53 54 **Conclusions**

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3 Many Muslim-majority societies have grappled with the introduction of Islamic
4 norms in their fundamental laws. For many, divergent identities and the need for
5 compromise produce legal hybrids that mix references to Islamic law with positive
6 law and remnants of colonial law. For Zawahiri and other Salafi jihadists such hybrids
7 represent a fundamental sin. Religious doctrine, which cannot by definition be divided
8 or diluted, is implemented selectively or sometimes only rhetorically. This is not only
9 a major grievance for Zawahiri but also one that combines animosity towards tangible
10 victimisation, such as the legacy of colonialism, with more normative and value-based
11 assumptions of how society ought to be organised. Whilst the 'extremist ideas'
12 espoused by terrorist leaders may be repetitive and simplistic, therefore, they can also
13 be more multifaceted than an initial cursory glance at such discourse might suggest.
14 Zawahiri is by no means unique in weaving multiple threads together into a grievance
15 narrative that spans different layers of social, normative and political perspectives.
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25 For Zawahiri, dilution of *sharia* is seen as a direct causal factor for other more
26 immediately tangible grievances, such as the practice of usury, unhindered freedom of
27 expression, nationalism, secularism, pluralism and subservience to the West. This is a
28 holistic narrative intended for global audiences. At the same time, however, the
29 preoccupation with constitutional reform makes it much harder to attach blame in a
30 consistent or clear manner, given the number of different actors involved in these
31 processes. Indeed, the preoccupation with constitutional reform, as set out in
32 Zawahiri's discourse, highlights the tension between his rhetoric and the reality on the
33 ground. But this tension can only be understood and documented when the substance
34 of these public relations initiatives are compared and contrasted against the evolving
35 political landscape in Egypt, Pakistan and other regions that formed the thrust of
36 Zawahiri's argument.
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46 Part of Zawahiri's narrative, therefore, can best be described as a form of
47 radical Islamist populism where constitutional and socio-legal grievances form a
48 perpetual loop. Simple and impracticable answers are offered to complex socio-legal
49 challenges that can only be realistically and lastingly resolved via a process of
50 compromise. The results of such compromises, in turn, are fed into the grievance
51 narrative again in order to justify and promote platforms that rationalise violence
52 against societies that are presented as being inherently illegitimate. Compromise and
53 negotiation, therefore, is not only seen as a weakness in its own right but also a source
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3 of grievance, because it dilutes non-negotiable religious precepts, thus corrupting and
4 undermining the fundamental belief system. These grievances, in turn, serve to
5 legitimise yet more confrontation with those who seek compromise.
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9 These grievances over the dilution of religion and its application in practice
10 through compromise with secular regimes form part of the wider Salafi-jihadi milieu.
11 This milieu is diverse, and reflects the heterogeneity of the organisations that form it.
12 But a common theme that transcends organisational or ideational boundaries is a
13 determination to reach out to and mobilise perceived constituents, to secure their
14 support and sympathy. The challenge, in the construction and delivery of these
15 communicative efforts, is to ensure that the substance of the message conforms to the
16 reality faced by the message's intended audience. It must resonate in order to be
17 effective.⁷⁸ Whilst much of this message, for organisations like ISIL and Al-Qaeda,
18 focuses on the day-to-day suffering or the aspirations of people, another thread
19 inevitably concerns more long-term perspectives on societal organisation and political
20 alternatives to the status quo. It is with these latter concerns, as this article has
21 explored, that cracks emerge in the narrative endeavour of bridging political rhetoric
22 and reality.
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38 **Funding**

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45 **Author biography**

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52 *Evolution of the Leadership's Public Discourse* (Bloomsbury, 2014, 2016).
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