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'War of Theology', The Theological Aspect of the Split between Jabhat al-Nusra and the Islamic State in Iraq in 2013.

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Abstract:

On the morning of the 8th of April 2013, the world woke up to Abu Bakr Al- Baghdadi, the leader of what was called the Islamic State in Iraq or ISI, announcing the expansion of his group from Iraq into Syria. Al-Baghdadi also announced the merger of ISI and Jabhat al-Nusra (JN) into a new group called the Islamic State in Iraq and al-Sham or ISIS. Only one day after the announcement, JN released a recorded speech from its leader Abu Mohammad al-Jolani, in which he denied the merger while accepting the ties between the two groups. To make things complicated, al-Jolani swore a new oath to the head of al-Qaeda Central (AQC), Aymen Al-Zawahiri. Tension escalated between the two groups until the dispute was referred to al-Zawahiri in his capacity as the head of AQC. In June 2013, al-Zawahiri sent a letter to both groups to resolve the dispute in which he ruled against ISI's decision to merge the two groups and thus created a split between ISI and JN. This thesis contends that the split between JN and ISI has led to a theological debate between Salafi-Jihadi *ulamaʾ*, in which they interpreted the same Islamic concepts differently to argue about the validity of al-Baghdadi's decision to merge with JN, al-Jolani's refusal of the merger, and al-Zawahiri's letter itself. On the one hand, this reflects the commonalities between the adherents of this interpretation of Islam, and on the other it shows that Salafi-Jihadism is not and has not been a homogenous entity.

ACKNOWLEDGEMENTS:

'We Choose our Past'

Jan Hjärpe

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Glossary:

Ahl al-hall wa-l-ʿaqd: People of loosening and binding, Religious authority and leaders.

Ansar: The supporters who received the prophet with his companions when they migrated from Mecca to al-Medina in 622.

Bayʿa: In a very broad sense, *al-Bayʿa* means the act by which a certain number of persons, acting individually or collectively, recognize the authority of another person.

Ijtihad: Islamic legal term meaning "independent reasoning," as opposed to taqlid (imitation). One of four sources of Sunni law. Utilized where the Quran and Sunnah (the first two sources) are silent.

Khawarij: Those who left the religion.

Qiyas: 'Deduction by analogy' whereby Quran and Sunna can be brought to bear on novel issues or circumstances. It is a reasoned opinion, based on the similitude of circumstances with basic reference to the Quran and Sunna, and must not run contrary to an established law.

Sahaba: The prophet's companions.

Sharʿi: Is a religious male figure who is responsible for the theological aspect of each Islamic faction. He is in charge of teaching religion, issuing fatwa and encouraging fighters before battles.

Shura: Consultation. Based on Quranic injunction to Muhammad to consult with his followers (3:159) and to Muslims to consult with each other in conducting their affairs (42:38).

ulamaʾ: religious scholars and clerical authorities.

Wajib: Imposed by god.

1. Introduction

Before the start of Summer 2011, various Islamist opposition groups had been formed in Syria, in the capital city, Damascus, and the northern part of the country (Lister 2015:51). Among these group was Jabhat al-Nusra (JN), a Salafi-Jihadi group which was officially established in January 2012 (ibid). Taking advantage of the political instability and security vacuum in Syria as a result of the ongoing protests, Abu Bakr al-Baghdadi, the leader of the Islamic State in Iraq (ISI), sent Abu Muhammed al-Jolani, the former *emir* of Ninawa in ISI territories, together with a group of six prominent figures from ISI to establish its wing in Syria (Abouzeid, 2014). The group secretly entered Syria in August 2011 and traveled between Hasakah, Homes, Northern Damascus and Aleppo to connect with ISI-linked cells that had already been established (ibid). In addition to pre-existing Al-Qaeda funding coming from private financers in the Gulf, JN had been receiving 50 percent of ISI entire budget until they split in April 2013 (Lister, 2015:58).

On the morning of the 8th of April 2013, the world woke up to Abu Bakr Al- Baghdadi, the leader of what was called the Islamic State, announcing the expansion of his group from Iraq into Syria (al-Baghdadi, 2013: A). Al-Baghdadi also announced the merger of ISI and JN, the abolishment of the names of these two groups and the establishment of a new group called the Islamic State in Iraq and al-Sham (ibid). Only one day after the announcement, a JN outlet known as Al-Manarah al-Bayda Foundation, released a recorded speech by Abu Mohammd al-Jolani, the leader of JN, in which he refused the merger without denying the ties between the two groups (al-Jolani, 2013). To make things complicated, al-Jolani swore a new oath to the head of al-Qaeda Central (AQC), Aymen Al-Zawahiri (ibid). Tension escalated between the two groups until the dispute was referred to al-Zawahiri in his capacity as the head of AQC.

In June 2013, al-Zawahiri's supposedly secret letter, which included the verdict, was leaked to the media. The letter said that both groups had made a mistake (al-Zawahiri, 2013): ISI in establishing ISIS, and JN for announcing its ties with AQC, as neither group had consulted him in these issues (ibid). In addition to announcing the abolishment of the newly formed ISIS, the letter declared JN an independent entity from ISI and affiliated with AQC (ibid). Finally, al-Zawahiri's letter stated that each group should operate under its old territories which means ISI operates in Iraq and JN in Syria (ibid). In June 2013, al-Baghdadi issued a recorded speech in

which he refused to obey and insisted that ISIS had already been established and it would remain in Iraq and Syria (al-Baghdadi, 2013:B). [1]

Al-Zawahiri's verdict has created a huge controversy among Salafi-Jihadi groups whose *ulamaʾ* have found themselves facing a critical split between two of the most potent Salafi-Jihadi groups in the Levant. Moreover, this same split has led to a larger rupture between AQC and its affiliated groups such as ISI. The *ulamaʾ* whether affiliated with ISI, JN, or as independent religious scholars unaffiliated with any of the two groups, have contributed to the theological debate surrounding the split between the two groups. This debate has been heavily based on religious references such as Quran, Hadith and narratives from the Islamic history. Each group of *ulamaʾ* has argued in favor of the right of receiving obedience from the other. While ISI's *ulamaʾ* have argued that JN should give obedience to ISI, JN's *ulamaʾ* have contended that obedience should be given to the AQC. A huge body of theological literature has been produced so far discussing this split between the two groups. This research aims to investigate how Salafi-Jihadi's *ulamaʾ* have interpreted the split between JN and ISI from different theological stand points.

Purpose and Research question

As it will be shown in the literature review chapter, the theological aspect of Salafi-Jihadi groups and in particular, the theological debate around split between JN and ISI in April 2013 has been understudied. The purpose of this research is to offer a better understanding of this debate taking place between the *ulamaʾ* of JN and ISI concerning the split between the two groups. In order to do so, I have collected twelve texts written by those *ulamaʾ*.

Based on the purpose of this research, the question of this research is:

Theologically speaking, how have Salafi-Jihadi ulamaʾ interpreted and discussed the split between JN and ISI?

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[1] Al-Baghdadi has given two speeches During 2013. I refer to the first one as (al-Baghdadi A:2013) and to the second as (al-Baghdadi B:2013).

2. Literature Review

This chapter provides an overview of existing literature on Salafism and Salafi-Jihadism. It also introduces other studies about the topic within different academic disciplines. While many scholars and analysts have extensively written about Salafi-Jihadism, Thomas Hegghammer points out that research on the topic has been mainly concerned with operations, structures, political objective, tactics and strategies of radical groups (Hegghammer, 2017:1).[2] Yet, few have discussed in-depth the theological characteristics of this particular interpretation of Islam. Firstly, I present major debates around Salafism and Salafi-Jihadism, their history as well as their ideology. Secondly, I discuss different lenses or perspectives that have been used to study Salafi-Jihadism, and finally I discuss the slender body of literature concerning the split between JN and ISI.

Salafism

Salafism (*Salafiyyah)* is not a new phenomenon and has been thoroughly studied.[3] The term can be traced back to the first three generations of Muslims, *al-salaf al-salih,* the 'righteous predecessors'. This includes the generations of the prophet and his first and second successors (Haykel, 2009:30). The historical roots of the Salafi movement can be found in the ideas of the medieval Sunni scholar Ibn Taimiyyah (ibid, 33), who was an adherent of the *Hanbali* school of Islam. The school is known for its strict application of Islamic jurisprudence and it can be mainly found in Saudi Arabia. Central to Salafism is the notion of reviving the practices of the first three generation of Islam, known as the 'pious predecessors' (Wiktorowicz, 2006*)*. According to Salafis, the importance of the 'pious predecessors' is manifested in some of prophet Muhammad's Hadiths. According to one Hadith, in answering the question of who amongst the people were the best, prophet Muhammed answered by saying:

> 'Of the generation to which I belong, then of the second generation (generation adjacent to my generation), then of the third generation (generation adjacent to the second generation).' (Sahih Muslim, 31:6159)

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[2] Thomas Hegghammer is an academic specialist on violent Islamism. He is also the author and co-author of several books, including Jihadi Culture (Cambridge 2017), Jihad in Saudi Arabia (Cambridge 2010), al-Qaida in its own words (Harvard 2008), and The Meccan Rebellion (Amal 2011)

[3] See for example: Salafi-Jihadism, The history of an Idea for Shiraz Maher (. Global Salafism, Islam's New Religious Movement for Reol Meijer. (Oxford University Press: 2009)

In another Hadith, denoting the valuable position of these generations, the Prophet said:

> ' My Ummah will split into seventy-three sects, all of whom will be in Hell except one
> group.' They said: Who are they, O Messenger of Allah? He said: '(Those who follow)
> that which I and my companions follow' (Jami` at-Tirmidhi, 40:2641)

Thus, most Salafis believe that they represent this sect which is known as 'saved sect' (*firqa al-najiyya*) as it follows the prophet and his companions in order to avoid hell (Wiktorowicz, 2006). The best way to think of Salafism is as a redemptive doctrine established on idealized interpretation of Islam that combines authenticity and purity (Maher, 2016:7). As Roel Meijer put it, Salafism urges Muslims to behave exactly like the prophet and his pious successors as they represent the authentic source of Islam. (Meijer, 2009:4).

It is important to point out that Salafism is not a homogeneous entity. As the influential scholar on Salafism, Quentin Wiktorowicz writes:

> All Salafis share a puritanical approach to the religion intended to eschew religious
> innovation by strictly replicating the model of the Prophet Muhammad. Yet the
> community is broad enough to include such diverse figures as Osama bin Laden and the
> Mufti of Saudi Arabia. (Wiktorowicz 2006:208)

Salafis' shared creed is based on the concept of *tawhid* (the oneness of god) (ibid). However, they have many dissimilarities that enable academics to assort them accordingly. Quintan Wiktorowicz divides Salafis into three main categories: *purists* who stress the importance of non-violent approaches in purifying religion and educating people, *politicos* who believe that politics is a tool of change and being part of it would help achieving God's rule and finally *jihadis*, the focus of this research, who believe that violence is the only way to change the current context we live in (ibid). Muhammad Hafez, who is specialized in Islamist movements, has used this categorization, though changing purist into conservative or apolitical (Hafez, 2007:65). Interestingly, Thommas Hegghammer does have a different opinion where he argues that Salafism is a 'theological, not a political category' which means that it does not say much about the political inclination of its adherents (Hegghammer, 2006:246). In *'Jihadi-Salafis or Revolutionaries? On Religion and Politics in the Study of Militant Islamism'*, Hegghammer argues that Salafi groups, whether self-proclaimed or labeled by others as Salafis, are politically diverse (ibid). The label includes the prominent Salafi-Jihadi ideologue Abu Muhammad al-Maqdisi who strongly opposes the Saudi regime and other Arab leaders, as well as Saudi regime

apologists like the Saudi *ulama ʾ* (ibid). Confirming this divergence and trying to give a reason for it, Wiktorowiciz argues while Salafis share a core religious ideology, disputes between them have arisen as a result of the 'inherently subjective nature of applying religion to new issues and problems' (Wiktorowicz, 2006:208)

Salafi Jihadism or Jihadi Salafism

The term of Salafi-Jihadism or Jihadi-Salafism most likely first appeared in the writings of the influential Jordanian Salafi ideologue Abu-Muhammad al-Maqdisi who brought it to light in the early 1990s, then it was later promoted by his London-based disciple Abu Qatada al-Falastini. (Hegghammer, 2006:252). Hegghammer noted that the term was first used in an academic context in 1998 in two separate studies by Gilles Kepel and Kamil al-Tawil addressing the Islamist militants who fought in the Algerian civil war (ibid). Similar to Salafis, Salafi-Jihadi groups identify themselves with this label and this could be one reason behind the academic use of the term (ibid). Hegghammer found that the term first appeared in an interview with Ayman al-Zawahiri, the current leader of AQC, published in London based jihadi Magazine al-Ansar in 1994 (ibid).

Salafi-Jihadism gives a great significance to the notion of *jihad,* which can be found not only in academic books analyzing it but also in the literature of the current itself (Maher, 2016). Describing what Salafi-Jihadism is, Abu Muhammad al-Maqdisi vaguely explained that it is 'a current which unite the call to monotheism in all its aspects with *jihad* for that purpose at the same time' (ibid). Less content with the term, the Moroccan Salafi preacher Abdulwahab al-Rafiki criticized it claiming that it is a media and security term (Pargeter 2013). Yet al-Rafiki stresssed that he supports any group of Muslims that declares *jihad* and strives to make the word *Allah* higher (ibid). Most Salafi-Jihadi groups believe that the nation-state system is incompatible with Islam and its laws usurp God's right to rule (Maher, 2016). Thus, *Jihad* is their means to change it (ibid). In one of its declarations, al-Qaeda criticized rulers who do not apply *Sharia* laws and called for 'Armed and violent rebellion against them' as an individual duty for every Muslim (Haykel, 2006:53).

