

The London School of Economics and Political Science

Waiting for Dignity: Legitimacy and Authority in Afghanistan

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Abstract

This thesis investigates the composition of legitimacy and authority in Afghanistan, confronting common assumptions of how to 'build legitimacy' in conflict zones by delivering services, holding elections or adopting traditional institutions. After adjusting the static understanding of legitimacy, which evolved in the context of western nation states in the early 20th century, to the dynamics of today's conflict zones, the thesis examines how people in Afghanistan perceive different authorities. The analysis rests on more than 250 interviews with ordinary people as well as various authorities in Afghanistan, including insurgents, warlords and government officials. The interviews were conducted in the course of extensive field research in the country. The thesis suggests that in Afghanistan's volatile political order, people are suspicious of all authorities and the claims they make. Instead, people judge authorities on the basis of personal experiences when interacting with them, waiting for dignity and hoping for interactions which show that authorities want to serve the public instead of exploiting it. The extent to which people perceive interactions to be fair, inclusive and respectful is vital for the construction of lasting legitimacy and matters more than how an authority gained power, the ideology it advocates, or the scale of service delivery.

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List of Abbreviations

ALP	Afghan Local Police
ANA	Afghan National Army
ANP	Afghan National Police
ANSF	Afghan National Security Forces
AOG	Armed Opposition Group
AUP	Afghan Uniformed Police
CDC	Community Development Council
CIA	Central Intelligence Agency
CSTC-A	Combined Security Transition Command – Afghanistan
DDC	District Development Council
DRC	Democratic Republic of the Congo
ERC	Electoral Reform Commission
EU	European Union
EUPOL	European Union Police Mission in Afghanistan
ICG	International Crisis Group
IEC	Independent Election Commission of Afghanistan
IS-K	Islamic State Khorasan Province
ISAF	International Security Assistance Force
ISI	Inter-Services Intelligence
KhAD	Khadamat-e Aetla'at-e Dawlati [State Intelligence Agency]
MoD	Ministry of Defense
Moi	Ministry of Interior Affairs
MP	Member of Parliament
MRRD	Ministry of Rural Rehabilitation and Development
NATO	North Atlantic Treaty Organization
NCO	Non-Commissioned Officer
NDI	National Democratic Institute
NDS	National Directorate of Security
NGO	Non-Governmental Organisation
NSP	National Solidary Program
NTM-A	NATO Training Mission – Afghanistan
NUG	National Unity Government
PC	Provincial Council
PDPA	People's Democratic Party of Afghanistan
PRT	Provincial Reconstruction Team
RS	Resolute Support
SFA	Security Force Assistance
SIGAR	Special Inspector General for Afghanistan Reconstruction
TTP	Tehrik-i-Taliban Pakistan
UK	United Kingdom
UN	United Nations
UNAMA	United Nations Assistance Mission in Afghanistan
US	United States

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Chapter 1 | Introduction

1.1 Overview

The dust of the collapsed World Trade Center in New York City had not fully settled when, on 20th September 2001, the President of the United States, George W. Bush, announced the beginning of a 'War on Terror'. The focus of his attention was Afghanistan; a country governed by the extremist Taliban movement, which he suspected to be sheltering Osama Bin Laden. Bush explained: "In Afghanistan, we see al-Qaida's vision for the world. Afghanistan's people have been brutalized – many are starving and many have fled. Women are not allowed to attend school. You can be jailed for owning a television. Religion can be practiced only as their leaders dictate. A man can be jailed in Afghanistan if his beard is not long enough. The United States respects the people of Afghanistan – after all, we are currently its largest source of humanitarian aid – but we condemn the Taliban regime. It is not only repressing its own people, it is threatening people everywhere by sponsoring and sheltering and supplying terrorists. By aiding and abetting murder, the Taliban regime is committing murder" (Joint Session of Congress).

On 7th October 2001, American and British forces began to bomb the Taliban's positions in Afghanistan. On 14th November 2001, the capital Kabul fell. After a few weeks, the war appeared to be over and Afghanistan was 'liberated' from the Taliban. Life quickly returned to the streets of Kabul, men could shave their beards and women could walk the streets without a headscarf. Meanwhile, the victorious parties met in the German city of Bonn in December of the same year, to strike a deal on Afghanistan's future. They developed a plan for building a new Afghan state, a Weberian 'monopoly of the legitimate use of force', which governs on the basis of human rights as well as democratic, traditional and Islamic principles and is considered to be legitimate by the people of Afghanistan as well as the international community.

These plans were backed with a lot of money. But fifteen years and USD 783,000,000,000 – spent on Afghanistan by the US alone (Crawford, 2016, p.7) – later, it often took me only a short car ride from the state-controlled provincial centres to meet Taliban fighters. One Taliban commander even agreed to meet me in the heart of the Afghan state, in the centre of a major city, and openly threatened the government. It is no secret that the influence of the state in Afghanistan has been in decline for some time, while the Taliban have been once again extending their control. According to a report for the US Congress in April 2017, "approximately 59.7% of the country's 407 districts are under Afghan government control or influence" (SIGAR, 2017, p.87).

The political order that has grown over the years stands in sharp contrast to the expectations of 2001. We see a fragmented country, where multiple authorities compete over influence and

where human rights violations occur on a daily basis. The Afghan state fights the Taliban. Together, the state and the Taliban try to push back a new common enemy, the so-called *Islamic State Khorasan Province* (IS-K). The Afghan state itself is permeated by strongmen and warlords, nurturing their own kingdoms and areas of influence within the country. At the same time, elders and councils are often the most important authorities at the community level. Last but not least, international military forces have remained in the country and the provision of most public services depends on foreign aid.

The Afghan state and the international community have clearly failed to construct a monopoly of force in the country. But have they also failed to build legitimacy and lost the battle for public support to other authorities? And if so, why? The international community continues to protect the Afghan state with military force and supports the ongoing attempts of statebuilding and peacebuilding with aid. But is the Afghan state in fact also considered to be legitimate by the Afghan people? Does the growing influence of the Taliban rest on coercion only or do people consider them to be more legitimate than the state, possibly even because of their conservative interpretation of Islam, in contrast to the values advocated by the international community? Do they appreciate the role strongmen and warlords play, providing them with goods and services through their patronage networks? Or do people, after all, only trust local authorities, whom they know and whom they support for traditional reasons?

Understanding people's perceptions and views on legitimacy is crucial for international interventions in conflict zones that aim at building peace or a state that has public support. George W. Bush emphasised that he respects the people of Afghanistan. But living up to this basic claim requires us to talk to the people of Afghanistan, and to ask them what their expectations are and how they want to be governed, instead of assuming what they want or imposing a foreign agenda on them. Not only did Bush fail to do so, but the voice of the people in Afghanistan is rarely heard, either in the policy world or in academia. The assessment of the situation in Afghanistan and of which authorities are 'good' and 'bad', legitimate or illegitimate, is usually an external one, based on criteria of what people in the West want to achieve in Afghanistan.

Even the dominant conceptual understanding of legitimacy, building on Weber's work and his distinction between rational-legality, tradition and charisma as sources of legitimacy, was developed in the context of state formation in Europe in the early 20th century, so that it is questionable to what extent it helps us to understand the dynamics of legitimacy in a conflict zone today. Building on Weber's work, a vast amount of literature on legitimacy has evolved, looking at the nuances of legitimacy in bureaucratic and rational-legal systems. However, there has been far less discussion of how to understand legitimacy in a conflict-torn space with a political order that is characterised by a low level of monopolisation of force – where there are at least two competing authorities. For instance, many scholars adopt Scharpf's (1997; 2003) distinction between 'input' and 'output' legitimacy, often in reference to

democratic elections and the delivery of public services. But Scharpf conceptualised legitimacy within a specific context: democratic western nation states with rational-legal institutions. Nonetheless, his framework is also applied to conflict zones, despite the fact that such spaces lack rational-legal structures that connect input and output legitimacy and translate people's values and needs into services. These conceptual ideas and assumptions about what underpins legitimacy have been adopted in the policy world, in the attempts at statebuilding and peacebuilding. In Afghanistan, there has been a long-standing focus on building legitimacy by promoting democracy through elections on the 'input' side and by delivering public services on the 'output' side of the state's authority. And in a more recent shift from rational-legality to traditions, the state has tried to gain legitimacy by empowering supposedly traditional community-based structures.

This thesis redirects the focus of attention from external assumptions on legitimacy to the people in Afghanistan and investigates whom they consider to be legitimate or illegitimate and for what reasons, shedding light on what strategies of 'building legitimacy' work. It proposes that what matters is *interactive dignity*, which requires authorities to treat people as equal citizens on a day-to-day basis. The explorative project rests on a conceptual understanding of legitimacy that I adjusted to the dynamics of conflict zones and used to analyse more than 250 in-depth interviews, that I conducted in four provinces of Afghanistan in 2014/15: Kabul in the Centre, Balkh in the North, Herat in the West and Nangarhar in the East. In each province, I talked to ordinary people as well as members of various authorities, such as insurgents, warlords and government officials, to gain an understanding of the views of the public, as well as on what basis authorities claim legitimacy. The interviews were set around two prominent functions of the state – security and conflict resolution – which allow us to explore authority-relationships in more detail. I conducted, for qualitative research, an unusually large number of interviews, considering as many different perceptions and worldviews as possible. On that basis, I pieced together a bigger picture, incorporating the various views to which I was exposed.

In this way, the thesis makes three original contributions. First, the thesis adds to an improved conceptual and analytical understanding of legitimacy in international political sociology, which overcomes the narrow focus on input and output legitimacy. Second, it contributes to the empirical understanding of Afghanistan and its political order. It outlines the sources of legitimacy of various authorities in Afghanistan, helping us to understand why, for instance, some people support the Taliban while others prefer the Afghan state. Third, combining the conceptual suggestions and the empirical material and comparing people's views on different authorities, the analysis of the Afghan context allows us to draw more theoretical conclusions on the mechanisms of legitimacy in conflict-torn spaces. These findings can contribute to a move away from statebuilding and peacebuilding efforts, which rest on ideological assumptions of what ought to be built, to policies being grounded in an understanding of affected people's perceptions.

To set the scene conceptually and analytically, in Chapter 2, I explain why Afghanistan's political order can be seen as an arena of competition and coordination for multiple authorities. I suggest three analytical ideal types as sources of authority that can help to explain obedience to social control: *coercion*, which achieves obedience through force and threats; *instrumental legitimacy*, which 'buys' obedience by responding to needs; and the traditional, more *substantive understanding of legitimacy*, which is underpinned by shared values and a belief in rightfulness. In addition, I propose to investigate what *aspects of authority* matter and whether people's expectations and perceptions relate to authorities' *actions*, *history* or the *idea* they stand for.

In the following chapters, I apply this framework and analyse different authorities in Afghanistan. Instead of having one general chapter on the history of the conflict in Afghanistan, in all the empirical chapters, I first explore the history of the respective authority and look at what the literature suggests about its legitimacy. Building on the interviews I conducted, I then compare the authority's self-perception with the public perception on its legitimacy in selected parts of Afghanistan, with a particular focus on Nangarhar Province to ensure continuity.

The first empirical chapter, Chapter 3, looks at the formal *Afghan state*, which – despite its apparent weaknesses – is a key authority in many parts of the country. People have to navigate police check-points and deal with the state bureaucracy to access services or to settle conflicts. Drawing on my interviews, the chapter illustrates that most people are dissatisfied with the state but also make precise distinctions between the legitimacy of different state authorities. For instance, many people consider the army to be driven by idealism, serving the country and providing security, despite low salaries and high risks. The police, however, are considered to be corrupt and extractive, causing insecurity instead of providing security.

Chapter 4 investigates the legitimacy of *warlords and strongmen*. With western funding, many individuals gained influence in Afghanistan, first as Mujahedin fighters against the Soviet occupation and later, after 9/11, against the Taliban, and they remain powerful today. In some provinces strongmen managed to monopolise force to a large extent, while in other provinces, multiple strongmen compete over influence. The chapter shows that while the interviewed strongmen claim that they work for the people and have their support, they do not seem to have widespread legitimacy. In fact, most people I talked to in Afghanistan consider them to be violent and extractive.

Chapter 5 considers the *Taliban* and their growing influence in Afghanistan. The interviews demonstrate that people do not assess the legitimacy of the Taliban on the basis of their history or what they stand for. What matters much more is what they are doing today. People join the Taliban because it enables them to fight the state, often after experiencing injustice at its hands. And while people in bigger cities perceive them as a threat to their security, people

in rural areas that are accessible to the Taliban see them as extractive actors who tax the people, or as legitimate authorities who provide conflict resolution that is faster and fairer than that offered by state authorities.

The final empirical chapter, Chapter 6, examines *community authorities*. It shows that, particularly in the context of conflict resolution, councils and elders play a key role. But contrary to popular opinion, community authorities are not necessarily perceived as legitimate for traditional reasons. Most people prefer to solve conflicts through community authorities, because they are close and easy to access and, ultimately, because they consider their procedures to be fairer and less corrupt than the state's. Hence, new community authorities have evolved in Afghanistan, even in cities, where people traditionally believe the state to have exclusive authority.

The research shows that any authority in Afghanistan can construct some legitimacy. In different communities, different authorities are considered to be more or less legitimate. But in rural areas it is often community authorities, and sometimes even the Taliban, that construct legitimacy more successfully than the Afghan state. Nonetheless, while many people do not consider the Afghan state legitimate the way it is, they do believe in the idea of the state as a concept and think that the state, and not alternative authorities, should be governing in the future. While the Afghan state today does not live up to the expectations of how many people want to be governed, it would have a greater chance of monopolising the *legitimate* use of force to a much higher degree in the long-term than other authorities if it were to respond better to the people's expectations.

The picture that emerges out of the empirical chapters and the answer to the question of why people consider an authority to be legitimate is, what I call, *interactive dignity*. The proposed theory, outlined in the conclusions (Chapter 7), counters the view that the Afghan state is viewed as legitimate because of its democratic ideals or the services it provides. It contests the notion that the Taliban are perceived as coercive or legitimate because of their interpretation of Islam, and it questions the extent to which community authorities are considered to be legitimate for traditional reasons. Hence, the findings challenge the dominant view that legitimacy in Afghanistan can be constructed through democratic elections, the simple delivery of public services or by empowering 'traditional' institutions. People's main concern is not what ideology an authority represents or how it gained power and whether it was according to democratic or traditional procedures. What matters are authorities' actions, but in a more complex sense than 'service delivery' implies. The findings suggest that in the absence of rational-legal structures ensuring accountability at the macro-level, the *day-to-day interaction* between authorities and people is particularly important. A basic requirement for authorities to construct instrumental legitimacy is to be *accessible* and have *predictable* procedures. To construct more substantive and hence lasting legitimacy, the characteristics

of the interaction and attitude reflected by it are key. People are more concerned with the process of service delivery than by its output.

The values that underpin these expectations with regard to interaction are usually not based on a certain ideology, whether it be democracy, religion or tradition. People simply want to be treated with *dignity*, as equal citizens. People expect authorities to interact with them in a *fair* manner and treat them with *respect*. They also expect authorities to *serve the people*, not themselves or a foreign agenda, and they categorise authorities on the basis of their personal experiences when interacting with them. Hence, what undermines legitimacy in particular is petty corruption. The legitimacy of an authority often rests on a perception that the other available authorities are even more corrupt. The support and readiness to fight for an authority often do not stem from a fully-fledged belief in it, but instead, are driven by the rejection of another authority and the opportunity to fight against it. To gain legitimacy, authorities need to be perceived in a way that matches the expectations of people. By focusing on its interaction with people, rather than on results and output, and by treating people with dignity, authorities can construct such a perception and, hence, build substantive legitimacy that goes beyond simply addressing the needs of the people.

1.2 Methodology

My empirical research in Afghanistan dealt with the crucial question: why do people consider authority – whether that of the state or otherwise – to be (il)legitimate? This exploratory mission, aiming at developing new ideas and hypotheses, was underpinned by certain ontological assumptions and epistemological conclusions, in line with strands of constructivism and critical realism. I am not trying to reveal 'truth' but want to understand perceptions and their construction. The empirical research allowed me to disentangle different 'realities' and unpick how different groups of people perceive authorities and their legitimacy. I am looking for patterns with regards to the mechanisms of why people consider any authority to be legitimate – or not.

Better understanding of how legitimacy works in Afghanistan is of intrinsic value. But I also look at Afghanistan as a case study of a conflict-torn space, which helps to improve the conceptual understanding of legitimacy and enables us to cautiously develop new theoretical hypotheses on how legitimacy in conflict-torn spaces may be constructed in general. How I conducted the research is best described as a hermeneutic circle, a constant back and forth in which my empirical findings shaped my conceptual framework, which I then used to analyse my empirical findings, a methodology that some describe as 'abductive' (e.g. Friedrichs and Kratochwil, 2009). Hence, my conceptual understanding of legitimacy and its sources builds on the existing literature, and, at the same time, was also informed by my empirical research.

I investigated people's perceptions mainly through interviews, 266 in total, in four provinces of the country between 2014/15. For the research project, I spent around one and a half years in Afghanistan. My research was facilitated by a local NGO, which helped me to gain access and trust with communities. The population studied in Afghanistan, included the authorities, along with the ordinary people who were affected by them locally, and therefore, responsible for bestowing them with legitimacy. Looking at both allowed me to compare the self-perception of the authorities and their claim of legitimacy with how members of the public perceived them and to see the extent to which these matched up. I assess the findings against the backdrop of documentary evidence and the empirical literature on Afghanistan. But my research also has its limitations. It is neither 'representative' in a positivist sense nor is it in-depth ethnographic, not least because of the security situation in Afghanistan and my limited language skills. Instead, my research sits between the two, generating new ideas for what to look at.

Perceptions, not Facts - Ontological Assumptions and Epistemological Conclusions

This thesis is not about 'facts', it is about people's perceptions. To investigate legitimacy empirically, I explore how people perceive authorities, and how these authorities perceive themselves. Hence, while I deductively develop a definition of legitimacy as a starting point for my research, I do not 'measure' legitimacy on the basis of 'objective' standards but suggest that the extent and type of an authority's legitimacy are defined by how people perceive it. Authorities have only as much legitimacy as they have in the eyes of the people.

My focus on perceptions is the consequence of certain ontological assumptions about the world, resulting in a particular way of approaching knowledge. I assume that a reality exists. However, the way we, as human beings, perceive this reality is socially constructed.¹ Thus, there is no generally 'true' way of understanding reality, but everybody may have their own reality. Every person is socialised in a specific way, depending on geography, culture, family, friends and of course the language we use to describe phenomena. This 'baggage' shapes our view on what reality is and how it works. Hence, people's perceptions also differ. Meanwhile, each individual perception, grounded in a distinct biography, is 'true'. In this book, I bring multiple individual perceptions and individual 'realities' together to gain a more comprehensive understanding of authorities' legitimacy in Afghanistan, of how people perceive authorities and of why they do so, and the factors that influence these perceptions.

¹ As I assume that our perception of reality is socially constructed, I situated myself between social constructivism and critical realism. Alongside social constructivists like Berger and Luckmann (1966), I agree with the importance of social constructions. I think that while our perception is socially constructed, not all layers of reality are. In line with critical realists such as Bhaskar (1998), I believe that cautious generalisations can be made as structural factors can affect perceptions, determining, for instance, what 'truth' prevails in a society. Nonetheless, I do not share the confidence of critical realists that we can actually uncover reality, and do not agree with their structuralist view that a focus on the actor level is always out of place. Meanwhile, there is space for 'expertise'. A person can build up experience over time to judge what constructs are likely to be closer or further away from reality.

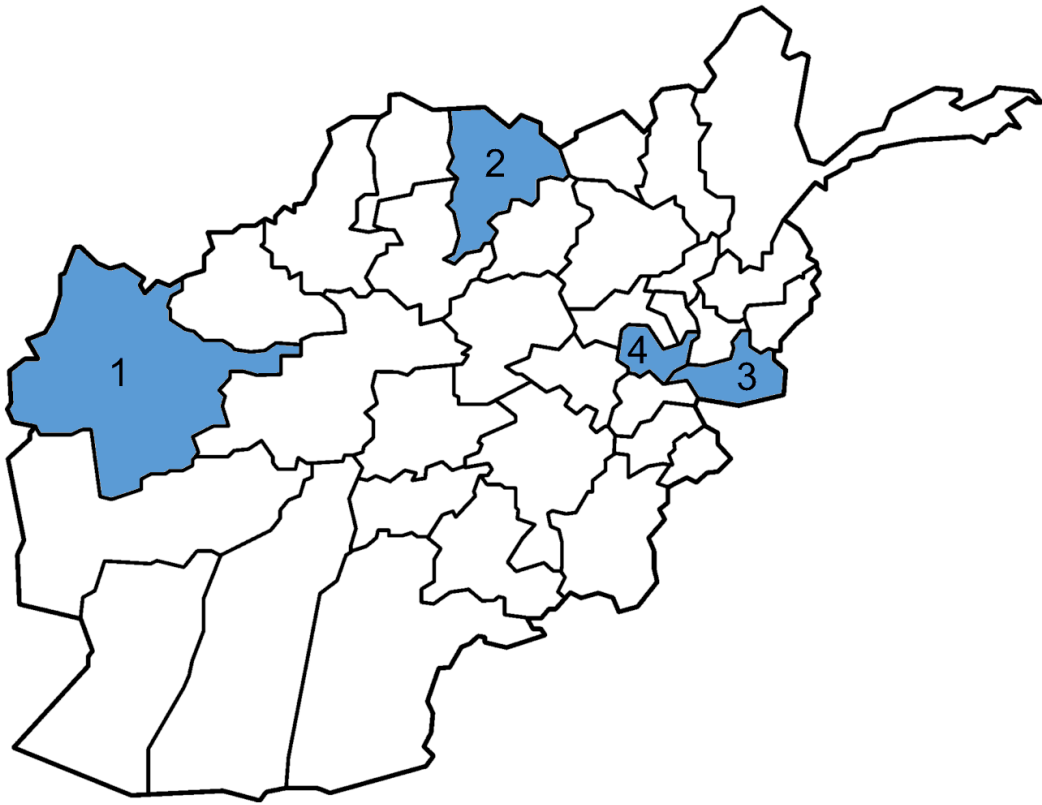
But, as a researcher I am also bringing my own worldview to the table. Particularly when analysing social phenomena, the researcher's worldview plays a key role (Weber, 1949 [1904]). Adopting Gadamer's position, Reiter states "it is naive to try to assume a neutral or objective position towards social facts" (2006, p.23). I cannot, and nobody else can, 'neutrally' report on people's perceptions. I drafted the interview questions, interacted with the interviewees and interpreted their responses. So, who I am and what I think certainly affected my research and the conclusions drawn. In Afghanistan, I am a 'foreign intervener' myself (see Malejacq and Mukhopadhyay, 2016). I came to Afghanistan as a researcher, an outsider, who grew up and was socialised in Europe. So, even though I try to give the people in Afghanistan a voice in this book, my own personality is reflected in it too.

Case Study Approach

As the research project could not cover the entire population of Afghanistan, I selected different geographic case studies as locations for my interviews, applying a light form of what Gerring (2007, pp.97-99) calls 'diverse' strategy. As case studies allow in-depth studies of a particular research question, they are particularly useful for exploratory analyses and concept development. George and Bennett (2005) point out that case studies can also deal with complex concepts – such as legitimacy – which cannot be 'measured' in a straightforward way.

Building on my epistemological assumptions and my aim of generating new ideas instead of testing existing hypotheses, I did not try to construct a representative sample in a positivist sense. However, as I set out to generate meaningful new hypotheses on why perceptions of authority and specifically legitimacy may differ, I decided on a comparative research design. As Andersen (2012, p.207) notes, legitimacy should be treated as "a qualitative phenomenon specific to distinct communities and their actions". Hence, I selected different case studies on the basis of geography, ensuring variation in terms of political order and existing authorities as well as in terms of potentially relevant group characteristics of people (needs, values), which may depend on geography, for instance, because of cultural traits. Having this variation allows me to draw conclusions on the explanatory importance of different factors, which may underpin the perception of authority and its legitimacy.

Figure 1.1: Provincial Case Studies in Afghanistan



(Adapted from Wikimedia Commons)

Ultimately, I selected four provinces of Afghanistan for my research: Herat (west; Figure 1.1, no 1), Balkh (north; no 2), Nangarhar (east; no 3) and Kabul (central; no 4). Certain characteristics of the people researched and the political order in these provinces were likely to differ due to the proximity to different neighbouring countries as well as the differences in the ethnic composition and history (of governance). I would also have preferred to include a province from the south, however, due to the security situation this was not feasible at the time of my research. Within each province I selected at least three districts, including an urban district, a rural district that is close to the city, and a district that is far away from the provincial capital. Districts in which different groups vie over control are particularly relevant for my research. But, once again I had to balance pragmatic and academic considerations and find districts that are both accessible, secure enough for me to visit, and characterised by a variety of authorities and potentially different sources of legitimacy. Balancing these considerations, I decided on:

1. Herat City, Injil District and Kushk (Robat Sangi) District in Herat Province,
2. Mazar-e-Sharif City, Dehdadi District, Kaldar District and Chintal District in Balkh Province,
3. Jalalabad City, Behsod District and Surkh Rod District in Nangarhar Province, and

4. Kabul City, Farza District and Char Asiab District in Kabul Province.²

Methods of Data Collection

To investigate people's perceptions and the mechanisms that underpin them I used qualitative methods of data collection, which can contribute to a better understanding of complex contexts without over-ambitiously trying to explain them. As Stroh points out, the objective of qualitative methods is to "access the 'world' in the terms of those people being researched" (2000, p.197) and "do not aim to produce 'laws' or generalizations in the same way as quantitative methods" (ibid., p.203). In line with Stroh's view, I apply qualitative methods primarily as a "sensitive way of exploring meaning and understanding" (ibid., p.202).

The main tools applied were in-depth interviews. The interviews I conducted were supposed to resemble natural conversations, triggered by open-ended questions. As Leech points out, such interviews "are best used as a source of insight, not for hypothesis testing" (2002, p.665). This is particularly helpful for the purpose of my exploratory project, as the understandings of the sources of legitimacy may differ. In contrast to surveys, which impose a system of meaning on the respondent, open-ended interviews allow the researcher to adopt the perspective of the interviewees and gain an understanding of how they construct meanings and draw conclusions. This is useful in the context of my research, as I do not want to measure legitimacy so much as to understand what actually matters for people and why people believe in different authorities. This interactive procedure changed implicit assumptions and reshaped my research design over the course of the interviews.

I categorise the interviewees into a number of different, specific, groups (see Figure 1.2). First, there is the *public*, the citizens, subjects or the 'ordinary people' who are affected by the authorities, obey their social control and can bestow legitimacy. This was the starting point of my research and forms the most relevant group of interviewees as they provide insights into the public perception of authority and legitimacy. Most of my interviews, 173 in total, were with members of this group, facilitated by a local NGO. Interviewees from this group were selected in such a way that they covered a wide range of characteristics with regard to age, sex, income, social position and district of residence. But my selection of interviewees also depended on access. Hence, certain groups, particularly women and people living in Taliban-controlled areas, were underrepresented, with many more interviewees being men and from state-controlled areas. To gain better access to groups such as women in rural areas, in a few exceptional cases female colleagues from the local NGO conducted interviews without me being present. Usually, however, the interviews were conducted by myself with the help of an interpreter for Dari and Pashto. Most people were interviewed individually. However, in some cases, two or three people gathered spontaneously and discussed and answered questions

² See Appendix A for detailed maps.

together, as in a focus group setting. The interviews were conducted in a fairly structured way. The questions were drafted and then tested and adapted over a period of four weeks in different rural areas and urban districts of Kabul. I then conducted all the remaining interviews with the same kind of questions.

As legitimacy is an abstract social phenomenon, which may be understood differently by different people, I did not bring up the term 'legitimacy' in the interviews. Instead, I used two thematic examples of exercising social control to investigate perceptions that can be related to how I conceptualise legitimacy: *security provision* and *conflict resolution*, with the latter usually being considered to be part of the justice system. As people have to obey social control in these contexts, people's perceptions of such relationships, their expectations and their (re)actions help us to explore their understanding of authority and legitimacy. Both security provision and conflict resolution are particularly relevant in spaces that are characterised by violent conflict, and are therefore examples of social control people can easily relate to. At the same time, the provision of security and justice are commonly assumed to be core factors for legitimising authority. Finally, the two themes are particularly useful in gaining an understanding of the relationship between coercion and legitimacy. While most actors in the security sector have the ability to exercise force, the literature on policing in Western countries indicates that successful security provision results from voluntary obedience, hence, legitimacy – not from coercion (see Chapter 2). Conversely, many actors providing conflict resolution may be limited in their ability of exercising physical force but rely on legitimacy – or more indirect means of coercion, such as social pressure.

The interviews were relatively structured and had five distinct sections. Nevertheless, the interview format allowed me to follow up and drill deeper when it seemed relevant. On average, the interviews lasted between thirty and forty minutes. After covering people's personal details, such as their occupation and age, I asked them about their basic needs and their general perception of the situation in the country and how it compares to the time before 2001, since 2001 and specifically in the past three years. Then, I began to investigate people's perceptions in relation to authority and legitimacy from different angles. In two separate sections I talked with the interviewees about the selected themes, security and conflict. I asked about the kinds of insecurities and conflicts they faced personally and within their community and who, in response, provided them with security and conflict resolution. I was particularly interested in their views on how different authorities compared. After people had outlined their views I always asked 'why' questions to explore their expectations and understand what underpinned strong positive or negative views regarding the different authorities. Going beyond perceptions, I further asked the interviewees about their personal reactions to, and their dealings with, authorities. For instance, I often followed up on questions by asking interviewees for examples from their own lives. In addition, I wanted to know who they viewed as responsible for security provision and conflict resolution and who they thought should be handling these issues in the future. This way I gained an understanding of which authorities

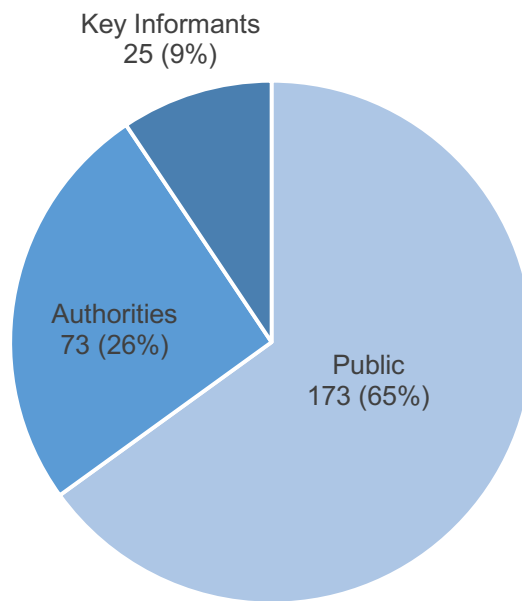
matter in these contexts and the reasons people perceive them in a certain way, allowing us to draw conclusions on their legitimacy and authority. Leaving the thematic focus behind, in a final section, I asked people directly about their views on various potentially relevant actors and the role they play in their lives, enabling us to gain a more general understanding that is not limited to the contexts of security and conflict.

Second, I talked to the *authorities*, which were identified in the interviews with ordinary people. The main authorities were state actors, Taliban, strongmen and community authorities. By talking to them I wanted to investigate their self-perception, to understand on what basis they claim legitimacy and how they justify their authority, their personal motives as well as their thoughts on their own local legitimacy. While it was not always clear what was propaganda and what was 'honest' self-perception, the interviews show how authorities want to be perceived. In this way, the interviews add to the overall understanding of legitimacy in Afghanistan. For instance, by exploring people's motives and reasons to join or become the authorities, we can get a more comprehensive understanding of their legitimacy. Furthermore, the interviews enable us to compare and contrast the public perceptions of legitimacy with the self-perception of the authorities and their claims of legitimacy, to identify and explain possible matches and mismatches.