In addition to Jihad, Salafi-Jihadism comprises other contested concepts. Muhammad Hafez contends that Salafi-Jihadism is based on five concepts which are *tawhid* or calling for monotheism, *hakimiyya* or applying *Sharia* laws instead of man-made laws, rejecting *bidʾa* or

innovation, *takfir* or excommunication and *jihad* (Hafez, 2007:66-70). With little change to this definition, in his seminal book *Salafi-Jihadism: The History of an Idea,* Shiraz Maher agrees with most of Hafez's definitions. Nonetheless, he substitutes the concept of rejecting of *bid'a* with *al-wala wa-bara* or loyalty and disavowal, claiming that rejecting innovation is also common within other Muslims' traditions (Maher, 2016:13). As for the concept of *al-walawa-bara*, it can be divided into two parts: *Walaa* which means that Muslims' actions, beliefs and words should be based on supporting God, his messenger and the believers (Muslims) while, on the other hand, *Baraa* refers to avoiding and distancing from those who are not Muslims (Bin Ali, 2016:72). Concurring with the latter definition of Salafi-Jihadism, Jarret Brachman accepts those five concepts but after replacing *hakimiyya* with *aqida* or creed (M. Brachman, 2008:41). Regardless of these subtle differences within these categorization, three concepts seem irreducible and acceptable by all publications mentioned above which are: *tawhid*, *Jihad*, and *takfir*.

Different lenses

Various reasons could explain why Salafi-Jihadism has been the focus of scholarship in different disciplines. However, one key reason is the association between Salafi-Jihadism and violence as this interpretation of Islam calls for armed rebellion against citizens as well as states which do not comply with its ideology. Particularly after the horrific attacks of 9/11, large number of studies have been published discussing different aspects of Salafi-Jihadism in an attempt to comprehend the rationale behind its groups' actions (Hegghammer, 2017). Some of these publications have mainly focused on the life of influential figures within Salafi-Jihadism like Abu-Muhammad al-Maqdisi and Abu-Musab al-Suri to understand where these ideas come from and how they have become references for most Salafi-Jihadi groups (Wagemakers, 2012; Lia, 2007). Other academics like Olivier Roy and Gilles Kepel have approached the topic from a different lens questioning the appeal behind Salafi-Jihadism (Roy, 2017; Kepel, 2017). Their research has focused on the motivation behind young Europeans and particularly French Muslims' joining extremist groups such as ISIS. On the other hand, Thommas Hegghammer with other academics published a book focusing on the culture of jihadis. *'Jihadi Culture'* tries to answer the question of what kind of activities jihadis practice when they are not fighting and praying and how these activities help us understand these groups (Hegghammer, 2017). Last but not least, few academics have looked at the theology of Salafi-Jihadism as it represents the religious references for its followers.

The importance of exploring the life, ideas and ideologies of top Salafi-Jihadi ideologues and strategists like al-Maqdisi and al-Suri comes from the influence which their works have on jihadi groups nowadays. In *'A Quietist Jihadi, the Ideology and Influence of Abu Muhammad al-Maqdisi'*, Joas Wagemakers provides an in-depth study of the life, writings and teachings of al-Maqdisi. who was the mentor of Abu-Musab al-Zarqawi, the former leader of AQ in Iraq (Wagemakers, 2012). Interestingly, in an academic article published in 2009, Wagemakers challenged the above-mentioned division of Salafis offered by Wiktrowicz as purists, politics and jihadis. Wagemakers argues that al-Maqdisi is a Salafi-Jihadi ideologue. However, because of al-Maqdisi's arguments, as well as the terminology and concepts he uses, combined with his constant emphasis on the need for purifying religion and educating people, Wagemakers further notes he can be perceived as a purist Jihadi-Salafi, which is a unique categorization for Salafi-Jihadism (Wagemakers, 2009).

Another book was written by Brynjar Lia in the form of a biography of the life of Abu Musab al-Suri, who was a theorist and a strategist for Salafi-jihadi groups such as AQ. *Architect of Global Jihad* offers a deep insight into the intellectual environment and logic of one of the most radical salafi-jihadi groups in the world. The prominence of al-Suri does not only stem from his 'revolutionary' writings and ideas but also from his potential involvement in the Madrid bombing in 2004 as the mastermind behind it (Lia, 2007:1). Through the biography of al-Suri, Lia discusses the developments of many radical Islamist groups such as the Egyptian Islamic Jihad and al-Qaeda. Al-Suri, who presented new strategies to challenge 'the new world order', argued that a jihadi is not required to pledge allegiance to any jihadi organization, he should rather carry out an individual terror attack to avoid the surveillance of international intelligence (Lia, 2007). The significance of this book comes from its contribution to understanding the ideology and motivations of al-Suri as well as other jihadi groups which have been influenced by his ideas.

In an attempt to capture the development of jihadis' rationale during the last decade, Olivier Roy poses the question of why jihadis nowadays are obsessed with death rather than achieving their goal with it. In *'Jihad and Death'* Roy contends that although terrorism and jihadism are not new phenomena, these jihadi groups' intentional quest for death has led to a new kind of radical violence (Roy, 2017:5). Roy argues that what we are facing is not 'radicalization of Islam, but Islamization of radicalism' (ibid). While Roy claims the violence of the jihadist groups is not necessarily motivated by religion itself and not limited to radical Islamist groups, Gilles Kepel in his book *'Terror In France, The Rise of Jihad in The West'*

believes that the violence Europe, and France more particularly, have witnessed recently is the third wave of Jihadism which builds upon the first wave of Afghanistan and other countries between 1980s and 1990s and the second wave which carried out the tragic events of 9/11 (Kepel, 2017:5). Contrary to Kepel's argument that the third wave of Jihadism, as he calls it, has carried out all these terror attacks including Paris ones in 2015, to destroy Europe and establish the 'Caliphate' on its ruins (ibid), Roy argues that 'the caliphate is a fantasy' which lacks political prospects, a bright future or even a geographical space (Roy, 2017:11). Although each author has a distinctive argument, both books present valid points that needs to be taken into consideration while studying Jihadism.

Another interesting and unique angle to study Salafi-Jihadi groups was used by Thomas Hegghammer's last book *Jihadi Culture* where he recognizes the gap in studying the culture of jihadi groups. Rather than focusing on their strategies or politics, Hegghammer with other academics have chosen to create a nuanced portrayal of jihadi's daily activities. Thomas Hegghammer's book 'Jihadi Culture' is divided it into eight chapters written by several academics. Different aspects of jihadi culture have been discussed in the book such as the role of poetry and a cappella in jihadi life, the visual culture, the role of dreams, and non-military practices in jihadi groups' culture. The book does not mention JN or ISI, however it looks at religious practices and Islamic traditions and their impact on Salafi-Jihadi militants. The importance of this book comes from two points, first the gap it fills in the Salafi-Jihadi literature, which is jihadi non-military practices, thus opening up a new area of research, and second that jihadis 'have a rich aesthetics culture that is essential for understanding their mindset and world view' (Hegghammer 2017)

Salafi-Jihadism in Syria

If one could say that the Soviet invasion of Afghanistan catalyzed international jihadis to leave their countries and fight for the sake of the Muslim *Umma* (Maher, 2016:40), the Syrian war has also attracted others to join Islamist militants fighting against Assad's regime (Lister 2015). However, Lister noted that the emergence of the Jihadi movement in Syria happened a couple of years before the conflict, particularly after the United States' invasion of Iraq (Lister, 2015:31). In his book '*The Syrian Jihad, al-Qaeda, The Islamic State and the evolution of an Insurgency*', Lister traces back the roots of the major Islamist insurgencies in Levant, which emerged after the Syrian conflict started. He argues that to counter the US threat, the Syrian government has used and exploited a network of Jihadis inside the country and sent them to Iraq to fight the US troops there (ibid). Moreover, it has facilitated the movement of international jihadis through Syrian soil to Iraq (ibid). While Jihadis movement in Syria had sown its seeds before the conflict, Salafi-Jihadi groups like JN and ISI emerged after the conflict started.

Thomas Pierret noted that the emergence of JN in January 2012 has made jihadism a noticeable component of the Syrian insurgencies (Pierret, 2017:9). JN and ISI were not the only Salafi-jihadi groups involved in the Syrian conflict. Funded by Qatar and Turkey, Ahrar al-Sham has been an influential component of the Jihadi scene as well. The group has cooperated with JN on various occasions, giving the upper hand to the armed Islamist opposition against the regime. It is worth mentioning here that most of the leaders of the Islamist armed opposition were released by a presidential amnesty during 2011/12 (Lister, 2015:53). Those leaders had probably shared the goal of toppling the Assad's regime until 2013 when factionalism, personal ambitions, and new political shifts deviated them from achieving it.

JN and ISI split:

Most of the literature around the split has revolved around the chronological order as well as the documentation of the events which happened after it. However, one of the few books which thoroughly discusses the split is *'The Islamic State, The Sunni Crisis and the Conflict for the International Jihadism'*. Its authors, Hassan Abu Haniya and Muhammad Abu Ruman argue that al-Baghdadi's announcement of the merger was the culmination of a deep structural crisis that had been taking a place since the emergence of JN. Although they agree on the above mention narrative of the relationship between JN and ISI, they have presented a unique

perspective which relates each group to a different reference authority. Whilst ISI was heading towards greater ideological intransigence and extremist policies, the authors argue, JN's strategy was based on 'political pragmatism' which aimed at presenting it as more of a local Syrian group (Abu Haniya and Abu Ruman 2015:95).

The authors believe that ISI is ideologically and intellectually influenced by the writing of the unidentified author Abu Bakr Naji's book *The Management of Savagery* which was written in 2004 (ibid:105). Naji urges Jihadis to carry out constant violent attacks against states until states become weak and unable to control the chaos. Only then savagery would prevail, and this would be the most convenient opportunity for Jihadis to substitute the states by offering security, services. and most importantly, applying *Sharia* and laying the foundation stone for the dreamed-of caliphate (Naji 2004). As for JN's intellectual influence, according the authors, it is the more pragmatic AQ strategist Abu Musab al-Suri who argued for a less confrontational approach with other factions and less tendency of territorial control (Abu Haniya and Abu Ruman 2015:95). Comparatively speaking, Al-Suri's approach was much more 'tolerant' and practical than Naji's strict and extreme way of thinking.[4]

Other sources discussing the spilt are Haytham al-Manna and Charles Lister. The former contends that Baghdadi's decision to merge JN under ISI's banner came out of his concerns that JN had become the most powerful group in Syria, as he was losing his influence over a group he had been funding and supporting since 2012 (Manna 2017). Lister agrees and continues to assume that al-Jolani's refusal of the merger came out of his realization that for JN to thrive it needs to detach itself from the infamous ISI (Lister 2015:126). In addition, Lister briefly mentions a very important concept within the Jihadi community which is *al-Bayʿa.* Lister provides uncited information which claims that since al-Baghdadi assumed the leadership of ISI in 2010, he has been keen to make sure that the new recruits would pledge allegiance to him (Lister 2015:124). Yet, there has been no more elaboration on the topic.

The aim of this thesis is to explore the theological differences among Salafi-jihadi *ulamaʾ* regarding the split between ISI and JN. As mentioned before there is a gap in the academic literature studying the theological and ideological aspect of Salafi-jihadi groups. The Middle East historian Roel Meijer noted that 'the number of the studies on the ideological development

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[4] For further reading about the difference between Naji and al-Suri see, Brian A. Jackson & Bryce Loidolt (2013) Considering al-Qa'ida's Innovation Doctrine: From Strategic Texts to 'Innovation in Practice', Terrorism and Political Violence, 25:2, 284-310, DOI: 10.1080/09546553.2012.662557

of Al-Qaeda and jihadi Salafism has been relatively limited compared to the enormous amount of attention paid to their operational capacity' (Meijer, 2007) Another recent article written by Alex P. Schmid and James J. Forest published on *Perspective on Terrorism Journal,* lists the religouse beliefs of Salaf-jihadi groups under the 150 unresearched or under researched topiocs within the field of jihadism.

> 'Religious beliefs as both a driver of, and barrier against, violence; evidence from different religions' and the second one is the 'Research on Salafism and Salafi Jihadism and their associated with Wahhabism (Terrorist recruiters often target Wahhabi youth for faster results. This is also in line with the AQ recruitment manual)' (Schmid and Forest 2018)[5]

Having said that, this research is an attempt to fill the existing gap in the literature of the field of Jihadism by analyzing the theological aspect of the split between JN and ISI. It will also provide us with a better understanding of the relevance of theology for Jihadist groups. This by no means suggests that theological differences caused the split. However, it a crucial part that cannot be overlooked and therefore this research offers an insight into a dimension which has been understudied.

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[5] Perspectives on Terrorism is a journal of the Terrorism Research Initiative and the Center for Terrorism and Security Studies affiliated with Leiden University. http://www.terrorismanalysts.com/pt/index.php/pot/about

3. Theoretical framework

This chapter will present the theories I have used to carry out the analysis of the empirical material for this research. The first one is Jan Hjärpe's 'The Islamic Basket' which helps us understand how and why Salafi-Jihadi *ulamaʾ* have adopted some concepts and how they have used these concepts to make sense of the spilt between JN and ISI. As for the second theory, I have chosen to use the Talal Asad's 'Islam as a discursive tradition', as it suggests how Islam should be approached and provides researchers with a conceptual tool to understand the relation between Islamic concepts and their connectedness to religious texts like Quran and Hadith.

The Islamic Basket

In his article 'What will be chosen from the Islamic Basket', Hjärpe suggests that in every religion or ideology there is an area of traditions which can be found in its 'activities, meaning, rituals, narratives, historiography, categorizations, terminologies and observances that constitute a group's heritage' (Hjärpe 1997:267). He calls this area 'The Basket'. Hjärpe stresses that this basket is full of all the phenomena, activities from the most 'advanced one to the most vulgar however, not everything is on display all the time. From the basket is taken only that which has relevance in a given situation' (ibid). Now, in order to keep this basket and preserve the religion, its historiography and confession, and to convey its term from one generation to another, followers of this religion perform the various religious activities such as rituals and practices (ibid). This can be noticed in the terminology, narratives and categorizations used by Salafi-Jihadi *ulama* while filling their basket to approach the split between JN and IS. Salafi-Jihadi groups like any others pick and choose from the Islamic basket what fits their current context and help them in pursuing their goals. Since this particular interpretation of Islam gives a great significance to the era of the prophet Muhammad and his 'righteous successors, its *ulama* tend to revive rituals, concepts, terminologies, and cautiously picked narratives from the main Islamic basket to apply to their current context.

By keeping the basket individuals can understand and receive different patterns of interpretations for their experiences which they share with other followers from the same tradition, yet in some cases, Hjärpe argues, this process is combined with another called 'The delimitation' which delimits these activities against others. One example of that is the Islamic Creed, *Shahada,* which states that there is no God except God, and Muhammad is the messenger of God (ibid). While the first part of the *Shahada* distinguishes followers, who believe in god

from atheists and polytheists who do not, the latter phrase creates a distinction between Islam and other religions (ibid). For Hjärpe, a doctrine in any religion or ideology plays the role of what he calls a 'border defense' which utilizes items from the basket to foster a group's loyalty and sense of belonging, which distinguish members of a particular group from another (ibid). *Al-Bayʿa* for example is a clear manifestation of both delimitation and border defense, as it supposedly guarantees members' and groups loyalty and it demarcates the lines between those who swear it and those who do not.

Hjärpe also suggests that some groups, whether politicians or militants, tend to use materials from the basket to mobilize followers and continue the delimitations process (ibid). Since the basket is full and it contains everything, then there will be always a pick and choose process to mobilize against the other regardless of the who this other is. In some cases, Hjärpe contends that groups loyalty can be preserved by social pressure and 'reward for loyalty and punishment for disloyalty' (Hjärpe 1997:268). Moreover, religious traditions and historiographies can be used to justify violence against those who are defined as 'the others'. This explains why ISIS chose to fight JN and how it has used Islamic tradition to legitimatize violence against it.

One of the crucial points which Hjärpe discusses in his article is the rationale behind individuals' and groups behaviors. He poses the questions of how individuals or groups choose to act and what are the criteria on which they depend to behave in a specific way. Hjärpe believes that the way human beings or groups behave is based in their understanding of their situation, where this understanding comes from what they have in their personal 'basket' (ibid). The most crucial materials used to interpret this situation, according to Hjärpe, are 'narratives, stories and history of belonging' (Hjärpe 1997:269). This denotes that the past is a key to rationalize and make sense of the current situation. However, as the author argues, the past is over, and we only have fractions of it regardless of its intensity. In addition to that, it is difficult to recall it because by time people die and evidence might disappear. Yet at the very same time, the amount (evidences) whether narratives or practices available to us is still huge and sometimes contradictory. Thus, individuals and groups choose what fit their current situation. In other words: 'We choose our past' (ibid). This notion seems highly significant as it explains why specific narratives and hadith are chosen over others from the same basket.

Further elaborating on how the past is being chosen, Hjärpe argues that the most important narrative we choose from our past is what he calls 'the chosen trauma', a disaster that once struck the community (ibid). This trauma should never happen again. Groups and individuals

should alarmingly remember the traumatic history and relentlessly work to prevent it from happening again. Hjärpe calls this type of historiography 'the never again pattern', where history becomes a warning for human beings (ibid). This can be true, and history is full of examples about the historic trauma in some groups narratives like Shi'a Muslims histriography of Karbala' when the grandson of the prophet was killed with his companions (ibid). This pattern of interpretation has been used many times to mobilize Shi'a and alarm them about what should not happen again (ibid). Nonetheless, there are other narratives which humans internalize to interpret a specific situation. For Salafi-jihadis, the narratives of what the prophet did and did not play serious role in how to behave and react in a specific context.

Islam as a Discursive tradition

While Jan Hjärpe's main concern was to present a theoretical argument on how different interpretations of Islam vary in their picking and choosing different concepts, historiographies and narratives that fit into their context, Talal Asad suggested a unique perspective on how Islam should be conceived by its scholars (Asad, 1986). In his seminal article *'The Idea of an Anthropology of Islam'*, Asad suggests that Islam should be studied as a discursive tradition.

> 'A tradition consists essentially of discourses that seek to instruct practitioners regarding the correct form and purpose of a given practice that, precisely because it is established, has a history. These discourses relate conceptually to a past (when the practice was instituted, and from which the knowledge of its point and proper performance has been transmitted) and a future (how the point of that practice can best be secured in the short or long term, or why it should be modified or abandoned),through a present (how it is linked to other practices, institutions, and social conditions). An Islamic discursive tradition is simply a tradition of Muslim discourse that addresses itself to conceptions of the Islamic past and future, with reference to a particular Islamic practice in the present. Clearly, not everything Muslims say and do belongs to an Islamic discursive tradition. Nor is an Islamic tradition in this sense necessarily imitative of what was done in the past' (Asad: 1986:14).

Asad argues that for Muslims, Islam is the division line between what is permitted (*halal*) and what is forbidden (*haram*) as it educates Muslims about the way they should perform their practices. Nonetheless, its authority and authenticity does not come from a vacuum; it is

constituted in the past and supported by Quranic texts and Hadith as well as Sunnah.[6] Asad believes that to study Islam, scholars must start, 'as Muslims do', with this discursive tradition which is connected to the founding texts such as Quran and Hadith (Asad: 1986:16). Applying Asad's argument, concepts used by Salafi-Jihadi *ulamaʾ* are Islamic since they have been already established in the past and supported by texts from the Quran and Hadith. In addition, they are being used in the present to deal with the future. However, the emphasis in Asad's argument on the importance of religious texts as a foundation of studying Islam is likely to be a bit overstated and it prioritizes theology over other factors.

Assad also argues that it is not only the past which needs to be looked at, because the tradition has never been static. as it is well-connected and influenced by the present to produce what can be maintained for the future (ibid). He concludes that a particular practice does not have to be Islamic only because it imitates the past or if Muslims say that it is. For a practice to be Islamic, it should be associated to the Islamic past and future through the present. Asad's discursive tradition could be applied on this research to understand Salafi-Jihadism's arguments over the authenticity of their fundamental concepts. Moreover, it clarifies the interconnectedness between the past, present and future for the any tradition to maintain its existence. Following Asad's notion of Islam as a discursive tradition, this research looks at how *ulamaʾ* from JN and IS have engaged with the old Islamic concepts from the past supported by Quranic texts and Hadith and connected them to the future through the present context (ibid).

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[6] Sunna is the body of traditional social and legal custom and practice of the Islamic community. Along with the Quran and Hadith, it is a major source of Sharīʿah, or Islamic law. (Encyclopedia Britannica)

4. Methodology

This topic of this research has been chosen after closely following the Syrian conflict and more specifically the intra-faction Islamist group infighting. The aim of this research is to understand how Salafi-Jihadi *ulamaʾ* have interpreted the split between JN and ISI based on theology. In this chapter, I will highlight my ontological stance, the importance of the materials has been used, methods have been utilized in data collection as well as data analysis. Finally, it will discuss the limitation and the delimitation of this research.

Research Paradigm:

This study is guided by a constructivist paradigm. Constructivism 'asserts that social phenomena and their meaning are being accomplished by social actors.' (Bryman, 2012:33). It also means that the production of social categories and phenomena occurs through social interaction and interpretation and thus knowledge and truth is in a continual state of adjustment (Bryman 2012:34). To connect it with this research, Salafi-Jihadi *ulamaʾ* constantly renegotiate the meanings of historical Islamic theological concepts such as *al-Bayʿa* to fit with the current time and place.

Walsh argues that unlike natural scientists, social scientists cannot accept the idea of 'a pre-constituted world of phenomena for investigation' and must instead investigate how social world is being constructed (Walsh 1972:19). Hence, when identifying the world as a social construct, this research recognizes that the understanding of theological concepts is not fixed but rather constantly changing in different times and places. This research is not informed by scholars who view Islam as a monolithic static phenomenon but as an outcome of interactions between followers in different times and places.

To elaborate more on how different interpretations of Islam can exist as a result of different social constructions, one might ask some questions regarding its nature. What is Islam? Who is to be considered as a Muslim? Is there a clear path for Islam? If yes, why do not all Muslims follow it and put an end for all these disputes. These questions and many others might seem easy to answer, yet they are complicated and require an analytical approach that captures the relation between this tradition and its followers. According to the political scientist and historian Benedict Anderson, communities are socially constructed by those people who see themselves as part them (Anderson 2016). Aaron Hughes concurs with this statement and extends it to define religions (Hughes 2013:2). He adds that, since followers of a particular

religion cannot interact personally with each other, they use shared symbols and texts that enable them to imagine their belonging to this religion (ibid). 'This belonging, in turn, is predicated on perceived borders that distinguish each community from other communities—often other nations or religions' (ibid:8).

Like any other religion, Islam has been studied by scholars from different disciplines. Some of them have been involved in looking at the emergence of Islam, its ideas, how it has reached us today, while others have focused on the differences between its various interpretations. Those differences, however, constitute the division lines between Muslims who adhere to those interpretations. Moreover, identifying and presenting them as a marker of the 'Real' or 'Authentic' Islam creates the dispute over what 'Real' or 'Authentic' Islam is and whether or not it exists. Aaron Hughes argues that all these interpretations represent Islam and they all do exist (Hughes 2013:3). For example, liberal Muslims envision liberal Islam and conservative followers construct a conservative version of it (ibid). For him, two concepts govern the relation between a religion and its followers; inheritance and creation. Whilst the former refers to ideas that have been passed down from a generation to another, the latter captures the process in which those ideas are being reshaped to fit the needs of this generation (ibid). Based on this argument, different Muslims interpretations of Islam which shape their identities are in a constant and infinite state of and reshaping and remodeling.

The importance of the Data

The complexity of the geopolitical scene combined with the atrocities have been committed in Syria, have pushed the Syrian conflict to the frontline of world news.[7] However, the focus has mainly been concerned with the war between the Syrian government and the opposition. Following closely the Syrian conflict combined with my interest in Salafi-Jihadi groups, I became interested in a different conflict which is the intra-faction Islamist armed opposition infighting and more particularly the fighting between JN and ISI which were the most potent Islamist factions in Syria. Since the war started in Syria, thousands of people have been killed in this intra-factional conflict. Admittedly, the announced reason of this mass killing is not freedom from dictatorship. It is rather fighting those who broke their oath of allegiance or *bay'a* to the group.

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[7] For further reading about the Syrian conflict see the UN reports: Syrian in Numbers, https://news.un.org/en/focus/syria

While in the process of writing my thesis question, I stumbled across two leaked videos featuring two *Shar'i* from Hay'at Tahrir al-Sham (HTS), formerly Jabhat al-Nusra, issuing *fatwas* to the group's fighters to shoot Ahrar al-Sham fighters in the head.[8] Ahrar al-Sham is another Salafi Jihadi group in Syria and it had fought along with (HTS) between 2013 till late 2015.[9] [10] What struck me the most about these videos was the religious terminology and theological concepts used by these two clerics to justify and encourage the killing of the other group's fighters. At that moment I started to realize the impact of this aspect of the conflict and felt the need to understand the application and the role these concepts play in instigating violence. In the first videos the *Shar'i* says that 'we should kill Al-Ahrar's fighters because they accuse us of being *Khawarij* and killing them is beneficial for our continuity. These people are dealing directly with Turkey and Qatar' and in second the *Shar'i* says, 'fight them as long as they fight you, kill them to support the religion and I am responsible for this *fatwa* before God.' That does not mean that those fighters are only driven by religion, but it certainly denotes the significant role religion plays in this infighting.

The importance of the data collected for this research stems from two points. First, as mentioned in the literature review chapter, the spilt between ISI and JN and the theological differences regarding the split has been understudied. Thus, analyzing these materials would help us establish a better understanding of the topic. Second, and more importantly, is the death toll which has been increasing since the split happened till the time of writing this thesis. It is worth mentioning that the Syrian conflict has witnessed the emergence, demise and constant new configurations of dozens of Jihadi groups over the last five years. However, the most consequential was the ISI and JN split in 2013 due to various reasons. Perhaps, one reason is the huge influence and massive territorial gains each group had achieved between 2011 and 2013. Moreover, the repercussions of the spilt could not be overlooked by Salafi-Jihadi *ulama'* since at some point these two groups represented AQ in the levant.

The data analyzed here sheds light on the theological aspect of the split and how it has been approached by the *ulama'*. Although it is hard to measure the impact of these materials on

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[8] Shari':. According to Aymenn Jawad Al-Tamimi, an expert of Salafi-Jihadi Groups, this position is more likely to be created recently with the emergence of armed Islamist groups.

[9] 'تسريبات خطيرة لأبي اليقظان شرعي الجناح العسكري لتحرير الشام'. *YouTube*, YouTube, 21 July 2017, www.youtube.com/watch?v=g5296MF0scY

[10] 'في فتوى مشابهة لفتوى #أبي_اليقظان المصري #الفرغلي المصري يفتي بقتل عناصر #جبهة_تحرير_سوريا'. *YouTube*, YouTube, 3 Mar. 2018, www.youtube.com/watch?v=rg747b_mWNg.

audience or readers, some sources like ilmway.com offers statistics on the numbers of readers and downloads of each data. YouTube also shows the number of views of each video which helps establishing a rough estimation for the size of circulation of these materials. One of the materials for example is a YouTube video featuring Abu Sulayman al-Muhajir, former senior member of the religious committee of JN, has been watched by 12,100 viewers so far.

Description of Data

After the spilt many well-known Salafi Jihadi *ulamaʾ* from the Arab world started to lay out their theological arguments which either supported or the criticized the split. I have collected some letters, media announcements and transcribed interviews, as well as recorded speeches issued by these *ulamaʾ* regarding the split between the two groups. The table below shows in detail what those materials are in term of form, year of publication and argument.