However, there are fewer people who qualify as authorities and accessing them was often more difficult for me. Also, in contrast to the interviews with ordinary people, my primary aim in these interviews was not to understand the structural factors that underpin differences and similarities in their perceptions, but to gain a more in-depth understanding of individual motives, reasoning and claims. Hence, I conducted far fewer interviews with authorities than with ordinary people, in total 68. However, these interviews were more extensive, sometimes lasting up to more than three hours. In some cases, these interviews were conducted in English. The interviews were also less structured than those with ordinary people and often delved more into the biography of the interviewees. Biographies are a social construct in themselves and studying them enables us to, as Rosenthal puts it, "reconstruct the relationship between individual experience and collective framework" (2004, p.62), i.e. the dynamics between the an individual and society. For instance, they help to understand people's motives for joining an authority such as the Taliban as well as their justification of their actions.

Finally, I interviewed *civil society activists* and *international stakeholders* (e.g. diplomats and staff of international organisations) as *key informants*. These actors have an interest in, and a knowledge of, Afghanistan's political dynamics that go beyond their individual experience of authority. The interviews were unstructured and provided me with the context, overarching narratives and background information on the political dynamics in the different provinces and districts. I conducted 25 interviews with civil society activists and international stakeholders. While I do not analyse and quote these interviews much, they played a key role in informing my thinking.

Figure 1.2: Groups of Interviewees



All interviewees were asked if they agreed to being audio-recorded and most did. However, in some cases I decided to only take notes so as not to intimidate the interviewee. All interviewees referenced in this thesis actively agreed to their statements being published (see Appendix B for list of interviewees). Nonetheless, without the interviewees requesting it, I decided to anonymise the names of most people in this thesis in order to protect them, with exception of prominent individual authorities who can be identified on the basis of the interview data (see Appendix B.5).

Ethnographic Influence

In addition to interviews, ethnography shaped the findings of my research project. I am not an ethnographer and my methods do not look ethnographic. I frequently ‘parachuted’ into communities, conducted my interviews, often with the help of an interpreter, and left, thus, not even living up to basic standards of how to conduct ethnographic research. I was unable to use methods such as participant observation because of my limited language skills as well as, in many cases, the security situation. Nonetheless, ethnography mattered. On an epistemological level, my interest in people’s systems of meaning and my inductive way of working have been influenced by ethnography. This is also reflected in my way of writing, in which – in contrast to mainstream political science – my person and my observations are often part of the narrative, illustrating that I am part of the context I am researching.

Ethnography also played a role in terms of the applied methods and ensured a degree of ‘triangulation’, despite them being centred around interviews. Schatz argues that “most

scholars equate ethnography with participant observation”, the ‘immersion’ in a community, which goes beyond face-to-face contact (2009, p.5). In contrast, Tilly (2006, p.410) claims that interviews are one of the multiple methods of collecting data in political ethnography, however, a more intrusive one than passive or even covert observations. Yanow offers a more balanced view and suggests that interviews can be ethnographic if they aim at gaining “conceptual access to the unwritten, unspoken, common sense, every-day, tacit knowledge” (2009, p.32, quoted in Stepputat and Larsen, 2015, p.11). This conceptual access is precisely what this research project is about and what my interview questions were aimed at.

However, the fact that the idea for this research project and its focus evolved by being in Afghanistan is far more important than whether my interviews ‘qualify’ as an ethnographic method. For instance, the decision to thematically focus on security provision and conflict resolution also rests on personal observations of what matters and which topics people can relate to. And while conducting my ‘field research’ I also lived and worked without the hard ‘security measures’ that are imposed on most foreigners in Afghanistan by their employers and restrict their ability to interact with people (see Andersson and Weigand, 2015). In addition, I tried to stay in the country as long as possible to ‘be there’ and ‘immerse’ myself more. Ultimately, my time in Afghanistan for this project added up to one and a half years and I felt at home in Kabul much more than anywhere else. Hence, my assumptions and conclusions are not based on interview material alone, but they were also – even though often unconsciously – informed by observations, informal conversations and, crucially, friendships in Afghanistan.

Data Analysis

I analysed the data thematically, looking for patterns to identify shared narratives among the different groups according to my conceptual framework (see Chapter 2). In the interviews with members of the public, I especially focused on descriptions of their relationship with different authorities and the extent to which they perceived actors as forceful or legitimate. Therefore, I was particularly interested in expressions of support, acceptance, dissent and resistance, looking at them as indicators of perceived legitimacy – or the lack of it. I categorised the beliefs and needs voiced by the interviewees to explain their views as well as what aspect of authority their perceptions were about, distinguishing, for instance, between authorities’ actions, its history and what it stands for. Carving out these narratives in terms of who is perceived as a coercive and/or legitimate authority as well as the reasons underpinning the perceptions allows conclusions to be drawn as to the extent and type of legitimacy. To structure my data, I used the software NVivo and applied labels to each sentence in all the interviews: categorising the interviewee and where he or she is from; the theme of the sentence; what actor and aspect of the actor the interviewee speaks about; and what his or her perception is. This structure helped me to gain an overview and find specific responses again later. For this

thesis, I then selected quotes that represented the narratives particularly well that evolved on the basis of my analysis of all interviews, while also engaging with the 'outliers', the views that appeared to contradict these narratives.

Conversely, my approach to the interviews with authorities was less formalised. I analysed their responses without software and I looked for claims of legitimacy, explanations of their motives and assumptions about their local legitimacy in the data. I also give the individual interviewees more space in this thesis, to provide background information and enable the reader to draw additional or differing conclusions to mine.

In all the empirical chapters I contextualise my primary research with a brief section on the authority's history and background and further triangulate my findings by comparing them with other studies and reports, particularly the Asia Foundation's (2015) survey of people's perceptions.³ But while the chapters are similar in many ways – with sub-chapters on the authority's background, its self-perception and the public's perception – they are structured differently and draw on different case studies, depending on the authority and the kind and amount of interview data available. For instance, not all authorities play a role in all parts of the country and so, I was not always able to talk to every kind of authority in every province. To ensure continuity throughout the thesis, I draw on interviews from Nangarhar Province, where the co-existence and competition between the various authorities in Afghanistan is particularly visible, but complement and contrast them with interviews from different other parts of the country.

Challenges and Limitations

As Ferguson notes, nobody "can claim to understand it all or even take it all in" (cited in Stepputat and Larsen, 2015, p.7). In my ontological and epistemological assumptions, I pointed out that even though I want to give people in Afghanistan a voice, my research is subjective in many ways, being influenced by who I am, how I was socialised and what I think. And while I record people's perceptions, I do not know how 'honest' the views they share with me are, and I have to take what they say at face value or impose my own judgment. Geertz summarises, "What we call our data are really our own constructions of other people's constructions of what they and their compatriots are up to" (1973, p.8). This research project could certainly have been more encompassing, had there been additional funds and time, for instance, by increasing the number of interviews, by conducting more extensive interviews, by adding thick ethnographic descriptions or through a further triangulation of methods. Ultimately, however, I suggest that there is no way of avoiding the interpretative character of research and I am wary of research claiming to be fully 'objective'. Nonetheless, I want to be

³ The Asia Foundation's (2016) survey data is available now. However, I mainly draw on the 2015 data as this was when I conducted my research in Afghanistan.

as transparent as possible. While I cannot and do not want to make the interview data 'objective', I separate the reported interview data from the analysis in each chapter. This way I want to enable the reader to draw additional or conclusions different to mine.

The suggested research design has some further 'inbuilt' limitations. On the level of *methodology*, because legitimacy is a broad topic and because the research project considers the legitimacy of various actors that are usually investigated from the viewpoints of different disciplines, the project cannot consider all the existing research on related topics in all of these disciplines, such as for instance, the literature on insurgencies in the field of conflict studies. Instead, conclusions are drawn inductively on the basis of empirical research, with the help of a conceptual framework (Chapter 2), which rests on the broader political sociology literature but was also informed by my research.

On the level of the *applied methods and data analysis*, there are a number of further limitations. The conceptual framework suggested covers multiple dimensions and aspects of legitimacy. However, not all of the dimensions could always be considered in the process of data analysis as the available interview data was not always extensive enough. In many cases, for example, the interviews with authorities could not cover all dimensions of their self-perception. In addition, depending largely on interview data can make it conceptually difficult to link people's views to legitimacy. To explore the concept of legitimacy in the interview data, I had to interpret people's declared perceptions through indicators, such as voiced support for an authority. This results in a twofold limitation:

First, I have to work with what people tell me about their perceptions and actions. Hence, my research does not cover all aspects of legitimacy and may miss, for instance, those sources that work in a subtle way, such as symbolism and charisma, and that people are themselves not aware of. People might also be too afraid to speak out or may speak in favour or against an authority because it is socially more acceptable to do so. Without being held at a gunpoint, people may be forced into a certain 'choice', responding to social expectations. Hence, I may, for instance, not always be able to tell if a supportive statement was driven by social pressure, hence coercion, instead of a perception of legitimacy. But my impression was that people usually talked surprisingly openly about the advantages and disadvantages of different authorities, indicating that the views they shared were honest. So, even if people adjusted their statements to social expectations, they appeared to have genuinely adopted this way of thinking.⁴ The only noticeable exception to these open conversations was the province Balkh, where people appeared to be afraid of the governor and the forces he controls and adjusted their statements accordingly. I therefore decided to use this case study to a lesser extent, with a few exceptions, such as a discussion of the governor's authority (Section 4.4).

⁴ Furthermore, moving away from looking at an individual and looking instead at a society, one could argue that a strong pressure from society or in a community to support an authority 'voluntarily' indicates a strong legitimacy of an authority in a community, irrespective of the view of a few people who have a different view.

Second, depending on indicators easily results in interpreting any positive perceptions of an authority as legitimacy. To avoid this happening, I asked people about examples of their behaviour with regard to authorities and used the themes of security and conflict resolution, which imply an authority relationship, in the interviews. The thematic focus further enabled people to relate to the topic, without using the term 'legitimacy'. However, a focus is, by definition, also limiting. It may have resulted in people forgetting about other potential authorities, which are not involved in these sectors, and may have narrowed down the potential sources of legitimacy, making people think about actions, while forgetting about history and other aspects of authority, including questions of personality. While I tried to address this problem by also asking people directly about their views on other possibly relevant actors, the thematic focus may have influenced their statements anyway.

When applying the research design, I also faced a number of more *practical challenges*, resulting in certain additional limitations. Like in any other research project, constraints on time and funds limited the scope of my research, determining, for instance, the number and locations of interviews. In addition, however, there were challenges more specific to my research, which I want to outline in more detail. The main challenge in Afghanistan was access to people, particularly because of the volatile security situation in the country. Security considerations often affected my original plans of where to travel to and who to talk to, making it difficult to implement the developed research design. My data collection was a phase of constant adaptation to the security situation, with plans changing at the last minute, and interviews being cancelled or cut short to avoid staying at a place for too long. Balancing security considerations with my aim of gaining insights into opposition-controlled areas was also an ethical challenge as it not only affected myself but my Afghan colleagues even more so, who do not have the opportunity to leave the country at the end of the project and may be exposed to repercussions in the future.

Another challenge that considerably affected my ability to access people were my limited language skills with regard to the main languages in Afghanistan, Dari and Pashto. I usually travelled with a translator, but this made it more difficult to have informal conversations. In addition, meanings and nuances of what people were saying, such as the precise choice of words, may have been lost, making the analysis of the data more difficult. A third challenge was, as outlined before, talking to women as a male researcher. A final access-related challenge is a potential self-selection bias. There is a possibility that people with certain views, for instance with negative perceptions about the West, were not willing to talk to me. These challenges result in limitations of my analysis and conclusions, as certain groups of people or certain nuances in wording may not be covered.

The difficulty of access not only affected the interviews at the community level but also those with authorities. I expected people in the villages to be suspicious of me as a foreigner and hesitant to talk to me. Meanwhile, I thought it would be relatively easy to talk to members of

the authorities, particularly the state authorities in Kabul. However, quite surprisingly, the opposite turned out to be true. Most people at the local level were keen to talk to me and share their stories. Conversely, the authorities were much more sceptical and hesitant and had to be convinced to participate in an interview. Ultimately, it took me a much longer time to conduct the few interviews with the authorities than the comparatively large number of interviews at the community level. Less surprisingly, access to strongmen and Talibs was particularly challenging. Many of these interviewees would not have been possible without facilitating intermediaries such as local NGOs, which were trusted by me as well as by the interviewee.

Finally, there were more *ethical challenges*. For instance, corruption played a role, however, to a lesser extent than expected and it did not affect my actual research at the community level. A more serious ethical challenge was that some people associated me, being a foreigner, with foreign aid. Even though I always made clear who I was and that I had no influence on the allocation of aid, some interviews were centred around the immediate problems a community was facing. Most prominently, in Kaldar District in Balkh Province, people were concerned that the Amu Darya river, marking the border with Uzbekistan and Tajikistan, was changing its path and washing away their houses. At times, this made the interaction difficult as I was only extracting information, without being able to promise that this would make any difference for them.

All of these aspects, and most likely many more, limited my research and, accordingly, also affect its findings. The research project still fulfils its simple aim of generating new ideas on the mechanisms of legitimacy in conflict zones. But further research on legitimacy is necessary, in Afghanistan as well as in other conflict-torn spaces. Importantly, because most of my interviewees were male, the perspective of women needs to be considered in more depth. Ethnographic research in Afghanistan, focusing on practices that are associated with legitimate and illegitimate behaviour or investigating the role of ethnic as well as other identities, would be beneficial for a better understanding of legitimacy. Similarly, research would be helpful that focuses on the language surrounding legitimacy, on what people exactly express with central terms they used in the interviews with me, such as, most importantly, 'fairness' and 'corruption'. For example, the term 'corruption' may be used to describe different phenomena that are perceived to be wrong, based on different criteria of what is 'fair' and 'right'.⁵ In addition, different groups, such as men and women, may have different views on what is 'fair' and 'just'. In-depth ethnographic research can help to shed light on such concepts. More quantitative research could be useful to investigate to what extent the mechanisms identified are representative for Afghanistan, in a positivist sense, and apply to other countries. And comparative research, considering various case studies of legitimacy from around the world, would allow us to better understand to what extent legitimacy works in a similar manner

⁵ The binary of 'fair' vs 'corrupt', the words that many people use to assess authorities and their legitimacy, is obviously again a subjective perception. Hence, interviewees may consider an authority to be fair, not because of shared values and beliefs, but simply because it advantages them.

in all conflict zones or what factors explain the differences. Finally, further conceptual work needs to be done on the mechanisms of legitimacy, for instance, considering other social theorists, and other concepts, such as 'trust'.

Chapter 2 | Conflict-torn Spaces and Legitimacy

2.1 Introduction

That “Afghanistan is in the midst of a legitimacy crisis” (Williams, 2009) – is a common summary of the situation in the country. Many policy makers conclude that there is a ‘need to build legitimacy’, to finally settle the conflict, and suggest different ways of doing so. But what does ‘legitimacy’ actually mean? And how can we analyse and develop new ideas about it in a complex setting such as that of Afghanistan? In such a context, our traditional definitions of the state and legitimacy that are based on Weber’s work reach their analytical limits. Hence, to capture the political order of a conflict zone in which legitimacy ‘happens’ conceptually, I suggest looking at it as a dynamic arena, in which multiple authorities – including but not limited to the formal state – interact. Coercion and legitimacy enable them to exercise social control. To gain a better understanding of their legitimacy I propose a multi-dimensional framework for the analysis of people’s perception of authorities, distinguishing their needs and beliefs and how they relate to different aspects of authority.

The term ‘legitimacy’, like many other social concepts, is frequently used but only rarely defined. The literature on legitimacy usually deals with specific actions – such as the legitimacy of the use of force in certain situations, like an international military intervention – or else it investigates the legitimacy of the state. Since Afghanistan is a state, my research falls into the latter category. But there is a crucial difference. Our understanding of state legitimacy was developed in the context of political orders that are characterised by a high degree of monopolisation of force and institutionalised, bureaucratic systems. We therefore have a detailed understanding of what Weber calls the ‘rational-legal’ source of legitimacy, resting on a belief in formal rules and a functioning bureaucracy. In such settings we can, for instance, conceptually distinguish and investigate the relevance of ‘input’ legitimacy, such as elections, in comparison with the delivery of public services on the ‘output’ side.

But conflict-torn places like Afghanistan are different. By definition, there is a low level of monopolisation of force as there is contestation of at least two if not more actors. In contrast to bureaucratic settings, conflict does not take place within the institutionalised structures of the state but outside of it. The formal state is part of the conflict, fighting other actors. As a consequence, such spaces are easily dismissed as ‘failed’ or ‘fragile’ states, a category which is based on the absence rather than the existence of characteristics, hence not offering any analytical leverage. To enable an analysis of legitimacy in such a context, I suggest leaving the static understanding of the Weberian ideal-typical state behind and focus on *what is* rather than *what is not*. Even if the level of monopolisation of force is low and the number of authorities is high, these authorities are part of one *political order*. This political order is an arena of competition, in which authorities fight over power, control or influence. But the political order is also a network as authorities are connected in various ways – for instance, through a

shared war economy, which creates incentives for the involved parties to continue the conflict and results in a mutual enterprise. Hence, I look at political order as a dynamic arena in which various authorities co-exist and interact, compete and coordinate. Thereby, authority entails social control, whether as a relationship of command and obedience or as the commanding entity. The formal state is only one of these authorities. In the case of Afghanistan, there also are armed opposition groups, such as (and most importantly) the Taliban, together with strongmen and community authorities, as well as foreign actors, such as the international military forces.

But how can we conceptualise the legitimacy of an authority like the Taliban? In the absence of a Weberian monopoly of force and a bureaucratic system, diminishing the role rational-legal legitimacy can play, we also have to widen our conceptual understanding of legitimacy, making it applicable for more dynamic political orders with various authorities. I propose to view legitimacy as one of two ideal-typical sources of authority. Authority can rest on *coercion*, which achieves obedience through force and threats, and/or it is underpinned by *legitimacy*, which I define as voluntary obedience. There are two ways of understanding and, accordingly, constructing legitimacy. Legitimacy can either be *instrumental*, which basically means to 'buy' obedience by responding to needs, or it can be more *substantive*, being underpinned by shared values and a belief in rightfulness. While the former understanding can be found in the policy literature, the latter is in line with traditional literature in the social sciences, including Weber's definition. Weber suggests, that apart from rational-legality, tradition or charisma may also underpin legitimacy.

But it is not only the needs and beliefs that underpin people's perception that matter. In a competitive political order, different authorities may have different strengths and weaknesses that are important for their legitimacy. For instance, community authorities may be legitimate because of their history and how they gained authority, which people may consider right for traditional reasons, while the Taliban might be viewed as legitimate because of its actions, which some people may view as right for religious reasons. Hence, we have to go beyond viewing authority as one entity and, instead, have to investigate what *aspects of authority* matter. People's perception of legitimacy may be linked specifically to an authority's *actions*, its *history*, the *idea* it stands for, or to other aspects. For a comprehensive analysis of legitimacy, we have to examine how the multiple possible aspects of authority as well as people's needs and beliefs relate to each other and what combinations enable authorities to construct legitimacy.

2.2 Political Order and Authority

The dominant lens to describe political order, the context in which we analyse legitimacy, is state-centric. Most of the literature in political science relates to states. And even if we look at 'international' politics or 'sub-national' governance, the nation state is our referent object. Given that our world is organised in states that are separated by borders, such a focus broadly makes sense. But the state is not only one of the most fundamental but also one of the most contested concepts in political science. Like every other concept in social science, the state is not a categorisation of stable objects but an abstraction of unstable social systems. Drawing on Kuhn (2000 [1989]), this instability requires a constant hermeneutic reinterpretation, which makes it difficult to agree on a common understanding of what a 'state' is. Thinking further along Kuhn's lines, the concept of the state illustrates well that political science is not a 'normal science' (2000 [1989]), as political scientists do not accumulate knowledge within one dominant paradigm but rather follow different guiding paradigms. However, even vastly different schools of thought tend to rely heavily on the concept of the 'state'. Many definitions ascribe a certain generalised function to the state, according to an underlying ideology (see Burnham, 2003). For instance, Marxists often describe the state as an instrument for one class to dominate another (e.g. Miliband, 1969, p.265 or Gramsci, 1971, p.52). In contrast, Pluralists often define the state as a forum to find a compromise between different interests (e.g. Dahl, 2006, p.72).

The dominant understanding of the state stems from Weber, who offers a definition which is fundamentally different. He emphasises that the state "cannot be defined in terms of ends, scarcely any task it has not taken in hand" (2009b [1948], p.77) but only "in terms of the specific means peculiar to it, namely the use of physical force" (ibid.). Thus, Weber famously defines the *modern state* as "a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory" (ibid.). Weber's work is analytically valuable as it is underpinned by the ideal to "interpret historical and social occurrences in terms of the prevailing value orientation that give them their meaning without imposing the investigator's value judgment on them" (Blau, 1963, p.305), thus, to allow a value-free [*wertfrei*] analysis. The state, as defined by Weber, is a pure 'ideal type', a methodological utopia that "cannot be found empirically anywhere in reality" (1949 [1904], p.90). It is important to note that Weber emphasises that ideal types fulfil an analytical purpose only, and are not necessarily ideal in a normative way (ibid., p.98).

While being analytically more valuable than functional definitions of the state Weber's understanding is not well suited to capture today's conflict-torn spaces. Even though he does not claim that the ideal type of the modern state captures any empirical reality, conflict-torn spaces – where multiple actors use force – are, by definition, characterised by a particularly low level of monopolisation of force, far from the ideal type. Weber's understanding of the state rests on his analysis of polities in Europe. Historically, the formation of the European states is

closely associated with war. Tilly (1992) illustrates how wars contributed to the monopolisation of the legitimate use of physical force and formation of nation states in Western Europe, particularly the French state, from 1600 onward. His work builds on Elias's (1982 [1939], p.320-329) observation of a trend away from monopoly-free competition towards the formation of monopolies of the legitimate use of force as well as economic means in Europe.

Arguably, however, the European wars of the 17th and 18th centuries are different from contemporary forms of violent conflict. Kaldor (2006) describes how contemporary violent conflicts do not match the common perception we have of what wars are like and therefore calls them 'new wars'. Many violent conflicts today are more concerned with political control rather than military control, often have a global dimension, and involve a plurality of groups, which partly control the force (Kaldor, 2006; Keen, 2008). And even though some scholars question to what extent 'new wars' are empirically new (e.g. Kalyvas, 2001; Pinker, 2011), the impact of on-going globalisation on violent conflicts is difficult to brush aside. Contemporary violent conflicts fuel a war economy with global links, which rests on human trafficking, taxation of humanitarian assistance as well as the arms and drug trades (Kaldor, 2006; Keen, 2008). Thriving war economies are mutually beneficial enterprises for the involved parties, creating incentives to continue the war. This can be seen in Afghanistan, where drugs and arms are 'traded' across the invisible lines that divide territories controlled by 'the state' from those controlled by armed opposition groups, and where not only 'the state' but also the armed opposition benefits from the foreign aid, which is pumped into the country. Keen (2008) therefore argues that contemporary violent conflicts often turn in to 'endless wars'. Kaldor concludes that in contrast to the historical wars within Europe, which contributed to state formation, new wars 'unbuild' the monopoly of the legitimate use of force of states.

However, the Weberian ideal-typical definition of statehood is dominant and underpins the work of numerous scholars, such as that of North (1981) and Evans, Rueschemeyer and Skocpol (1985). The theories of such proponents are therefore much more difficult to apply to a context such as Afghanistan. Indeed, the same can be said of many established categories similarly based on the idea of an ideal-typical state, such as formal vs informal, local vs provincial or national vs international. Such dichotomies do not adequately grasp conflict-torn spaces conceptually. For instance, the 'formal' de jure state and other 'informal' authorities can often not be distinguished clearly in Afghanistan, where some public services can only be accessed through patronage networks (e.g. Münch, 2013).

As a consequence of the dominance of the Weberian understanding of statehood, territories with a low degree of monopolisation of force are often considered to be 'fragile' or 'failed' (e.g. Fukuyama, 2004; Rotberg, 2004). The concept of state 'fragility' is a negative definition and puts very different forms of political order into one category, which is defined only by its deviation from the Weberian ideal. It does not consider that, with the absence of a monopoly of force, spaces are not institution-free altogether, but are rather governed by a different set

of institutions.⁶ For instance, Keen (2008) illustrates how violent conflicts can turn into a stable order, even while their political and economic arrangements differ radically from typical nation states. Afghanistan occupies one of the first places measuring and ranking state fragility in all indices (e.g. Fund for Peace, 2016). Nevertheless, some form of order seems to be in place. Barfield and Nojumi (2010) argue that "considering Afghanistan a failed or failing state because its government does not exert control over the whole country is misleading. Historically, the Afghan state's physical control of a specific territory has never been a valid reference in assessing its ability to govern" (ibid., pp.41-42).

In response to the flaws of 'state fragility', there is an increasing amount of literature re-labelling and partly re-conceptualising the political order of supposedly 'failed' polities (for an overview, see Hoffmann and Kirk, 2013). A particularly prominent strand of literature suggests calling such arrangements 'hybrid political orders' (e.g. Boege et al., 2008). The idea of hybridity originated in natural science, and denotes the blurring of categorical borders. Scholars supporting this understanding emphasise that supposedly 'failed' states tend to involve a blurring of private and public, as well as formal and informal. According to this literature, people in 'failed' states are governed by a mixture of actors and overlapping institutions, comprising both public or formal Weberian institutions as well as different private or informal non-Weberian ('non-state') ones. And, indeed, Afghanistan *could* easily be described as a 'hybrid arrangement'.

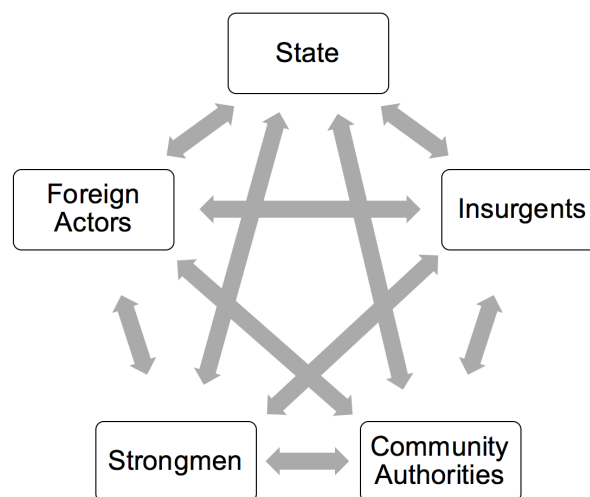
On the downside, however, the idea of 'hybridity' lacks analytical leverage. It still rests on ideal-typical categories, mistakenly indicates the existence of non-hybrid institutional settings, and establishes a new broad label that brushes over fundamental differences between different hybrid arrangements. It has to be acknowledged that categorical borders can only be transcended in hybrid settings if there actually are ideal-typical categories. Thus, even though hybridity is meant to overcome conceptual binaries it actually reinforces them. In order to describe, for example, how formal and informal institutions are combined in hybrid settings, the empirical existence of the category 'formal' has to be accepted, which rests on the ideal-typical Weberian definition of the state. And as no existing state can be described as 'truly' Weberian, no institutional setting can actually be characterised as 'non-hybrid'. Thus, hybridity is not a different or novel understanding of political order. In its most extreme form, it only describes the absence of the Weberian state. Spivak, a scholar of postcolonial studies, summarises that hybridity is "troublesome since it assumes there would be something that was not hybrid" (Spivak, 1995, quoted in Hutnyk, 1998, p.414; see also Shome and Hegde, 2002). The higher the degree of monopolisation of legitimate force, the lower the degree of

⁶ The notion of state 'fragility' is even more problematic in the policy world. The application of derogatory labels to non-Weberian polities securitises the absence of Weberian institutions. Building on the Copenhagen School concept of 'securitisation' (Buzan, Waever and de Wilde, 1998), scholars such as Duffield (2001) and Bliesemann de Guevara and Kühn (2010) argue that the absence of a monopoly of force is often framed as a security risk in Western societies. In other words, defining states as 'failed' creates a discursive environment in which any form of intervention by external actors can be justified as a response.

hybridty within a state. However, whereas the monopoly of force is a clear analytical ideal type, this does not apply to the concept of hybridty, which may exist in different forms. Hence, by calling Afghanistan's political order 'hybrid', it does not tell us anything about the characteristics of its political order, nor does it suggest a starting point for any further analysis.

Having established that conflict-torn spaces are insufficiently captured by such concepts as the Weberian state and hybrid political orders, I propose viewing political order as a constantly changing *arena of interaction for authorities*. The 'state' is only one of the authorities in this arena. The state may be confronted with the authority of insurgents and armed opposition groups. But, going beyond the dominant focus of the conflict studies literature, other authorities can also be considered. In the case of Afghanistan, for example, there are also warlords and strongmen, community authorities such as elders and councils, and foreign actors like the international military forces. While the arena is not egalitarian, the state is not necessarily hierarchically above other authorities. The relationship between these authorities is dynamic and may be under constant transformation, for instance, with some elements of the authorities collaborating while fighting each other in public. So, instead of looking at political order as a monolithic entity that needs to fulfil certain criteria to be called 'state', I look at the dynamics of authority, whether they are formal or informal, international, national or local. The borders of the arena are not necessarily the territorial borders of a country. While most of the visible competition may happen in a country, less tangible global financial and international political dynamics are also at play.

Figure 2.1: Political Order of Afghanistan



My focus on authority is in line with a growing trend moving beyond the Weberian state when conceptualising and analysing political order, particularly in the context of African countries (e.g. Hagmann and Péclard, 2010; Lund, 2006; Hoffmann and Kirk, 2013). As Agnew points out, "political authority is not restricted to states and (...) is thereby not necessarily exclusively territorial" (2005, p.441). Hence, choosing authority as the unit of analysis allows more

flexibility in dealing with the globalised world order (see Kaldor, 2009). While adopting this understanding, the divide between levels of governance and the separation between global, national and local is not relevant. Nonetheless, for this view on political order I still consider Weber's work to be fundamental. My understanding of authority is influenced by the German term *Herrschaft*, which can also be translated as *domination*, suggesting an analysis of governance beyond government. Weber defines the term as "the chance of a specific (or: of all) command(s) being obeyed by a specifiable group of people" (1980 [1921], p.122). Building on Weber, I use the expression *authority* to describe social control both as a relationship of command and obedience⁷ and, accordingly, the (commanding) actor or entity whose social control a group of people obeys, thus having a structuring influence on their lives. To define who is an authority and to distinguish between authorities I suggest adopting an *empirical* view and building on the perceptions and labels used by the people who have to obey their social control.

This conceptualisation of political order is influenced by post-Weberian and network-based ideas. These strands of literature respond to the insufficiency of the contemporary understanding of political order, making them more analytical and less concerned with policies than the literature that evolved out of the 'state fragility' debate. Nonetheless, their conceptions are also well suited to study supposedly 'fragile' or 'failed' polities, which do not have a monopoly of force because of violent conflict and other reasons. But while these scholars set out to reconceptualise the state, I refer to the wider arrangement as political order or polity, allowing us to look at the state as one authority out of many while avoiding terminological confusion. The state consists of several branches and bodies, including the government, the police and the army, which can be described as state authorities.⁸

Post-Weberian literature, implicitly or explicitly, often builds on Bourdieu's understanding of order. Bourdieu (1994) argues that societies consist of various fields in which power is concentrated (e.g. economy, politics, universities). According to Bourdieu, the linkages between the fields constitute a field of power. The field of power describes the "arena where holders of the various kinds of capital compete" (Wacquant, 1996, p.xi). The 'post-Weberian' concepts are Weberian in the sense that they acknowledge the importance of force and coercion within a given territory. But as they also, at least heuristically, adopt Bourdieu's more dynamic notion of competition within a field of power, they consider the political order to be in a process of permanent transformation, and ultimately give more space to agency and plural authorities. Prominently, Migdal and Schlichte define political order, which they call 'statehood', as "a field of power marked by the use and threat of violence" (2005, p.15). This

⁷ Some scholars refer to 'compliance' instead of 'obedience'. Building on Weber I use the term 'obedience' [*Gehorsam*] to define 'authority' [*Herrschaft*].