Author/Title	Date of publication	Source	Main points
Abu Bakr al-Baghdadi Leader of ISI	9th April 2013 'Give Good News the Believers' A	Al-Furqan Media Foundation, ISI outlet	- It is time for Jihadist groups to ascend from lower to higher level by merging IS and JN. - Abolishing the names of IS and JN and joining them under one name 'The Islamic State in Iraq and al-Sham'.
Abu Muhammad al-Jolani Leader of JN	10th April 2013 'About the Fields of Al-Sham'	Al-Manarah al-Bayda Foundation, JN outlet	- JN had had no knowledge about the announcement of establishing ISI except from media. - Acknowledging that JN was only established by a plan suggested by him (al-Jolani) and funded with money and fighters from ISI - JN *renews* its oath of allegiance, however, to the head of AQC, Aymen Al-Zawahiri.
Aymen al-Zawahiri Leader of AQC	9th June 2013	Al-Jazeera news network	- The abrogation of the Islamic State in Iraq and Al-sham, ISI. - A denial of consultation on Al-Baghdadi's announcement in April of a merger between JN and ISI. - Accusing both Al-Jolani and Al-Baghdadi of committing mistakes, the former for announcing JN's ties with AQ and the latter for announcing the establishment of the merger without any consultation. - Both groups should stick to their geographical territories. ISI in Iraq and JN in Syria

	'Letter to Resolve the Dispute between JN and ISI'		- Both men are assigned to lead their groups for one year. - Violence between the two groups should stop immediately.
Abu Bakr al-Baghdadi	15th June 2013 'Remaining in Iraq and al-Sham' B	Al-Furqan media Foundation, ISI outlet	- ISI will remain and resume its activity regardless of any decision by Al-Zawahiri - Rejecting Sykes-Picot agreement accusing those who stand against the merger of JN and IS as its proponents. - Most importantly, al-Baghdadi suggested that Al-Zawahiri' letter had 'legal and methodological issue'
Abu Muhammad al-Adnani Spokesperson of ISI	19th June 2013 'So, Leave Them Alone with Their Devising'	Al-Furqan media foundation, ISI outlet	- Rejecting Al-Zawahiri 's orders to keep IS and JN as separated entities. - Criticizing AQC for 'jeopardizing the Mujahedeen's unity' - ISI operation will continue in Syria and Iraq - No borders will separate its territories - Accusing JN's leader of defection by refusing the merger - Thus, supporting disobedience
Abu Jaafar al-Hattab Member of Sharia council in Ansar al-Sharia group in Tunisia	July 2013 'The Countries' Pledge of Allegiance for the Chosen Imam'	Al-Bayʿa req Media foundation, ISI affiliated outlet	- Defining al-Bayʿa (oath of allegiance) in Islam. - Claiming that ISI is an independent group which has not given any binding *bayʿa*, not even to AQC. - Criticizing JN's *Bayʿa* to AQC and emphasizing the on its first one to ISI.
Abu Hassan al-Azadi Former AQ ideologue and present judge in ISI	2013 'The Obligation for Joining the Islamic State in Iraq and al-Sham'	Masada media Foundation, ISI outlet	- The validity of the establishment of ISI - The wrongfulness of disavowing JN's Bayʿa to ISI and giving a new one to AQC. - The wrongfulness of disunity which has been created by JN's refusal for the merger - The religious necessity to join ISI.
Abu Hassan al-Azadi	11th January 2014 'Al-Jolani, between the Betrayal and the Advice'	Al-Batar Media, ISI outlet	- Refutation of JN's argument which defends Al-Jolani's decision not to merge with IS - Defending IS's decision of announcing the merger. - Refuting the religious argument that does not support the announcement of Islamic state. - Discussing the concept of *Bayʿa*

Abu Muhammad al-Jolani	May 2015

Hosted by 'Bila Hudood' TV show | Al-Jazeera News Network | - Clarifying the ties between JN and ISI.
- Acknowledging his *Bayʿa* to al-Baghdadi
- Justifying breaking it and giving a new one to al-Zawahiri |
| Abu Sulayman al-Muhajir

Former senior member of JN | June 2014

'About the group of the Islamic State' | Al-Tahaya Media Network, JN outlet | - The decision of JN not to merge into ISI goes in line with AQ's strategy and it is based on the Islamic principle of: *Al-Masalah wa Al-Mafased*, Weighing out the harm benefits.
- The split between JN and IS was the result of long dispute that had been brewing
- Giving a full argument on why JN's decision on not to merge was religiously right
- Explaining the nature of JN's bayʿa to IS |
| Abu-Muhammad al-Maqdisi | May 2014

'A call to the Umma and Mujahideen' | Manbar Al-Jihad wa Al-Tawhid | - Accusing ISI of *ghuluw* (extremism) and being *Khawarij*
- Labeling them as deviants
- Disavowing ISI for their blood shedding and refusing to comply to a Sharia court
- Calling for Mujahideen to leave ISI and join JN |
| Sami al-Oraydi

Former head of Sharias in JN. | 2014

'An educational session with JN's Youth' | Al-Manarah al-Bayda, JN outlet | - Differentiating between two religious concepts related to the split which are: The specified *bayʿa* and the general one
- Arguing that JN original *bayʿa* to ISI was a specific one. |

In total I selected twelve discussing the split. My choice was based on the two factors. The first one was based on the author's representativeness. Most of the authors chosen for this research hold either a religious or organizational position within ISI or JN. The rest of them, like al-Maqdisi, are not officially affiliated with any of these two groups, however they are recognized by Salafi-Jihadis as religious authorities. The second factor to choose these materials was based on the relevance of the data that has been produced. I have tried to include all the theological debates written by these figures about the split. While preparing for the analysis process, I have divided my materials into two categories. The first one includes those who stood against the split and argued in favor of ISI's decision to merge with JN such as al-Baghdadi, al-Adnani, al-Hattab and al-Azadi, the second categories comprises those *ulamaʾ* who stood against the merger, arguing in favor of the separation of the two groups and giving a new *bayʿa* from JN to AQC. The latter category includes al-Zawahiri, al-Jolani, al-Muhajir, al-Maqdisi and al-Oraydi.

Data collection

To collect my materials, I started to look for media announcements, declarations, letters, filmed interview and audio recorded speeches issued by Salafi-Jihadi *ulamaʾʾ* to understand how these religious texts, whether Quranic verses or Hadiths, have been discussed and applied on this specific context. I collected my data from five main sources as well as Al-Jazeera News Network. The first is Abu Muhammed al-Maqdisi's own website where he offers a huge number of books, audio messages and letters written by him and other Salafi-Jihadi and Muslim Brotherhood theologians and ideologues like Sayed Qutub and others. Al-Maqdisi is to be considered the most influential living Salafi-Jihadi ideologue and his website is better known as *Manbar al-Jihad wla-tawhid*, The platform of Jihad and monotheism.

My second source is archive.org, which is a non-profit organization that offers a digital library of internet sites and other cultural artifacts in digital form. As for the third and the fourth sources I used Jihadology.net and Jihadica.com. The former is an academic blog which has been established by Aaron Y. Zelin, an expert in counter-terrorism. The latter is a platform run by experts in the field of counter terrorism and more particularly in Jihadism such as Thomas Hegghammer, Joas Wagemakers and Tore Hamming. The last source was YouTube where I have collected some interviews and speeches from both ISI and JN leaders. In addition to these five websites I have used some jihadi forums like Jarir Islamic blog and Al-Islamiyon. Unlike the main five websites I mentioned above, these blogs are affiliated with radical groups themselves. It is jihadists who post on them to reach their audiences and spread their ideology. Jihadist groups like AQ, ISI and JN have their own media networks by which we are able to verify the authenticity of these materials.

While collecting my materials I had to follow a scientific method to handle this data. One that takes into consideration four main factors; Authenticity, credibility, representativeness and meaning (Scott 1990:1-2). The first question that came to my mind while collecting these texts was, are those the real names of the original authors of these texts. These authors, however, belongs to Salafi-Jihadism and it is common for them to adapt aliases or *noms de guerre*, which makes them more recognizable. I have also tried to see other texts written by them to make sure that their argument about the split does not contradict their political stance from the two groups. While in this process I ruled out one of the authors because I have found two texts by his name

contradict each other. As for other authors like Abu-baker al-Baghdadi, Abu-Muhammad al-Jolani and other well-known figures, I thought there was no need to check who they are due to their reputation all over the world.

As for the second factor which is credibility, Scott argues that it is the researcher's task to make sure that his/her data is free of error and distortion (Scott 1990:3). I should also mention here that none of the materials was produced or edited by me to benefit this research. The only way to make sure that this data does not have errors or has not been edited is to doublecheck it in different sources and make sure that the publisher has never denied issuing this data. All the data has gone through this process of double checking and only credible ones have been picked for this research. Another point to take into consideration was the representativeness, which is concerned with whether or not these materials represents the category of people being studied. Nonetheless, the circulation of my data within the Salafi-Jihadi forums, combined with the high position and long history some of its authors enjoy like Abu Muhammed al-Maqdisi makes this data representative of Salafi-Jihadi debate.

Finally comes the meaning of this data which needs to be extracted to answer the research's question. According to Scott, data can have either literal or interpretive meaning. (Scott 1990:28). While the former only represents the face value from which the researcher should extract the important ideas, the latter requires the researcher to connects the literal meaning to the context where this data was produced in. (Scott 1990:29) Relating to this research, the face value my data is the simple meaning of these religious concepts like *al-Bayʿa* and obedience for example. As for the interpretive meaning of the data, it can be obtained by relating the face value with the context in which these concepts are being applied to.

Data Analysis

To analyze my data and break it down, I have read it multiple times. This process was followed by identifying initial codes related to the themes. However, the themes of this research were evident enough to identify without the need to rely on codes. I have extracted three overarching themes which are *al-bayʿa, obedience* and Muslims' unity . However, it the first one which is the most important and the other two overlap with it throughout the research. I have collected all the arguments which discussed the three themes and gathered them under three categories.

I finally used a chronological narrative to present the themes where I discussed each one of them in the light of the other and within a specific time frame to context.

Limitations

Most of the authors of the materials analyzed in this research are designated as terrorists by the United Nations.[11] Therefore I do not have the ability to interview them for clarity of points. AQC, ISI and JN are secretive groups and the analyzed texts here are only those that were either released by these groups media outlets or leaked by them or any other party. There also might be other confidential texts written by these *ulama'* and others, however, I do not have access to them because of the secretive nature of these groups. One example is al-Zawahiri's secret letter to resolve the dispute. Had this letter not been leaked, I would have been unable to analyze the whole split.

Translation and transliteration

The original language of my materials is Arabic since all who have written them are Arabic native speakers. However, some important texts like the announcement of the establishment of ISI and the refusal of JN's leader to merge with IS have been already translated by experts in the field. Since Arabic is my mother tongue so I have managed to translate other materials myself. As for transliteration. I have used the diacritical marks of the International Journal of Middle Eastern Studies to denotes sounds that do not exist in English. However, the usage of diacritical marks has only been provided for terminology and not Arabic names which are used in their most common in the English language press. Finally, I have used Abdullah Yusuf Ali's book *The Meaning of the Holy Quran* as a source of translation for the Quran since it has been used before by other scholars in the field.

Reflexivity

I was born and raised in a liberal Muslim community and I have had religion classes throughout my school years. Although I do not belong to a religious family, I had always perceived Islam

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[11] For the full list see,
https://scsanctions.un.org/fop/fop?xml=htdocs/resources/xml/en/consolidated.xml&xslt=htdocs/resources/xsl/en/al-qaida-r.xsl

as a holy religion revealed by God to the prophet Muhammad. Through time and more particularly during my master's study period, I have started to perceive it as a social construct. Perception which has helped me to detach myself from Islam as a sacred concept. This, in turn, has made me more critical and objective in the way I approach religious texts such as Quran and Sunna. In his book *Muslim Identities, An Introduction to Islam,* Aaron Hughes distinguishes between theology and religious studies where the former's task is to explain religion using terms and categories based on the religion itself, the latter tries to avoid claims regarding theological truth, and it instead utilizes other terms and categories derived from other academic disciplines such as history and sociology (Hughes, 2013). This research combines both religious studies and theology to understand the split. Yet, it does clearly reflect my perception of Islam as a reality being constructed through a constant process of negotiating, remolding and reshaping via its social actors whether groups or individuals.

5. Findings

This chapter presents the findings of this research. After thoroughly reading the data multiple times I have extracted one overarching theme which is *al-Bayʿa* or oath of allegiance as well as two other subthemes which are obedience and Muslims' unity. The centrality of this concept stems from both its numerous references in the Quran, Hadith and Islamic history, and from its intersection with other concepts such as obedience and Muslim unity. To put differently, *al-Bayʿa* requires obedience from followers to their *emir* to achieve Muslims' unity. Therefore, these two sub-themes are discussed under the umbrella of *al-Bayʿa.* Nonetheless, *al-Bayʿa* is more complicated than it seems and there has been a vast debate around its nature, validity and the way it should be applied. All these concepts are discussed in this chapter by presenting the theological arguments of both JN and ISI *ulamaʾ,* as well as self-proclaimed independent *ulamaʾ.*

The Concept of *Al-Bayʿa* and obedience

The centrality of this concept stems from both, its numerous reference in the Quran, Hadith and Islamic history, and from its intersection with other important Islamic concepts such as obedience and Muslim unity. 'In a very broad sense, *al-Bayʿa* means the act by which a certain number of persons, acting individually or collectively, recognize the authority of another person'.[12] This concept, however, has been well-established in the Islamic history specially that the prophet as well as his companions had taken many *Bayʿa* from their followers to unite Muslims under one banner (Ibn kathir, 3:45). It has also been mentioned in the Quran and the hadith multiple times to address different occasions where securing loyalty and maintaining group's dynamics were needed. *Al-Bayʿa* might not enjoy the same significance for mainline interpretations of Islam, yet it carries a powerful connotation for Salafi-Jihadi groups as a sacred and binding contract which cannot be disavowed unless for a religious reason.

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[12] For more about al-Bayʿa see, encyclopedia of Islam,
https://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-2/bayʿa-
COM_0107?s.num=0&s.f.s2_parent=s.f.book.encyclopaedia-of-islam-2&s.q=bayʿa

Linguistically, the Arabic root of the word *al-Bayʿa* is *byʿ* which means selling. The Quran depicts it as a transaction between Allah and the believers. A contract in which followers sell their life and goods to Allah in return for paradise.

> Allah has purchased of the believers their persons and their goods; for theirs (in return) is the Garden (of Paradise): they fight in His Cause, and slay and are slain: a promise binding on Him in truth, through the Law, the Gospel, and the Qur'ān: and who is more faithful to his covenant than Allah? Then rejoice in the bargain which you have concluded: that is the achievement supreme. (Quran: 9:111).

This verse addresses what is known as the *Bayʿa* of the Second ʿAqaba which was given by residents of Medina (Yathrib at the time) to the prophet who was likely trying to build alliances with them and promoting Islam out of Mecca (Ibn Kathir, 3:45). Those who had given *al-Bayʿa* to the prophet, helped facilitating the famous Islamic migration of the prophet from Mecca to al-Medina (ibid). The Quran extends the *bayʿa* between the prophet and followers to Allah himself as the prophet's orders come from Allah. Therefore, pledging this oath to the prophet, according to this verse, is equivalent to giving a *bayʿa* to Allah (ibid).

Another important *bayʿa* during the life of the prophet was the *bayʿa* of Satisfaction or the Tree. While the oath of the second ʿAqaba was more concerned with propagating Islam, the *bayʿa* of the Tree was more of securing allegiance and maintaining group's loyalty. The context of this one was when the prophet and his followers arrived at the fringes of Mecca to practice al-Haj and were prevented by Quraysh tribe (Ibn Kathir 4:51). The prophet sent Uthman Ibn Affan to negotiate with the them. However, Quraysh caused Uthman to stay longer in Mecca than they originally planned (ibid). This caused Muslims to believe that Uthman had been killed. Therefore, the prophet took an oath of allegiance from his followers to fight until death and avenge the death of Uthman (ibid). On the one hand, the Quranic verses revealed on this occasion reflect the powerful link that *bayʿa* provides between Muslims and Allah and the detrimental consequences of breaking it on the other.

> 'Verily those who pledge their fealty to you do no less than pledge their fealty to Allah: the Hand of Allah is over their hands: then anyone who violates his oath, does so to the harm of his own soul, and anyone who fulfils what he has covenanted with Allah, — Allah will soon grant him a great Reward.' (Quran 48:10)

Therefore, It should come with no surprise that *bayʿa* has been central theme for Salafi-Jihadi's *ulamaʾ* discussing the spilt between JN and ISI who can only be affiliated or connected through it. In the findings of this research, al-*bayʿa* was the most prevailing and central theme. It has been used by the majority of the *ulamaʾ* and even leaders like al-Baghdadi and al-Jolani. However, the controversy regarding this concept has never been whether or not it should be applied. It has rather been about its nature and application. ISI for example claims that al-Jolani disavowed his binding *bayʿa* to his *emir* al-Baghdadi by refusing to obey and merge with ISI. He also gave an invalid new *bayʿa* to al-Zawahiri the head of al-Qaeda Central or AQC, according to ISI. Nonetheless, JN claims that ISI had given a *bayʿa* to their *emir* (JN and ISI used to consider al-Zawahiri as their emir) al-Zawahiri and therefore ISI should obey his verdict which stipulated that each group should operate separately, which was obviously in favor of JN. So far, the whole *bayʿa* debate revolves around three *bayʿa*. The first one which is the most contested was given by Abu Musab al-Zarqawi to Osama Bin Laden in 2004 and the second was given by al-Jolani to al-Baghdadi in 2011 when he was sent to establish JN as ISI's wing in Syria. As for the third one, it was al-Jolani oath of the allegiance to al-Zawahiri in April 2013 which practically created the dispute.

The First Bayʿa

From the very beginning and with the announcement of the merger between JN and ISI, al-Baghdadi gave the *bayʿa* of Abu Musab al-Zarqawi to Osama Bin Laden in 2004, as an example to be imitated (Baghdadi A:2013). Al-Baghdadi claimed that al-Zarqawi had told him that this *bayʿa* to Bin Laden was never because his group 'al-Tawhid wa Al-Jihad' needed fund or weapons. It was rather that he had seen in Bin Laden 'a symbol of the *Umma* to support the religion of Allah' (ibid :3). The emphasis here is not only on al-Zarqawi's *bayʿa* to Bin Laden but also on Muslims unity as well, where Bin Laden is presented as a consensual personality that unites the *Umma*. After al-Zaraqwi swore his *bayʿa* to Bin Laden, his group had to rebrand itself under a new name which was 'Qaeda Al-Jihad Organization in Mesopotamia' (ibid). According to al-Baghdadi, this group was abolished and a new one was created under the name of *'Mujahideen Shura Council'* (MSC), which included local jihadi factions from Iraq who had given their *bayʿa* to al-Zarqawi (ibid).

In in October 2006 and nine months after al-Zarqawi's death, his successor abu-Omar al-Baghdadi and his war minister Abu Hamza al-Misri followed the path of jihad which al-Zarqawi had adopted, according al-Baghdadi (ibid). With the support of tribesmen and sheikhs

in Iraq, Abu Omar and Abu Hamza's efforts had culminated in establishing the Islamic state in Iraq or IS. Finally, al-Baghdadi concluded his speech by announcing that JN was nothing but ISI's wing in Syria and 'our soldier' al-Jolani was assigned by him to accomplish this task (ibid). Understandably, al-Jolani's *bayʿa* to al-Baghdadi was not mentioned in this announcement since JN's reaction to it was yet unclear for him. He also does not mention how *'Qaeda Al-Jihad Organization in Mesopotamia'* has managed to disavow its *bayʿa* to AQC and establish 'Mujahideen Shura Council' in which new *bayʿa* was given to al-Zarqawi (ibid).

However, in one of the letters called 'The Obligations for Joining the Islamic State in Iraq and al-Sham', Abu-al-Hassan al-Azadi, one of the prominent ideologues of ISI, addresses this issue (al-Azadi, 2013). In a lengthy letter, al-Azadi devotes a significant part to defend ISI as an independent entity from AQC. The importance of this argument comes later to support al-Baghdadi's decision in not obeying al-Zawahiri's verdict to separate the two groups. Claiming that al-Zawahiri was not ISI's *emir* justifies ISI's decision to disobey him. To make things complicated for JN's proponents, Al-Azadi cites two speeches from Bin Laden and al-Zawahiri written in 2007 where they both stated that ISI was an independent emirate (ibid). In one of his speeches called 'The Way to Foil the Conspiracies', Bin Laden praised the Islamic State and all tribes who had pledged *bayʿa* to its leader Abu-Omar al-Baghdadi at the time. On the same note, Al-Zawahiri's statement confirmed Abu-Baker al-Baghdadi's narrative about how 'al-Tawhid wa Al-Jihad' group developed into the Islamic State. In addition, he praised the establishment of the Islamic State and acknowledged that it was 'a lawful emirate and it had gained *bayʿa* from the majority of the jihadis and the tribes in Iraq' (Bin Laden, 2007:3). Al-Azadi argues that ISI today has not given any *bayʿa* to anyone not even to Bin Laden nor al-Zawahiri. Therefore, there was no religious obligation to obey al-Zawahiri in his verdict to leave Syria and stop fighting with JN (al-Azadi, 2013).

Although ISI's main claim was the lack of *bayʿa* between ISI and AQC, some have approached the issue from a different angle. For them, regardless whether ISI had given a *bayʿa* to al-Zawahiri, his order must not be followed since it would lead to a sin. In his second recorded speech titled 'Remaining in Iraq and al-Sham', al-Baghdadi respectfully rejected al-Zawahiri's verdict claiming that the latter's letter had 'legal and methodological issues' (Baghdadi, 2013: B). This is a serious claim and a two-edged sword because it provides a religious justification for both ISI and JN to question their obedience to the *emir*. Al-Baghdadi did not explicitly state that al-Zawahiri was not his *emir*, yet he seriously treated his verdict by claiming that had contemplated it and rejected it because it lacked the religious validity (ibid). Al-Baghdadi

stated: 'I had to choose between Allah's order and another one that contradicts it. After consultation (*Shura*) with the Shura Council of the Islamic state in Iraq and al-Sham, and refereeing the issue the religious committee, I have chosen Allah's order on the one in the (al-Zawahiri's) letter (ibid, 2).

While the ISI's *ulamaʾ* have presented their narrative about the independence of their group from AQC, al-Jolani offered a contradictory account regarding ISI's *bayʿa* to AQC. In an interview with al-Jazeera News network, answering the question of whether or not he had given a *bayʿa* to al-Baghdadi, al-Jolani replies: 'I only shook hands with al-Baghdadi after he told me that he had given a *bayʿa* to Dr. Ayman al-Zawahiri' (al-Jolani, 2015). On this basis I gave him my *bayʿa*' (ibid). Al-Jolani claims that it was only when al-Zawahiri ruled against ISI and ordered it to go back to Iraq, it reneged its *bayʿa* to him (ibid). In other words, al-Jolani insists to prove that ISI should obey al-Zawahiri and go back to Iraq.

Another narrative that supported al-Jolani comes from Abu Sulayman al-Muhajir, who was a senior member of the religious committee of JN. In a filmed interview, al-Muhajir claims the Islamic state in Iraq, before the announcement of the expansion and becoming ISIS, had given a completely binding *bayʿa* to AQC (al-Muhajir, 2014). Therefore, al-Bagdadi was the representative of AQ in Iraq like any other *emir* of AQ in any other region (ibid). He also adds that it should be known that al-Zawahiri was and is the general *emir* for all these branches. Al-Muhajir claims that to resolve the issue between JN and ISI, JN referred to al-Zawahiri because he is the *emir* of both groups and his *bayʿa* is binding for both groups (ibid). Therefore, both groups should obey him. Al-Muhajir believes, religiously speaking, none of the representative of AQ including ISI has the authority to announce the establishment of the state (ibid). Therefore, such a decision is considered to be a sin as it reflects disobedience for the *emir* (al-Zawahiri). Al-Muhajir wonders why AQ affiliated groups in other regions such as Somalia and Yemen do not join forces and establish a state. He answers, 'because they need the permission from AQC as it is religious authority which has the right to either accept of refuse.' (ibid 4)

Another criticism comes from the most prominent living Salafi-Jihadi ideologue, Abu-Muhammad al-Maqdisi who harshly chided ISI for not obeying 'their *emir*' al-Zawahiri (al-Maqdisi 2014). In his announcement, al-Maqdisi accused ISI of being deviant because they 'began to justify their sin and their transgression against the Mujahideen, as well as their rebellion against their leaders and their rejection of the advices of their leaders, under the guise that al-Qaeda has deviated from the path of Jihad' (ibid). Al-Maqdisi then explicitly supported

JN's decision and 'call upon the members of Tandheem al-Dawlah (ISI) to join the ranks of Jabhat al-Nusrah, giving *bayʿa* to its leaders' (ibid, 2).

The Second Bayʿa

Since fulfilling *al-Bayʿa* by obeying the *emir* is an established concept in the Islamic history and particularly within Salafi-jihadism, supporters of both ISI and JN have argued in favor of the religious necessity of the *bayʿa* and impermissibility of breaking it. Nonetheless, each one of them has utilized it for different reasons. Whilst ISI's proponents have used it to chide al-Jolani's retraction from his oath to al-Baghdadi, JN's supporters have employed it to criticize ISI for disobeying al-Zawahiri's verdict. Both group's *ulamaʾ* have occasionally used the same verse of Quran to discuss the concept of *al-Bayʿa* but each to denote a different one. One example could be: 'Keep your promises; you are accountable for all that you promise' (Quran 17:34). This verse has been used by Abu-al-Hassan al-Azadi and abu-Jaafar al-Hattab who was a member of the *Sharia* Council in Tunisia (al-Azadi 2013; al-Hattab 2013). Although not officially affiliated with ISI, al-Hattab took its side in the dispute. The context in which both al-Azadi and al-Hattab have used it was to remind al-Jolani about his breaking his *Bayʿa*. Conversely, Sami al-Oraydi, who was former chief of the religious authority for JN, have cited it to implicitly criticize al-Baghdadi's disobedience to al-Zawahiri (al-Oraydi, 2014).

Yet, ISI's *ulamaʾ* and proponents have been more prolific than those in JN and even others who support JN while claiming independence. Since Al-Jolani's *bayʿa* to al-Baghdadi was acknowledged by all parties, ISI's *ulamaʾ* have focused their arguments around it. Reminding al-Jolani of the inadmissibility of reneging his oath to al-Baghdadi, al-Hattab cites the Quran (al-Hattab 2013):

> 'As for those who break God's covenant after confirming it, who put asunder what God has bidden to be united and perpetrate corruption in the land, the curse shall be laid on them; the scourge of Hell awaits them.' (Quran 13:25)

And

> 'Keep faith with God when you make a pledge. You shall not break your oaths after you have sworn them: for by swearing in His name you make God your surety.' (Quran 16:91)

ISI's proponents have launched a forceful criticism to al-Jolani's action supported by theological arguments based on the significance of *al-Bayʿa* and how sinful it is to undermine and disavow it in addition to disobey the emir. In his letter 'The Countries' Pledge of Allegiance for the Chosen Imam', al-Hattab incepts his argument by stressing the importance of *al-Bayʿa* and defining it as a binding contract or commitment (al-Hattab 2013). He brings the story of how JN was established and he focuses on the importance and religious obligation for Muslims to fulfil their oath or contract based on different verses:

> 'And fulfill the covenant of Allah when you have taken it, [O believers], and do not break oaths after their confirmation while you have made Allah, over you, a witness. Indeed, Allah knows what you do.' (Quran 17:34)

In his letter, 'The Obligation to Join the Islamic State', Abu-Hassan al-Azadi follows the path of al-Hattab by emphasizing the inadmissibility of retracting from a *bayʿa* and the presenting al-Jolani as a disavower (al-Azadi 2013). Al-Azadi cites four Hadiths mainly concerned with the religious necessity for obeying the emir and fulfilling the oath.