⁸ In the interviews I conducted, however, many people used the term 'government' to describe the entire state. Hence, when drawing on interviews I may also refer to the 'government', even when talking about what I would call the 'state'.

field of power is constantly changing as “the process in which power is exercised involves a constant struggle among multiple actors” (ibid.).

But, while competition between authorities and the use of force are certainly important features of conflict-torn spaces, the authorities are also connected and may even collaborate in some essential ways as the literature on war economies illustrates. This way of thinking is advocated by scholars who describe the political order of conflict-torn spaces as a network (e.g. Jackson, 2016; Sharan, 2013; Sharan and Bose, 2016). While they look at the state in a more functional way, they also emphasise the importance of connections, defining the state as “personality-based networks of access” (Jackson, 2016, p.3), which “form the bedrock of social, political and economic life” (ibid.). Jackson rightly points out that the advantage of this conceptualisation is that it is non-hierarchical and that power lies in network connections of individuals (ibid.). And, indeed, what I call ‘authorities’ can, figuratively speaking, also be seen as knots, or a section, of a network. Political order is the playing field, in which authorities, both in the form of individuals and groups or organisations, interact. This interaction can be forceful and competitive as well as coordinated or cooperative. Authorities may even engage in different forms of interaction at the same time, violently fighting each other while also benefiting from economic cooperation.

By conceptualising Afghanistan’s political order as an arena of interaction of multiple authorities, including but not exclusively focused on the state, we acknowledge the complexity of conflict zones while maintaining conceptual clarity. We broaden our view and can investigate the legitimacy of these authorities separately and identify similarities and differences.

2.3 Concepts and Conceptions of Legitimacy

Legitimacy and Authority

Like the understanding of political order and the state, the definition of legitimacy is also contested. Derived from the Neo-Latin word 'legitimus' (lawful, legal, legitimate) its definition has changed constantly and has been used in a wide range of contexts (Delbrück 2003, p.31). In medieval European thought, for instance, it described a person who – in contrast to the tyrant – ruled according to the law and the will of God (ibid.). To be able to research legitimacy in the political order of a conflict zone like Afghanistan I make a number of conceptual and analytical suggestions, which were influenced by the existing literature on legitimacy as well as by my empirical research.

Two closely related *concepts of legitimacy* can be differentiated: normative and empirical (Andersen, 2012; Hinsch, 2008; Jackson and Bradford, 2010; Schmelzle, 2011). Philosophers

and political theorists have long discussed the conditions whereby a political order or an authority can be considered to be legitimate. There is an on-going debate as to the requirements that have to be fulfilled to achieve such a *normative* legitimacy. For example, Arendt argues that "power springs up whenever people get together and act in concert, but it derives its legitimacy from the initial getting together rather than from any action that then may follow" (1969, p.52). Explicitly or implicitly, normative definitions of legitimacy are often linked to the concepts of security and justice. For example, according to Hobbes' idea of the social contract, people give up individual freedoms and transfer rights to an authority in exchange for security. As long as the authority ensures the protection of the people, it is legitimate. Conversely, scholars like Buchanan (2003) argue that legitimacy requires a minimum of justice.

By contrast, I adopt an *empirical* view of legitimacy, in line with my empirical understanding of authority and like most scholars in political science and sociology conducting empirical research (Dogan, 2002 [1992], p.120). Hence, I investigate legitimacy from the point of view of the people governed and analyse why people in Afghanistan consider an authority to be legitimate, instead of making these judgments myself according to my normative standards. The empirical concept of legitimacy rests on Weber's understanding, and his general strategy to make research as independent as possible from the researcher's own views and values (Beetham, 1991). Accordingly, when investigating empirical legitimacy, the attitudes and beliefs of people have to be analysed. Nonetheless, drawing on the normative definitions, I investigate legitimacy through the lenses of security and conflict resolution.

When adopting an empirical understanding of legitimacy, the concept needs to be specified to be able to analyse 'it' and to know what to look for in an empirical setting. I suggest viewing legitimacy as a source of authority – as voluntary obedience to social control. Conceptually speaking there are two options as to why people accept or even support an authority and obey it: either people *want to* obey or they *have to* obey. Voluntary obedience is based on *legitimacy*, whereas involuntary obedience is based on *coercion*. If authority rests on coercion, people are threatened or forced to obey in a violent or non-violent way. When applying this conceptual divide analytically to empirical research, there may be a continuum between the two ideal-types. For instance, instead of categorising the army of a country as legitimate and an insurgency group as coercive, people might have more balanced views. A person may acknowledge that the army is coercive but, nonetheless, consider it to be *more legitimate* than insurgents. How coercive and/or legitimate an authority is, is a question of perception. For instance, social pressure can force people to obey. However, if this is to be labelled coercion or legitimacy depends on how the affected people perceive it.

But indisputably, in the context of empirical research it can be difficult to categorise perceptions of authority as 'legitimacy' and 'coercion'. As outlined in the methodology section, the use of 'big' and rather abstract categories for empirical research comes with inherent limitations (see

Section 1.2).⁹ It helped to centre my empirical research around the topics of security and conflict resolution, as both contexts imply a form of exercising social control and may require obedience. For instance, if somebody views an actor to be a 'good' security provider it indicates that the interviewee accepts the actor's authority and considers it to be legitimate to some extent. Similarly, the choice or support of an actor providing conflict resolution indicates the willingness to obey its decision.

Conceptually, the suggested definition of authority implies an *ability to impact*. Legitimacy and coercion enable an authority to exercise social control. However, legitimacy and coercion may also exist without the ability to impact and people may assess the legitimacy and coerciveness of an authority outside relationships in which they obey. For example, the international community bestows the Afghan state with external legitimacy. An insurgency group may have coercive means, but will only be able to apply them in a certain area of influence. Outside this area the group may still be considered to be coercive, however, people are not subject to its authority. At the same time, someone might consider the Afghan state to be legitimate even if he lives in a fully insurgency-controlled area and does not have access to the Afghan state. Adopting Aristotle's distinction between actuality and potentiality, we can distinguish two forms of authority. For those who are not subject to an actor's social control, those which it is unable to impact, authority is only *potential*. But if legitimacy and coercion enable obedience we can speak of *actual authority*. The perception of external actors, who locally only have potential but no actual authority, is particularly important in conflict-torn spaces. In such dynamic spaces, the relationship between authority and territory and the ability to impact are in flux. Hence, an analysis of authority in conflict-torn spaces needs to consider actual as well as potential authority.

Instrumental vs Substantive Legitimacy

In developing the conceptual understanding of legitimacy, I suggest distinguishing between two different kinds of theoretical reasons for voluntary obedience, which reflect two fundamentally different ways of looking at legitimacy. I term the rational assessment of usefulness of authority *instrumental legitimacy*, describing to what extent an authority responds to *needs*. People may voluntarily obey authority simply because it is beneficial, or because they have no alternative. Based on the rationality and assessments of *usefulness*, instrumental legitimacy can be seen in line with rational-choice theory, the understanding of the human as a self-interested *homo oeconomicus* and positivist research methods in general. Instrumental definitions of legitimacy can also be found in the policy literature, for instance, with suggestions aiming at enhancing legitimacy through service delivery or improved

⁹ For instance, when researching legitimacy through cautious interviews that avoid the direct use of key concepts, such as in the case of my research project, we depend on indicators – like the choice of one authority over another, active support, admiration, passive support, acceptance, passive resistance and active resistance – and other strong views in people's reports on authorities.

performance. But Weber argues persuasively that obedience, which rests on material interests and rational calculations of advantages, is instable (1985 [1922], p.475). It only lasts as long as people benefit or have the hope of benefitting again in the future. Hence, instrumental legitimacy is of a short-term nature.

Conversely, what I call *substantive legitimacy* is a more abstract normative judgment, a *belief in the rightfulness*, which is underpinned by shared values. Substantive definitions of legitimacy are dominant in the social science literature and go beyond the simple rational assessment of advantages and disadvantages as they are centred around beliefs. For instance, Weber argues that "the basis of every system of authority, and correspondingly of every kind of willingness to obey, is a belief" (1964, p.382). If a person believes that an entity has the right to exercise social control, he or she may also accept personal disadvantages. Hence, according to Weber, belief in the legitimacy of an authority [*Legitimitätsglauben*] is necessary to achieve long-term voluntary obedience (1980 [1921], p.122). Considering substantive forms of legitimacy, enables a more comprehensive analysis of a *homo sociologicus*, who is a member of society and is also guided by values and belief, opening up the space for a wider range of methods. Therefore, when empirically investigating legitimacy, we need to investigate the reasons that underpin people's views, the explanation of their opinions and actions, and whether they are based on beliefs and values, usefulness – or coercion.

The conceptual divide between *beliefs* and *needs or rightfulness* and *usefulness* that I am introducing to the debate on legitimacy, builds on a long tradition of distinguishing the reasons that explain social action along similar lines. For instance, Weber developed four types of social action, including *instrumental rationality* [*Zweckrationalität*], based on utility and *value rationality* [*Wertrationalität*] (Weber, 1980 [1921]; see also Boudon, 2010). Habermas (1984; 1987), in his theory of communicative action, goes beyond Weber's focus on what drives an individual in society and also considers the relations between people. He argues that actions are either oriented instrumentally to individual *success* or to *agreement* [*Verständigung*], a normative consensus. According to Habermas, what is 'true' and also what is morally 'right' can be established through discourse. And the neo-institutionalists March and Olsen (1995; 1998; 2009 [2008]) differentiate between a *logic of consequences* and a *logic of appropriateness* to explain actions of individuals.¹⁰ In contrast to the more general literature on social action, the two suggested definitions of legitimacy focus more specifically on explaining obedience to social control. Instrumental and substantive legitimacy are two

¹⁰ March and Olsen argue that, on the one hand, action may be driven by a "logic of anticipated consequences and prior preferences" (1998, p.949), a person rationally assessing and comparing the outcomes of alternatives. On the other hand, action may be driven by a "logic of appropriateness and senses of identity" (ibid.), following the rules of what a person considers to be right and good. According to their framework, while substantive legitimacy could indeed be read as a logic of appropriateness, both instrumental legitimacy and coercion would fall under the logic of consequences, as two factors which underpin rational decision-making. In contrast, I propose separating coercion and legitimacy with its instrumental and substantive sub-categories more clearly as different, ideal-typical reasons explaining obedience to social control.

complementary, not mutually exclusive reasons why people obey authority. Both needs and beliefs underpin people's expectation with regard to an authority. 'How much' instrumental and substantive legitimacy an authority has ultimately depends on the extent to which people's perception of an authority match their *needs-based* and *belief-based expectations*.

Legitimacy in Conflict-torn Spaces

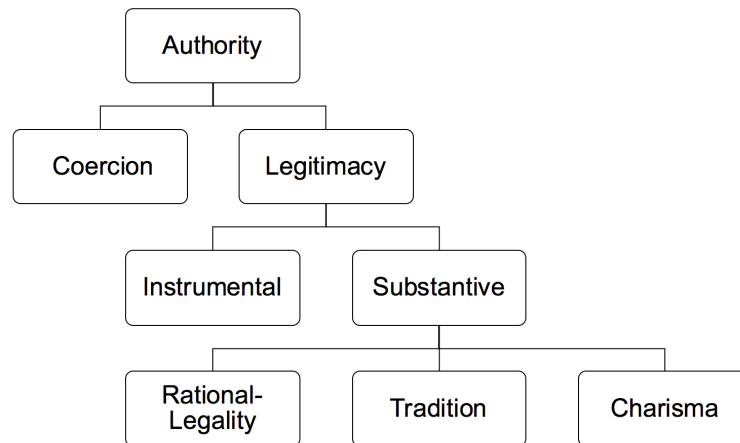
In conflict zones, where people's basic needs are not met, instrumental legitimacy is of particular importance. And the sources of instrumental legitimacy are easy to imagine. For instance, Goodhand (2003, pp.2-3) described how the war economy in Afghanistan for most people is a *coping economy*. While commanders and businessmen benefit from the war and shadow economies the majority of people in Afghanistan remain poor, trying "to cope and maintain asset bases through low-risk activities, or to survive through asset erosion" (ibid., 4). If people try to cope or survive on a day-to-day basis, authorities can construct instrumental legitimacy easily by providing goods, services, money or employment. Kalyvas (2006) argues that armed groups in conflict zones control populations and ensure cooperation of non-combatants through selective violence directed against defectors while providing benefits for collaborators, creating the necessary 'incentive' for people to obey. From the affected people's point of view this could be read as a mix of coercion and instrumental legitimacy.

But what underpins substantive legitimacy in a context like Afghanistan is less clear. Goodhand et al. (2016) point out that "in divided societies, by definition there are competing sources of legitimacy" (2016, p.486). There are various possible *sources of substantive legitimacy*, which can be categorised in different ways. And as what I call substantive legitimacy is in line with the traditional, empirical understanding of legitimacy in general, there is a vast amount of literature on its potential sources. The sources of substantive legitimacy can also be called *conceptions of legitimacy*. These conceptions describe the multiple possible instantiations, establishing under what conditions it is adequate to use the term (substantive) legitimacy. At the same time, the conceptions also constitute theories on the mechanisms that underpin legitimacy and ultimately on how to construct legitimacy.

Weber famously distinguishes between *rational-legal*, *charismatic* and *traditional* legitimacy, describing different mechanisms or sources of substantive legitimacy that underpin the belief in the right to exercise social control (2009b [1948], pp.78-79; see Figure 2.2). Each of these ideal types describes a specific claim of legitimacy of an authority [*Legitimitätsanspruch*] that responds to a certain belief in what constitutes a legitimate authority [*Legitimitätsglauben*]. The idea of rational-legal legitimacy rests on the belief in formal rules and a functioning bureaucracy. Traditional legitimacy is based on customs and routines, legitimising authority because it has not changed for a long period of time. A particularly complex form of legitimacy is charisma. For Weber, charisma lies in the belief of people in the extraordinary

[*außeralltägliche*] qualities of an individual, which makes him or her appear to be an envoy of God, a role-model or leader (Weber, 2009a, pp.222-224; Kraemer, 2002, p.174; see also Bliesemann de Guevara and Reiber, 2011, p.30).

Figure 2.2: Sources of Authority and Legitimacy

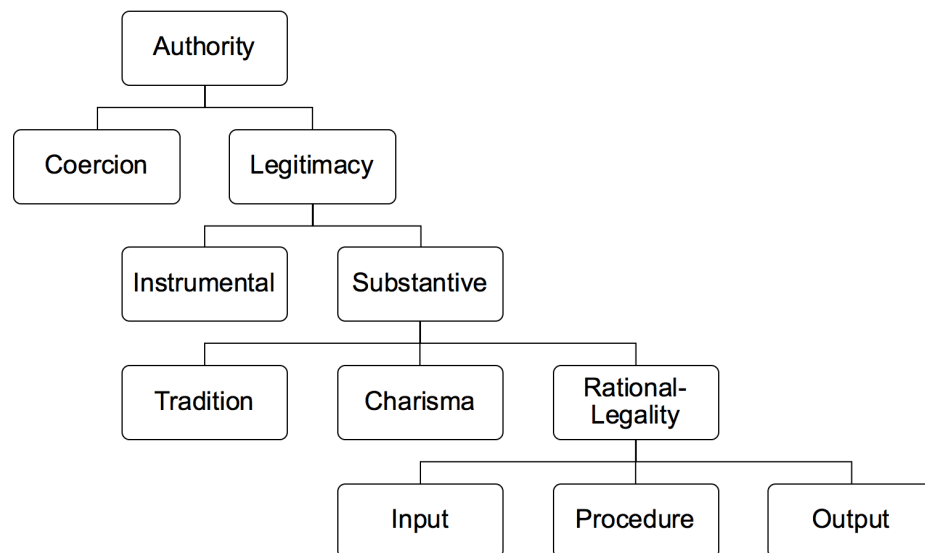


But Weber explicitly specifies that the three ideal-types of legitimate authority only capture ‘modern’ contexts (1980 [1921], p.123). His typology is tailored to settings that are characterised by a monopoly of force, where political order and authority are one and the same. In his view, an authority is a coherent entity or system, based on one idea of authority or principle of governance, such as rational-legality or tradition, that provides the authority with a claim of legitimacy and that also determines the authority’s practices. But in a conflict-torn setting there are multiple authorities, which are different from each other, each having specific characteristics. In addition, what an authority stands for and on what basis it claims legitimacy may not translate into its actual practices. Hence, we do not know to what extent Weber’s typology can help us to explain legitimacy in a conflict-torn space like Afghanistan.

There are many other suggestions as to how to conceptualise the sources of substantive legitimacy. But most of the literature focuses on the legitimacy of ‘the state’ and legitimacy *within rational-legal contexts*. In contrast to Weber, this literature does not look at the reasons that underpin people’s beliefs in legitimacy, but focuses on different *aspects of authority* that matter for legitimacy in political orders characterised by rational-legality. In a way, it specifies the rational-legal source of legitimacy (Figure 2.3). For instance, Scharpf investigates legitimacy “under modern (Western) conditions” (2003) and describes *input* and *output* legitimacy as two dimensions of a democratic system, where output goes beyond simple service delivery and is linked to the input of the people through representative institutions that ensure accountability (1997; 2003). Algappa has a more detailed look at the ‘output’ of the state and recommends distinguishing performance, the effective use of power, from procedural elements of legitimacy, which he defines as the conformity to rules (1995, p.24). Similarly, psychology literature, looking particularly at democratic policing, offers for

consideration the *procedures* of how police officers interact with the public (e.g. Tyler, 2004; Tyler, 2006; Jackson et al., 2013; Mazerolle et al., 2013). However, it is again unclear to what extent the literature on rational-legal settings, characterised by a high level of monopolisation of force, can be used to explain voluntary obedience to the various kinds of authority in a conflict-torn space.

Figure 2.3: Rational-Legal Sources of Substantive Legitimacy



There has been far less discussion of the sources of substantive legitimacy specifically in conflict-torn spaces and, derived from the literature on rational-legal contexts, the conceptual divide between output and performance on the one hand and processes and input on the other hand determines the debate. Denney et al. (2015, p.5) summarise: “some see legitimacy as an output- or performance-based product, which emerges when political authorities deliver tangible outcomes to populations (such as services, economic opportunities or security). Others see it as a function of process, which can refer to how inclusive the government is throughout the process of policy making and resource distribution”.

This narrow focus has three crucial limitations. First, the conceptual divide between input and output legitimacy is of limited value for the analysis of non-rational-legal contexts. In the absence of institutions that connect input and output, output legitimacy is barely instrumental, simply addressing people’s needs, not being linked to their values. Other possibly more adaptable and hence fruitful approaches to legitimacy, such as Tyler’s (2004; 2006) on procedures of interaction, have not been considered much in the debate. A notable exception is Sturge et al.’s (2017) recent cross-country analysis, which concludes that service delivery only enhances the legitimacy of the state if people can participate in the decision-making process, suggesting that how services are delivered is more important than what is delivered. Second, the debate, including Sturge et al.’s work, is centred around the legitimacy of the state and does not consider the legitimacy of other authorities that exist in political orders with a low

level of monopolisation of force. Third, there is not much empirical evidence. According to a review on the role service delivery can play for the construction of state legitimacy in conflict zones “there is limited evidence, of mixed quality” (Slater et al. 2012, p.4). Denney et al. conclude that more empirical research is required, adopting a “multidimensional understanding” (2015, p.5) of legitimacy.

Analytical Dimensions of Legitimacy

To enable empirical research of legitimacy in a context like Afghanistan, I want to propose such a multidimensional analytical understanding. First, in line with Weber, I advocate investigating people’s *needs and beliefs*, which underpin their perceptions and expectations with regard to authority. This helps us to understand why people think that an authority has the right to exercise social control or why it is at least useful for them. Following Weber, a person may believe that a rational-legal, a traditional or a charismatic authority has the right to exercise social control. But a person’s belief in what is right may also emerge from religion, another ideology, such as capitalism and communism, or values that cannot be categorised easily according to ideologies. Second, we should look at what *aspects of authority* people’s needs and beliefs relate to and what are specifically the referent objects of their perceptions and expectations. This allows us to deal more flexibly with the complexities of conflict-torn spaces than the common approaches, which, based on Weber, view authorities as coherent entities or systems. While an authority’s instrumental legitimacy is linked to its actions, which address people’s needs, people’s beliefs may also be linked to other aspects of authority, such as what an authority stands for.

The literature on legitimacy in rational-legal contexts suggests that input, procedures and output are relevant aspects of authority. However, due to the outlined fluidity of authority in a conflict-torn setting,¹¹ a different range of aspects of authority may matter in such contexts. People might be concerned with an authority’s *actions*, in terms of its ‘output’ as suggested by Scharpf (2003) or, building on Tyler (2004; 2006), in terms of its de facto behaviour, practices and modes of interaction – either institutionalised as procedures or unregulated. Alternatively, people may believe in an authority’s right to exercise social control because of its *history* of how it gained authority. Another aspect of importance might be what an authority stands for, the *idea* of authority – for instance, expressed through its formal or de jure institutions, symbols, personality, official narrative or communicated ideology – when assessing its legitimacy. For example, in their work on the Democratic Republic of the Congo (DRC), Hoffmann and Vlassenroot (2014), illustrate how non-state armed groups evoke notions of state discourse to build legitimacy, knowing that it addresses the idea of what people view as

¹¹ In a conflict-torn setting, input, procedure and output are not necessarily connected through institutions and there may be a gap between the de jure ‘formal’ institutions of what authorities claim to do and the de facto ‘informal’ institutions of what authorities actually do that affects people’s lives.

legitimate.¹² While some authorities might be coherent actors, with all of the aspects being aligned, in other cases, there might be gaps between actions, history, and what an authority stands for. But this is by no means a comprehensive list. There may be other aspects of authority that matter for people, which need to be developed inductively.

Combining the two dimensions of beliefs of the subjects on the one hand and a disentangled view on authority with various aspects on the other, a more detailed picture of legitimacy evolves (see Figure 2.4). For more positivist research projects, it allows us to develop hypotheses on what underpins legitimacy in a conflict zone. For example, people may believe that an authority has the right to exercise social control because they perceive the way it gained authority to be democratic, resulting in what Scharpf (2003) calls ‘input legitimacy’. But people may also consider an authority to be legitimate because they perceive its *de jure* institutions to be in line with their traditions. Or people may consider the behaviour to be instrumentally useful or, more substantively, right, because it is in line with their religious beliefs. And also in the case of Afghanistan, various combinations of the two dimensions can be imagined, serving as ideas on what may legitimise authorities. For instance, people may consider the state to be legitimate because of its liberal and democratic constitution; they may view local elders to be legitimate because they gained authority in a traditional way; or the Taliban might be the authority they support because of the religious values they stand for.

Figure 2.4: Dimensions of Analysis: Aspects of Authority vs Beliefs and Needs, Examples

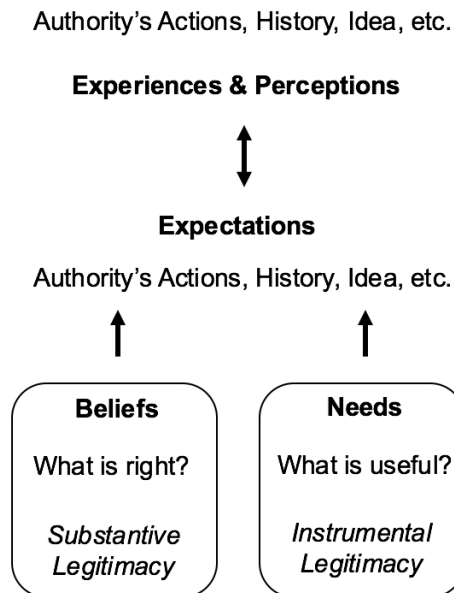
	Substantive Legitimacy	Instrumental Legitimacy
Authority's Actions	e.g. belief in right to exercise social control because authority's practices are in line with religious values	e.g. usefulness of exercise of social control because of authority's provision of goods and services
History of Gaining Authority	e.g. belief in right to exercise social control because actor gained authority in way that is in line with traditional values	-
Idea of Authority	e.g. belief in right to exercise social control because authority's code of law is in line with democratic values	-

By analysing the extent to which people's perceptions with regard to different aspects of authority match their expectations, we can draw conclusions on the legitimacy of different authorities (Figure 2.5). To comprehensively assess legitimacy, the question is ultimately what matters the most for people, also including perceptions of coercion, as the complementary source of authority. For example, people may consider a community authority to be coercive

¹² See also Hoffmann, Vlassenroot and Marchais, 2016.

because of its violent actions in the present, even though they view the process of how it gained power to be legitimate for traditional reasons. Conversely, people may consider the state to be legitimate because of its democratic procedures, accepting its insufficient output or even its sporadic coerciveness.

Figure 2.5: Analytical Framework – Summary



It is worth noting that these dimensions are not static but are subject to constant change. Legitimacy is always in a process of transformation, construction and deconstruction. Not only the aspects of authorities change. So too, people's needs and, as Algappa points out, even "norms and values may change as a result of political, socioeconomic, and ideational changes" (1995, p.25). Such changes may happen frequently, particularly in a dynamic conflict-torn setting. In addition, people's experiences with and perceptions of an authority may also affect their expectations and ultimately what they consider to be legitimate. For instance, after positive long-term experiences with an authority, the expectations people have with regard to future authorities may rise. Or, vice versa, long-term negative experiences with authorities may lower the expectations people have, reducing the threshold of when an authority is considered to be legitimate. Scholars working on *adaptive preferences* illustrate that people adjust their preferences if they have limited options and may even become complicit in maintaining their own deprivation or suppression (e.g. Khader, 2011; Begon, 2014; see also Sen, 1990).

Self-Perception of Authority

Finally, to gain a comprehensive understanding of legitimacy, I propose looking at the perception of authority from as many different perspectives as possible, including the self-perception of authorities.

Beetham challenges Weber's understanding of legitimacy and rightfully points out that looking at people's beliefs narrows down the complexity of legitimacy to a single dimension (Beetham, 2013, p.23). In contrast, he argues that "a given power relationship is not legitimate because people believe in its legitimacy, but because it can be *justified in terms* of their beliefs" (2013, p.11). Even though Weber distinguishes the claim of legitimacy [*Legitimitätsanspruch*] from people's belief in what constitutes a legitimate authority [*Legitimitätsglauben*], his typology is grounded in the latter. But Beetham's definition – based on the justification of legitimacy – is similarly one-sided. However, Weber and Beetham's views are not mutually exclusive and can be combined.

Hence, I propose to approach and analyse legitimacy from two perspectives, not only focusing on the *perception of legitimacy*, the people's point of view, but also including its *self-perception of legitimacy*, the authority's point of view. Investigating the self-perception of authorities supplements the picture we gain from public perceptions. Building on Beetham's suggestion, by analysing authority's self-perception we can discover on what basis they claim legitimacy and justify their authority, how they portray themselves and frame their actions, history and idea of authority. But investigating the self-perception of authorities also provides us with a better understanding of their own interpretations and the reasons that underpin their actions. This allows us to put their authority into context, going beyond public perceptions.

To find out more about the authorities' view on legitimacy, we need to talk to individuals who are themselves authorities or are associated with them. We can distinguish different dimensions that provide insights into how they perceive their legitimacy. All of which can be analysed through the lens of aspects of authority on the one hand and instrumental and substantive legitimacy on the other. First, we can investigate the *personal claim of legitimacy*, the reasons why an individual says that his or her authority is legitimate or that certain ways of exercising authority are legitimate. These personal claims of legitimacy may differ from *official* statements and claims of legitimacy that are linked to the idea of authority. But in addition to claims, I propose, to try to find out more about an authority's self-perception. There may be differences between what authorities claim and how they personally think about it. Hence, second, I suggest to analyse the *personal motives* of why a person joined or became an authority. If people do so voluntarily, it illustrates a high level of legitimacy, making it relevant to study the reasons and the extent to which they are instrumental or substantive. By looking at the motives, we can go beyond both official and personal claims and find out more about to what extent and why a person thinks that his or her authority is legitimate. Third, we

can examine the reasons why a person assumes that his authority has *local legitimacy*. Again, this can provide us with a better understanding of legitimacy beyond claims of what a person thinks the public thinks. Research may consider one or many of these dimensions. Even though, ultimately, we cannot always be sure what a claim is and what 'honest' self-perception is, any insight beyond the official claim furthers our understanding of the authority's view on legitimacy.¹³ We can then compare these dimensions of the authority's view on legitimacy with how the public perceives them, analyse to what extent the perspectives match and explore the reasons that explain potential gaps between their own view and how others perceive them. On that basis, we can draw more nuanced conclusions on what underpins the authority's legitimacy and how substantive it is.

Defining, Analysing and Theorising Legitimacy – The Importance of Interactive Dignity

In short, I propose three ideal types, explaining why people may obey social control. Coercion forces people to obey. If authority rests on the traditional understanding of legitimacy, or what I call substantive legitimacy, people obey because they believe in the rightfulness of the authority. This belief may, among other potential sources, result from traditions or rational-legality. Instrumental legitimacy, underpinned by usefulness, fills the conceptual gap between these two explanations for obedience. In addition, I suggest investigating what aspects of authority matter and how people's needs and beliefs relate to authorities' actions, history and the ideas they stand for. This is obviously a purely conceptual exercise. The categories are interconnected and in almost every empirical setting different sources of authority will play a role. The analytical distinction is supposed to enable empirical research, and does not necessarily contradict any conclusion on the relationship between the concepts. Hence, the framework allows researchers to work more inductively, and to investigate the perceptions of different groups of people to explain why they obey social control.

With its multiple dimensions, the framework can help to overcome the narrowness of many debates on people's views and actions in conflict zones. But not all of the framework's nuances and dimensions need to be, or can always be, covered. Instead, it should be seen as a tool, offering suggestions on how to approach legitimacy in a conflict-torn setting. It enables us to consider a wider range of factors that underpin people's perceptions of legitimacy, including socially constructed values and beliefs that may look irrational from an outside point of view. The framework can be applied to analyse the sources of authority and legitimacy in empirical research, independently of the political system the authorities operate in and the degree of monopolisation of force.

¹³ While it helps to distinguish these dimensions analytically, they may be identical in certain empirical settings. For instance, in the context of individual authorities, the personal narrative and claim of legitimacy may equal the official one.

I use the framework to analyse the perceptions of people in Afghanistan. On that basis, I develop a theory, suggesting that an essential mechanism or source of substantive legitimacy in Afghanistan, and possibly also in other conflict zones, is, what could be called, *interactive dignity*. The aspect of authority that most concerns people in Afghanistan are its actions, particularly with regard to how authorities *interacts* with them on a day-to-day basis. The value-based expectation people have with regard to such interactions is one of *human dignity*. People expect procedures to be fair and practices to be respectful, reflecting a serving rather than an extractive attitude.

My research shows that the people interviewed in Afghanistan care little about how an actor gained authority and what ideas an authority stands for. Instead, people are most concerned with their own experience of authority and the way authorities interact with them. The role procedures of interaction play for legitimacy have been illustrated by scholars like Tyler (2004; 2006) in rational-legal settings. But interactions appear to be even more important for legitimacy in conflict zones. In the absence of rational-legal structures that connect 'input' and 'output' on the macro-level, people hope for accountability on the micro-level, in their day-to-day lives.