> 'It is obligatory upon a Muslim to listen (to the ruler) and obey whether he likes it or not, except when he is ordered to do a sinful thing; in such case, there is no obligation to listen or to obey' (Sahih al-Bukhari, 4:2013).

and

> It was narrated that 'Ubadah bin As-Samit said:'We pledged to the Messenger of Allah to hear and obey, both in times of ease and hardship, when we felt energetic and when we felt tired, that we would not contend with the orders of whomever was entrusted with it, that we would was entrusted with it, that we would stand firm in the way of truth wherever we may be, and that we would not fear the blame of the blamers' (Sunan an-Nasa'i, 2:4151).

and

> The best of your rulers are those whom you love and who love you, who invoke God's blessings upon you and you invoke His blessings upon them. And the worst of your rulers are those whom you hate and who hate you and whom you curse and who curse you. It was asked (by those present): Shouldn't we overthrow them with the help of the sword? He said: No, as long as they establish prayer among you. If you then find

anything detestable in them. You should hate their administration, but do not withdraw yourselves from their obedience (Sahih Muslim, 17:1855).

Objections

As a matter of fact, JN's *ulamaʾ* have never disagreed with all the above-mentioned arguments since it is based on Quran and Hadith. They even share the same view. One of the questions asked to al-Oraydi in a transcribed filmed interview was whether Muslims should fulfil their oath of allegiance to their emir. Al-Oraydi could not stress it more, 'it is incumbent on any jihadi, who has given a religious oath of allegiance based on Jihad, listening and obeying, to fulfil his commitment to his *bayʿa* until *Hakimiyya*, Allah's rule is applied based on 'Be true to the covenant of God', and 'And those who respect their trusts and covenants' (al-Oraydi:2014), (Quran 6:152), (Quran 70:32).

He also cites a hadith which urges Muslims to obey their emir, considering it as (*wajib*) or an obligatory act based on: 'Whoso obeys my commander obeys me, and whoso disobeys my commander disobeys me' (Sahih Muslim, 8:1835). [13] Agreeing with his fellow JN, Abu Sulayman al-Muhajir answered the question whether or not al-Jolani's *bayʿa* to al-Baghdadi was binding by saying that 'obeying your emir in general is imposed (*wajeb*) (al-Muhajir :2014). Nonetheless, if the command coming from the emir is questionable, you should review this command'. If it is not a clear-cut Islamic decision and it is not based on *ijtihad,* 'then the matter needs to go back to the people of knowledge' (ibid).[14] Both al-Muhajir and al-Oraydi refer to the same hadith that justifies disobedience of the *emir* when his order is controversial or is incompatible with Allah's rule.

> 'The Prophet sent Khalid bin Al-Walid to Banu Jadhimah. He called them to Islam, but
> they could not say Aslamna (we submitted, i.e., became Muslim) so they started to say
> Saba'na (we changed our religion). Khalid started killing and taking prisoners, and he gave
> a prisoner to each man. The next day Khalid bin Al-Walid issued orders that each man
> among us kill his prisoner.' Ibn 'Umar said: 'I said: 'By Allah, I will not kill my prisoner,
> and no one (among my companions) will kill his prisoner.' We came to the Prophet and he

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[13] In Islamic jurisprudence, an obligatory act, with failure to perform it being sinful. Wajib acts can be obligatory on every individual (fard al-ayn), such as prayer, or on the entire community (fard al-kifayah), such as burying the dead. In the latter case, if some members perform the act, the obligation on the rest of the community is removed.

[14] Ijtihad: Islamic legal term meaning 'independent reasoning,' as opposed to taqlid (imitation). One of four sources of Sunni law. Utilized where the Quran and Sunnah (the first two sources) are silent. It requires a thorough knowledge of theology, revealed texts, and legal theory (usul al-fiqh); a sophisticated capacity for legal reasoning; and a thorough knowledge of Arabic.

was told of what Khalid had done. The Prophet said: 'I disavow what Khalid has done,' twice' (Sunan an-Nasa'I, 17: 5405).

The hadith shows that Khalid bin Al-Walid's order to his soldiers was controversial and that is why they disobeyed. However, their refusal was valid and approved by the prophet himself.

Moreover, al-Oraydi criticizes those who do not fulfil their *bay'a* and calls them 'impatient and not committed' to their group (al-Oraydi :2014). He argues that *bay'a* should be taken seriously so it does not become a 'silly game' (ibid:3). 'We should fulfil any religious *bay'a*, and only disavow it for a religious reason authorized by *ulama'* (ibid:4). Nevertheless, Al-Oraydi had to justify al-Jolani's disobedience and breaking his oath to al-Baghdadi. Therefore, he reintroduces the same argument used by ISI's *ulama'* to defend al-Baghdadi's refusal to obey to al-Zawahiri (ibid). He argues that obedience is only obligatory in what is good, which means that in what does not contradicts Allah's rule based on that the hadith: 'No obedience for evil deeds, obedience is required only in what is good' (Sahih Muslim, 1:7257). He also gives two examples from Islamic history where blind obedience was proved to be wrong by the prophet himself. The first one was when the prophet sent an army from al-Ansar and appointed one of them as its commander and ordered them (the soldiers) to obey him.[15]

> (During the campaign) he became angry with them and said, 'Didn't the Prophet order you to obey me?' They said, 'Yes.' He said, 'I order you to collect wood and make a fire and then throw yourselves into it.' So they collected wood and made a fire, but when they were about to throw themselves into, it they started looking at each other, and some of them said, 'We followed the Prophet to escape from the fire. How should we enter it now?' So while they were in that state, the fire extinguished and their commander's anger abated. The event was mentioned to the Prophet and he said, 'If they had entered it (the fire) they would never have come out of it, for obedience is required only in what is good' (Sahih al-Bukhari, 1:7257).

And the second hadith which was referred to by al-Muhajir as well was: 'There is no obedience to the creation in the disobedience of the Creator' (Sahih Muslim, 8:1840). Al-Muhajir contends that obeying al-Baghdadi's order, to merge JN and ISI would harm the jihad and considered a sin because it contradicts the verdict of al-Zawahiri who according to Al-Muhajir is the higher

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[15] Al-Ansar or 'the helpers', the usual designation of those men of Medina who supported Muhammad, in distinction from the emigrants. For further information see encyclopedia of Islam, Al-Ansar, https://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-2/al-ansar-SIM_0678?s.num=0&s.f.s2_parent=s.f.book.encyclopaedia-of-islam-2&s.q=al-ansar

authority for both JN and ISI. He is the one who should be obeyed when a dispute occurs between two groups (al-Muhajir :2014).

JN's *ulamaʾ* have not only questioned the validity of the *bayʿa* and obedience to the *emir* but they have also argued for different types of *bayʿa*. An argument which creates a space for new polemic about the nature of *al-Bayʿa* because as will be shown later that ISI's *ulamaʾ* would argue for the concept of *al-Bayʿa* as a binging contract irrespective of its type. Although without any theological evidence for such a claim, Al-Oraydi contends that there are two types of *bayʿa* which are *bayʿa ʿamma,* and *bayʿa khassa* (al-Oraydi: 2014). The former means a general oath of allegiance and is given to the caliph of Muslims by (*ahl al-hall wa-l-ʿaqd)* or people of loosening and binding and (ahl al-Shawka) powerful people who can give *(tamkin)* empowerment to the state. This means that for ISI to take a general *bayʿa* it should have the military power which enable it to apply *Sharia* under its territories. As for *al-Bayʿa khassa*, it stands for a special oath of allegiance that is confined to Jihad and fighting or other matters. Al-Oraydi concludes that all *bayʿa* given by jihadis groups in the levant have been special ones (ibid). Al-Muhajir agrees with this cotegorization and extends it to define the nature of the *bayʿa* of all AQ's affiliated groups (Al-Muhajir :2014). For him, all the *bayʿa* of all the representatives of AQ bind them to the group (*jama'a*). 'It is a *bayʿa* of obedience in the matter of Jihad and ties them to one unity, one group called AQ. We do not have a *bayʿa* of caliphate although we are working towards this goal' (ibid).

Another objection was the lack of (*shura*) consultation on al-Baghdadi's decision to merge JN with ISI. In his first speech rejecting the expansion of IS into Syria, al-Jolani stated that they in JN 'weren't consulted or ordered to do so' (al-Jolani: 2013). The emphasis on the religious significance of consultation came from al-Muhajir who described the lack of *Shura* as a 'clear violation of the Islamic rights', based on: 'and consult them in affairs (of moment)' and 'Those who listen to their Lord, and establish regular prayer; who (conduct) their affairs by mutual Consultation; who spend out of what We bestow on them for Sustenance' (Al-Muhajir :2014), (Quran 3:159), (Quran 42:38). Additionally, al-Muhajir extends the concept in a way that includes al-Zawahiri. For him, not only JN's leadership and Shura Council were not consulted but also the general *emir* (al-Zawahiri) which unarguably consists a sin, according to him (Al-Muhajir :2014).

ISI refutes objections

Some objections arose to JN's *bayʿa* to ISI whose *ulamaʾ* did not let pass unnoticed and they have responded to each one of them with theological letters substantiated by Quran, hadith, narratives from the Islamic history as well as opinions from Islamic scholars to whom Salafi-jihadi usually refer to as a religious authority. The fist point of contention was certainly related to *al-Bayʿa* which is *al-taʿa* or obedience to the *emir*. In a short letter called 'Al-Jolani, Between the Betrayal and the Advice', Abu-al-Hassan al-Azadi theologically responds to JN's argument about the permissibility of disobedience when the order coming from the *emir* leads to a sin (al-Azadi: 2014) More specifically, al-Azadi was concerned with the prophet's hadith about the army which refused to enter into fire as it was ordered by its *emir.* al-Azadi certainly did not question the credibility of the hadith itself, however, the validity of the deduction made by JN was the target of his criticism. According to him, (*al- Qiyas*) or the measuring of al-Jolani's disobedience to al-Baghdadi, as his emir, to al-Ansar's, who were *sahaba*, refusal to throw themselves into fire as they were ordered by their emir is biased, invalid and inaccurate for various reasons (ibid).

Firstly, entering into fire and committing a suicide is decisively forbidden in Islam and the *sahaba's* refusal was based on many substantiated evidences from Quran and Hadith. Although, al-Azadi argues, that al-Baghdadi's decision to expand the Islamic state into Syria was a religious necessity to unite the jihad, some might contest it claiming that it was a discretionary issue (ibid). In both cases JN *ulamaʾ* measuring was not valid because there is no religious evidence that al-Baghdadi's decision is a sin or would lead to a sin (ibid). Secondly, though the *sahaba*, al-Azadi argues, refused to enter into the fire they did not break their oath to their *emir* nor they gave a new *bayʿa* to a new *emir* because it is a sin to do that (ibid). Finally, al-Jolani did not only disobey his *emir* and broke his *bayʿa*, but he also swore a new one to al-Zawahiri which is religiously illegal and sinful based on various reasons which will be discussed later in this chapter. Al-Azadi cites a hadith which prohibits Muslims to disobey their ruler or break the *bayʿa* to him as long as he establishes prayers:

> 'The best of your rulers are those whom you love and who love you, who invoke God's blessings upon you and you invoke His blessings upon them. And the worst of your rulers are those whom you hate and who hate you and whom you curse and who curse you. It was asked (by those present): Shouldn't we overthrow them with the help of the sword? He said: No, as long as they establish prayer among you. If you then find anything detestable in them. You should hate their administration, but do not withdraw yourselves from their obedience (Sahih Muslim, 17:1855).

The second objection by JN's *ulamaʾ* was that al-Baghdadi's decision to merge JN with IS lacked the *shura*. However, al-Azadi rebuts this argument because, according to him, the Imam's *shura* is desirable but it is not obligated when it is based on *ijtihad* (al-Azadi: 2014). Citing the Islamic medieval scholar Ibn Taymiyya to bolster this claim 'The Imams of Sunna do not bind people to their verdict if it was based on *ijtihad'* (Ibn Taymiyya, 1995: 6, 339). Moreover, many of the close *sahaba* of the prophet, including Ali Ibn Abi Talib and Zubayr Ibn al-Awam, al-Azadi argues, were not consulted about the new caliph after the prophet's death. Yet none of them rejected Abu-Bakr al-Siddik's *bayʿa* who apologized for not consulting them fearing internal strife (*fitna)* among Muslims (al-Azadi: 2014). Their response to his *bayʿa* was 'we were only enraged because our *shura* was delayed, and we see in Abu-Bakr the most deserving for *bayʿa*.' This narrative was cited from Al-Mustadrak alaa al-Sahihain book which was written by Hakim al-Nishapuri.[16] Al-Azadi concludes the ISI's decision to expand into Syria was made to help Muslims to topple the tyrannical ruler *(taghut)* and this action is based on religious necessity (ibid). Therefore, it absolutely did not require *(shura)* because why would IS consult anyone about helping other Muslims and applying Allah's rule (ibid).