The beliefs and values that underpin people's expectations with regard to interactions are not linked to any of Weber's ideal-types and also do not rest on religion or another ideology. Instead, people have a very basic expectation of being treated with dignity, as equal citizens. For instance, in the security sector, people expect coordinated approaches, which involve the community. With regard to conflict resolution, people hope for fairness, replacing the corruption they experience on a daily basis.

Nonetheless, people appear to believe in the *idea of the state* as an abstract concept and hope for a state to govern again in the future. While interactive dignity may be the first and essential step for the construction of legitimacy in Afghanistan, in the long-term, a Weberian monopoly of force and *rational-legality* seems also to be expected. However, as long as the state fails to live up to people's expectation of interactive dignity, it is bound to fail in constructing a monopoly of the legitimate use of force.

2.4 The Difficulties of Constructing Legitimacy

The so far unsatisfactory understanding of the role of legitimacy in conflict-torn spaces can easily be dismissed as an abstract scholarly problem. But the literature on 'statebuilding' illustrates that this problem also translates into the policy world. Even though the ideas of how to 'build a state' differ, all approaches hinge on a preconceived idea of which institutional result is supposedly legitimate. This shows that an improved conceptual and empirical understanding of legitimacy in conflict-torn spaces is not only relevant for purely academic

reasons but may, for instance, also help to guide future policies in achieving more legitimate results.

Political order and legitimacy can be considered to be in a process of constant change and transformation (Tilly, 1992; Elias, 1982 [1939]). In conflict zones, actors often try to influence or even steer these transformative processes, constructing specific kinds of political order and/or producing legitimacy. Particularly prominent in the policy domain is the idea of 'statebuilding', which – as the name indicates – aims at the construction of a predefined kind of political order. We can distinguish between two dominant debates and approaches to statebuilding, based on different assumptions about what is legitimate.

The dominant thinking about how to build a state is underpinned by a normative-teleological misinterpretation of Weber's ideal-typical modern state. In response to assumed state 'failure' or state 'fragility', some scholars recommend (re-)building Weberian state structures (e.g. Fukuyama, 2004; Rotberg, 2004). Lemay-Hébert (2013) describes this trend as 'neo-Weberianism'. The debate is divided along the lines of sequencing – discussing, for example if economic liberalisation or institutionalisation is required as a first step (Schneckenner, 2007) – but widely agrees on the institutional results which statebuilding is supposed to achieve. Drawing on Weber, the implicit assumption is that a modern state is legitimate because of its rational-legal structures. More specifically, this strand of literature suggests that a democratic state structure is generally considered to be legitimate. For example, Fukuyama points out that in "today's world the only serious source of legitimacy is democracy" (2004, p.35). The debate reflects a way of thinking about legitimacy that is in line with Scharpf's (1997; 2003) work.

But it is not clear to what extent these assumptions reflect local expectations and perceptions of legitimacy in a conflict zone like Afghanistan. The assumption that only a Western-type 'strong' state is fully legitimate and can produce legitimate results neglects the reality of diverse non-Western governance arrangements. It is also ignored that the wide-spread existence of Weberian states is not necessarily a consequence of their general acceptance alone but also has its roots in European colonialism, when Weberian state structures were imposed on societies around the world (Bliesemann de Guevara and Kühn, 2010, pp.34-36). The on-going implicit idea of superiority in terms of state structures translates into the implementation phase of building Weberian states. Institutions that are in places in a 'fragile' state are usually ignored. Thus, for instance, local power relationships and certain histories of governance in societies are often not considered in a substantive way but are only seen as retrograde or underdeveloped institutions, which have to be eliminated (Jackson, 2011, p.1807). The assumptions enable a technocratic implementation of statebuilding policies that focus on 'input legitimacy', for instance by organising elections, or the construction of instrumental 'output' legitimacy through service delivery. But the history of statebuilding shows that the approach often results in what is called 'quasi-state' (Jackson, 1990), 'phantom state' (Chandler, 2006)

or 'empty shell' (Lemay-Hébert, 2009) – states that have a Weberian façade but are governed by a different set of institutions.

The case of Afghanistan is characterised by similar shortcomings. The international community has not only failed to build a monopoly of force in Afghanistan, but has also failed in constructing legitimacy. According to Tadjbakhsh and Schoiswohl (2008), the 'democratisation' efforts post-2001 in Afghanistan were driven by international security concerns more than the interests of the Afghan population and focused on establishing procedural elements of Western democracies, such as elections. They describe it as "symptom and a consequence of the international community's paternalistic understanding of Afghans as primarily the recipients of democracy and not the driving force behind it" (ibid.). And Goodhand et al. (2016) illustrate how the strong focus on elections in the statebuilding efforts in Afghanistan had a number of unintended consequences, turning democracy into a 'theatre' while empowering informal networks and elite bargaining.

More recently, an alternative idea evolved on how to transform political orders, which is discussed both in academia and the policy world. While this discourse is multi-faceted, in its core it is centred around 'the local' and the idea of working with communities instead of imposing state structures 'top-down'. Thereby, the assumed source of legitimacy of authority is what Weber would call 'traditions'. For instance, the idea of 'hybrid governance' is not only used to describe political order but has also found its way into the prescriptive statebuilding discourse. Some scholars suggest that instead of imposing Weberian structures in statebuilding, there is a need to work 'bottom-up', incorporating already existing local governance structures. For example, Menkhaus emphasises that an improved approach to statebuilding "would combine what is already working locally with what is essential nationally" (2006/2007, p.103). According to him, legitimate local actors should provide security and other core services, limiting the central state to "essential competencies not already provided by local, private sector, or voluntary sector actors" (ibid.). Along similar lines, Boege et al. suggest "combining state institutions, customary institutions and new elements of citizenship and civil society in networks of governance which are not introduced from the outside, but embedded in the societal structures on the ground" (2008, p.17).

The recognition of the failures of the prevailing 'top-down' statebuilding policies is valuable. But when adopting the ideas on hybrid governance to transform political orders, in comparison to 'neo-Weberian' approaches to statebuilding, it only suggests a different pre-defined institutional result that needs to be achieved. It is again underpinned by the idea that certain institutions are more legitimate than others. As Dodge points out, "by its very nature, and despite claims to the contrary, external state-building is bound to be 'top down', driven by dynamics, personnel and ideologies that have their origins completely outside the society they are operating in" (2006, p.190). For example, Menkhaus (2006/2007) assumes that a 'mediated' state is more legitimate, while Boege et al. (2008) suggest locally 'embedded'

arrangements, which combine different institutions. This may lay the foundations for a new blueprint in statebuilding practice, assuming that 'mediated', 'embedded' or 'local' institutions – rather than 'formal', 'democratic' or 'rational-legal' ones – are 'good' institutions. But we cannot be sure that what is 'traditional' or 'local' is necessarily characterised by a higher degree of legitimacy than rational-legality in a conflict zone like Afghanistan. The 'informal', 'traditional' and 'local' are not homogenous categories but can include different institutions with varying degrees of local legitimacy. Depending on the context, some traditional institutions may be perceived as legitimate while others may be perceived by the affected people as oppressive. Certain institutions that are considered to be 'traditional' or 'local' now were imposed by colonial rulers as oppressive instruments with the intention of controlling people more successfully (Allen, 2007).

Also in Afghanistan, we can observe a turn towards 'the local'. Since the 'top-down' approaches of building institutions have been of limited success, the focus has moved on to expanding 'traditional' structures. With US support, for instance, the 'Afghan Local Police' was created. It is described as a village-level counterinsurgency programme, building on the tradition of village self-defence in Afghanistan. The policy, however, ignored the complexity of 'the local' and how different traditions and power structures are at the local level. Hence, while being successful in some villages, the programme resulted in new extractive and abusive militias in others (see Chapter 3).

Nonetheless, regardless of the failures of different policy interventions, the underlying assumptions about the kind of authority people consider to be legitimate may be right. People in Afghanistan may want a Weberian state, with rational-legal and democratic structures, or they might consider more traditional and local authorities to be more legitimate. Some strands of the peacebuilding literature look to the investigation of everyday practices and local perceptions of legitimacy to build lasting peace and a political order that people support (e.g. Richmond, 2014, p.517; Mac Ginty, 2014, p.561). This thesis adheres to this suggestion. Instead of assuming what people want and consider to be legitimate, this thesis sets out to listen to them. Using the developed framework, the following chapters will illustrate how people perceive various authorities in Afghanistan and why they consider them to be legitimate – or not. The findings can help to develop policies that strengthen what is considered to be legitimate by the people affected.

Chapter 3 | The State

3.1 Introduction

Hopes for Afghanistan were high in 2001. After decades of violence followed by the Taliban regime, there appeared to be the opportunity to build a new state, with a monopoly on the legitimate use of force, living up to the expectations of Afghanistan's citizens as well as those of the international community. Fifteen years later, most hopes of this nature have faded. While the 'statebuilding' efforts in the country continue, large parts of rural Afghanistan are outside state control, and cities, including Kabul, are frequent sites of attack. Even in territories that are officially under the control of the state, it often has to compete with other authorities, such as elders, councils and strongmen.

Without doubt, the state has failed to monopolise force in Afghanistan. Also, it not only operates in a complex political landscape; it is a complex actor in itself. Over time, the state has been controlled by various individuals and groups, advocating different ideas of authority and claiming legitimacy on the basis of different ideologies. For instance, the Taliban played a central role in the history of the Afghan state and are still relevant today, but as a group acting in opposition to the state. The state today is characterised by internal divides, and its *de jure* formalised structure and hierarchy do not translate into practice. Different branches, entities and levels often seem to be in conflict, following competing agendas or the commands of individual strongmen. Lacking a monopoly of force and a functioning bureaucracy, the western conceptual understanding of the state is one of limited use. Nonetheless, despite its weaknesses, the state appears to play a key role in the political order of Afghanistan. There is an army, which fights insurgents and tries to expand the state's level of monopolisation of force; there is a police force, which patrols the streets; people elect members of parliament, who then decide on new laws; and there is a government, which interacts with other countries in the world. But do people consider this state or any of its branches to be a legitimate? Or do people ultimately perceive the state only as a coercive authority, hidden behind the façade of democracy?

I begin this chapter with a brief overview of the history of competition over control of the formal state structures in Afghanistan, and look into how different rulers and governments have tried to construct legitimacy. Building on the interviews I conducted, I then investigate how the Afghan public perceives the state today and contrast it with self-perceptions of state actors. Thereby, I analyse the legitimacy of the state in light of perceptions surrounding security and conflict resolution, which correspond with different branches of a Weberian state. I first look at the Afghan National Security Forces (ANSF), which are meant to provide security and enforce the laws of the state as part of a bureaucracy that is subordinate to the executive branch of the state. Secondly, through the lens of conflict resolution, I look at the judicial sector, the courts and prosecutors, which implement and interpret the laws. In a third section, I briefly

consider the legislative branch, the members of parliament, who make the laws. I analyse all three topics, or branches of the state, by first looking at their history and official mandate before comparing it with my empirical findings, both in terms of how people work in these sectors as well as how members of the general public actually perceive the state. To investigate the reasons for differences in public perceptions I draw on geographic case studies, with a particular focus on opinions voiced in Nangarhar Province.

The chapter illustrates that people have to deal with the state on a regular basis, particularly in the urban areas of the provinces I studied. However, most interviewees do not think of the Afghan state as a system that is underpinned by one governing principle, but often had very different views on different state actors. For instance, many people consider the Afghan National Army (ANA) to be legitimate but not the Afghan National Police (ANP) or the state's courts. Nonetheless, there are a number of similarities with regard to the mechanisms underpinning these perceptions. People's perceptions of and attitudes to different actors, who represent authority and legitimacy, appear to depend mainly on the way they exercise authority and interact with people on a daily basis. People expect fair procedures and a respectful behaviour from the authorities and for them to behave with the attitude of serving the country. However, in contrast to this expectation, people perceive most state actors to be driven purely by their own interest, and extracting money through corrupt procedures. Nonetheless, while the state authorities fail to live up to people's expectations in practice, people still believe in the idea of the state as a concept.

3.2 Quest for State Authority in Afghanistan

i. Fight over Kabul – The Role of Coercion

A central theme in the quest for state authority in Afghanistan in its recent history has been the use of force and coercion, often in the context of foreign interference in the country. Since Kabul became the capital in 1775, it has been the central stage of the power struggles over the formal Afghan state structures. The main players on this stage have been various influential families vying for control of the country. But the supposedly 'internal' power struggles have also been closely linked to geopolitical conflicts, making imperialism a common theme of the city's modern history: the Anglo-Afghan Wars in the early days of western colonialism; the Soviet invasion during the Cold War; and the presence of western military forces who are fighting the *War on Terror* today. The constant contest of various foreign and Afghan authorities over power has resulted in frequent periods of insecurity for the city's citizens.¹⁴

¹⁴ For a more comprehensive history of Kabul and Afghanistan, see Barfield (2010), Collin (2006), Ewans (2002), Rubin (2002) and Saikal (2006).

In 1826, Dost Mohammad of the Barakzai Durrani family took control of Kabul, ending the rule of the Sadozai Durrani family (Barfield, 2010, pp.108-109; Saikal, 2006, p.31). However, during the First Anglo-Afghan War, British and Indian troops occupied Kabul from 1839 to 1842, and the foreign forces reinstated the Sadozai Durrani dynasty (Ewans, 2002, pp.42-50). After the end of the war and a brief reign of his son, Mohammad Akbar, Dost Mohammad Barakzai reassumed power (Saikal, 2006, pp.31-33; Ewans, 2002, pp.53-56). The Barakzai dynasty then governed the *Emirate of Afghanistan* until 1926 and the *Kingdom of Afghanistan* until 1973. After travelling to Europe, King Amanullah (reign: 1919-1929) began to 'modernise' Kabul in the 1920s. He reformed the constitution, built Kabul's western-style landmarks, Darul Aman Palace and Tajberg Palace, and propagated a western dress code (Saikal, 2006, pp.73-79; Barfield, 2010, p.189). King Amanullah's successor, Mohammed Nadir Khan (reign: 1929-1933), abolished many of the reforms, to accommodate the more conservative faction. But, the last king of Afghanistan, Zahir Shah (reign: 1933-1973), again revived the trend of 'modernising' the country and introduced a constitutional monarchy, initiated more rights for women, launched large-scale development projects and opened a zoo (Barfield, 2010, pp.200-205; Saikal, 2006, pp.140-152). Though most of Afghanistan remained rural and poor, a western life-style developed in parts of Kabul. Famous photos from the 1950s and 1960s exist, showing women in miniskirts in the office, or in bathing suits at the pool of the Intercontinental Hotel. Kabul also was a popular destination on the 'Hippie Trail' in the late 1960s.

In 1973, while King Zahir Shah was out of the country, his cousin Mohammed Daoud Khan seized power, supported to an extent by the pro-Soviet *People's Democratic Party of Afghanistan* (PDPA) (Bradsher, 1983, pp.53-57; Saikal, 2006, pp.172-176). Daoud Khan established a republic, proclaiming himself president (ibid). However, tensions between him and the PDPA grew, as he was critical of being dependent on the Soviet Union (Bradsher, 1983, pp.67-73; Rubin, 2011), and members of the PDPA killed Daoud Khan and his supporters in the 'Saur Revolution' in April 1978. The position of the *Chairman of the Presidium of the Revolutionary Council* was created, replacing the presidency (ibid; Bradsher, 1983, pp.74-81). After a brief transition period, Nur Muhammad Taraki took over the post but was killed in September 1979 on the order of his former friend and ally, Hazifzullah Amin (Saikal, 2006, pp.192-194). However, Amin's reign lasted only three months. Both Taraki and Amin had requested military support from the Soviet Union. And, indeed, in December 1979, the Soviet troops entered the country, concerned about the prospect of the PDPA collapsing and deeply suspicious of Amin (Bradsher, 1983, pp.153-154; Saikal, 2006, pp.194-198). Still believing that the Soviets had arrived to support him, Amin was assassinated in the Tajberg Palace in Kabul (Mitrokhin, 2002, pp.97-98; Bradsher, 1983, pp.153-154; Saikal, 2006, pp.194-198; Fullerton, 1983, pp.21-22).

In the years that followed, several groups in the country took up arms to fight Russia with the support of western countries, channelling money and weapons through the Pakistani intelligence agency *ISI* (Coll, 2004; Saikal, 2006, pp.198-200; Ewans, 2002, pp.166-167). The

Mujahedin groups were centred around 'jihadist' commanders such as Ahmad Shah Massoud, Gulbuddin Hekmatyar, Abdul Rashid Dostum, Abdul Qadir and Burhanuddin Rabbani (Rubin, 2002, pp.184-195; see Chapter 4). In the early 1980s, most of the fighting occurred in the rural parts of the country, sparing Kabul from the immediate effects of the conflict and resulting in a growing urban population in the capital (Coll, 2004). However, in the late 1980s, attacks on Kabul intensified, killing a large number of civilians (Saikal, 2006, p.200; Ewans, 2002, pp.177-178). As Human Rights Watch (1991) reported from Kabul:

"Most of the civilian casualties in Kabul are caused by indiscriminately deployed rockets, primarily Egyptian-made Sakr rockets, supplied to the mujahidin through the ISI and purchased with funds from the U.S. The Sakr rocket that is used most extensively disintegrates into high-velocity shrapnel hurled from the site of impact at a 60-degree angle. In the course of the Asia Watch mission in late July and early August 1990, some 12 to 20 rockets struck Kabul every day".

After the Soviet troops left Afghanistan in 1989, the pro-Soviet government of Mohammad Najibullah continued without direct external support; after the collapse of the Soviet Union in 1991, it also went without financial support. Indeed, the Najibullah government remained in power and managed to control Kabul until April 1992, when he asked the UN for asylum and moved into their compound (Saikal, 2006, pp.205-208). The city was subsequently taken over by the Mujahedin forces.

The civil war, however, continued as a fight between competing Mujahedin groups, turning Kabul in particular into a battleground. The city was heavily bombarded, destroying not only many buildings but also the infrastructure providing water and electricity (Barfield, 2010, pp.249-254; Ewans, 2002, pp.174-181). Atrocities against civilians in the city committed by the various factions were countless. A Human Rights Watch report (2005) outlines the horrendous scale of executions, abductions, torture and sexual violence in Kabul in 1992/93 after the collapse of Najibullah's government. Meanwhile, a group of Deobandi madrassa students, called Taliban, was quickly expanding its influence from Kandahar to other provinces (Barfield, 2010, pp.255-258; see Chapter 5). After a few months of peace in late 1994, the Taliban began shelling the city early in the following year (Barfield, 2010, p.258). By the end of 1995, the situation for the people in Kabul was dramatic, as Ewans (2002, p.189) describes:

"Civilian casualties inexorably mounted and the damage to the city was such that correspondents took to comparing it with Dresden after the 1945 bombing. Deaths since the *mujahidin* take-over were now estimated at some 100,000, with many more fleeing the capital as refugees. With the road into the city from Jalalabad blocked by the Taliban, with no electricity and very little food and fuel, the plight of the inhabitants became acute".

In September 1996, Massoud and his forces, who were controlling Kabul at the time, left the city in the face of another Taliban offensive (Barfield, 2010, pp.258-260; Saikal, 2006, pp.224-225). The Taliban captured Kabul, killed Najibullah and established the *Islamic Emirate of Afghanistan* (Ewans, 2002, pp.189-190). The Taliban took over the government offices and appointed their own ministers (Barfield, 2010). People in Kabul started to slowly recover from the war in a comparatively stable and secure environment. However, they were forced to live

according to the Taliban's rules. For instance, music was banned, and men were required to grow a beard, while women had to wear a burqa and were not allowed to attend school or work (ibid., pp.261-263; Ewans, 2002, p.187). Meanwhile, many of the Mujahedin commanders joined forces and created the *United Islamic Front for the Salvation of Afghanistan*, also known as the *Northern Alliance*, to defend the north of the country against the Taliban (Saikal, 2006, p.229).

Once US President George W. Bush launched the War on Terror after 9/11, Afghanistan was soon targeted in *Operation Enduring Freedom* in October 2001. Western forces conducted airstrikes on targets in Kabul, and supported the Mujahedin commanders of the Northern Alliance and their militias in taking over the city. The Taliban quickly withdrew from Kabul in early November to the south of the country, where the fighting continued (Barfield, 2010, p.269). But, when the Taliban appeared to be defeated in December 2001, the victorious commanders of the Northern Alliance met with representatives of the international community in the German city of Bonn to discuss the future of Afghanistan, excluding any members of the Taliban. The result of the conference was the *Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions*, which is often simply called the *Bonn Agreement*. In it, the participants outlined a road map for the first steps for building a new Afghan state on the basis of "the principles of Islam, democracy, pluralism and social justice" (UN, 2001a). The UN Security Council supported the process and established the *International Security Assistance Force* (ISAF) by Resolution 1386 in December 2001 to "to assist the Afghan Interim Authority in the maintenance of security in Kabul and its surrounding areas" (UN, 2001b). Furthermore, international donors pledged USD 4.5 billion for the reconstruction of Afghanistan at the Tokyo Conference in January 2002. And at the G8 conference in Geneva in June 2002, the participants further agreed on a 'lead nation approach' to support the 'statebuilding' process, assigning responsibility for different sectors in Afghanistan: the US were assigned the army; Germany, the police; and Italy, the judiciary; while Britain took charge of counter-narcotics; and the UN, demobilisation.

The first step agreed on in Bonn was an *Emergency Loya Jirga* ['grand assembly' of elders] to decide on a Transitional Government to take over the responsibilities from Interim Head of State, Burhanuddin Rabbani. The meeting of representatives from all districts, including nomads, refugees and the Interim Administration, took place in June 2002. It was opened by Afghanistan's last king, Zahir Shah, and Hamid Karzai was elected President of the Transitional Administration. The second step was a *Constitutional Loya Jirga*. This started in December 2003 and lasted until January 2004, when the delegates endorsed the constitution with amendments. After a long discussion, the delegates accepted the presidential system proposed by Karzai and a catalogue of rights, including equal rights for men and women, freedom of speech, protection of minorities and an independent Human Rights Commission (Constitution of Afghanistan, 2004; Ruttig, 2014c [2004]).

Under the government of Hamid Karzai, who was formally elected in late 2004, the presence of the ISAF, and a large amount of foreign aid, Kabul experienced a few peaceful and liberal years. Many people dressed in western clothes and alcohol quickly became easily available. However, in many rural parts of Afghanistan, instability was growing again once the Taliban had reorganised and began fighting as an insurgency (see Chapter 5). The ISAF mandate was extended again and again, with further UN Security Council Resolutions and attempts to expand its presence by establishing *Provincial Reconstruction Teams* (PRTs) – “small teams of military and civilian personnel working in Afghanistan’s provinces to provide security for aid works and help humanitarian assistance or reconstruction tasks” (NATO, 2007) – across the country. And while divisions of the US forces were part of the ISAF mission, the US also continued its own combat mission in Afghanistan. Karzai was re-elected for a second term in 2009. But at that time, the security situation in Kabul had begun to deteriorate again. Insurgents increasingly launched attacks in Kabul, often killing large numbers of civilians. People in the city started to dress in traditional Afghan clothes again, shops stopped selling alcohol and foreigners began to heavily limit their movements.

The 2014 presidential elections resulted in a stalemate between Ashraf Ghani and his main competitor, Abdullah Abdullah. However, after international pressure, they formed a *National Unity Government* (NUG). While expectations in the city were high during the election that progress and peace could be achieved, frustration is growing in the streets of Kabul as the people’s hopes fail to materialise.¹⁵ Meanwhile, not only the western military’s *Resolute Support Mission* – that replaced ISAF in 2015 – but also the funding for development projects is winding down. Nevertheless, foreign involvement in Afghanistan remains extensive. The Afghan government continues to depend on international aid, thus making it easy for western countries to exert pressure on Afghanistan. Equally, the foreign military remains influential despite the drawdown. Instead of having ‘boots on the ground’, the US increasingly uses drone strikes to kill insurgents in the current phase of the *War on Terror*. In the same way, insurgents are also dependent on foreign funds. Recently, IS-K has been gaining influence. Hence, Kabul – as a symbol of the Afghan state – remains at the centre of competing domestic as well as foreign authorities.

ii. Religion, Tradition and Participation - The Role of Legitimacy

However, Afghanistan’s history of state authority was not only written in blood. Many rulers also tried to build state legitimacy once they had conquered Kabul, applying a variety of strategies. The changing official names of the Afghan state illustrate how diverse the ideologies have been, on which basis the state claimed legitimacy: *Emirate of Afghanistan* (1823-1926), *Kingdom of Afghanistan* (1926-1973), *Democratic Republic of Afghanistan*

¹⁵ For an overview of the failures of democracy promotion and the problems surrounding the elections, see Goodhand, Suhrke and Bose (2016).

(1978- 1987), *Republic of Afghanistan* (1987-1992), *Islamic State of Afghanistan* (1992- 2001) and *Islamic Emirate of Afghanistan* (1996-2001).

Already in the early twentieth century, Dupree (1997 [1973]) explains, ruling elites had started to focus on constructing a national identity that transcended ethnic or other divisions, with the purpose of legitimising the monarchy as the ultimate authority for 'all Afghans'. But rulers also claimed legitimacy on the basis of religion. Barfield illustrates how national and religious labels were used to legitimise the king and mobilise against others (2004, p.276). In addition, rulers invoked tradition to build legitimacy. Particularly striking in the more recent history of the Afghan state is the use of *loya jirgas*. Such assemblies can be portrayed both as a tradition and as a way of facilitating public participation. Amanullah Khan (1919-1929) decided to use *loya jirgas* to ratify his laws, claiming legitimacy on the basis of treating people as constituents rather than subjects (Barfield, 2010, p.196). Amanullah was overthrown and, after a few months, Nadir Shah became the new king in 1929, even though he was not a descendant of the governing dynasty (ibid., p.195). Ignoring the 'tradition' of dynasty, he suggested having a *loya jirga* to elect him as a new leader to legitimise his rule, even though no *jirga* had chosen a ruler since 1747. Hence, he invented a 'tradition' that, according to Barfield, "had little historical basis" (ibid., p.196).

Even though this strategy enabled Nadir Shah to become the king of Afghanistan, Barfield's research suggests that the authority of the state remained limited, particularly in rural areas of the country. Barfield points out that when people talked about the state or the government, "they often quite literally meant the local government compound – a place rather than a concept. On passing out of its front gate, and particularly after leaving the road that led to it, "government" ceased" (ibid., p.221). The government's representatives in the villages, so called *arbabs* or *maliks*, were often considered to be corrupt (ibid., p.222). Instead, it was wealthy strongmen with good political networks who were the main authorities in rural Afghanistan, and who protected the interests of social groups (ibid.).

After the end of the monarchy in Afghanistan, the pro-Soviet People's Democratic Party of Afghanistan (PDPA) tried a new direction in 1978, and claimed legitimacy on a secular and communist basis. Laws and policies were drafted by the PDPA, and promoted "land reform, equality for women, the abolition of marriage payments, and the cancellation of many types of rural debts" (ibid., p.229). But the suggested reforms often stood in stark contrast to the existing practices in rural Afghanistan, and even the Soviet advisors opposed the PDPA's speed of implementing the new rules (ibid.). Barfield argues that the PDPA failed to recognise that the success of previous governments in Afghanistan rested on ignoring rural populations instead of confronting them (ibid., p.230). The approach resulted in nation-wide resistance in rural areas, and legitimised the Mujahedin movement to fight the state. When the Soviet troops started to withdraw, President Najibullah realised that with decreasing coercive means he needed more legitimacy to maintain his authority. He called a *loya jirga* to ratify a new

constitution 1987 and modified it again in 1990, replacing the communist terminology with Islam and nationalism (Yassari and Saboory, 2010).

As the Taliban took over, they reclaimed legitimacy on the basis of religion, emphasising that Islam was their only ideology, and implementing Sharia law. But many argue that they actually had a limited knowledge of Islam (Barfield, 2010, p.262). Instead, their policies were often mixed with rural traditions, most importantly the *Pashtunwali*, the Pashtun's cultural code (see Chapter 6). This increased their legitimacy in certain rural parts, and particularly in the Pashtun areas. However, reportedly, they were seen as an illegitimate proxy of Pakistan in other rural parts of the country, and as conservative extremists in urban areas (ibid., pp.262-263).

After the 2001 intervention, representatives of the international community and the Afghan elite quickly agreed on the desired institutional result of the 'statebuilding' process: a centralised state with a legitimate monopoly of force (see Section 2.4). According to Barfield, "the question of legitimacy was at the heart of reconstituting the Afghan government after its installation in 2002" (2010, p.7). However, in contrast to previous attempts at constructing state legitimacy in Afghanistan, the population of the country was not the only audience. Rather, it was deemed that the military intervention had to be legitimised in front of an international audience (see Goodhand, 2013, p.295; Goodhand and Sedra, 2013, p.244; Rubin, 2006). The claim of promoting democracy and human rights were specifically used to do this, while tradition, religion and nationalism remained important for the domestic audience. The new Afghan state was called the *Islamic Republic of Afghanistan*, a label claiming legitimacy on the basis of both religious and democratic values. Similarly, the use of loya jirgas in the process of setting up the new Afghan state in 2002/03 can be seen as attempts to further emphasise participation while incorporating established traditions. The constitution of 2004 was widely recognised as being genuinely democratic, not only in a procedural way of having an elected government, but also in a substantive way by emphasising equal rights and the freedom of speech. But, beyond claiming legitimacy on the basis of ideologies and value systems, the Afghan state also invested in service delivery, again with international support. The idea of constructing legitimacy through actions by providing services, such as security, as central to the success of the regime is reflected in the strategy of the international military in the country. According to ISAF's *Security Force Assistance (SFA) Guide*, "by definition SFA is a unified action (...) in support of a legitimate authority. Legitimacy is vital, as the Afghan population must perceive the ANSF as capable of long-term success" (NATO 2014a, p.2).

In hindsight, these attempts at legitimacy construction have yielded mixed results (Dodge, 2011, p.78). According to the Asia Foundation, confidence in all government institutions in Afghanistan had consistently decreased over the previous years at the time of my interviews (2015, p.96), hitting a new all-time low in the most recent study (2016, p.105). Tadjbakhsh and Schoiswohl (2008) argue that the government failed to construct a belief in the new state or to advocate for more public participation. Goodhand, Suhrke and Bohse (2016) illustrate the

failure of international attempts to promote democracy in a deeply divided and militarised society. They show how elections are “understood as an arena of intense competition between politico-military elites over access to rents, resources and positions” (ibid., p. 490) – instead of legitimacy. And Dodge points out that “corruption affects every aspect of the state’s interaction with Afghan society”, threatening the state’s viability (2011, p.89).

But there is little consensus as to what the Afghan state could do to enhance its legitimacy more successfully. More quantitative, survey-based studies focus almost exclusively on service delivery, indicating an instrumental understanding of legitimacy. For instance, Sabarre et al. (2013) conclude that “perceptions of security are key indicators of legitimacy scores”. Scholars and practitioners with a more substantive understanding of legitimacy often argue that state building needs to continue and rational-legal structures have to be improved, particularly with regard to elections (e.g. Forugh, 2015). Others claim that local customs are crucial, pointing at what Weber would call ‘traditional legitimacy’. For example, Liebl (2007) emphasises the importance of the *Pashtunwali* over religion for the Pashtuns in the south and east of Afghanistan: “Pushtuns have tended to accept any government and its civic laws as long as the government is controlled by Pushtuns and follows the basics of the *Pashtunwali*, and as long as its governmental laws and decisions are sanctioned by Pushtun *jirgas*” (2007, p.507). The thought that legitimacy in Afghanistan is linked to tradition has also been adopted in the policy world. A USAID study claims: “Legitimacy begins with empowering the local level with traditional decision-making processes and from there, slowly establishing links with the Weberian rational-legal institutions of the state can ensure accountability” (Melton, 2015, p.4).