As mentioned before, JN's *ulamaʾ* contested the nature of their *bayʿa* to ISI claiming that it was a special one (*bayʿa khassa*) confined to jihad and serves only as a tool to unite the jihadis groups under one banner. For them, however, to give a general *bayʿa* (*bayʿa ʿamma)* to ISI, the latter needs to have empowerment (*tamkin*). Citing various narratives and hadith from the Islamic history, both abu-Jaafar al-Hattab and abu-al-Hassan al-Azadi argue in favor of the opposite argument which denotes that empowerment has never been an issue that could justify reneging *bayʿa* (al-Azadi, 2013; al-Hattab, 2013). In his letter 'The Countries' Pledge of Allegiance for the Chosen Imam', al-Hattab claims that the prophet had taken two binding *bayʿa* during his life while he had not been empowered (al-Hattab, 2013). Moreover, ISI now 'has been empowered and controls huge swath of territories' (ibid:5). A more intensified and focused response came from al-Azadi who agrees on the last statement, yet he steers his argument to rebut the need of empowerment for a binding *bayʿa.* Al-Azadi cites the Islamic historian Ibn Kathir who wrote that when the prophet passed away, the situation was worsened, and hypocrisy increased. Moreover, many Arabs defected from Islam and many stopped from paying alms. In addition to that Friday prayers was only practiced in Mecca and Medina. 'With all these happening, none of the *sahaba* has reneged his *bayʿa* to Abu-Baker because it was binding no matter what had happened' (Ibn kathir 9:241).

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[16] Persian Sunni scholar and the leading traditionist of his age, frequently referred to as the 'Imam of the Muhaddithin' or the 'Muhaddith of Khorasan.

Al-Azadi frequently uses Ibn Kathir's narration of the Islamic history to prove his point. Another example from the Islamic history was the third Caliph Othman Ibn Afan. According to Ibn Kathir, Othman was sieged in his last days at his place by his opponents who wanted to kill him or force him to resign (ibid, 10:286). However, he refused that even when he was weak and not being able to leave his place (ibid). His *bayʿa* was still valid and never broken by his followers (ibid). On the same note: Ibn Kathir claimed that when the Ali Ibn Abi Talib became the fourth caliph, he disputed with Muawiyah Ibn Abi Sufyan over power. Although Ali had lost huge swath of territories and he was weakened by Muawiyah's army, his *bayʿa* to all Muslims was still binding until his death (ibid, 10:654). Azadi asks: Do you think that Ali would stay as a caliph if his *bayʿa* was not binding to Muslims. He also quotes Bin Laden to support the same concept when he stated that 'empowerment should not be a prerequisite for establishing the Islamic states because it is far-fetched due to the militarily supremacy of the Muslim's enemies these days' (Bin Laden, 2007:3).

The Third Bayʿa

> 'We (in JN) give Bayʿa to listen and obey in what is liked and in what is disliked, and to Hijrah and jihad, and not to fight against the people of authority except upon the appearance of Kufr upon which I have Burhaan (a prof that the emir has become a kafir).'(al-Jolani 2013:2)

This was how al-Jolani swore his new *bayʿa* to the head of al-Qaeda Central Ayman al-Zawahiri. Similar to the first and the second above-discussed *bayʿa*, the new oath has found itself under a full-scale criticism. Obviously, it was ISI's *ulamaʾ* who got concerned with providing legal and religious grounds that can refute this *bayʿa* which would certainly have a detrimental consequence on the group. It is worth mentioning that it was only after al-Zawahiri's letter was published on the 9th of June 2013, ISI's *ulamaʾ* began expressing their theological objection to the *bayʿa* and the letter itself.

In his second recorded speech 'Remaining in Iraq and al-Sham', al-Baghdadi refused to obey al-Zawahiri because, according to him, the latter's command contradicts Allah's rule (Baghdadi B:2013). He elaborates that separating JN from IS would disunite Muslims which is (*Haram*) forbidden based on: 'And hold fast, all together, by the rope which Allah (stretches out for you),

and be not divided among yourselves' (Quran 3:103). Al-Baghdadi also refers to a hadith encourage Muslims' unity as an obligation which would appease Allah.

> The Messenger of Allah said, 'Verily, Allah likes three things for you and disapproves three things for you. He likes that you should worship Him Alone, not to associate anything with Him (in worship) and to hold fast to the Rope of Allah and not to be divided among yourselves; and He disapproves for you irrelevant talk, persistent questioning and the squandering of the wealth' (Sahih Muslim, 5:1715).

More systematic and diverse respond to the new *bayʿa* and al-Zawahiri's letter came from Abu-Muhammad al-Adnani ISI's spoke person until his death in 2016. In his recorded speech called 'So Leave them with their Devising', al-Adnani voiced a scathing criticism to the letter, claiming that following it would lead to a sin (al-Adnani: 2013). In addition to verse 3:103 from the Quran which stresses the inadmissibility of discords and it has been mentioned many times before, al-Adnani substantiated his argument by quoting Ibn Taymiyya, who stated that 'From the great fundamentals of the religion is reconciliation of the hearts and uniting the word and conciliation' (Ibn Taymiyya, 1995:28). He followed it by another quote from the same scholar to emphasize the significance of unity in empowering Muslims 'If the people disperse, they become corrupt and they perish, and if they unite they become reformed and get empowerment, since unity is a mercy and division is misery' (ibid). Al-Adnani also refers to Muhammad ibn Abd al-Wahhab, the theologian behind the eponymous Wahhabism, when the latter argued that the fundamentals of the *shari'a* also prohibit what leads to division and disunity and discord (ibn Abd al-Wahhab: 1996).

Although al-Adnani stresses that his main take on al-Zawahiri's letter that it includes 'an order that leads to a sin which is breaking up the ranks of one of the biggest mujahid Muslim groups on the face of earth and dispersing its unity' (al-Adnani 2013). Yet he seems more concerned with preventing any potential defections or *bayʿa* breaking from any other ISI's affiliated faction. Approving what al-Adnani called 'rebellion' of al-Jolani against his *emir* al-Baghdadi has encouraged a bad precedent in Islam. Al-Adnani's worry that al-Jolani's behavior would be replicated by other jihadist groups or leaders who have already given *bayʿa* to ISI cannot be ignored (ibid). He adds 'we (ISI) will be surprised tomorrow by someone rebelling in one of the provinces giving a *bayʿa* to someone else, demanding his right to independence and secession' (ibid:4).

This nation of unity and its significance was echoed by al-Hattab as well, who argues that it has been known for everyone that ISI created JN and al-Jolani refused to fulfil his oath to IS and pledged a new one to AQC (al-Hattab, 2013). Thus, he created division between Jihadis in Syria and Jihadis in Iraq and dissolved Muslims' unity, therefore he should be punished for this based on hadith: 'He who comes to you when you are united and wants to disunite your community, kill him' (Sahih Muslim, 14:1852). With more aggressive escalation to emphasize the prohibition of giving another *bayʿa* to a second emir, al-Hattab cites another prophetic hadith which states: 'When oath of allegiance has been taken for two caliphs, kill the one for whom the oath was taken later' (al-Hattab, 2013), (Sahih Muslim, 15:1853).

For al-Hattab, whose stance towards the relation between ISI and AQC discussed earlier in this chapter, the only valid *bayʿa* was made by jihadis factions and tribesmen in Iraq to Abu Musab al-Zarqawi when he created *'Mujahideen Shura Council'* or (MSC) in 2006 (al-Hattab, 2013). Therefore, any *bayʿa* that occurred after this one is 'absolutely invalid' (ibid). He goes even further to discuss the religious position towards giving two oaths of allegiance to two different *emirs*. Without the need for *ijtihad* or *Qiyās,* al-Hattab presents straight-forward prophetic hadiths which support his view. One example is when the prophet was asked by his companions about to whom they should fulfil a *bayʿa*, in a situation with more than one *emir*. The prophet replied 'The one to whom allegiance is sworn first has a supremacy over the others. Concede to them their due rights (obey them). God (Himself) will question them about the subjects whom He had entrusted to them' (al-Hattab, 2013), (Sahih Muslim, 10:1842 a).

The last objection made by ISI on al-Zawahiri letter and al-Jolani new *bayʿa* was that they emphasize nation state system and particularly Sykes–Picot Agreement which was created by 'infidels' according to al-Baghdadi. Al-Adnani also voiced his disagreement with the letter because 'dividing a jamaat into two jamaat, one Iraqi and another Syrian, and ordering each one to adhere to the cursed borders and not go beyond them contradicts our methodology and what believe in' (al-Adanani 2103:3). Only one shy response to this claim came from Abu Sulayman al-Muhajir, who argues that the decision to keep each branch in its region like JN in Syria and ISI in Iraq for example is not based on nation state borders nor on Sykes–Picot Agreement (Al-Muhajir :2014). 'It is rather a purely strategic decision based on Islamic principle, *Al-Masalah wa Al-Mafased*, weighing out the harm benefits, which has been the policy of AQ since its establishment'(ibid: 4).

To conclude, this chapter presented the dispute between JN and ISI on the one hand and ISI and AQC on the other. Each group claims the validity of its *bayʿa* and therefor claiming

authority over the other. The authenticity of concepts like *al-Bayʿa, al-Taʾa, shura* and Muslim unity have never been disputed. Nevertheless, the contestation has been always related to their validity, nature and the way they should be applied. As we have seen, it was the head of ISI who announced the merger of his group with JN since there was a *bayʿa* from the latter to ISI. It is true that al-Jolani had given a *bayʿa* al-Baghdadi, however, he broke it, claiming that obeying the latter would lead to a sin, in addition to that he was not consulted. Instead he gave a new one for al-Zawahiri, who supposed to resolve the dispute between the two groups. However, his ruling was in favor of JN as it stipulated the independency of each group from each other but not from AQC. Obviously, al-Baghdadi and his *ulamaʾ* categorically rejected the verdict either by denying al-Zawahiri's *bayʿa* and authority or by refusing obedience which would lead to a sin. At the same time, ISI's *ulamaʾ* have worked on proving JN's *bayʿa* to ISI as a binding one. In a nutshell, both groups have argued in favor of the importance of *al-Bayʿa* and the inadmissibility of breaking it. They have also agreed on the legality of disobeying the emir when his commands contradict Allah's rule. However, they have both offered contradictory claims about their *bayʿa* to their emir. Finally, each group holds a different presented perception about the nature of *al-Bayʿa* and how it should be applied.

5. Analysis:

This section presents the analysis of the findings and answers the research question. How have Salafi-Jihadi *ulamaʾ* theologically interpreted the split between JN and ISI. I analyze the findings in the light of both Talal Assad's Islam as a discursive tradition and Jan Härpe's theory of Islamic basket. The question of how Salafi-Jihadi *ulamaʾ* have interpreted this split is a complex one, and it might give the impression that this interpretation of Islam is more or less a homogenous entity which shares the same perception of one particular case. However, the materials analyzed, and answers presented here demonstrate that this is not the case.

Discursive tradition:

Talal Assad's theory of 'Islam as a discursive tradition' gains prominence due to its ability to provide scholars of Islam with a unique perspective through which to conceive of it. One that enables them to capture the relationship between religious texts and practices on the one hand and how the latter relates the past and the future through the present on the other. Assad suggests that Islam should be studied as 'a tradition [which] consists essentially of discourses that seek to instruct practitioners regarding the correct form and purpose of a given practice that, precisely because it is established, has a history' (Asad 1986:14). It is safe to suggest that all the themes found in this research have something to say to their practitioners about the present. *Al-Bayʿa* for example is a contract between two parties which stipulates obedience from followers and the application of Allah's rule by the *emir*. This raises the questions: where do *al-Bayʿa* and obedience come from, and why are they still practiced now within Salafi Jihadism?

The Salafi-Jihadism to which both JN and ISI claim to adhere is a wide spectrum as explored in the literature review. Therefore, it is important to avoid judgments that presents it as a homogenous entity which takes the same stance towards various issues in life. At the same time, the Salafi-Jihadism interpretation of Islam refers to the life of the prophet and his companions or the 'righteous predecessors' as a point of departure, as well as the Quran and the hadith. Dealing with matters, however, which never existed in the time of the prophet and his companions have compelled the *ulamaʾ* of Salafi-Jihadism to refuge for reasoning such as *ijtihad* and *Qiyas*. This, in turn, has created different interpretations of the religious texts. Therefore, as Assad argues, scholars of Islam should begin from his concept of Islamic tradition which is connected to and included in the texts of Quran and hadith (Asad 1986).

Islam as a discursive tradition, according to Assad is 'simply a tradition of Muslim discourse that addresses itself to conceptions of the Islamic past and future, with reference to a particular Islamic practice in the present' (ibid 14). To answer the questions posed earlier about *al-Bayʿa* and obedience, one can argue that these concepts are parts of Islam as a discursive tradition since they have been already established in the past and they have their references in the original texts like Quran and Hadith. They are practiced today so their function can be secured for the future. All the themes in the findings chapter such as *bayʿa*, obedience and Muslim unity did exist in the past and are being used in the present to be maintained in the future. Assad's theory explains why debates between Salafi-Jihadi's *ulamaʾ* regarding the split between JN and ISI were heavily based on theology. Religious texts such as Quran and hadiths constitute the foundation stones through which to understand how practices and concepts from the past are being revived in the present to be maintained in the future.

The basket:

Before analyzing each theme in the light of the Islamic basket, it is helpful to connect what have been said earlier in the literature review about Salafi-Jihadism with the findings of this research. Arguably, the main features of Salafi-Jihadism are *tawhid* or calling for monotheism, *hakimiyya* or applying *Sharia* laws instead of man-made laws, *al-wala wa-bara* or loyalty and disavowal, jihad, and *takfir* or excommunication. The occurrence of these features in the materials is occasionally explicit, though they can be sensed through the whole debate within Salafi-Jihadism, and more specifically, ISI and JN. Shiraz Maher summarizes these features in this line of argument:

> *"The doctrine of al-wala wa-bara establishes lines of loyalty and disavowal, takfir delineates Islam against everything else and protected against insidious corruption from within, tawhid and hakimiyya explain what legitimate authority should look like and who it should serve, and jihad prescribe the method for this particular revolution." (Maher 2016:13)*

Salafi Jihadism believes that the real banner of Islam is the one that carries the notion of monotheism. This banner, in turn, takes *hakimiyya* or Allah's rule as the sole source of authority and governance. Achieving this goal, however, requires some tools such as *takfir* which enables the group to protect the religion from any corruption, *jihad* which serves as a means for change as well as protection, and finally, *al-wala wa-bara* which unites the group under one banner as

well as mobilizing the group's members against the other who does not belong to the group. One might argue that al-*bayʿa* is one form of *al-wala wa-bara* as it secures the group's loyalty by guaranteeing its members' obedience to an *emir* who directs the group's efforts to achieve monotheism.