Conversely, other scholars point out that there are more general requirements the state needs to achieve to be considered legitimate. Barfield and Nojumi argue that, historically, the government delegated authority to non-state actors, acting as mediators for grievances on the local level (2010, pp.41-42). According to their analysis, “This system was highly functional and grounded in local perceptions of fairness and trust. It crossed ethnic, linguistic and tribal boundaries with ease because it was in the interest of all parties to cooperate” (2010, p.42). Similarly, Roy argues that the “Afghan identity is based on a common political culture” (2004, p.173). He suggests three criteria that the state in Afghanistan needs to fulfil to be considered legitimate: building on the concept of Afghanistan being an independent Muslim territory; acting as a mediating broker between competing groups; and providing basic services (ibid.).

It can be concluded that the dominant ideologies that have been used by rulers and governments in Afghanistan to construct legitimacy are tradition, religion and participation. However, over time, these labels have been ‘filled’ in different ways and applied to different practices. In addition, the provision of basic services has played a role and is a particularly prominent theme in contemporary literature on the legitimacy of the Afghan state, as well as in the development and statebuilding efforts of the international community. But, regardless of the strategy applied, throughout its recent history, the Afghan state has only managed to

monopolise force and to construct legitimacy to a limited extent. To gain a better understanding of what underpins the Afghan state's (lack of) legitimacy today and how this issue may be addressed, I will look more closely at what people expect the state to do in terms of security provision and conflict resolution. I will consider whether people think the state lives up to their expectations, and how this relates to the perception of those who represent the state. Thereby, I move away from looking at the state as a coherent unit defined by its ruler or government, investigating instead the people's perceptions of the state in three different sectors: security, justice and legislation.

3.3 Executive Branch – The Afghan National Security Forces (ANSF)

The first analytical lens I use to investigate the legitimacy of the Afghan state is that of security. Security provision is closely linked to the state's ability to exercise force, and can be seen as an essential part of the bureaucracy underpinning the executive powers of the Afghan state. Indeed, when interviewing people about their views on security in relationship to the state, they usually discussed the state's security sector, the Afghan National Security Forces (ANSF).

When the new Afghan state was set up in 2001, its security sector was highly fractionalised, reflecting the divisions in the country after an invasion that had been conducted by various Northern Alliance commanders and militias. At the Bonn Conference in December 2001, influential commanders together with other participants decided on the establishment of national security forces in Afghanistan. In the final document, the participants pronounced to have agreed on monopolising force in the country: "Upon the official transfer of power, all Mujahidin, Afghan armed forces and armed groups in the country shall come under the command and control of the Interim Authority, and be reorganized according to the requirements of the new Afghan security and armed forces" (UN, 2001a). However, the details of their agreement are far more cautious, only pledging to withdraw – not to dissolve – militias from urban areas and committing to 'security' (ibid., Annex I). Today, the lines between militias and the state's security forces remain blurry. Commanders of the Northern Alliance enlisted their militias with the state's forces, allowing them to get their salaries paid for and turning them into strongmen within the state structure, thus controlling parts of its forces (see Horin and Cookman, 2015).

The official size of the Afghan National Security Forces (ANSF) has been consistently growing, and now exceeds 345,000 personnel (January 2014) (Sedra, 2014, p.3). It consists of the Afghan National Army (ANA), the Afghan National Police (ANP), the Afghan Local Police (ALP) and Afghanistan's intelligence agency, the National Directorate of Security (NDS). The ANSF's fight against the growing insurgency in Afghanistan is highlighted in the Afghan media on a daily basis. But the track record of the ANSF is anything but positive. On the one hand, the

ANSF regularly suffers heavy losses; “around 4,000 soldiers and police a month to battlefield casualties and desertions” (Reuters, 2015). On the other hand, the ANSF is considered to be responsible for a high number of civilian deaths every year. UNAMA “attributed 2,728 civilian casualties (903 deaths and 1,825 injured) to Pro-Government Forces in 2016, accounting for 24 per cent of all civilian casualties” (UNAMA, 2017, p.15).

According to Jalali, the ANSF’s “strong commitment to the mission, which they see as a legitimate duty and a patriotic cause worth fighting for” (2016, p.11), results in large-scale public support. And, indeed, as stated by to the Asia Foundation, today there is overall public confidence of 80.8% in the Afghan National Army (ANA), with 60.5% perceiving it to be ‘honest and fair’ (2015, pp.44-45). But the survey also indicates that people in Afghanistan often have varying perceptions of different state security actors. The Asia Foundation reports, “across all years and across different types of perception questions, the ANA has tended to receive higher ratings than the ANP [Afghan National Police]” (2015, p.14). 70% of the Afghan people have confidence in the ANP (2015, p.45), but only 44% think that the ANP is helping to improve security, and again only 44% consider the ANP to be honest and fair (ibid.).

Similarly, in the interviews I conducted, people clearly distinguished between the various actors in the security sector and their respective practices. Many people expressed their overall disappointment with the state’s failure to provide them with security. Nevertheless, while the Afghan National Army and the National Directorate of Security were viewed favourably by most people across the country, the Afghan National Police were perceived negatively, with only few exceptions. Perceptions of the Afghan Local Police were even more mixed, ranging within provinces from support to hatred.

3.3.1 The Afghan National Army (ANA)

The biggest force of the ANSF is the Afghan National Army (ANA). And indeed, it is a visible actor in Afghanistan. In the countryside, I sometimes encountered convoys of armoured ANA vehicles, but its sand-coloured Ford pick-ups can also be seen frequently in urban areas. Despite their visibility, however, my impression was that their active role is to fight insurgency groups on the battleground of rural Afghanistan, particularly at the fringes of state-controlled territories. In urban areas, their presence appears to be a symbol of security and state authority. However, the influence of insurgents in Afghanistan has been increasing, with more and more rural districts falling to the Taliban, and violent attacks even happening in the heart of Kabul. So how do people in Afghanistan regard the ANA? The Asia Foundation’s data suggest a level of confidence of more than 80%. How can that be explained in a context of growing insecurity in the country?

i. Background

Afghanistan military history is extensive, and the defence of Afghanistan against external threats is a recurrent theme in the country's history. After all, Afghan fighters have fought three wars against the British Empire. Nonetheless, in line with Jalali, it has to be acknowledged that: "Few of Afghanistan's armies have successfully monopolized the legitimate use of force" (2002, pp.72-73). Instead, popular uprisings helped to fight invasions (ibid.).

The size of the army has fluctuated across time. It is estimated that it was about 50,000 strong during the Second Anglo-Afghan War, before dropping to around 11,000, due to recruitment problems in the 1920s (Jalali, 2002). After the end of King Amanullah Khan's reign in 1929, the Afghan army quickly grew again to 70,000 after introducing conscription (ibid.). As Pakistan became independent in the course of the partition of British India in 1947, the fight over the Durand Line – marking the border with Afghanistan – gained momentum (ICG, 2010, p.3). With Pakistan joining the side of the US in the Cold War, the Soviet Union quickly became the biggest donor of military aid to Afghanistan (ICG, 2010, pp.3-4). In addition to funds, aircraft and other military equipment, the Soviet Union offered training for a large number of Afghan army officers (ICG, 2010, p.4). The army reached 98,000 in the late 1960s (Jalali, 2002, p.77). However, factionalism started to grow, reflecting the divided political order of Afghanistan in the late 1970s (Jalali, 2002; ICG, 2010). During the subsequent occupation, the "Soviets relied heavily on the remainder of the Afghan infantry to counter the mujahidin but poorly trained and ill-equipped conscripts were ineffective and prone to desertion" (ibid.). And in the Civil War, which followed the Soviet withdrawal, many soldiers joined the rival Mujahedin commanders (ibid.).

When the Taliban took control of large parts of Afghanistan, the last remains of the army collapsed, and were replaced by Taliban fighters in the south and Mujahedin militias in the north. When the Taliban later appeared to be defeated, the army was re-established by presidential decree as the Afghan National Army (ANA) at the second round of talks in Bonn in 2002:

"With the blessings of the Almighty, the Islamic Transitional State of Afghanistan (ITSA) hereby decrees that the Afghan National Army (ANA) shall be established. (...) The ANA will not exceed 70,000 soldiers. (...) The organization and staffing of the ANA and the MoD will take place on the basis of individual merit and in accordance with accepted principles of balance among different ethnic groups and establishment of trust among all the citizens of this country. (...) Military formations, armed groups, and any other military or paramilitary units that are not a part of the ANA shall be prohibited" (Karzai, 2002).

While Karzai made an effort to monopolise power and go beyond the 2001 Bonn Agreement, which only banned militias from Kabul, the ANA's mandate was not specified in any more detail.

Under US guidance, new forces were recruited and trained, with the US alone spending USD 62 billion on the Afghan military from 2002 to 2014 (Groll, 2014). According to Giustozzi (2012b), the ANA was originally “designed as a tool to recentralise control over the periphery against warlords, militias and local power brokers. It was to have a limited amount of armour, artillery and air support and did not even receive training in anti-tank and anti-aircraft tactics. (...) The intent was transparency so as not to alienate neighbouring Pakistan, a country already worried about the friendliness of the new Afghan government to India”. But when the insurgency gained momentum around 2006, the strategy slowly changed. The US-led training mission *American Combined Security Transition Command – Afghanistan* (CSTC-A) was integrated into an *NATO Training Mission-Afghanistan* (NTM-A) and the training shifted from creating a light infantry towards smaller units that can conduct counter-insurgency operations (ibid.).

ANA’s size today of circa 169,000 soldiers (March 2015) by far exceeds the original plans from 2002 (Fitzgerald, 2015). But official numbers are assumed to be inflated with ‘ghost soldiers’. In addition, the literature suggests that the ANA is badly equipped. Giustozzi and Ali argue: “Despite the huge amounts of military hardware it has received, the ANA still mostly deploys to battle in unarmoured Ford Rangers” (2016, p.1). Meanwhile, the monthly salary of a low-ranked ANA soldier is USD 165 (NATO, 2011).

ii. Public Perceptions

While I did not have a chance to conduct extensive interviews with soldiers to learn how they perceived themselves and their role, the interview with members of the Afghan public show that the ANA is regarded as a good security provider. Across the provinces, most people I talked to looked favourably on the ANA, describing them as the main provider of their security. Perceptions of the ANA were surprisingly homogenous and there were no noticeable differences at different geographic locations or in different social groups. For example, the shopkeeper Fahim from Char Asiab District in Kabul explained: “The ANA have established security in the entire area” (K07). Farid from Herat City stated: “I am very satisfied with the work of the ANA” (H11). Many people expressed their satisfaction in a similar way to Shamsia from Mazar-e-Sharif in Balkh, who told me that “the ANA plays an important role for the security of our people and our country” (B53). And, like Nadia from Nangarhar, numerous people simply said “The ANA keep us safe” (N53). The support of the ANA was so extensive that even some who live in Taliban-controlled areas and prefer the Taliban justice mechanisms over the state’s, acknowledged the positive contribution of the ANA to the security situation.

Not only were positive perceptions of the ANA widespread, but there were also common explanations for the support. Most interviewees stressed that the ANA was serving the people or the Afghan nation. For example, Khyber, an NGO worker from Jalalabad in Nangarhar,

stated that the “ANA are real servants of the Afghan people” (N20) and the shopkeeper Najibullah from Surkh Rod in Nangarhar explained that “especially the ANA is really serving the people” (N23). Hajji Sahib Mohammad Dara Noor, Provincial Councillor in Nangarhar, claimed: “The ANA is the only defender of the people and our welfare. The people support them” (N19*). And Ghulam Ali from Dehdadi in Balkh said “we trust the Afghan forces because they are working for us day and night. They are our brothers” (B55). Most people I talked to saw ANA as a group of people working in the public interest while sacrificing their own personal interests and accepting a low salary and a high risk. For instance, according to the mechanic Farhad from Mazar-e-Sharif in Balkh: “Afghan forces are doing their duty, for (...) around 12,000 Afs [circa USD 175] they are serving the country and sacrificing their lives” (B22).

The perception of the ANA as a serving - rather than coercive or oppressive - authority was closely associated with their behaviour. Linking positive perception of the ANA to personal experiences of interactions with soldiers was particularly prominent in rural areas, but not limited to them. A large number of interviewees pointed out that the ANA generally conducted themselves well. The real estate dealer Abdul Kareem from Mazar-e-Sharif told me: “Our Afghan forces are very talented and professional. They have a good behaviour with the people” (B30). Humayon from Enjil District in Herat Province, who was unemployed at the time of the interview, expressed his views in a similar way: “The security in the district should be provided by our military because they are active and have good way of behaving with the people here. We like them” (H30).

For many people, a ‘good way of behaving’ means not to be corrupt. For instance, the civil society activist Samar Gul from Jalalabad explained, “I like the ANA since they are free of corruption and are doing good things” (N02). This statement was supported by many, such as Torkhan from Surkh Rod District in Nangarhar: “I like the ANA (...) because they are not involved in corruption” (N21). Another good way of behaving brought up frequently in reference to the ANA was their ‘coordination’ with the communities. Hajji Nazar, the head of a village in Behsod District of Nangarhar declared: “I always support the ANA because they come to me every week for a regular meeting to discuss security provision in the district” (N37). Drawing on all these aspects, Wakil from Enjil District in Herat summarised his perceptions: “We trust the ANA and are proud to have such a brave military. They have a good behaviour with us and we support them to improve security. In addition, officials of the security forces come here and consult us on how we can work together to ensure security” (H27). For many people, the good and non-corrupt behaviour of the ANA results in trust, which ultimately makes them support the military forces. The shopkeeper Aminullah from Herat City argued: “Only the ANA serve the people; all other security forces are very corrupt. I trust the ANA because they are clean people” (H14).

Nonetheless, there also were some critical voices; however, these did not question the ANA’s intentions or approach, but claimed that they were not properly equipped to do their job, or

how the ANA was influenced by other, more harmful authorities. For instance, a common complaint was that the government did not enable the ANA to do their job, because they did not provide them with the right equipment. Mohammad Sharif, an employee of a NGO in Mazar-e-Sharif, told me that the “Afghan forces are working hard. But they need more support, otherwise they will be weak” (B51). Another resident of Mazar-e-Sharif, the student Nazir Hussain, explained: “Everybody knows that our security forces lack the right military equipment to defend themselves against the enemies and stand up against them” (B33). More specifically, the shopkeeper Obid from Khogyani district in Nangarhar Province protested: “The capacity of the army is quite low as they don’t have heavy weapons. The Taliban have access to heavy weapons, which allows them to accurately hit targets at a distance of 1,800 metres while the Afghan forces can’t do anything about it” (N13). In the end, many people blamed the government for the failures of the ANA. Malik Shukrullah from Surkh Rod in Nangarhar concluded: “The ANA are loyal and are the real defender of people’s lives and honour. But unfortunately, the government is not serious in supporting them. (...) They are busy providing opportunities for insurgents instead” (N04).

Another critique, voiced less frequently, was that the Taliban and foreign intelligence agencies infiltrated the ANA to harm the country. For example, Mohammad Zubair from Enjil District in Herat claimed: “The ANA are not ‘pure’ and even the Taliban find their way in. We witnessed Iranian agents with fake Afghan National ID cards and passports serving in our ANA for years, and Pakistani agents do the same” (H05). Similarly, the school principal Hajji Muhebullah from Surkh Rod in Nangarhar argued: “I trust the ANA, but unfortunately there still are a lot of spies among them” (N03). And while even supporters of the Taliban looked at the ANA as a source of security, others perceived it as the main driver of insecurity. For instance, Wais from Beshod District in Nangarhar stated: “Here in our area only ANA officers have guns and sometime they have fights with the Taliban and other insurgent group. The government shouldn’t let ANA soldiers come here with their weapons” (N34).

Overall, the impressions I gathered across the provinces are in line with the quantitative data collected by the Asia Foundation, indicating a high level of confidence in the ANA. Surprisingly, even some people from insurgency-controlled territories with Taliban-friendly views support the ANA. While there are clear-cut supporters of the Taliban, who see the ANA as the main source of insecurity, there also are others who prefer the Taliban’s justice mechanisms over those offered by the state, but still see the ANA as a better provider of security than the Taliban. The wide-spread support seems to be linked to the notion of the ANA serving the country and the people, and making personal sacrifices to protect the public. The ANA is perceived to be genuinely working in the public interest, and sacrificing their own lives to protect the people and the country. How the ANA behaves in public, seems to contribute to this perception in a fundamental way. Interviewees from rural areas pointed out how the ANA interacts with communities, talking to the people and discussing the security situation to coordinate responses, instead of trying to make money through bribery in these interactions. This

ultimately results in a high level of trust and support. In urban areas, where the interaction with the ANA is more limited, the absence of negative behaviour results in a positive view. Public support is so extensive that it is not the ANA but the wider state that is blamed for the ANA's failures. These recognised failures are likewise consistent with the literature on the ANA, which considers the army to be poorly equipped and trained.

3.3.2 The Afghan National Police (ANP)

Like the ANA, the Afghan National Police (ANP), Afghanistan's major police force, is a very visible actor in government-held territories. Particularly in urban areas the uniformed police can be seen in large numbers. The patrolmen, usually dressed in light blue military-style uniforms, man the numerous checkpoints in Kabul City, guard buildings and patrol the streets. And their green open-backed Ford Ranger pickup trucks with usually empty machine gun mounts are a frequent sight on the roads. Despite their visibility and a naturally closer interaction with the public than the army, the Asia Foundation's survey data suggests that people's confidence in the ANP is lower, with less than half the population thinking the ANP contributes to improved security. To explore this difference and gain a better understanding of the role the ANP plays in society, I will look at both the self-perception of people working for the police and public perceptions.

i. Background

Contemporary history of the Afghan police force has been heavily influenced by foreign countries. The first 'police training centre' in Afghanistan was established in 1935 and supported by Germany until World War II (Schneider, 2012). During the war, Turkey provided assistance; and after the war, Germany resumed its supporting role (ibid.). In the 1960s and '70s, during the reign of Mohammed Zahir Shah, both the Federal Republic of Germany and the German Democratic Republic provided funding and trained the Afghan police force (ibid., Sedra, 2003, p.32). With the Soviet invasion and the Mujahedin's fight funded by the West against the Soviet forces, civilian policing broke down in many parts of the country (Schneider, 2012). But after the fall of the Soviet Union, a new police academy was established in Kabul in 1989, under President Najibullah (ibid.; Sedra, 2003, p.32). However, when the Mujahedin took over Kabul and the civil war started in 1992, the academy was closed again. According to Schneider (2012), the police at that point "ceased to exist". When the Taliban took over Kabul in 1996, the legal framework for policing from 1973 was replaced by Sharia law, interpreted by the Taliban's *Department for the Promotion of Virtue and Prevention of Vice* (ibid.).

After the military intervention in 2001, Germany was assigned to be the 'lead nation' in assisting with setting up and training a new police force, and in 2003, the Afghan National Police (ANP) was formally created (ibid., Weigand, 2013). At that time, there were only around 50,000 police officers left in the country, most of them were illiterate and untrained (ibid., p.24). Germany introduced an extensive training plan for police officers, based on European-style civilian policing, but only sent a few instructors to implement it (Friesendorf and Krempel, 2011, p.11). As a consequence, the number of trained Afghan police officers remained low. To deal with the problem and to support the German officers in building a civil police force, the *European Union Police Mission* (EUPOL) was set up in 2007. But, the US had also started early on to train police officers as part of its *Combined Security Transition Command-Afghanistan* (CSTC-A) in addition to the German approach. Without vetting, people were recruited and trained for five weeks by English-speaking instructors from a private security company (ibid.). And even though the US programme was integrated into the *NATO Training Mission-Afghanistan* (NTM-A) in 2009, it followed a different curriculum from EUPOL, in which elements of community and democratic policing were replaced with military training (ibid., p.85; Weigand, 2013, pp.27-28). Conducted on a much larger scale, many police officers have gone through the US and NATO military-style training, while only a few, mainly higher-ranking ones, have been trained in civilian policing by EUPOL.

According to NATO, the ANP consists of circa 152,600 (NATO, 2013) police officers today and "should be able to perform all police-related activities in order to restore and uphold the local social order, rule of law and the protection of human and gender rights" (NATO, 2014a, p.58). The monthly salaries of the ANP were matched to those of the ANA in 2009, which resulted in an increase from USD 70 to USD 165 for a patrolman. At the same time, NATO acknowledges that there are many flaws in the ANP: "the ANP suffers from recruiting issues, literacy, corruption, insider threats, and a lack of effective Non-Commissioned Officers (NCOs)" (2014a, p.47). And, indeed, Sedra argues that "police corruption has helped to undercut the legitimacy of the state" (2014, p.6). Dodge illustrates the scale of corruption, with police officers demanding bribes at every checkpoint, but also having to pay up to USD 50,000 themselves for a promotion (2011, p.89). On that basis Perito (2009, p.7) concludes that the ANP is the 'weak link' in Afghanistan's security sector.

There are various units and departments within the ANP, such as the Afghan Border Police, the traffic police, the Afghan Anti-Crime Police, the Afghan Civil Order Police and the fire-fighters (NATO, 2013). However, the ANP's main branch is the Afghan Uniformed Police (AUP), which covers a broad range of responsibilities. According to NATO's *ISAF Security Force Assistance Guide*,

"The AUP provides a non-specialist law enforcement and security capability at the district, provincial and zone levels. (...) In general, the AUP performs general policing and law enforcement tasks, conducts community policing from a police sub-station, performs routine traffic duties, and performs patrols and mans static and mobile checkpoints in order to promote public safety and to deter, detect, and interdict criminals. The AUP fill the role of community police" (NATO, 2014a, p.59).

But beyond that, like the army, the AUP is also used to fight insurgents. For example, between 2001 and 2016, more than 18,000 police officers were killed in Helmand Province in south Afghanistan, where much of the fighting with the Taliban takes place (Tolo, 2017b). In NATO's *RS Security Force Assistance Guide 3.1*, which replaced that of ISAF, the AUP is now described more cautiously: "The AUP is still largely a para-military force focused on fighting insurgents, but the long-term intent is for it to conduct community or civil policing and to assume the lead for security and stability in populated areas" (NATO, 2014b, p.47).

ii. Self-Perception

To gain an understanding of the ANP's¹⁶ role in society beyond such official reports, I first take a look on the 'inside' and explore how ANP officers perceive their job. One of the officers I talked to was Sabawoon from Jalalabad in Nangarhar (N62), whom I met in June 2015. He told me about his experiences as an officer with the ANP. His motivation to become a police officer was financial: "without a good salary nobody would be working for the police. (...) Most people join the army or police to solve their economic problems. Few people want to serve the country if they don't need to solve their economic problems. Personally, I do it for the salary."

But he complained: "Today we have economic and security problems. Very basic problems. Sometimes there is no salary or not even food. We had no such problems in the time of Karzai." Furthermore, he argued that police officers faced a high risk: "We face security problems the most. We are targeted by warlords, Taliban and other insurgents." When asked about how he was treated and perceived by the people as a police officer, he responded: "The people's perception has changed. They respect the police less than in the past because of problems in the system".

A month later, in July 2015, I also talked to a more senior police officer in Kabul, General Rafeeq (K60). He had begun working as a police officer during the Soviet occupation in September 1979 and had remained with the police since. I asked him if the perception of the police was different in the past and why it might have changed. He explained:

"My uncle was the malik [village leader; see Chapter 6] (...). When the government wanted to summon people, a policeman came to the village, only with the belt of his uniform and a list of people. He would stay at the malik's place for the night and then, the next morning, he would give the list to the malik. The malik then collected all people mentioned on the list and sent them away with the police officer. (...) Today the police are going in large groups, with a lot of guns. They use force and loot people's houses. Today the police officers have no faith and loyalty to the country or Islam. In the past, when people were recruited for the police, they were trained for six months. The training was about the code of conduct, culture, Islam and so on. But it was not about fighting at all. Today the officers receive a brief training. Then they have to fight. Americans, British, Afghans – they all have their own training centres. In the past, the training was only conducted by Germany. Today it is a two-week training. Then the

¹⁶ When talking about the ANP I refer to the AUP branch of it. In the interviews, I simply used the word 'police'.

officers are called 'experts of the battlefield'. I did a much longer training and have 35 years of experience and still don't call myself 'expert of the battlefield'."

Rafeeq continued to compare past and present, complaining about the status quo of policing in Afghanistan:

"In the past, any male turning 22 had to join the military or police for two years, regardless of where they were from. There were no tribes, we were a unity. Today the US says, we want X Pashtuns, Y Uzbeks and so on in the forces, regardless of their age. That divides the people. In the past, we had more of a national identity. Today, everyone belongs to some warlord. The ALP [see Section 3.3.3] is a good example. It's not a national police force. And even in Kabul most police officers have a criminal record. For example, the police beat people selling vegetables on the street, asking them for money. Corruption hurts the weakest."

He concluded: "When I was trained we were told, 'The police uniform you are wearing is not yours, it is the trust of the people.' That is a huge responsibility. The price of a uniform is low, but it has a high value. You can make an [expensive] uniform for 32,000 Afs [circa USD 470], but it is worth nothing."

The self-perception of these two police officers illustrates a high level of frustration. Sabawoon explained that he was only doing the job for the salary and was afraid of being targeted by insurgents and strongmen. In a way, he also showed sympathy for those who do not support the police and do not consider it to be a legitimate actor. And Rafeeq also offered a critical view on contemporary policing in Afghanistan. He may have glorified what policing used to be like, but his experience over decades and his comparison of past and present is insightful. He viewed the recruitment of criminals and limited training as the core of the problem, complaining that almost all officers had a criminal record and were trained poorly as cheap fighters rather than actual police officers. This perception is in line with NATO's description of the police as a 'para-military force'. It illustrates that there is a prevailing focus on creating a police force that can fight and protect 'the Afghan state' but is incapable of protecting and supporting its citizens or, for instance, investigating crime, thus, resulting in a force the people do not trust.

iii. Public Perceptions

Compared to the quite consistently positive perception of the ANA, the perception of the ANP was predominantly negative across the four provinces I studied. And even though my research is not representative in a positivist sense, fewer than the 60% of the people interviewed had confidence in the ANP as indicated by the Asia Foundation. However, two districts in different provinces stood out, with people being supportive of the police. I will examine these districts in more detail after looking at the dominant perception, drawing on the cases of Nangarhar and Herat as examples.

In Nangarhar Province's Jalalabad and Surkh Rod District the preponderance of negative perceptions was particularly striking, with very few people expressing support for the police. For instance, unemployed Bahir from Jalalabad jokingly suggested: "The ANA is doing a good job. If there was no ANA the ANP would leave their pants behind and run to escape as fast as they can" (N17). And many expressed their perception in simple but clear terms, like the school principal Hajji Muhebullah from Surkh Rod District, who told me: "I don't trust the ANP at all" (N03).

The negative view of the ANP in Nangarhar was underpinned by the perception of the police not doing its job properly, as well as failing to provide security for the people. For example, the cab driver Ziarmal from Jalalabad criticised: "because there is more crime happening on Fridays the police don't usually patrol our area then" (N29). Some of the interviewees linked the inability of the police to provide security with the involvement of warlords and strongmen. The civil society activist Jamil explained: "The security situation in Jalalabad has become worse because the police are used to guard warlords like Hajji Zaher [Qadir] (see Section 4.3)" (N07). In addition, people complained, the police were granting the warlords impunity. A civil society activist argued: "they [the police] remain silent on issues related to the warlords", while Gulagha concluded "they are not capable of facing the warlords" (N10; see also N17).

But, according to many of the interviews, the police were not only not doing their job but were also trying to extract money from people whenever they could. In fact, the most frequent complaint about the police in my interviews was about them being corrupt and extortionist. The labourer Mirwais from Surkh Rod District claimed: "The security situation is not good at all. And the police ask us to pay them 300 Afs [circa USD 4.50] each week – for nothing" (N22). Similarly, Bahir complained: "The police are busy extracting money from the people (...). They also illegally sell the fuel they get from the government for their vehicles. And in general, the police do not act impartially" (N17). The university student Gulagha described a recent incident: "The police take money from the people. For example, it is quite common for them to do so at wedding receptions. A while ago, one could hear the [celebratory] gun fire of a wedding reception. The police rushed there, thinking it was a wedding party. But, when they got there they realised that a murder had taken place. So, they quickly left again, not taking any action" (N10). And the mechanic Rahmanullah from Jalalabad told me about an incident in his family: "Some of my relatives had a fight with their neighbours. The police came and imprisoned my innocent relatives. So, I went to the police and they told me 'I got this job to make money. So, if you don't give me money I am not going to release them'" (N31).

Furthermore, many people think that the ANP is not only failing to provide security and relying on petty corruption, but is itself a criminal actor itself that contributes to a lack of security. The head of a local civil society organisation pointed out: "The police are not only corrupt, but are also involved in all kind of other illegal activities" (N02). For instance, a number of interviewees accused the police of being involved in robberies (e.g. N09, N17). As a consequence, people

try to avoid the police as much as they can. For example, the tailor Halim from Surkh Rod told me: “The people don’t call the police because they are afraid of the headache it might cause for them later” (N11).

Similar perceptions were voiced in other provinces. For instance, Mohammad Nazar from Dehdadi in Balkh Province, an ANA soldier, told me about his personal experience with the police:

“I had a sister, who committed suicide when she was 37 years old. I was at work and my younger brother was at the bazaar. Suddenly, my brother-in-law called and asked me to come home. There he told me that my sister was dead. We decided to take the body to our own home village in Faryab District. All our relatives came and we put the body in the car. Suddenly police officers showed up, asked us what had happened and said, ‘You two are involved in this case’. They arrested us and we couldn’t bury my sister. I told my uncle to do so. We were in prison for 40 days and couldn’t attend the funeral. They finally released me, but my brother is still in prison. They asked for a bribe of 50,000 Afs [circa USD 730], but we don’t have that much money. Now he has been in prison for many years. He is not getting any education and nobody is paying any attention to him anymore” (B27).

The reasons for interviewees’ negative perceptions of the ANP often became apparent when asked what they thought about the police in comparison to the army. A number of them pointed to the high degree of corruption and the corrupt behaviour on a day-to-day basis of the ANP in contrast to the ANA’s work for the public. For example, the shopkeeper Farid told me: “The ANP lacks training and is corrupt. I would suggest that the ANA should take over control of the checkpoints in the city as they are able to recognise what is right and what is wrong” (H11). And Masoud, who works in social media, argued: “To ensure security I would recommend that the government replace the ANP with military troops. The military is far more educated than the ANP. And the ANP doesn’t have a good behaviour towards the people, compared to the army. I have experienced both of them before. Therefore, I only trust the military” (H31). Many interviewees supported Parwiz and Qadiri’s claim that the lack of education or training explained the negative behaviour of the ANP and linked the ANA’s good behaviour to professional training. But some interviewees offered another explanation for the widespread perception of the ANA being less corrupt. They argued that it was based on the limited interaction between the people and the army. For instance, Bashir (K61), ironically an Investigation Attorney General working for the Ministry of Interior in Kabul and overseeing the work of the police, pointed out that the army had fewer opportunities to be corrupt than the police:

“70% of the police officers do what they want. They neither follow orders nor do they respond to the needs of people. They arrest whom they want and release them once enough money has been paid. In comparison, the army works in the mountains and deserts. They interact much less with the people so there are fewer problems and far fewer complaints. They simply have a better image because they interact less with the people. For instance, if you see special forces on the street you want to approach them to take a photo with them. If you see the police on the street, you want to turn around and go another way. If somebody is drunk, the police will take 500 Afs [circa USD 7.30] and let him go. The army wouldn’t get involved as it’s not their job.”

And Elyas from Herat City told me: “The ANA and particularly the special forces are strongly supported by the people. The ANA is always at a distance from the people, while the police are among the people. The strongmen have involved the police in corruption, otherwise the police would not be corrupt” (H19).