In the context of the split between JN and ISI, *al-bayʿa* was mentioned for the first time by the leader of JN, Abu Muhammed al-Jolani. He refused to obey the head of ISI, Abu Bakr al-Baghdadi's, decision to merge JN with ISI and claimed to renew his oath of allegiance to the leader of AQC Aymen al-Zawahiri (al-Jolani 2013). However, there may have been no *bayʿa* from al-Jolani to al-Zawahiri to begin with. Regardless whether Al-Baghdadi had known that his order to merge the two groups would be refused by al-Jolani, having the authority to announce such a decision was based on his self-perception as an *emir* to whom al-Jolani had given a *bayʿa* and should fulfill it. The same goes for al-Zawahiri who ordered each group to operate in its original territories, JN in Syria and ISI in Iraq. The order carried an imperative tone which reflects his position as an *emir* to whom obedience should be given (al-Zawahiri 2013).

Al-taʾa or obedience is closely related to *al-bayʿa* because the former is required to fulfil the latter. Obedience, however, has been always a point of contention between Salafi-Jihadi *ulamaʾ* since its validity hinges on its compatibility with Allah's rule. This is an issue that is interpreted differently by each group of *ulamaʾ*. In other words, the same issue that is considered to be compatible with Allah's rule by one party, could be perceived to be incompatible by the other. Obeying the *emir* is a religious obligation unless his command contradicts Allah's rule. This argument was first mentioned by al-Baghdadi and Abu Muhammad al-Adnani, the spokesperson of ISI, when they refused al-Zawahiri's verdict to abolish the merger between ISI and JN. They claimed that the verdict contradicts Allah's rule as it disperses Muslims' unity while also claiming that al-Zawahiri was not their *emir* (al-Baghdadi 2013:B), (al-Adnani 2013). Interestingly, the same claim was made by JN's *ulamaʾ* to construct a counter argument based on the idea that al-Zawahiri was the general *emir* of both groups and obeying anyone but him would be a sin as he represents the higher authority (al-Muhajir 2014).

Jan Härpe's theory of the Islamic basket suggests that in each religion or ideology there is an area of tradition which can be found in its "activities, all the rituals, narratives, historiography, categorizations, terminologies and observances that constitute a group's heritage" (Härpe

1997:267). Following this, one can conclude that both JN and ISI *ulamaʾ* chose these concepts such as *al-bayʿa* and obedience from the main Islamic basket in order to fill what might be called the 'Salafi-Jihadi basket' (Hjärpe 1997:267). It is a basket that includes rituals, narratives, historiography, categorizations, terminologies from the prophet's and the righteous predecessors' history, as well as the features of Salafi-Jihadism discussed above.

Another major concept could be found in the Salafi-Jihadi basket is Muslims' unity. Although it is present in the baskets of other interpretations of Islam, Muslims' unity has been constantly used by Salafi-Jihadi *ulamaʾ* to discuss the split. Unity is a religious obligation and both groups mention it. ISI's leader, for example, chose to pave the way for the announcement of the merger between JN and ISI by giving Abu Musab al-Zarqawi's *bayʿa* to Bin Laden as an example to be imitated (al-Baghdadi 2013:A). According to him, al-Zarqawi had only given a baya to Bin Laden because he has seen in him 'a symbol of the *umma*' (ibid). One the other hand, Abu-Sulaiman al-Muhajir, who was a senior member of JN, described all the *bayʿa* of AQ affiliates as ones that bind the groups together and unite them under one banner (al-Muhajir, 2014). If unity is a religious obligation, then discord is a sin, according to both groups' *ulamaʾ*. Therefore, when the *emir's* order leads to discord it should not be obeyed as it contradicts Allah's rule. Unity, obedience and *bayʿa* overlap in this discussion because disobedience to the *emir* would split the group, causing disunity. Huge debate has revolved around this point, particularly among ISI's *ulamaʾ*, who frequently argued that obedience should not be given to the emir when his order leads to disunity. This refers to al-Zawahiri's verdict that ordered the division of the operation of the two groups (al-Baghdadi 2013:B; al-Adnani 2014).

Returning to Härpe, his theory offers an explanation for how these concepts are used within religious groups. Härpe argues the role of religious activities include organizational measures as well as "ritual, preaching and education" to maintain each basket (Härpe 1997). These religious activities help them to internalize the patterns of interpretation for their experiences with others (ibid). Furthermore, some of these activities delimit the patterns of interpretation against others. Indeed, this is what role *al-bayʿa* seems to play. It delineates the lines between each group. Al-Jolani's claim to renew his *bayʿa* to al-Zawahiri was likely made to separate his group from ISI, whose *ulamaʾ* insisted that al-Jolani's reneging of his *bayʿa* to their group constitutes a sin. Categorizing him as a disavower allows ISI *ulamaʾ* to justify fighting his group since the latter has become the 'other' whom should be fought.

Similar to these delimitations, Härpe argues that doctrine in any religion or ideology plays the role of what he calls the 'border defense' (ibid). This uses items from the basket to create in and out groups. Giving a *bayʿa* to an *emir* creates a sense of group loyalty to him and distinguishes the members of this group from others who may become the enemy. In addition to creating a border defense, these items chosen from the basket can be used as tool to mobilize one group against the other, sometimes legitimating violence (ibid). Al-Baghdadi's refusal to obey al-Zawahiri's verdict was followed by a confirmation about the durability of ISIS *not* ISI. Al-Baghdadi promised to fight any group that might stand against the of establishing the Islamic state in Iraq and al-Sham (al-Baghdadi 2013:B). To put it differently, al-Baghdadi expressed his willingness to fight those who did not fulfill their *bayʿa* to him or give him a new one.

How do they make a decision?

Although one can assume that both JN and ISI share what I earlier called the Salafi-Jihadi basket that influences their interpretation of their current situation, each undoubtedly has its own basket which affects their interpretations too. If this was not the case, then no dispute would have ever emerged. According to Härpe, human beings' behavior is based on their interpretation of their current situation (Härpe 1997). Their interpretation, however, is based on what they have in their personal basket (ibid). The way in which the split was theologically approached by both groups of *ulamaʾ* may clarify this claim. Both ISI and JN have picked items such as the *al-bayʿa*, obedience from their shared basket. However, facing new developments has pushed each to look for different items from their own basket.

Some examples of this are JN's objections on ISI's decision to expand into Syria and merge with JN, as well as the refutations made by ISI's ulama to those objections. Despite lacking any religious evidence, JN's *ulamaʾ* and more particularly Sami al-Oraydi, claimed that that there are two types of *bayʿa:* general oath (*bayʿa ʿamma),* and private oath (*bayʿa khassa*) (al-Oraydi :2014). The former is given to the caliph of Muslims by or people of loosening and binding (*ahl al-hall wa-l-ʿaqd)* and powerful people (*ahl al-Shawka)* who can give empowerment (*tamkin)* to the state (ibid). This means that for ISI to take a general *bayʿa,* it should have the military power to enable it to apply *Shariʿa* under its territories. As for JN's *bayʿa* to ISI, al-Oraydi claimed that it was *bayʿa khassa*, which refers to a special oath of allegiance that is confined to Jihad and fighting, or other matters (ibid).

On the other hand, ISI's and some other independent *ulamaʾ* refuted this whole argument by bringing narratives from the main Islamic basket into their own basket, in order to interpret the current situation. For example, Abu Jaafar al-Hattab, a member of the Sharia council of Ansar al-Sharia, a group in Tunisia, argued that any *bayʿa* is binding, whether private or general. Moreover, the prophet took two *bayʿa* during his life and he had not been empowered at that time (al-Hattab 2013). Another refutation came from the prominent ISI's ideologue al-Azadi who cited the Islamic historian Ibn Kathir describing how the first, the third and the fourth caliphs were not empowered, and were even in a weak position while their *bayʿa* was still binding to others (ibid). These narratives definitively exist in the main Islamic basket, and it is specific *ulamaʾ* who brought them into their basket in order to interpret the current situation. Härpe contends that 'not everything is on display all the time. From the basket is taken only that which has relevance in a given situation' (Härpe 1997:267).

Another item picked from the Salafi-Jihadi basket is the concept of *shura* or consultation. Responding to al-Baghdadi's announcement of the merger, al-Jolani claimed that he was not consulted by him beforehand (al-Jolani 2013). Interestingly, al-Zawahiri softly criticized both ISI and JN. He criticized ISI for not consulting him before announcing the merger, and he criticized JN for not consulting him before announcing ties with AQC (al-Zawahiri 2013). This claim was echoed by al-Muhajir who cited two Quranic verses which urge Muslims to practice *Shura* (al-Muhajir 2014). For ISI's, refuting the concept or its authenticity is not a matter of discussion because they have their roots in the Quran and Sunna. However, bringing other items to interpret the situation seems like a plausible and convenient answer. Al-Azadi cited the medieval Islamic scholars Ibn Taymiyya, whose fatwas are very recognizable within Salafi Jihadism. He argues that *shura* is only desirable when it comes to discretionary matters (al-Azadi 2014). Since the decision to merge the JN and ISI is discretionary then *shura* is not a religious obligation any more (ibid). Moreover, the merger would lead to unity between two Jihadis groups, therefore it does not require consultation (ibid).

One can notice that Härpe's theory gives great importance to the past as a key to understand the action of individuals or groups. For him the past is over, and it is impossible to recall it exactly in the way that it happened (Härpe 1997). While evidence of the past might disappear, we still have a large amount, which is sometimes contradictory (ibid). Therefore, we choose our past based on what we recognize as significant to our current situation (ibid). Härpe emphasizes what he calls 'the chosen trauma': a disaster that once struck the community and should never happened again (ibid). He argues that this narrative plays a crucial role in an

individual's or a group's actions (ibid). However, one can argue that for Salafism, as well as Salafi-Jihadism, what is more important than this narrative is the prophet and his companions' historiographies. As mentioned earlier in the literature review, Salafism urges Muslims to behave exactly like the prophet and his pious predecessors as they represent the authentic source of Islam.

Emphasizing the inadmissibility of breaking *a-bayʿa* and the illegality of giving two *bayʿa* to different *emir*, al-Hattab uses hadiths and narratives from the history of the prophet and the four caliphs whose paths are recognized by Salafi-Jihadi as the righteous one (al-Hattab, 2013). One of the hadiths he cites urges Muslims to always fulfill their *bayʿa* to their first *emir*, and to kill any second emir that may exist (ibid). To stress the legality of al-Jolani's *bayʿa* to al-Baghdadi and the validity of al-Baghdadi as an *emir*, al-Hattab likens the former's baya to the *sahaba's* two baya to Ali ibn Abi Talib and Othman Ibn Afan in which none of the caliphs relinquished his position because of the controversy surrounded their *bayʿa* (ibid). These narratives reflect the significance of the prophet's history and the 'righteous predecessors' in shaping the behaviors of both JN and ISI.

Both Härpe and Assad give a great attention to the past as a crucial key to understand the behaviors of religious group and particularly Islamic ones in the present as well as the future. Nonetheless, Härpe's Islamic basket seems to be more explanatory since it accurately lays out relationship between present action and the past, while Assad's theory offers more holistic perspective on how Islam should be studied. Lastly, while Assad's theory considers theology as irreducible tool to understand Islam, the Islamic basket of Härpe includes more aspects coming from the past such as narratives, historiography, categorizations, terminology and observances that constitute a group's heritage.

To conclude, the split between JN and ISI has been discussed by Salafi-Jihadism *ulamaʾ* who have used the same concepts to argue against each other. On the one hand, this reflects the commonalities between the adherents of this interpretation of Islam, and on the other it shows that Salafi-Jihadism is not and has not been a homogenous entity.

7. Conclusion

Salafi-Jihadi *ulamaʾ* have theologically discussed the split between JN and ISI either to justify it or to stand against it. Adhering to Salafi-Jihadism, these *ulamaʾ* have extensively referred to the life of the prophet and his successors as sources of authority, as well as the Quran and Sunna. As I discussed in my findings, the dispute has never been related to the authenticity or validity of concepts such as *al-bayʿa*, obedience and unity. Instead, the way these concepts should be applied was always the point of contention. This research has never aimed at questioning the reasons behind the split. It has rather been concerned with how theology has been utilized to produce argumentative explanation for the split. Moreover, it provided a nuanced picture for the subtle differences between two Salafi-Jihadi groups which belong to one of interpretation of Islam.

This research looks at the theological debate presented by Salafi-Jihadi *ulamaʾ* around the split between JN and ISI to show how wide the spectrum of Salafi-Jihadism is. However, there are two closely connected developments which this thesis cannot analyze because of its limited question. First: the same split has resulted in a larger rupture between AQC and ISI after the former ruled in favor of JN, and the second is the announcement of the establishment of the caliphate in June 2014. Studying both events is crucial to better understanding the developments of Jihadis groups. It also offers a deep insight into the power dynamics of these groups and the relationships between the AQC and other affiliated groups. Finally, the establishment of the caliphate was a breaking point for Salafi-Jihadi since it represents a goal to be achieved one day. A huge body of Islamic fiqh literature has been produced about the religious validity of the caliphate. Unsurprisingly, most of the *ulamaʾ*, who had argued against JN and IS merger, have stood against the establishment of the caliphate and questioned its validity. Unfortunately, this research has been designed to answer one question and is limited to study the split rather than its repercussions.

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