But despite their dissatisfaction, most people I talked to admitted that having a police force was important and policing is necessary. In reference to the development of Afghanistan, the NGO employee Khyber believed “If there were no police, we wouldn’t be able to stay where we are even for seconds.” (N20) And so, instead of discarding the concept of policing, the interviewees pointed at ways to improve their performance. For example, a civil society activist argued: “If the warlords are wiped out, ANA, ANP and NDS would become strong enough to provide security”. Others emphasised the need to foster the coordination between the people and the police. Malik Shukrullah, the head of a village in Surkh Rod, stated: “Coordination between the government and the police with the people is the best source of security” (N04).

Nonetheless, while people were generally very critical of the ANP in Nangarhar Province, Behsod District was an exception. Most people I talked to in Behsod were actually satisfied with the work of the ANP, mentioning them and the ANA in the same breath. For instance, the tribal elder and medical doctor Mohammad Jamil from Behsod told me: “All the people here are very satisfied with the ANA and the ANP” (N35). The NGO employee Subhanullah said: “The police are very fast here in Behsod. If an accident happens they arrive within a few minutes” (N40). And Hajji Nazar, the head of a village in Behsod, pointed out: “There is a police station close to our community and they patrol our area, especially at night. If the police station (...) didn’t exist, the security situation here would be as bad as in Khogyani [a district in Nangarhar province, which was considered to be very unsafe at the time of the interview]” (N37). When asked about the reason for the success of the police, many people referred to their practice of coordinating with the communities. For example, Hajji Nazar explained: “ANP and ANA provide security and the local people help them” (N37). Similarly, the shopkeeper Ghaniullah stated: “We help the ANP and ANA to provide security” (N38).

I encountered a similarly positive perception of the ANP in the rural district Farza in Kabul Province. Everyone I talked to in Farza felt surprisingly secure and satisfied with the work of the police, and considered them to be as good as the army. For instance, a shopkeeper in the district centre said: “We like all security forces in the area and I always supported them” (K27). An interviewee from Karim Qalla village confirmed: “We are convinced by all security forces because they are the main source of security” (K28). According to the interviewees, the number of police officers for the entire district was only around fifty. But the people I talked to agreed that the number was sufficient to provide security because of the high level of coordination between the police and the people. One of the community authorities explained: “Security reinforcement is designed in a way that involves all community members. (...) Security is the result of close cooperation between the people and police, while neither of the

parties would be able to achieve security alone” (K02). Almost all other interviewees explained the success in a similar way. For example, the principal of a local school Hamid said that “security is reinforced by both people and police” (K01) while another interviewee summarised: “As there are only fifty police officers, they couldn’t reinforce security without the support of the people” (K03). The head of the development council further outlined what collaboration between the people and the police looks like: “We patrol the main road ourselves. If we see suspicious individuals or groups we chase them, report them and, if we realise that they might escape before the police arrive, arrest them ourselves” (K02). In addition, the people in Farza viewed the composition of the police as a success factor, combining local expertise with external neutrality. Hamid explained to me: “The ANP consists of residents from this area as well as some outsiders. Having people from this area in the police force helps to assist the police in finding the right targets” (K01).

Hence, despite the large-scale level of dissatisfaction with the police, a divided picture evolves. The case of Nangarhar exemplifies the reasons for the apparently widespread negative perception. Here, many people thought the ANP was not only not living up to the expectation of being a source of security, but was actively contributing to the lack of security. According to the people I talked to in Nangarhar, the police are too afraid of strongmen to protect people or to investigate crimes, in which they are at times complicit. This resonates with the self-perception of the police officer in Kabul who told me that he was afraid of both insurgents and strongmen. Some people accused the ANP of robberies, and almost everyone complained about their corrupt behaviour, aimed at making money instead of dealing with people’s problems. And while the influence of strongmen in Nangarhar might be particularly strong, most people I talked to in Herat and Kabul were also afraid of the police and tried to avoid any contact with them, assuming that the police might try to extract money from them. This corrupt behaviour indeed appears to be the main factor undermining people’s trust in the police. So, while the ANA is considered to be working in the public interest, serving the people and the country, the ANP is seen as being driven by self-interest, a corrupt actor that uses its authority only to extract money. This public perception is in line with the self-perception of the two interviewed police officers. They acknowledged the high level of corruption, and explained it with substantial flaws in the recruitment and training process. Thus, there is a big gap between the perceptions of the people and the official description of the police as a ‘law enforcement’ agency, and as ‘community police’ who are supposed to provide security. The perceptions further illustrate the danger of a police force that is trained to fight insurgents and is incapable of doing what people expect the police to do: to deal with criminality and provide security for the people on a day-to-day basis.

Conversely, the cases of Behsod and Farza show how different the perception of the police can be if the police behave differently. Farza district appears to be a zone with few visible security measures, while nonetheless having widespread perceived security. This results partially from a lower threat level in terms of insurgent attacks, with Kabul City attracting much

more attention. However, while this factor is out of the control of Farza's citizens, they also work hard to ensure security in the district. In Farza, the ANP is considered to be a source of security, serving the community. This perception seems to be driven by a collective interest and ability to provide security for the community, which includes the police. The people trust the police and feel respected, and the police officers appear to be interested in providing security for the people in the district, which is also their home.

3.3.3 The Afghan Local Police (ALP)

Even though the Afghan Local Police (ALP) is also called 'police' it is a very different kind of actor. According to its mandate, it is not supposed to police in the ordinary sense of protecting people from criminality and ensuring law and order, but to provide security by fighting insurgents in rural parts of the country. In contrast to the ANA and ANP, officers do not necessarily wear uniforms and are sometimes difficult to recognise. For example, on a trip to Chintal District in rural Balkh Province (see Appendix A.3) our car was surrounded by a group of armed people on motorbikes. We first assumed they were insurgents or criminals and only realised later that they were members of the ALP, who escorted us to protect us on the way to the district centre.

i. Background

The ALP is described as an "Afghan government-led, village stability-focused program" (SIGAR, 2015, p.1). It was set up in 2010, when the number of US troops in Afghanistan increased again to fight the rising insurgency. The idea was to support this 'surge' by "training rural Afghans to defend their communities against insurgents and other illegally armed groups" (ibid.). After the limited success of setting up a police force according to rational-legal ideals, the US shifted its focus to traditional legitimacy. Proponents of the approach argued that community self-defence was a long-standing Afghan tradition, making the support of local opposition to the insurgency a cost-effective and legitimate way of extending the influence of the ANSF (e.g. Jones and Muñoz, 2010). According to the official guidelines, community authorities are supposed to identify trustworthy people, who then get vetted by various branches of the Afghan security apparatus (DOD, 2011; DOD, 2012; SIGAR, 2015, p.2). Afterwards, the recruits are equipped, trained and paid a monthly salary (DOD, 2011; DOD, 2012; SIGAR, 2015). The ALP is integrated into the command structure of the Ministry of the Interior (Moi), with the District Chief of Police acting as a superior to the ALP District Leader (SIGAR, 2015, p.2). While initially portrayed as a temporary force of 10,000 patrolmen, its size has been growing constantly and reached almost 30,000 in 2015 (ibid., p.1). According to NATO, the ALP "ensures the security of local community and paves the way for reconstruction,

development, and political stability” (NATO, 2014b, p.48). The salary of ALP officers is 60% of the ANP salary (Felbab-Brown, 2015).

The ALP appears to be living up to expectations in some parts of the country; it is often ALP forces that are standing at the frontline to fight insurgents. But with a low degree of training, makeshift equipment and limited backup from the ANA, they also suffer a high number of casualties. According to a UNAMA report, “the ALP Directorate noted that ALP lost approximately 500 members per month due to deaths, injuries and desertions” (2016, p.67), a number which is particularly striking in comparison to the ALP’s total number. In addition, it is questionable to what extent the ALP is considered to be legitimate because of its traditional character. The ‘tradition’ of community-defence does not exist in all parts of Afghanistan and what is considered to be ‘traditional’ is in constant flux, particularly in violent contexts such as Afghanistan (Noelle-Karimi, 2006; Noelle-Karimi, 2013; Tariq, 2008; Tariq, 2009).

Finally, the description of the ALP ‘on paper’ often stands in stark contrast to what the ALP is like in practice in other parts of the country. In many cases, ALP units are de facto militias, acting in the interest of local strongmen or power brokers instead of working for communities and protecting them (Vincent, Weigand and Hakimi, 2015). Several reports illustrate that there are a number of cases of the ALP being abusive, torturing and killing civilians, and extracting money (e.g. HRW, 2011; Goodhand and Hakimi, 2014; ICG, 2015; UNAMA, 2016). The UNAMA report describes: “The most common human rights violations attributed to ALP included severe beatings, property destruction, theft, threats, intimidation and harassment. UNAMA also documented targeted killings perpetrated by ALP members as well as illegal detention of civilians” (UNAMA, 2016). Sedra summarises that the ALP “provides an umbrella of legitimacy for illegal armed groups” (2014, p.7). A report by the International Crisis Group (ICG) concludes: “The ALP and pro-government militias are cheap but dangerous, and Kabul should resist calls for their expansion” (2015, p.i).

ii. Public Perceptions

In most parts of the country in which I conducted interviews the Afghan Local Police (ALP) did not exist and did not play any role in the daily lives of the people, as the programme is targeted towards areas with an active insurgency. Chimal District in Balkh Province, and Nangarhar Province were exceptions. Here, a considerable number of people I talked to had regular dealings with the ALP and had strong views about them. However, the kind of experiences and perceptions people have varied a lot.

On the one hand, a number of people from different districts of Nangarhar expressed their satisfaction with the ALP, praising their role in providing security. For instance, Ziba from Jalalabad told me “They secure the villages and suburbs” (N57), while the student Farida from

Surkh Rod thought: “The ALP provides security in areas that are far from the central government” (N58). Similarly, Stoor from Behsod District commented “The ALP has played a positive role here. They managed to remove the Taliban from the area” (N51). And the medical doctor and tribal elder Mohammad Jamil said “In our area only the ALP owns guns and they don’t use them if it is against the law. They have a regular patrol in our area and provide security” (N35). Hajji Sahib Mohammad Dara, a member of Nangarhar’s provincial council, noted: “The local police have proven to be quite effective in facing insurgents, including the Taliban. They serve the people and try to ensure that the people are secure. (...) The lives of the members of the local police are particularly endangered. (...) The Taliban’s first enemy is the local police. The Taliban would prefer to kill one ALP rather than ten ANP officers. I would suggest increasing their salary” (N19*).

On the other hand, an even larger number of people criticised the ALP heavily. Malik Shukrullah, head of a village in Surkh Rod District, pointed out: “The local police are involved in all kind of illegal activities, therefore I am against their presence in our district” (N04). And unemployed Khalid from Khogyani District criticised: “The local police only take care of their personal enmities and revenge” (N14). Hajji Aziz from Surkh Rod perceived the ALP as a further initiative to militarise the country: “The Ministry of Interior is continuously distributing licences to carry weapons. That has increased the number of kidnappings, robberies, murders and other illegal things” (N01). Apart from their involvement in criminal activities, many people disapproved of the kind of people that were recruited for the ALP. For example, Khalid explained: “People hate the local police as all of them are homeless and addicts, who are involved in all kinds of illegal activities” (N14). Similarly, the carpenter Karimzay from Behsod claimed: “I don’t like the ALP because they are addicts and illiterate. And sometimes they cause trouble for people over very little issues” (N52). This perception was often combined with a critique of the ALP’s behaviour. For example, Wais argued: “I am not happy with them. If they weren’t here we would have a peaceful life. They behave and treat people in an outrageous way” (N34).

The prosecutor Abullah from Jalalabad concluded with a more balanced perspective: “The ALP are only trained in a technical way. They don’t know the constitution and they are often very young. In some areas they provide security, in other areas they are a source of insecurity. For instance, in Laghman [province] the government would have been smashed without the ALP. But then, in other parts of the country, they kill for sugar cane – for example, in Kunduz. Sometimes they deliver great results, sometimes they are only destructive” (N63).

The different perceptions about the ALP appear to result from how people experience different kinds of behaviour of the ALP in different parts of the country. This finding is in line with other studies concluding that the role of the ALP varies a great deal, reflecting the low degree of monopolisation of force and the consequently high level of fractionalisation in the ‘security sector’. It indicates that what the ALP do and how they do it – and therefore how it is perceived

– is shaped by the dynamics of the local political order (see Vincent, Weigand and Hakimi 2015). In some parts of the country, these dynamics are beneficial for people as they incentivise the ALP to work for the public and contribute to an improved perception of security. In some cases, the ALP may indeed work like ‘community police’, providing security for all community members, like the ANP in Farza, or, more likely, protect a community against insurgents. Conversely, in other parts of the country, the ALP is controlled by strongmen who use them for their own political agenda or to make money. Here, the ALP is perceived to be behaving like a group of criminals, acting with impunity. Accordingly, some people consider the ALP to be a helpful security provider that serves the people, while others perceive the ALP to be threatening, and only caring about their own interests. These findings support ICG’s assessment of the ALP being ‘cheap but dangerous’, which can easily turn into a coercive militia.

3.3.4 The National Directorate of Security (NDS)

Another key actor in the state’s security apparatus is the National Directorate of Security (NDS). Being the major domestic and foreign intelligence agency in Afghanistan, its work is less visible than that of the army or police. Nonetheless, in state-controlled but insecure areas of the country and in Kabul, the NDS does not always work in a clandestine way. The black NDS pick-up trucks, often with camouflage netting, are manned by menacing-looking soldier-like officers. Around the NDS offices in Kabul’s central district, Shar-e Now, and on Great Massoud Road, one can easily spot plain-clothed officers who carry radios wrapped in scarves and report suspicious movements. When waiting in the car for friends at the compound of an NGO, which is close to one of the NDS offices, I was often approached by these men, enquiring what I was doing. And after attacks or kidnappings of foreigners, NDS officers often show up at houses in which foreigners live, advising – or rather ordering – them to register with the Directorate and not to move around in the city without armed guards (see also Rasmussen, 2016).

Literature on the NDS is comparatively scarce, but the agency can be seen as the successor to the *Khedamat-e-Atlaat-e-Dawlati* (KhaD). In 1978, during the brief reign of Taraki from the People’s Democratic Party of Afghanistan (PDPA), the ‘Afghan Security Service’ was created. It was renamed KhaD in September 1980, after the Soviet Union invaded Afghanistan. The Soviet Union’s intelligence agency KGB heavily invested in and trained the KhaD, and under the guidance of KGB agents trained under Stalin, the KhaD gained the reputation of violent torture and murder (Jones, 2002; Andrew and Mitrokhin, 2014). According to Andrew and Mitrokhin “the KGB selected as head of KHAD the energetic, brutal thirty-two-year-old Mohammad Najibullah, a man capable of intimidating opponents by his mere physical presence” (2005, p.408). Najibullah was Director of the KhaD from 1980 to 1985 and became President of Afghanistan in 1987. Reportedly, he “sometimes executed prisoners himself. His

preferred method, according to survivors of the prisons, was to beat his victims to the ground, then kick them to death” (ibid., p.409). According to Andrew and Mitrokhin (2014) the KhaD played a key role in the Soviet war, by infiltrating Mujahedin groups and turning them around or against other Mujahedin groups.

After the fall of the Taliban regime, the intelligence agency was re-established and called the National Directorate of Security (NDS). Its mandate was defined by a presidential decree, which, however, remains secret to this day (Amnesty International, 2007, p.33). The NDS reports directly to the president and had an estimated size of 15,000-30,000 in 2007, while the official numbers remain classified (ibid.). In its 2007 report, Amnesty International describes the NDS as being violent and unaccountable: “Amnesty International has received repeated reports of torture and other ill-treatment of detainees by the NDS from alleged victims and their relatives, as well as a range of organizations including UN agencies. The organization is gravely concerned the absence of effective investigations and prosecution of those responsible, a culture of impunity persists with victims having little hope of justice or redress” (ibid., p.29).

Not surprisingly, it was challenging to find NDS officers and convince them to participate in the research project. However, Mustafa (K63), an NDS officer working in Kabul, agreed to an interview in August 2015. He was concerned about the secrecy of our meeting and did not want to be seen with me in public or come to my house. So, instead we decided to do the interview in the car – while driving around in the city. While he thought that the NDS sometimes did good, he complained that corruption and patronage were major problems within the agency: “people want promotions and promotions require relationships. It’s not about qualifications. Making a career requires influence and blackmailing others.” However, he pointed out that the system of patronage within the NDS had to be seen within a bigger picture of a north-south divide along ethnic lines, disadvantaging the Pashto population he is part of: “Higher officials are selected on the basis of their tribal affiliation and Tajiks dominate the NDS and they try to make the Pashto areas look bad. They ship weapons, they burn schools and make sure that the Pashto areas don’t develop. For instance, they spent USD 35,000 on organising a meeting with all the high-rank officials from Khost [province], inviting nominees for the cabinet and MPs. Meanwhile they paid for a suicide attack to kill all of these people. We have the evidence. (...) If high-ranked Pashto authorities are targeted they do not interfere. If, however, low-rank Tajiks get targeted, they take it very seriously.”

Most members of the public I talked to did not have a distinct opinion of the NDS. Those who did, however, were overwhelmingly positive throughout the country. One reason for this could be fear, although the support appeared to be genuine. Again, strong voices were particularly prominent in those parts of the country that were considered less secure, such as Nangarhar. For instance, the teacher Parwana from Jalalabad argued: “The NDS plays the best role in the country” (N54). Nidah, from Kama District in close proximity to Jalalabad, explained: “The NDS

detects criminal and insurgent activities and by doing so brings peace” (N55). And the local elder Mardan from Herat stated: “Compared to the other security forces, the NDS most successfully contributes to security” (H22). Another aspect of the NDS that many people emphasised was their work in the national interest, like the shopkeeper Fazal from Jalalabad: “The NDS keeps the nation secure” (N25). But a number of interviewees pointed out that while the NDS was doing a good job, it required more support from the government. For example, the civil society activist Samar Gul demanded: “I am happy with the NDS as they have had great achievements. But they need to be equipped better and be more active” (N02).

Generally speaking, the perceptions were similar to those of the army, viewing the NDS as a good security provider that protects and serves the nation. However, in contrast to other branches of the ANSF, opinions on the NDS were more vague and general. This is most likely due to the fact that the NDS operates with much less visibility in the public domain. In less secure areas, the role of the NDS may be more visible, directly shaping public opinion through interactions. But the positive public perceptions stand in contrast to Mustafa’s far more negative internal view. While his critical voice might very well be an exception based on personal grievances, it still indicates that the NDS is not only a subordinate agency but also an active player in the political dynamics of Afghanistan, which does not always act in the public’s interest.

3.3.5 The Legitimacy of the ANSF

The interviews show that people have distinct views on the different branches of the Afghan National Security Forces, resulting in different assessments of authority and legitimacy. The Afghan National Army (ANA) has actual authority – an ability to exercise social control – in state-controlled territories. While there are exceptions, most people I talked to consider this authority to be legitimate, rather than coercive. Across the country, people are supportive of the ANA, not because they are forced to be, but because they are convinced that the ANA is a source of security. In some cases, even people from Taliban-controlled areas, where the authority of the ANA is merely potential, share this view. People not only consider the ANA to be useful, but also emphasise their loyal and committed attitude and their non-corrupt behaviour. The interviewees appreciate the ANA’s coordination with communities, which includes them in the process of security provision. Many people also mentioned that they had trust in the ANA. All of this indicates that the ANA has quite substantive legitimacy in Afghanistan, based on values relating to attitude and how to behave and interact with the people in the right way. A central benchmark for the ‘right’ attitude, reflected in behaviour, appears to be the perception of serving the public, not the individual. In the case of the ANA, people widely agree that it actually works for the people and the country, at the cost of personal sacrifices, having what Jalali calls “a strong commitment to the mission” (2016, p. 11). In urban areas, where people do not interact with the ANA much, an absence of negative behaviour

supports this perception. But even though most people perceived the ANA positively, not everyone did so. Critics complained about the ANA being undermined by foreign agents and interests. This further illustrates how essential it is for legitimacy to be seen to be working in the public or national interest.

The Afghan National Police (ANP) is perceived very differently. In Nangarhar, but also across the other provinces I looked at, most people had strikingly negative views on the ANP, living up to Perito's (2009) description as the 'weak link' in the security sector. The ANP has actual authority, however it is more coercive than legitimate. The overall public disapproval of the police does not appear to be based on a general rejection of the concept of policing, as people expect the police to provide security for them. And the failure of the police to achieve security in Afghanistan only partly explains their negative perception. Far more than about the actual 'output', people appeared to be concerned about the processes of how they are policed, the way the police deliver this output and behave on a day-to-day basis when interacting with the people. The ANP are particularly close to the people, interacting a lot with the public in daily life, and it is through this interaction that the people form their views on the police. But, the ANP does not live up to the expectations of the people in terms of what these interactions should look like. People complained about the high level of corruption of the police, trying anything to extract money from the people when they have a chance to do so. The behaviour, which is, indeed, considered to be corrupt and harmful as suggested by Sedra (2014), results in the overall perception of the police as a source of insecurity instead of being a security provider. The police officers I talked to were similarly dissatisfied, not claiming legitimacy but admitting that the motive for becoming a police officer today was simply about making money, not serving the public, and complaining that officers were not trained to interact with people properly. The officer Ahmad was well aware that people didn't consider him to be a legitimate authority. Exceptions, however, are the cases of Behsod and Farza. Here, people were supportive of the police as they felt they were heard and included in the process of security provision. This illustrates how important it is for the legitimacy of the police to focus on the interaction with the people, creating a perception of working in their interest, not against it. According to General Rafeeq, this is what police officers were trained for in Afghanistan in the past.

The difference in people's perceptions of the ANA and the ANP is remarkable. While the army is widely seen as non-corrupt, working for and serving the public, the police are perceived to be quite the opposite, corrupt and working for themselves. A plausible explanation for this is in their different kinds of responsibilities, resulting in less potential for negative interactions with the public in the case of the army, as suggested by the Attorney General Bashir. As the army's duty is to deal with threats from outside and to fight insurgents far away from the urban centres, it may be a great distance from the people and, thus, have few opportunities to extract money from them. Conversely, the police are responsible for law and order internally and directly intervene in the day-to-day life of the people, for instance, by checking people and

imposing fines, providing ample opportunities to ask for bribes. And, with less personal interaction between the people and the army, at least in urban areas, the perception of the army is probably not always based on personal experiences, but is influenced by second-hand information and media reporting. And, indeed, media reporting on the army appears to be quite positive in Afghanistan. Hence, the army could be as extractive and coercive as the police in the areas in which they operate, without people in the fully state-controlled territories noticing. As most of my research was limited to more secure areas, it may be the case that public perceptions towards the army may be very different in places where there is active fighting.

However, the army is also highly visible in state-controlled territories, including urban centres like Kabul. Being armed, they have the ability to be coercive and, for instance, top up their salary through bribes. Having the ability to be coercive but *not* being coercive is, indeed, a driving factor of the army's legitimacy. In addition, the army also interacts with people in areas where there is no fighting. The influence of the Taliban is growing across the country and the army is perceived as an actor that coordinates its approach and works with communities to ensure security. Finally, the positive perceptions surrounding the army were even prominent in the parts of the country that were not fully state-controlled, and some people who preferred the Taliban for public services such as justice considered the army to be a source of security. Hence, while media reporting and the kind of duties certainly matter, it can be concluded that there is an actual difference in the behaviour of the police and the army and the kind of interaction they have with the public, explaining why the two actors are perceived so differently. This finding is further supported by the self-perception of the interviewed police officers as well as the case of Farza, where people perceive the police positively. Here, the police constructed legitimacy by behaving in a way that is seen as right and inclusive. So, close contact between people and the police can be an opportunity to create a positive perception.

A number of factors could explain these differences in the behaviour of the ANA and the ANP. While my research does not allow for extensive conclusions to be drawn, the interviews and my observations indicate which issues may matter. Corruption seems to be systemic in the police force, with many officers having to pay a fee for their position to their superior on a monthly basis and therefore needing to make money through bribes. But, the recruitment process also appears to be critical. The police have ended up in a vicious cycle, attracting people who reinforce negative public perceptions. People think that the police hire people who cannot find any other job and are often already marginalised from society. Due to failures in the selection process, many may even have a criminal background. And making money, also through bribes, appears to be the main incentive for people to join the police. This further undermines the image of the police and makes it less attractive to work there. Finally, the training of police officers is problematic and does not counteract the (perceived) flaws of the recruitment process. The short training courses of recruits are limited to the handling guns and fighting. They do not learn how to prevent and investigate crime or how to interact with people in a courteous and principled manner. Therefore, police officers might be cheap fighters, but

they are not trained to police. However, their public image may be beginning to change, since police forces have made headline news in Afghanistan a number of times in the past year by stopping suicide attacks and ‘serving the public’ at the cost of their own lives, for instance at an attack on Al-Zahra Mosque in Kabul in June 2017.

While perceptions of the ANA and the ANP are relatively consistent, views on the Afghan Local Police (ALP) are significantly more varied. Again, the day-to-day behaviour of the ALP, and the attitude it reflects, appears to play a key role in explaining these differences. In some parts of the country, people consider the ALP to be useful, and also admire the group for risking their lives to protect the people. Hence, the ALP possesses a high degree of legitimacy, even in a substantial way. But, in other parts of the country people perceive the ALP to consist solely of drug addicts and criminals, who threaten people and behave in a predatory way. People think that members of the ALP only care about their personal interests, and view it as an authority that relies on coercion, turning the ALP into the weakest link of the security sector. In this case, the dynamics and the differences of the local political orders play a major role in explaining why ALP units behave so differently, resulting in very different perceptions depending on which community one approaches. But, it shows that what is supposedly ‘traditional’ is not necessarily legitimate in the eyes of the population.

In contrast to the other branches of the ANSF, people had vague views regarding the secretive National Directorate of Security (NDS). Human rights organisations criticise the NDS for its treatment of detainees, and the NDS officer I interviewed was suspicious of his own agency and its political role. But, most people who voiced an opinion on the agency were very positive about it, perceiving it to be serving and protecting the country. People were particularly vocal about the NDS in areas that are more insecure and where the agency is more visible. However, people had positive views, even in the absence of any personal contact with the NDS. It illustrates that security actors can construct a degree of even substantive legitimacy without directly interacting with the people as long as their ‘harmful’ behaviour remains invisible and does not become part of the public discourse or is considered to be ‘necessary’ to deal with a threat. This factor may also contribute to the public view on the ANA in urban areas.

Looking at the Afghan state through the lens of security demonstrates that people expect the state to provide security in a way that is beneficial for the public, not for individuals within the security sector. People are clearly dissatisfied with some of the state actors in the security sector, particularly the police, because of their extractive and corrupt behaviour, and consider them to be coercive rather than legitimate. However, the expectation towards the state to be the security provider also shows that there is a substantive belief in the *idea of state authority*, not because of its constitution or *de jure* institutions, but on a more general and abstract level as a *concept*. More specifically, the belief in the idea of policing can even be read as a belief in state bureaucracy and rational-legal structures.

The importance of the idea of the state as a concept – in contrast to its history and practices – as a legitimate authority, reflects findings from other conflict zones, such as Hoffmann and Vlassenroot's (2014) work on the DRC. In the Afghan context, the state, simply because it is the state and not an armed opposition group, already has favourable starting conditions for constructing legitimacy. In practice, however, the state often does not live up to people's expectations of how security needs to be provided on a day-to-day basis, failing to match their idea of state authority and, ultimately, undermining its own legitimacy.

3.4 Judicial Branch

I also looked at the Afghan state through the lens of conflict resolution, and it is the judicial branch of the state that is formally responsible for conflict resolution. The courts are where people 'experience' the laws and legislation of the Afghan state. But throughout Afghanistan's recent history, there has been a plethora of actors offering conflict resolution based on different codes of laws, giving rise to a pluralist body of jurisprudence. Despite the complexity of the judiciary in Afghanistan and the number of involved actors, however, people consider it to be a more coherent unit than the security sector.

i. Background

Conflict resolution in Afghanistan is complex and multi-layered, and I will only touch upon many of its specificities in passing. Most importantly, conflict resolution does not only happen in the state's courts. The ability of the state to impose its code of law has remained limited in many rural parts of Afghanistan, and different actors compete in the wider political order, offering conflict resolution on the basis of different codes of law. Instead of going to the state's courts, people may resolve conflicts within their extended family or take cases to community or religious authorities as well as other locally influential individuals, who may as well formally be part of the state system, such as district governors. Furthermore, different actors apply different codes of law or interpret the same of law in different ways, resulting in a high degree of legal pluralism. Religious authorities may apply the Islamic Sharia law. Community authorities may also use Sharia law or apply 'traditional' customary law (see Chapter 6). However, the understanding of the Sharia and traditions may also vary locally. Hence Afghanistan's recent history has been characterised by a parallel existence and competition between different codes of law. According to Barfield: "Even at the height of its power (...) the Afghan state never had the administrative ability to enforce its writ nationwide. While the central government refused to recognize the legitimacy of customary law formally, officials in rural areas often found it the best way to deal with problems in their districts" (2003, p.2).

However, different codes of law based on different ideologies have also been applied within the state's jurisdiction. Barfield (2003) outlines how the Afghan state tried to expand its legal authority from the late-19th century onwards. The state initially used only Islamic law, but over time passed more and more new secular laws (ibid.). While the state's laws were supposed to be in line with Islamic principles, the state asked the judges to prioritise its laws over religious ones if the codes of laws were in conflict (ibid.). King Amanullah (1919-1929) was a notable driving force of secular laws in his attempts to modernise the country. The constitution developed under his authority still referred to Islam as the state religion, but introduced the protection of other religions. He promoted the rights of women and abolished child marriage, provoking "a sharp response from the tribal elite and religious leaders" (ICG, 2010, p.4). His successor, accommodating both progressive and religious interest groups, introduced separate Law and Sharia Faculties at Kabul University. Graduates in Sharia law were hired for general position as judges while graduates from the Law Faculty were hired in commercial and administrative courts (ibid.). Afghanistan's last king, Zahir Shah, continued the modernising strategy and further enhanced the role of secular laws. While Islam remained the state religion, the new constitution stated that Sharia law only applied in cases that were not covered by secular law (ibid., pp.4-5). Regardless of the changing constitutions, however, the court system at that time was widely considered to be slow and corrupt (Barfield, 2010, p.223).

The communist PDPA went a step further, eradicating religious and traditional vocabulary from the constitution, banning the veiling of women and enhancing women's rights through laws on marriage (ICG, 2010, p.5). 'Popular committees' were introduced to resolve legal disputes, but the intelligence agency KhAD was the only de facto judicial power, arresting, detaining and executing people (ibid., p.6). Barfield argues that governments that attempted rapid change, such as that of King Amanullah, and the PDPA heavily undermined their legitimacy as they were perceived to be abandoning Afghan values (2003, p.45). The Taliban then introduced Sharia law as the state's only valid code of law, and judges were replaced with mullahs (ICG, 2010, p.7). However, while the Taliban's legal system was framed in terms of Islam, its interpretation was also heavily influenced by rural customs (Barfield, 2003, p.35). Barfield points out that, for instance, "executions of murderers could only be authorized by a sharia court, but at the public execution itself the victim's family was given the opportunity to shoot the prisoner personally, a combination of Islamic punishment and blood feud revenge rolled into one package" (ibid.).

In 2004, the new Constitution of Afghanistan was agreed upon, defining the basic values and setting the framework for future laws and their interpretation. Islam is defined as a central pillar of the jurisprudence: "No law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan" (Constitution of Afghanistan, 2004, Article 3). In addition, the idea of a progressive and democratic state is anchored in the constitution: "The state shall be obligated to create a prosperous and progressive society based on social justice, preservation of human dignity, protection of human rights, realization of democracy, attainment of national unity as

well as equality between all peoples and tribes and balance development of all areas of the country” (ibid., Article 6).

The constitution further defines the structure of the court system. Article 116 determines the basic tenets of the judiciary: “The judiciary shall be an independent organ of the state of the Islamic Republic of Afghanistan. The judiciary shall be comprised of one Supreme Court, Courts of Appeal as well as Primary Courts whose organization and authority shall be regulated by law.” Reportedly there were 364 district courts and forty-five city courts in 2010 (ICG, 2010, p.17). However, out of these, sixty-nine were not operational due to security reasons, indicating that conflict resolution is conducted by non-state authorities in these areas (ibid., p.18). But even where the courts are operational, challenges remain. Competition is ongoing among secular, religious and customary laws and their interpretation. Barfield argues that even though the Afghan constitution and the state laws were aligned with international standards, this “does not guarantee performance at the local level where such codes compete with *ulema* [Islamic scholars] interpretations of *sharia* law and community based customary law. In addition, *sharia* law is often in conflict with customary practices” (ibid.). According to Barfield, this conflict between the codes of law plays out principally in rural social contexts, having “highly localized” effects (2003, p.2).

But what do the people think about the justice sector? Are they dissatisfied with the state’s court system because the judges apply a code of law they do not agree with? Wyler and Katzman point out that “developing effective Afghan justice sector institutions is considered by many observers to be essential in winning the support of the Afghan population, improving the Afghan government’s credibility and legitimacy, and reducing support for insurgent factions” (2010). But the Asia Foundation’s perception data indicate that the people pick and choose between different actors for the resolutions of their problems, depending on the nature of their concerns (2015, pp.102-104). However, few people choose the formal courts. While 30% of the people use the courts for issues related to healthcare, only 12% for conflicts on land rights and 8% for family conflicts (ibid.). Among others, Singh (2016) suggests that people avoid the state system because of systemic corruption, which heavily undermines the legitimacy of the sector. To investigate the legitimacy of the jurisdiction further, I will look at how people working in the state’s judicial system, as well as those affected by it, perceive it.

ii. Self-Perception

To gain a better understanding of the ‘inside’ perspective on the judicial system, I talked to an Attorney General in Kabul and a prosecutor in Nangarhar. While they are formally part of the executive branch of the state, they are part of the judicial process as they are the connecting elements between the police and the courts.

In Kabul, I interviewed Bashir (K61), an Investigation Attorney General working for the Ministry of the Interior. In this position, he said he was responsible for “the investigation, interrogation and provision of files for the courts in cases that are related to officers mandated by the Ministry of Interior and are related to their job, such as corruption, fraud, bribery, murder, taking advantage of weapons, and civilian complaints about the police”. Asked about the biggest challenge he said:

“It is the corruption of the authorities. It is very organised now. It’s a bigger problem than the Taliban or Daesh. (...) The problem of corruption has become worse since 2001. In 2001, nobody in the villages knew what a bribe was. Now it is very common. All ministers are foreign, they don’t love the country and are only here to extract money. Two big steps need to be taken. First of all, one has to take away the privileges of the so called ‘jihadists’ [reference to Mujahedin commanders]. Secondly, we need to find the right and most qualified people for each job. For instance, the aviation ministry was given to somebody with a background in agriculture, because he is a ‘jihadist’. We need to start at the top. It’s organised crime, (...) which trickles down and destroys the country. (...) 95% of the positions at the Mol are paid for. There are different rates depending on the rank.”

In response, I asked him if the Taliban were less corrupt than the government. Bashir replied:

“The Taliban collect *ushr* [Islamic tithe]. So they are corrupt in their own way. Actually, the Taliban and the government are very similar. As soon as someone becomes a minister in the government they buy a house, have three or four women and so on. All for their personal benefit! It’s the same with the Taliban. They take hostages and collect *ushr* and use the money for their personal benefits.”

At the end of the interview I asked him how change can be achieved. He replied:

“People should not receive privilege under the label of ‘jihad’. Jihad is everybody’s duty. But the ‘jihadists’ just kill people. Only the international community can achieve change. We need to hire the most qualified people for each job. And even if a person is 60% corrupt, he is still doing a job in 40% of the cases. That’s still better than hiring somebody who doesn’t know anything about the job. It’s like selecting a blind man as your driver.”

In a second interview with a member from the *de jure* state’s judicial system, I talked to Abdullah (N63), a prosecutor at the prosecution department in Jalalabad. Abdullah works on the investigation of robbery cases. According to him, insecurity was the most serious existential problem in Nangarhar and had been growing steadily, particularly over the past few years. I asked him what role prosecutors play in the state’s justice mechanisms, and about its effect on the security situation. He explained that the prosecutor was the “bridge between the court and the police. In the case of a criminal incident people call the police. The police conduct a primary investigation. If there is no result within three days they pass the case on to the Attorney General. We then provide the evidence for the case in court.”

Asked about how he perceives what the public thinks about prosecutors like him, he responded:

“The people have a very negative view of prosecutors. A person might be sent to jail for ten years due to the work of the prosecutor. The family and tribe will think that it was corrupt but have no evidence. Or a person might be sentenced to death. Then you can give a bit of money to the prosecutor. So, some people think that all prosecutors are corrupt. They do not perceive prosecutors to be doing law

enforcement. That's a massive problem. Many prosecutors actually ask for money directly in the first stage of the investigation."

Talking about himself he concluded: "I am not normal. I am not corrupt, because of my financial circumstances. And actually, the salary is good. But people have high standards."

Both interviewees do not seem to assume that the sector they work in has a considerable amount of local legitimacy. According to their reports, the systemic corruption in the justice sector is a bigger problem than the Taliban. They mentioned different forms of corruption, including the selling and buying of positions as well as the extortion of money from the general population. Both argued that the corruption was driven by personal greed, not poverty. Bashir outlined how corruption was systemic, driven by the top leadership of the country. He emphasised how the leaders were acting simply out of self-interest, not serving the country but working like organised crime – a problem he perceives to be trickling down to the lower levels of the justice sector. Abdullah further explained how people did not even associate the state authorities with the law but thought they were only using their power to extract money.

iii. Public Perceptions in Rural Afghanistan

Most people I talked to about the state and conflict resolution did not distinguish much between the entities or actors of the judicial system – such as courts of different kinds and varying instances – but viewed it as a whole. They often referred to any kind of conflict resolution bodies of the state as 'the government'. Also, the public perceptions of the state's judiciary system were similar across the four provinces I looked at. However, there were some differences between the rural parts of the provinces and their urban centres. These differences are particularly evident in Nangarhar and Herat provinces (see also Chapter 6).

In the rural parts of the provinces, the state's conflict resolution mechanisms play a subordinate role. Most people I talked to told me they would choose informal mechanisms rather than go to the official courts. For example, the property dealer Hajji Kamran from Enjil district in Herat Province explained: "The people first take their cases to elders or shuras [councils]. Only if they can't solve the case, we take the case to the government" (H43). And the community authority Ghulam from Kushk Robat Sanghi in Herat province argued: "To solve conflicts, we first take the case to the leaders of our cluster of associated villages. If they can't solve the conflict, we take the case to the religious leaders. And if they can't solve the case, we take it to the government" (H34). This phenomenon is not restricted to Herat province, but is equally prominent across rural Afghanistan. For example, in Surkh Rod district, in rural Nangarhar, the school principal Hajji Muhebullah said: "In case a conflict cannot be solved by the local councils, we take it to the formal government justice system" (N03). An exception to this was in the case of large-scale conflicts and bigger crimes. Hajji Kamran from Enjil in Herat explained: "In all cases we first refer to a shura. Unless it's a case of killing or death. Then we

observe the rules of the government's formal system" (H43). I observed a similar pattern in rural Nangarhar. Here, the teacher Nader in Surkh Rod district claimed: "Micro cases are solved by the local councils while macro ones are taken to the office of the district governor" (N16).

The interviewees across the provinces shared corruption in the formal system as the main reason for their preference of informal conflict resolution mechanisms. Particularly in Nangarhar Province this complaint came up frequently. For example, the manual labourer Mohammad Nasim from Surkh Rod complained: "The first option [for conflict resolution] is always local councils. And the second option is the government. But the government is very corrupt and all of its employees are involved in corruption" (N12). And the driver Abdul Wahab from Behsod told me: "The formal justice mechanism in our province that work according to the law are more corrupt than the traditional mechanisms" (N45). A number of people in Herat province also made this point. For instance, the village leader Ghulam from Kushk Robat Sanghi summarised his view: "People trust the informal system because the community leaders are closer to the people than the government and the community leaders are less corrupt than the government" (H34).

Nonetheless, there also were more balanced perspectives, acknowledging corruption in all systems. For example, Karimzay, a medical doctor in Behsod district complained: "In the traditional mechanisms of conflict resolution there are other forms of corruption. The bribes have different names, such as *Machalgha*¹⁷ and *Shirini* ['sweets']" (N49). This perception was also shared by some in Herat Province. For instance, Jalil Ahmad, a high school student from Enjil District, argued: "Both the formal and the informal system are corrupt. Therefore, in either system the results are often not fair" (H26). At the same time, interviewees thought that the informal mechanisms still offered certain advantages, being a bit less corrupt or faster. Karimzay concluded: "The formal justice mechanisms are usually even more corrupt than the informal mechanisms" (N49). The carpenter Burhanuddin, also from Behsod, argued: "I think that both the formal and the informal conflict resolution mechanisms are corrupt, (...) but the informal one is at least fast" (N47). And the doctor Mahmood from Kushk Robat Sanghi in Herat explained: "Poor people don't even have enough money to travel to the centre of the province for conflict resolution. So, they prefer the local councils" (H20; see Section 6.4). Hajji Nazar, head of a village in Behsod district, said that, as a consequence, the role of informal conflict resolution has been constantly increasing in his village: "Before 2001, we were not involved in solving people's conflicts. But now, day by day, our role in conflict resolution is growing as people don't take their cases to the formal justice system because of the high level of corruption" (N37).

¹⁷ Both conflict parties pay a deposit to the community authorities that is only returned to them if the conflict does not start up again in a set amount of time. A number of interviewees, however, complained that the full amount was often not returned.

Due to this perceived high level of corruption in the formal conflict resolution system, some of the people I talked to in Nangarhar – including women – acknowledged the advantages of the Taliban’s justice system (see Chapter 5). For example, Nidah from Kama district, who works at the Directorate of Women’s Affairs, told me: “Today’s system is less transparent than during the time of the Taliban” (N55). Others also preferred the contemporary system of conflict resolution offered by the Taliban because of the corruption in the state’s system. For example, Wais from Behsod district told me: “If the local councils can’t solve a conflict, we would never go to the government because they are so corrupt. We would go to the Taliban in the area instead” (N34). And, even a civil society activist argued: “The Taliban’s conflict resolution mechanism is less corrupt and solves conflicts much faster than the government’s” (N18).

Nonetheless, while most of the interviewees complained about corruption in the formal state’s conflict resolution system and preferred alternative conflict resolution mechanisms, they still viewed the state as being responsible for conflict resolution. For example, the mechanic Nematullah from Enjil said: “The government should solve conflicts. It’s their responsibility” (H38). And the shopkeeper Aziullah, also from Enjil, argued: “In the future the government needs to solve conflicts and disputes of the people” (H44). The perceptions in Nangarhar were phrased in a similar way. Torkhan from Surkh Rod told me: “It is definitely the government, which – together with the courts – has to solve conflicts” (N21). And Stoor, who was unemployed at the time of the interview, summarised: “The government should help us to solve conflicts in the future” (N51).

So, while the people in rural Nangarhar and Herat consider the state to be responsible for conflict resolution, most people prefer to take the cases to community authorities or sometimes the Taliban. This preference resonates with the survey data of the Asia Foundation, suggesting that only few people use the state’s court system. People only use the state system once they have tried all other available options or if they cannot avoid it; for instance, in the case of killings or if the issue is related to the state, like the public provision of healthcare. Thereby the prominent role of community authorities in conflict resolution seems to be a recent phenomenon in some communities, and is not based on tradition. The reasons for the choice of alternative mechanisms are: the corrupt procedures in the state’s court system and the resulting costs; its slow pace; and the unpredictability of the outcome. Even though some people acknowledge that the alternative actors providing conflict resolution are also corrupt, they are considered to be either less corrupt or faster than the state.

iv. Public Perceptions in Urban Afghanistan

In contrast to the rural areas, in the urban centres of Herat and Nangarhar provinces, a number of people told me that they used the official judicial system. For instance, the oil seller Khalil from Herat City said: “If I face any dispute or conflict, I would take the case directly to the

government's courts" (H39). And Shahnawas from Jalalabad stated: "some people solve their conflicts through the formal justice system such as the police and the courts" (N30). Nonetheless, while this outlook was shared by some, more prominently in Herat City than in Jalalabad, it appeared to be a view that was not commonly held.

As in rural parts of the provinces, the degree of frustration with the corruption in court system was high. Fridon, who runs a juice shop in Jalalabad, argued: "We are poor people and don't have access to the high-level conflict resolution bodies. If we want to take a case there, we have to bribe many people. It's very corrupt, they hire all of their relatives" (N26). Also, the civil society activist Jamil protested that bribes are common: "The formal government system is very corrupt. They wouldn't miss a single chance to get bribed from all involved parties" (N07). And the unemployed former ISAF employee Bahir told me: "Most conflicts in the formal government system are only solved after paying a great number of bribes to the attorney general's office and to the court" (N17). Abdul Wahab, a teacher from Herat City complained: "If I take a case to the government it doesn't matter if I am guilty. One always has to pay" (H08). And the civil society activist Mujibullah from Herat told me: "I had never been involved in any conflicts. But recently I was called to the attorney general's office for the first time in my life because somebody identified me on some photo. The prosecutor fortunately was a good person. I told him: '(...) Please don't make me familiar with the attorney general's office culture'. Fortunately, he accepted and didn't bother me further" (H24).

However, compared to the rural parts of the country, people in cities often have fewer alternative options for conflict resolution. The shopkeeper Elyas from Herat City explained his case to me: "I am currently involved in a conflict with the head of the labour union in Herat province. I took the case to the government's office, but so far, the case has remained unsolved. Now I am waiting for reforms in the formal system. Then I will take my case there again and hope that it finally gets solved" (H19). And in Jalalabad, the NGO employee Khyber said: "Within villages most conflicts are being solved by local councils and influential people, while within cities almost all conflicts are taken to and solved in the formal justice system" (N20).

But, despite the dominance of the state system in urban areas, a number of people I talked to explained that they were taking their cases to informal conflict resolution bodies. For instance, the manual labourer Zakerullah in Jalalabad said: "For conflict resolution we first speak to our tribal elders. If they can't solve our problem we take the case to the formal conflict resolution bodies in the areas, like the district government, the police or the attorney general's office" (N27). Similarly, the mechanic Rahmanullah argued: "If we have a conflict we take the case to the tribal elders or the mullah of the mosque. Only if they are unable to help we approach the formal conflict resolution bodies" (N31). Even more interviewees appeared to have access to community authorities in Herat City (see Section 6.5 for details). For instance, Shoaib from Herat City, who was unemployed at the time of the interview, argued: "If there is a conflict we

usually take it to our community leaders. They solve conflicts in a fair manner. And if they can't solve it we take the case to the government court" (H29).

In Herat City, the existence of informal conflict resolution mechanisms appeared to be a fairly recent phenomenon, which evolved in response to corruption in the court system. The cook Parwiz explained: "Ten years ago there weren't any shuras in the city. People took their cases to the district administration and the governmental offices. Now most people take their cases to local shuras" (H41). However, while some demanded that the influence of the councils should be extended, many people considered the state to be responsible for providing better conflict resolution. For example, the university student Khair from Jalalabad demanded: "The government should get more involved in conflict resolution again, it would be much more effective" (N09). And Naimullah from Herat City argued: "In the future the government needs to make an effort to solve the people's conflict instead of relying on local councils, since the government has the legitimacy of the people and has the authority to jail people or release them" (H15).

It can be concluded that the main difference between urban and rural areas is in the choice of authorities offering conflict resolution. In the rural areas I examined, people often had different options beyond the state, such as community authorities and in some cases the Taliban. Most people I spoke with preferred the community authorities to the state, complaining about the high level of corruption in the courts and its slow procedures. In urban areas, many more people used the courts. However, this was not necessarily because they actually wanted to, but because there often are fewer or no other options. Those people who did have access to alternative conflict resolution mechanisms tended to make use of them. And in response to the problem of limited access to alternatives in urban areas, new informal conflict resolution mechanisms have recently sprung up in Herat City. Comparing the public perception from both rural and urban areas with the Afghan Constitution illustrates that the juridical branch of the state is far from living up to its defined role as the only provider of conflict resolution. There is not only a competition of different bodies of laws, but a competition – or coexistence – of different authorities applying different codes of laws. The state's judicial sector is meant to ensure 'equality between all people'. But, on the contrary, the judiciary is considered to be the most corrupt actor in the conflict resolution sector. This perception is not only widespread among the Afghan public, but resonates with what people working in these structures seem to think. In response to this problem, other authorities have been made available and, in some cases, have even been newly created to avoid the state's court system.

v. Analysis

Looking at the state through the lens of conflict resolution reveals a deeply engrained frustration. As with the security sector, most people have had personal experiences with the state's courts or have second-hand information from friends and family members. But, the overall perception resulting from such experiences is one of corruption, which supports the findings of Singh (2016). Almost all members of the public I talked to complained about the bribes they have to pay in the state's judicial system. This view resonates with the self-perception of people working within the courts, who also consider corruption in the judiciary to be systemic and, in the case of Bashir, even compare it to organised crime. They did not make any claims that the judiciary was legitimate. Quite the opposite, Abdullah claimed legitimacy on the basis of being 'not normal' because he was not corrupt. He appeared to be aware that his profession lacks local legitimacy. According to Bashir's analysis, the cause of this problem is greed at the highest level, creating a culture of corruption.

In rural areas, people have access to alternative conflict resolution mechanisms. Instead of using the state's judicial system, they usually prefer these alternative authorities, indicating a low degree of legitimacy of the state's system. Here, the state's judicial system is more remote and therefore difficult to access than other authorities and, in addition, is perceived to be slower and more corrupt. In a way, not much has changed since the Afghan court system in the time of King Zahir Shah, described by Barfield in exactly the same way, as slow and corrupt (2010, p.223). In urban areas, people have fewer options and therefore often have to use the state system. But the fact that their choice rests solely on a lack of alternatives again indicates a low level of legitimacy. People in cities are equally dissatisfied with the state because of the high degree of perceived corruption. As a consequence, alternative mechanisms have also evolved in the cities.

The interviews indicate that the people's assessment of which authority to choose for conflict resolution rests on instrumental factors, such as accessibility and speed, as well as, more substantively, the perceived degree of corruption and the fairness of procedure – not, for instance, on which authority 'traditionally' solved conflicts in the community. The perceived level of corruption indeed appears to be the substantive cornerstone of the assessment on authorities in the judicial sector. A low level or absence of corruption is not only important to ensure a perception of fairness, based on an equal treatment of everyone, but also makes the process more predictable. It undermines other potentially legitimising factors, such as the tradition of a conflict resolution body or the ideology underpinning the code of law that is applied. Hence, the debate on which code of law people want and consider to be legitimate, whether it is traditional, Islamic or secular law, appears to be a secondary problem. It is of far more importance to people that any law is applied in a straightforward and non-corrupt way, making the process predictable and fair. But the state's judicial system is perceived to be

neither fast, predictable nor fair, and people avoid it wherever possible. Hence, it lacks both instrumental as well as substantive legitimacy.

It is worth noting however that, as in the context of security, many people still consider the state to be responsible for conflict resolution. This again suggests that people have not given up on the state entirely and further emphasises the importance and legitimacy of the idea of the state. People do not choose alternative conflict resolution mechanisms because they consider them to be more traditional or because they prefer Islamic law, but simply because the alternatives appear to be less corrupt, or at least faster, than the state. Many would actually prefer the state's judicial system if the procedures were fairer, easier to access or faster.

3.5 Legislative Branch

The third theme I chose to investigate the legitimacy of the Afghan state is its legislative branch. As my interviews were centred around security and justice, and only touched on legislation in passing, I will keep this section short. Nonetheless, looking at the legislative branch of the state offers some additional insights. An impressive new Afghan Parliament building was recently constructed with Indian aid money, right next to the former king's Darul Aman Palace, on the outskirts of Kabul. But, while the new parliament may be seen as a symbol of a democratic Afghanistan, the legislature feels remote for most people in the country.

i. Background

As Afghanistan was governed by monarchs for most of its recent history, there was no clear separation of power and no independent legislative branch. Even though the kings had advisors and a bureaucracy to implement their decisions, it was the king who had the final say on laws. And while Amanullah Khan (1919-1929) used *loya jirgas* to ratify his laws, *jirgas* did not play a central role in law making. This changed when Mohammad Zahir Shah came into power, pushing for modernisation in the country. He authorised the development of a new constitution, by which executive, legislative and judicial authority were separated. It was adopted in 1964, after being modified and approved by a *loya jirga* (Yassiri and Saboory, 2010). The parliament consisted of two houses: the *Wolesi Jirga* (House of the People) and the *Meshrano Jirga* (House of the Elders) (Constitution of Afghanistan, 1964, Article 42). The members of the House of the People were elected, while the members of the House of the Elders were appointed by the king or elected by the provincial councils (*ibid.*, Articles 43-45). Members of the parliament had the power to draft laws, and laws had to be passed by both houses and signed by the king to come into power (*ibid.*, Articles 69-70).

However, the new constitution only lasted for a few years. In 1973, the monarchy was overthrown in a military coup. The two houses of parliament were replaced by one assembly – the *Melli Jirga* – in 1977. After the Saur Revolution in 1978, a Soviet model was adopted, with a Revolutionary Council taking over the legislature power (Yassiri and Saboory, 2010; Amstutz, 1986, p.59). When President Najibullah felt in danger of losing power when the Soviet Union announced that it would withdraw its troops from Afghanistan, he drafted a new constitution in 1987 and adjusted it further in 1990. A National Assembly, consisting of the House of Representatives and the Senate, became the ‘highest legislative organ’ (Constitution of Afghanistan, 1987, Articles 77-78). But when the Taliban came into power after the civil war, parliament was abolished again and final decisions were made by an *Inner Shura*, which was based in Kandahar and consisted of six members, being led by Mullah Omar (Barfield, 2010, p.261; Dodge, 2011, p.75).

Afghanistan’s current constitution, approved once again by a *loya jirga*, shows remarkable similarities to the constitution of 1964 as well those from 1987 and 1990. The Afghan parliament is called the National Assembly again, once more consisting of two houses: the *Wolesi Jirga* (House of People) and the *Meshrano Jirga* (House of Elders). The House of Elders consists of elected representatives of the Provincial and District Councils as well as individuals appointed by the President (Constitution of Afghanistan, 2004, Article 84). Half the appointed members of the House of the Elders have to be women (*ibid.*). The members of the House of People are elected by the people for five years, including at least two women from each province (*ibid.*, Article 83). The National Assembly has to ratify laws and can modify them (*ibid.*, Article 90). Like the government, members of the National Assembly can also make proposals for drafting new laws (*ibid.*, Article 95). The House of People has additional powers and can, for instance, decide on the state budget (*ibid.*, Article 91).

Even though there are strong political parties in Afghanistan, such as *Hezb-e Islami* (see Section 4.3), they have not played a central role in parliamentary elections. Candidates and members of parliament are not required to be a member of a political party, and in the 2005 elections, party affiliations were not even mentioned on the ballot paper (Larson, 2015, p.3). Members of parliament were elected on the basis of a single non-transferable vote system, which according to Larson, “was a deliberate choice intended to exclude parties, partly because of the violent reputation parties had acquired in the war years and partly to stymie opposition to the new government” (*ibid.*).

The last *Wolesi Jirga* elections took place in 2010. According to the official data of Afghanistan’s *Independent Electoral Commission* (IEC), 40% of the electorate participated in the elections (DI, 2011, pp.31-32). The relatively low turnout can only partly be explained by a lack of legitimacy, and was also influenced by security and communication challenges (*ibid.*). However, the Asia Foundation’s data suggest that only 43% of the people had confidence in their MP in 2015 (p.97), not thinking that they do a good job and represent them, a rate that

dropped further to 35% in 2016 (p.106). Research on the parliamentary elections in 2010 and the presidential elections in 2014 indicates that they, by and large, have failed to construct legitimate state authority. Dodge illustrates how widespread voter fraud undermined the legitimacy of the electoral process (2011, p.85). Sharan and Bose (2016) describe how elections have manifested power networks, instead of enhancing the legitimacy of the state. Along similar lines, Schmeidl (2016) argues that elections actually contributed to a growing gap between citizens and elites, “allowing pervasive elite capture of official positions that resulted in a neo-patrimonial government with limited legitimacy” (ibid., 576; see also Larson, 2016, p.607).

The Afghan constitution would have required the next parliamentary elections in to be held in 2015. However, after the turbulent presidential elections in 2014, President Ashraf Ghani and CEO Abdallah Abdullah decided to set up an *Electoral Reform Commission* (ERC) to recommend changes to election process (Naadim, 2015). When the ERC finally announced its first suggestions in August 2015 – such as strengthening political parties and improving the voter identification system – they were met with scepticism by some, perceiving them as being in favour of Abdullah (ibid.). Nuristani, the head of IEC, announced that “political differences and lack of budget led to the postponement of the parliamentary vote for an indefinite time” (Khetab, 2015). At the time of writing, no new electoral reforms had been agreed upon, and so far, the people elected in 2010 have remained Members of Parliament. Meanwhile, the attendance in the lower house is so low that in two thirds of all session the number of MPs present is too low to have a vote on new laws (Ahmadi and Linke, 2016). A number of lawmakers have been suspended after not attending twenty or more parliamentary sessions in a row (Barakzai, 2017).

ii. Self-Perceptions

To investigate the self-perception and claims of members of the Afghan Parliament, I interviewed a number of MPs representing the people from the provinces in the House of People in 2015.¹⁸ I talked to them about how they became members of parliament and why they thought that people voted for them, in order to understand what they understood as being the basis of their legitimacy. Three of the people I talked to were Kobra Mustafawi from Kabul, Mirwais Yasini from Nangarhar and Ahmad Behzad from Herat.

¹⁸ My intention was to interview prominent and locally well-known MPs from all four provinces. However, some MPs denied the request for an interview. Hence, there may be a self-selection bias, with only more liberal or western-minded MPs agreeing to be interviewed (see Section 1.2).

Kobra Mustafawi, Kabul

I met Kobra Mustafawi, representing Kabul Province, at her humble but crowded office in the outskirts of Kabul in July 2015 for a long interview. The main room on the ground floor was packed with petitioners and she appeared to be busy dealing with them. When the number of people had decreased, we moved to a more informal room on the top floor of the building. She took a lot of time for the interview with me and – among many other topics we talked about – touched on her motivation, the challenges she had been facing and why she thought people voted for her. In response to my initial question on her life story and how and why she became a member of the Afghan Parliament, she told me:

“My father was killed during the Russian invasion, and I was his oldest daughter. My father didn’t have any sons. My mother always wished I was a boy and could fight against enemies. My father was well educated, an established academic and a political figure and his seat couldn’t be left empty. His weapon was his pen and I didn’t want it to be put down. (...) As a girl, I couldn’t hold a weapon and fight against the Russians. So, I picked up the pen and studied. I migrated to Iran, where I had a harsh daily life. But I continued my education. My husband is from Maidan Wardak province, where women are not accepted at all in society. But I fought and was finally nominated for the elections. My husband was always criticised by the people from his province for letting me run in the election and for not doing so himself. I proved that I could do it, and was elected because I was serving my village, my people and district. I always wanted to serve the entire nation, without considering colour and ethnic differences. I started by printing a number of photos and business cards. I announced my strategy and plans. People trusted me and voted for me because they noticed that I wanted to serve groups, not individuals. I wanted my society to become like Europe, well developed, where all citizens have equal rights and where people are treated equally before the law. I dream of the same type of society.”

In the long conversation that followed, she also shared her views on what she thought distinguished her from warlords and why people support her:

“Afghans no longer support those types of people [warlords]. Afghans support people like me who accept development, education, technology, good relations with the international community and democracy. I fight for my children’s rights. Currently, my girls are attending a medical faculty, and I want them to grow stronger and liberal like me. With the power of education, warlords can’t harm my daughters, me and my sons. The only thing they can use against my knowledge is force. I was once kidnapped by the Taliban and later on released in exchange for one of their men. And I witnessed the harsh life in Iran. I don’t want my children to have the same bitter experience. With all my powers, I will prevent that from happening. I would fight for my ideology, against the Taliban, against ISIS, against warlords. If I don’t work in my own country, who would? If I don’t even build my own house, who would build the country? I have a diplomatic passport and so do my children. I can send them to any foreign country to study. I also have the financial resources to do so. But I want them to grow up proudly in their own country.”

Mirwais Yasini, Nangarhar

I conducted a similar interview with Mirwais Yasini, an MP from Nangarhar Province, in April 2014. He invited me to his house in the heart of Kabul, on the Ministry of Interior Road, neighbouring the compound of the European Delegation. At the beginning of the interview, I

also asked him about his life story and how he became a member of the Afghan Parliament. He explained:

"I was born under miserable conditions. However, my family is middle class. My father was a district and provincial attorney general. So, we were an educated family. (...) Because we were a political family we had to flee right after the Communist Coup in 1978 to Pakistan before the Russian invasion. (...) I was there mostly in Jihad. I went to Pakya, Paktika, Nangarhar, Torabora and that area. And I was present when the first Russian was captured close to Dushaka. (...) We took him to Peshawar. His name was Mikhael Simonovitch, from Volgograd, a 21-year-old pilot. So, in 1986 I was working with the Mujahedin in Pakistan. In 1987 I escaped to Europe, to the States as an Afghan Jihadi activist. And in '87 I joined the International Islamic University, which was a very famous institution in Pakistan. (...) And again, I was involved in the Afghan opposition at that time. And with the social activities and a little bit of business. And during the Taliban time I went to Europe and the States a lot and came back to Pakistan, where I stayed until 9/11. (...) I became the first deputy speaker of the constitutional Loya Jirga. Then I was involved in the election of Karzai in 2004. (...) I became the First Deputy Minister at the Ministry of Counternarcotic. I resigned and went to the parliament. (...) And for two consecutive years I was the first deputy speaker. (...) Later I became the speaker. And I am still a member of the parliament today."

We sat in his garden for a long time and often got carried away in the course of the interview. In fact, we were still talking when elders from Nangarhar Province, whom he had invited for dinner, arrived. We continued our conversation while having food. Towards the end of the more formal interview part of the meeting, I asked him about the basis of his support and why he was elected. After thinking for a while he responded:

"I am not a thief, I am not involved in corruption, I always stayed with my people. I didn't tell them lies. And I know the people and I know how to communicate with the different levels of the people. How you can talk with educated or less educated people. With the literate class, illiterate class, different languages, different clans. If you talk to different Pashto clans, you require different skills. And if you go to Uzbeks, Turmens, Hazaras, Tajiks, and, thank God, I do believe in humanity and I do believe in my Afghanhood. That under the skies of Afghanistan, every clan, sectarian, religious, men, women, they have the same rights. (...) All Afghans have to feel that they are equal citizens. (...) So, I expressed that particularly in the past fourteen, fifteen years (...) and that is why people trust me."

Ahmad Behzad, Herat

Another MP I talked to was Ahmad Behzad from Herat Province. He is one of the MPs, who were suspended after a prolonged absence (Barakzai, 2017). We met at his Kabul house in August 2015 and it was the most formal of all the interviews with MPs. We stuck to the questions and answers and the interview rarely developed into a conversation. Talking about his life story, he explained briefly how he had been elected as an MP after working as a journalist after the fall of the Taliban regime. Asked about why people supported him he suggested:

"People were looking for fresh faces. During my election campaigns, I found that people were looking for fresh faces who could guide them into the new era, while my rivals were all very famous personalities, with Jihadi and military backgrounds. One of the reasons people voted for us was that we were fresh faces and we had new promises for people. Before that, I was working as a news reporter. But Mr Ismail

Khan, who was the provincial governor, kicked me out of Herat. When I came back to Herat, I ran for parliament. In fact, the vote I received in the elections was a clear rejection by the people of the Ismail Khan type of personality. This showed that people have entered a new era and have selected new forces with new ideas, although later situations started worsening gradually.”

The conversations illustrate why the interviewees think they become chosen and elected as MPs, hence, in a way, they shed light on the reasons why they believe people consider them to be legitimate. By means of comparison, the interview with Mustafawi from Kabul indicates her strong belief in liberal values. In the interview, she framed her motive to become a politician, and ultimately an MP, as being based on her family tradition as well as her wish to serve the country. This translates into why she thinks she is supported by the people: serving the public, not a patronage network; and fighting for equal rights and the rule of law. Her statements appeared to be particularly genuine. Thereby, she also illustrates the difficulties women face in Afghanistan. She sees her fight as a political one, distancing herself from the armed actors in all camps, warlords and jihadists, as well as insurgents. It is on this basis that she thinks she got elected by the people. In contrast, Yasini from Nangarhar paints an image of himself as a jihadist, who fought the Soviets with military means. He believes he got elected because people view him as non-corrupt, because he is loyal to the people and has the skills to talk to different kinds of people. He also emphasised his fight for an equal Afghan society as a factor underpinning his local support. Lastly, Behzad portrays himself in opposition to jihadists in Herat such as Ismail Khan. He sees himself as a representative of a ‘new era’, with civilians, not jihadists, representing the people. All three portray themselves as people who are not driven by their own interests but who are fighting for a better society. What divides them is their personal life stories. Yasini was a ‘jihadist’ or Mujahedin and is proud of it, Mustafawi and Behzad, on the other hand, portray themselves as a new generation that fights the old jihadists and warlords with political means.

iii. Public Perceptions

Talking to members of the public, I only briefly touched on the legislative branch of the state. Nonetheless, I asked all interviewees about their thoughts on the Members of Parliament. In most provinces, few people expressed distinct views on MPs. A notable exception, however, was Nangarhar, where many people had strong views – all of which were negative.

A number of people in Nangarhar considered MPs to be threatening warlords, causing insecurity and being involved in criminal activities. For example, Hajji Aziz from Surkh Rod claimed: “At the moment, in addition to the Taliban, there are a large number of illegally armed men in the city that commit crimes in the night. These illegally armed men are supported by Hajji Zahir [Qadir; see Section 4.3] and members of parliament. They always drive in convoys of many cars and with dozens of illegally armed men” (N01). Similarly, Hajji Muhebullah from Surkh Rod pointed out: “Because nobody collects all the illegal weapons and disarms the

warlords, security provision is very difficult. Most of the police officers work for members of parliament and the heads of departments” (N03). The NGO worker Khyber argued that some MPs were criminals: “MPs and members of the cabinet use their authority to cut down forests illegally and are involved in drug trafficking.” In addition, he saw connections between MPs and insurgency groups: “A number of government authorities cooperate with insurgents, which carry out suicide attacks. Unfortunately, even some MPs are among them” (N20).

Several interviewees criticised the MPs’ detachment from their reality. The university student Gulagha from Jalalabad pointed out: “The Members of Parliament move around in bullet-proofed vehicles. And through the thick glass probably everything looks fine and good” (N10). And unemployed Bahir, also from Jalalabad, assessed: “In the last two years I haven’t seen any member of parliament coming to our place. In the dark night they are busy with prostitutes from Tajikistan and during the day they sleep” (N17).

Some people in Nangarhar also complained about MPs not being accountable. Khyber argued: “In my opinion, the MPs in power are not the ones who were elected on the basis of the people’s votes” (N20). And Hajji Shahib Mohammad Dara, a member of the provincial council in Jalalabad, told me: “The MPs won the elections because they cheated. They make laws and can have the right to call the government to justice. But nobody can call them to justice” (N19).

Across the provinces, people protested that MPs only cared about them around election times and did not live up to the promises they had made once they were in power. Arbab Ahmad, a community authority in Enjil District stated: “I contacted Mr. Qata Ali, MP. I asked him: ‘Wasn’t it you who called me twenty times per day during the elections and asked me to call people for him. Wasn’t it you who was begging for votes by giving food to the people?’ And now he doesn’t even pick up the phone if I try to call him” (H06). The tailor Halim from Surkh Rod argued: “The members of parliament haven’t done anything for us yet. Once they are elected they will not care about the people anymore” (N11). And Asadullah from Char Asiab in Kabul Province complained: “Many people promised us that they will help us to fight unemployment. The MPs, the provincial council. But nobody is doing anything about it” (K20).

Even though my interview data on perceptions surrounding MPs are limited, some conclusions can be drawn. In most provinces under study, few people had distinct views on MPs or cared much about them, possibly because they rarely encounter MPs personally. Those who did share their views with me, told me that MPs were not doing anything to help them, and not living up to the promises they made during the elections. The perception of MPs seems to reflect how they appear in public: distant, driving around in armoured cars, accompanied by armed security guards. The idea of MPs ‘not caring’ was widespread across urban/rural and across provinces. The people’s main concern appears to be that MPs are not working in the public interest but only for themselves. The civil society activist Jamil summarised: “In my

opinion there is no Afghan parliament at all, as all of its members only care about their personal business” (N07). In Nangarhar, the views on MPs were often even more distinct: many people thought that MPs did not only ‘not care’, but that they were actually harmful warlords, unaccountable to no one, who use force to extract money.

iv. Analysis

In contrast to the security and justice sector, there appears to be a considerable gap between the public perceptions and the self-perception of MPs. Having been elected, the MPs I talked to appeared to be more confident about their own legitimacy than authorities in the security and justice sectors. They assumed to have local support because of their ideas of authority, being a jihadist or fighting jihadists with political means, and, in one way or other, bringing Afghanistan forward. They did not make references to tradition or religion, a finding which was, however, possibly affected by a self-selection bias of the interviewees willing to talk to me.

What ideas MPs stand for, however, does not appear to matter much for most members of the public I talked to. Most interviewees did not care much about MPs, and those with a distinct view on the elected lawmakers thought that they were not working for the people but only for themselves. While my research on the legislative branch of the Afghan state was of limited scope, the lack of support voiced in the interviews indicates a low level of legitimacy, in line with the findings of the Asia Foundation as well as the research conducted by scholars like Sharan and Bose (2016), Schmeidl (2016) and Larson (2016). The perception that lawmakers do not care about the people appears to be driven by the limited interaction between MPs and people and the distance of MPs from the community level, not being visible and only showing up at election times. Their work appears to be too intangible for many people. The behaviour of the MPs and the character of their work as such are not unusual as there probably is little interaction between people and MPs in most countries. However, the consequences appear to be more extreme. While people in many countries may also feel distant from their lawmakers, the interviewees in this case do not feel connected with, or represented by, their MPs at all, thinking that the MPs’ work has no impact on their lives.

Conversely, in Nangarhar, people thought that MPs had an impact on their lives, albeit a negative one. People acknowledge that MPs have authority, however, they think that it is based on coercion – not on legitimacy. Even though I did not ask people about their views on specific MPs, the gap between public perception and the self-perception of Yasini from Nangarhar is particularly striking. Members of the public described the elections as rigged and considered MPs to be: unaccountable to anyone; using their power for their own benefits; and not caring about the people. MPs were equated with criminals and warlords. Meanwhile, Yasini emphasised his ‘jihadist’ background, in a way living up to the negative expectations of the people. The case fits into the picture of Nangarhar, which started to develop in the previous

sections of this chapter: a province run by strongmen in control of all branches of state power can exploit the people with impunity. It also shows that it can be difficult to draw a line between MPs and strongmen, as a position with the formal state does not exclude the option of people having other sources of authority.

3.6 Conclusions

For many people in Afghanistan, the state is an actor completely external to their lives, nothing more than a potential authority. They have no relationship with the state and are not subject to its social control as they live in areas where the state has no ability to have an impact on their lives, for instance, because it is controlled by the Taliban. However, in most of the areas this research project covered, the state does have an ability to have an impact in people's lives, at least through the use of coercive means. But, the interviews show that the legitimacy of the Afghan state is not pronounced. The only entities of the Afghan state covered by my research that were indeed seen as substantively legitimate by many, are the army (ANA) and the intelligence agency NDS. Conversely, people try to avoid taking their cases to the courts and stay well clear of police officers. It indicates that these institutions are perceived as illegitimate and, particularly in the case of the police (ANP) due to its ability to use force, coercive.

The perceptions of the three formal branches of state authority in Afghanistan indicate that the main referent object people base their assessment of legitimacy on is how they perceive the authority's *behaviour in day-to-day life*. People judge behaviour on the basis of shared values – not just usefulness – expecting authorities to behave 'the right way', in a fair or inclusive manner. This finding supports Barfield and Nojumi's (2010) conclusion that 'local perceptions of fairness' are crucial for legitimacy in Afghanistan. For instance, the way people view the army illustrates that its procedures are far more important than its 'output', 'service delivery' or 'performance'. The security situation in Afghanistan is fragile and people do not witness many successful results of the army in fighting the insurgency. Instead, people judge the army on the basis of its coordinated way of providing security. This is in line with the psychological literature on policing, which emphasises the importance of procedures of interaction for the construction of legitimacy (e.g. Tyler, 2004; Tyler, 2006). On the basis of how people perceive the behaviour and procedures, they draw conclusions with regard to an authority's *invisible attitude*. Hence, the ANA, which is perceived to behave in a fair and non-corrupt way, is considered to be serving the nation. Meanwhile, as the courts' procedures are considered to be corrupt and unfair, people who work in the justice sector are viewed as extractive, trying to make money, and hiring their relatives. Nonetheless, in addition to these substantive, value-based judgments, more instrumental factors also matter. These were particularly prominent in the case of conflict resolution, in which people were also concerned about the accessibility of courts and the speed of conflict resolution.

In most cases, the perceptions and assessment of an authority's behaviour appear to be based on *personal experiences*. The direct interaction between state authorities and people with resulting personal experiences are particularly prominent in the cases of the police and the justice system. As suggested by Dodge (2011), in both cases, the experience of the state authorities' behaviour is perceived to be corrupt and extractive, undermining their legitimacy. Both actors are viewed as being driven by greed and self-interestedness, instead of a desire to serve the public. An exception is Farza District, where people perceive the police's process of providing security to be inclusive and its behaviour to be fair and supportive. However, in addition to such value-based assessments of the authorities' behaviour, more pragmatic and instrumental factors also matter. In the justice sector, it is not just fairness that people expect, but the courts also have to be accessible and as fast as other authorities offering conflict resolution. That courts are often remote for people living in rural areas makes it even less likely for people to go there.

In the absence of personal interaction and experience, a number of other factors may be relevant. One is the *visibility of an actor*. In the interviews, people tended to have stronger views on those actors, who are present in their day-to-day lives. For instance, the ANA does not actually interact much directly with the people in cities. But, nonetheless, the army is very visible, resulting in strong perceptions. Similarly, people have stronger views on the NDS in areas, where it is visible. Conversely, people simply do not care about the Afghan Local Police, because it plays no role in their lives. And MPs, at least those who rarely visit their constituency and can afford tough security measures, remaining distant and invisible in their armoured vehicles even when they are geographically close, do not play much of a role in the lives of most people.

The *visibility of the actor's behaviour* may be important. While the army certainly exercises force and kills people, it is considered to be a source of security and, ultimately, a legitimate authority. The same applies to the NDS, in an even more extreme way. Even though the agency is accused of human rights violations and behaviour that is likely to be considered to be 'bad' by most in Afghanistan, its behaviour is perceived as legitimate. One explanation is that people deem the violence directed towards others, the 'enemies', to be legitimate as they are at war and have to deal with security threats. Another possible explanation is that the 'bad' behaviour – such as the torture of detainees by the NDS – remains hidden and invisible for most, not affecting people in their daily lives. While both factors may count, the interview data point towards the latter explanation, as people particularly emphasised the positive behaviour of the ANA.

Because authority within the Afghan state is considered to be dispersed, legitimacy also appears to be linked to the extent to which an actor is perceived to have an independent *ability to impact*, hence, is seen as an actual rather than a potential authority. Without a perceived

ability to impact, the ability of state authorities to construct legitimacy is also fading. In the case of the ANA, which has an ability to exercise coercion and impact people in state-controlled territories, the *absence of harmful interaction* is interpreted in a positive way and the behaviour of the authority is considered to be good. Conversely, in the case of many MPs and courts, in the absence of a perceived ability to impact and a lack of accessibility, people are more indifferent. In their own right, regardless of the question if these actors may actually have an ability to impact, people are not aware of it. Hence, they are ultimately not seen as relevant authorities by many people. The different examples show that authorities that have coercive means can construct legitimacy in areas in which they have an ability to have an impact by acting according to the formal rules and *not using coercion in an arbitrary, unpredictable or extractive way*. Finally, in the absence of limited personal experiences, second-hand information from friends and family members as well as media reporting can play an important role. This may contribute to a positive image of the ANA and the NDS. After all, the narrative of the ANA, which serves the nation, is so powerful that even people in Taliban-held areas buy into it.

Crucially, the Afghan state is not seen as a system; its entities and branches are viewed independently. Hence, there is little connection between Scharpf's 'input' and 'output' dimension of state legitimacy. While the 'output' side of the state, the executive and judicial branches, are seen as legitimate under certain circumstances, the 'input' side, the elected MPs, have no legitimacy. Moreover, in some parts of the country people associate MPs with coercion and warlordism. Hence, the democratic structure of the Afghan state does not actually ensure the accountability, and the 'promotion' of democracy, which is part of the statebuilding agenda, comes to nothing. Without accountability at the state level, people care about accountability on the personal micro-level, in day-to-day interaction with the state. If state actors can show that they care about the interests of the people and serve the public, they can construct substantive legitimacy. However, it appears to be unlikely that, in the absence of a systemic view on the state, this legitimacy spills over to other branches of the state.

Meanwhile, there appears to be a wide-spread belief in the *idea of the state as a concept*. While the formal features of the state – its constitution, laws and general structure – do not seem provide the state with much legitimacy as they do not translate into perceived practices and the experienced reality of its citizens, people do hope that 'the state' will govern the country again in the future. Further research is necessary to explore people's understanding of a future state, but it can be assumed that their idea of the state is based on a monopoly of force and, most likely, rational-legal structures. This assumption is supported by people's belief in the police as an institution, regardless of their dissatisfaction with the way it currently works.

The people I talked to within the judiciary and the security sector appeared to have a reflective self-perception. They considered themselves to be part of a corrupt and extractive system, which they cannot change and that results in little local legitimacy. Conversely, the MPs I interviewed displayed more agency and appeared to be more confident about their own legitimacy as representatives of the people. While this may be coincidental due to the small sample size, it may also indicate that employees in the security and justice sectors are exposed to people's expectations on the day-to-day micro-level and have to balance these with those of a corrupt system, while MPs do feel legitimised by the elections on the 'input' side of the state system.

However, the findings also show that the Afghan state has indeed been successful in constructing a national identity. Legitimacy, for many, rests on the perception of an authority serving the Afghan nation, not specific ethnic groups. Traditions like the Pashtunwali and religion appear to matter to a lesser extent, in contrast to what some strands of the literature argue (e.g. Liebl 2007). In a way, the findings seem to be supporting the prominent claim in the literature that improved service delivery can construct legitimacy. Most people I interviewed certainly expected services such as security and conflict resolution. But, instead of discussing solely *what* services matter to address people's needs, much more attention needs to be paid to *how* services are delivered to address people's values. In the moment of service delivery, the state interacts with its citizens, who have value-based expectations of what the process of interaction should look like. As Barfield and Nojumi (2010) point out, such local expectations and perceptions of fairness and trust are similar across the country and not specific to certain ethnic or linguistic groups. To improve the perception of security and conflict resolution and to construct more substantive legitimacy, the Afghan state has to: focus on the procedures of how 'outputs' are delivered; consider to what extent security provision is considered to be inclusive and makes people feel more secure; and to what extent conflict resolution is perceived to be fair. This could easily be supported by the international community. For instance, by improving the training of police officers, and teaching how to police, not only how to fight. There is also hope for the state and statebuilding efforts. While the state as it currently exists has little legitimacy, people do believe in the state as an idea. To enhance its legitimacy, the state has to live up to people's expectations.

Chapter 4 | Strongmen and Warlords

4.1 Introduction

Abdul Rashid Dostum, Ahmad Shah Massoud, Gul Agha Shirzai, Abdul Rasoul Sayaf, Mohammad Atta Nur, Mohammad Fahim, Abdul and Zahir Qadir, Mohammad Atta Noor, Gulbudin Hekmatyar – the list of strongmen and warlords in Afghanistan is long and includes the names of many infamous people who have gained notorious reputations. For instance, Gulbuddin Hekmatyar is also known as the ‘Butcher of Kabul’ because of his indiscriminate shelling of the city during the civil war in the 1990s. He formally joined the peace process and returned to Afghanistan from exile in May 2017 after being granted judicial immunity for past crimes. Abdul Rashid Dostum was a member of the Northern Alliance, fighting the Taliban in the north of the country in November 2001. The Guardian reported on how he dealt with prisoners of war: “they were taken to Qala Zaini, a mud-walled fortified compound on the outskirts of the [Mazar-i-Sharif]. There Gen Dostum's soldiers crammed them into shipping containers. When they protested that they could not breathe, the soldiers told them to duck down, then fired several Kalashnikov rounds into the containers. ‘I saw blood coming out of the holes,’ an eyewitness who refuses to be identified said” (Harding, 2002). An estimated 400 to 3,000 imprisoned Taliban fighters died in Dostum’s shipping containers (ibid.). Dostum publicly apologised in 2013 and today is Afghanistan’s Vice President.

It is not surprising that such people are commonly seen as the driving forces behind and major profiteers of armed conflicts, responsible for a range of atrocities and human rights violations. But how do people perceive the role of strongmen in Afghanistan today? And does their authority rest solely on fear and coercion, or do they also have some legitimacy?

Influential individuals who can be described as warlords, strongmen or powerbrokers have played a key role in Afghanistan’s contemporary history, in close connection with international involvement in the country. Many strongmen gained influence as Mujahedin commanders against the Soviet occupation with the help of Western funding (see Chapter 3). For instance, Hekmatyar’s fight as a Mujahedin was heavily financed by the US and the Pakistani intelligence agency ISI (Coll, 2005). While the role of strongmen diminished during the time of Taliban rule, which limited their influence on areas in the north of Afghanistan, the US again provided them with money and weapons in 2001 to implement ‘their’ invasion on the ground. Moreover, Dostum was on the US payroll and his fight against the Taliban was supported by the CIA as part of the international *Operation Enduring Freedom* in Afghanistan (Williams, 2013). The Guardian even points out that American Special Forces could not have been far away when the Qala Zaini massacre happened (Harding, 2002). Their capture of Kabul and other Taliban-held cities and territories cemented the influence of strongmen, which today is not only exercised through force but also the government system of which they are part.

This chapter focuses on two geographic case studies in order to investigate the role of strongmen in Afghanistan today and on what their authority and legitimacy rests: Nangarhar Province in the east and Balkh Province in the north of Afghanistan. I use these case studies because of the stark differences in the political order of the two provinces; Nangarhar is characterised by competition between various authorities while Balkh's political order is comparatively stable. I describe such people as strongmen who have authority as individuals because they are perceived to control a large number of armed forces on the provincial or national level. To identify such individuals, I used the community-level interviews, secondary literature as well my personal observations. Currently in Balkh, the only relevant strongman is the governor, Mohammad Atta Noor, who is also called the 'King of the North'. In Nangarhar, I will be looking at two strongmen, the former governor, Gul Agha Shirzai, who is known as 'The Bulldozer' as well as the current Deputy Speaker of the Afghan Parliament, Hajji Zahir Qadir. In the case studies, I investigate how these strongmen perceive themselves and their own legitimacy and then compare their views with those of the citizens of the province.

The chapter shows that strongmen, in contrast to their own claims, are first and foremost coercive authorities. Nonetheless, their control of force also enables them to build instrumental legitimacy to varying extents. In Nangarhar, Shirzai and Qadir claim substantive legitimacy on the basis of their work for Afghanistan, their good behaviour and way of interacting with the people as well as their family tradition. However, the public has a different view of them. Most people I talked to perceived strongmen as coercive authorities with little legitimacy who are driven by personal interests alone, seeing them as sources of insecurity and blaming them for corrupt and extracting behaviour. Only people who directly benefit from their influence and services were more supportive. In Balkh, Noor managed to monopolise force to a large extent and the province is comparatively stable, which many people appreciate. But because Noor, as an individual, is in control of the exercise of force he is also feared, particularly by civil society activists. Noor is not only able to ensure security, he can also create insecurity whenever necessary to achieve his personal goals. Hence, his authority rests on force, which enables him both to construct instrumental legitimacy and to be coercive. There are few indicators that either Shirzai, Qadir or Noor have constructed widespread substantive legitimacy. Hence, their authority can quickly fade if their ability to control and exercise force or to provide services diminishes.

4.2 Strongmen Governance

Strongmen governance is a fairly recent research topic, which appeared in the 1990s. Even though strongmen are not an empirically new phenomenon – quite the contrary as, for instance, Elias' (1982 [1939]) work on state formation in Europe illustrates (also see Jackson, 2003) – there was a growing realisation that in the globalised world's 'new wars' individuals commanding militias are often key actors in armed conflicts. Research on people like Charles

Taylor in Liberia (Reno, 1995) and competing warlords in Somalia (Duffield, 1998) provided the analytical basis for research investigating how the international intervention in Afghanistan in 2001 empowered various individuals who were members of the Northern Alliance.

Even though the term 'warlord' prevails in the academic literature, I prefer to describe such individuals more neutrally as strongmen. While there are various definitions, there is a general consensus that a key characteristic of strongmen is that they have authority as *individuals*, resting primarily on the independent command of armed forces (e.g. MacKinlay, 2000; Jackson, 2003; Marten, 2013). In a way, strongmen are the epicentres of 'network governance' and may be linked to multiple authorities at the same time, such as the state, community authorities and insurgents. For instance, Marten states, "Their ability to use force comes from their command of a private, non-state militia. Even if a warlord is appointed to be the 'governor' of a particular geographical region, his or her power does not come from that legal arrangement" (2013). Many scholars suggest that strongmen use their armed forces to control territory (e.g. MacKinlay, 2000; Marten, 2013). In the context of Afghanistan, they tend to have strongholds in certain provinces of the country, enabling them to also influence the national dynamics (Murtazashvi, 2014, p.328). But despite their important role at the provincial and national levels, Murtazashvi argues, "warlords typically do not play important roles in day-to-day village governance" (ibid., p.326).

So far, there has been inconclusive debate on the role strongmen play in the processes of state formation or statebuilding. Marten (2013) points out that strongmen have no incentive to contribute to state formation as they benefit from corrupt state structures, insecurity and a flourishing war economy. Conversely, Mukhopadhyay, in her detailed study of strongmen in Afghanistan, proposes that: "a longer view of history suggests, in fact, that warlords have been intimately involved in the state-making process from its conception" (2014, p.6). Along similar lines Giustozzi (2005, p.16) argues that in conflict-torn settings, 'warlordism' is not necessarily the outcome of disintegration but can, on the contrary, also be a step towards order and monopolisation of force. Building on Elias's work, he suggests that warlords are capable of evolving. The theory states that after monopolising force, strongmen will try to construct legitimacy to ensure stability (ibid., p.17).

And, indeed, strongmen may apply different strategies to construct legitimacy. Marten (2013), among others, illustrates that not only coercion but also patronage networks are important for strongmen's authority. Patronage, as "the support given by a patron" (OED; see Stevenson, 2015), can be seen a way of constructing instrumental legitimacy. And Giustozzi confirms that patronage can, indeed, "contribute some legitimacy to the warlords" (2005, p.7). But strongmen may also try to build legitimacy within the general public, beyond their immediate patronage network. Mukhopadhyay (2014) outlines how strongmen use their official positions, as governor or ministers, to gain money through taxes and from the international community. They do not keep all of the money to enrich themselves but also provide public services,

investing aid money and taxes into infrastructure, education and health. This may help to construct instrumental legitimacy on the local level. Furthermore, according to Murtazashvi (2014, p.340), strongmen co-opt community authorities to gain more substantive traditional legitimacy.

But can such strategies be successful? Strongmen, by definition, are successful military entrepreneurs, who can accumulate and possibly even monopolise force to a certain extent. The question that remains is if they also have legitimacy or are able to construct it. While there is perception data about the state and other institutions in Afghanistan, we do not know much about what people think of strongmen and on what basis strongmen claim legitimacy. Can strongmen build legitimacy beyond their immediate patronage network? Can they construct widespread instrumental legitimacy by delivering public services? And do traditional or other more substantive sources of legitimacy enable them to construct a political order, which is stable over the long term? Looking at how strongmen perceive themselves and, crucially, how the public perceives them, can help us to find answers to such questions. For this purpose, I will outline two very different cases of strongmen governance in Afghanistan in the provinces of Balkh and Nangarhar.

4.3 The Competitive East – Nangarhar Province

i. Strongmen Governance in Nangarhar

Nangarhar Province's political order is characterised by a large number of rival strongmen competing for authority. Jackson (2014) provides an in-depth overview of the actors and the political dynamics in the province, which serves as a useful backdrop to provide context for my interviews. According to her analysis, major players in Nangarhar Province are the Arasala family, who were traditionally close to the Shah and often in key government positions. During the Soviet occupation, the three Arasala brothers, Abdul Haq, Abdul Qadir and Din Mohammad became prominent Mujahedin (Jackson, 2014, p.12). Abdul Haq was a member of *Hezb-e Islami*¹⁹ and fought mainly around Kabul with the support of the CIA. After the fall of the pro-Soviet government in 1992, he became part of the Mujahedin government but then, frustrated with the internal fights, left the country and settled in Dubai (Jackson, 2014, p.13; Joffe, 2001). Without the backing of the CIA and against the will of the Pakistani intelligence agency ISI, he returned to eastern Afghanistan after 9/11 but was quickly captured and killed by the Taliban in October 2001 (Jackson, 2014, p.13).

¹⁹ Hezb-e Islami was one of the biggest Mujahedin groups during the Soviet occupation, established and led by Gulbuddin Hekmatyar and dominated by Pashtuns. From 2001 until 2016 Hezb-e Islami consisted of a political wing, a political party with numerous MPs in the Afghan parliament, as well as a military wing, which was fighting the Afghan state as an insurgency group under the leadership of Hekmatyar. After signing a peace deal, Hekmatyar returned to Afghanistan in May 2017 as outlined in the introduction (see e.g. Ruttig, 2014a).

Abdul Qadir and Din Mohammad fought with the smaller *Hezb-e Islami Khales*²⁰ against the Soviet occupation and Abdul Qadir became the governor of Nangarhar in 1992. However, he was ousted by the Taliban in 1996 and fled to Pakistan, before settling in Germany. After 9/11, Abdul Qadir and Din Mohammad and their forces moved back into Nangarhar, taking power back from the Taliban (ibid., pp.13-14; Weaver, 2005). Together with other Pashtun Mujahedin commanders, most prominently Hazrat Ali and Mohammad Zaman, they formed the *Eastern Shura* as a counterweight to the Northern Alliance (ibid.). Abdul Qadir became minister of Public Works and Vice President of Karzai's interim government, but was assassinated shortly after in 2002 (Jackson, 2014, p.14). Din Mohammad became governor of Nangarhar and remained in this position until 2005. The Arsala family remains influential: today it is Abdul Qadir's sons, particularly Zahir Qadir but also Jamal Qadir, who are its most prominent members. Zahir Qadir was a border police commander in Nangarhar and Takhar and now is a Member of Parliament and the Deputy Speaker of the *Wolesi Jirga* [lower house] in parliament. Jamal Qadir became a member of Nangarhar's Provincial Council in 2009 (Jackson, 2014, p.24).

The dominance of the Arsala family in Nangarhar was interrupted when Gul Agha Shirzai was appointed governor in 2005 (see Mukhodpadhyay, 2014, pp.166-242). Shirzai grew up far away from the central government in an ordinary family in the southern province of Kandahar (Jackson, 2014, p.20). He joined *Mahaz-e Milli*²¹ during the Soviet occupation and was governor of Kandahar in southern Afghanistan during the Mujahedin government from 1992 to 1994 (ibid.). With the support of the US, Shirzai fought against the Taliban in 2001 and became governor of Kandahar again, as Karzai was worried that otherwise he would not only mobilise his militias against him but would also be supported by US Special Forces (ibid.; see also Maass, 2002). After being accused of keeping the province's customs revenues, he was removed in 2003 and became Minister of Urban Affairs before being appointed governor of Nangarhar in 2005.²² In contrast to the Arsala family he did not have an established power base and access to the elite networks in Nangarhar, and had to construct his authority from scratch. According to Jackson, he quickly managed to do so by building relationships with commanders and groups that had been marginalised by the Arsalas (2014, p.21). He also tried to gain support at the community level by strengthening the roles of *maliks* and by appointing new ones when he was not successful in co-opting the existing ones (ibid.; Mukhodpadhyay, 2014, pp.199-205). In addition, Shirzai launched development projects with visible outputs, such as improving roads, parks and mosques (Jackson, 2014, p.21; Mukhodpadhyay, 2014, pp.215-224). Furthermore, he tried to be accessible to the people, seeing petitioners, trying to solve their conflicts or "simply handing out cash" (Jackson, 2014, p.21). Jackson points out that to finance the high expenses, Shirzai collected and kept customs

²⁰ Hezb-e Islami Khales split from Hekmatyar's Hezb-e Islami in the late 1970s under the leadership of Maulawi Khales. Today it is a political party under the leadership of Din Mohammad (ibid.).

²¹ Mahaz-e Milli was another Mujahedin group established in the late 1970s under the leadership of the Gailani family. Consisting of monarchists, the group was considered to be moderate, while being called 'Gucci guerillas' by hardliners, and is a political party today (see Clark, 2016).

²² See Chayes (2006) who outlines her personal experiences with Shirzai in Kandahar.

revenues as well as other 'taxes' and bribes, was involved in land grabbing, and also gained international support and aid money by combatting poppy cultivation (2014, pp.22-23).

In addition to Shirzai and the Arsala family, there are other local strongmen, most prominently, Hazrat Ali and Mohammed Zaman Ghamsharik. Both are former Mujahedin commanders and were part of the *Eastern Region Shura*. Since then they have maintained a rivalry over authority and control in the province – with each other as well as the Asala family – but also unite when it is mutually beneficial. Mohammed Zaman was appointed as the Deputy Head of Police in Nangarhar in 2010 but was killed soon after in an attack. He was succeeded by his son Jawed Zaman, who now is a key player in the province. Hazrat Ali was Nangarhar's Head of Police from 2003 to 2004, and became a member of parliament afterwards. Hazrat Ali and the Arsala family opposed Shirzai when he was backed by Jawed Zaman (Jackson, 2014, p.25). This struggle over power is assumed to be the underlying reason for the many security incidents in Nangarhar. For instance, Shirzai is accused of facilitating the attacks on Kabul Bank in Jalalabad in 2011, while his opponents are seen as the driving force behind numerous public protests (Jackson, 2013, pp.25-26). While Zahir Qadir's influence was growing, Shirzai's power was diminishing. Decreasing foreign aid and increasing insurgency, which gained support because of Shirzai's land grabs and banning of poppy cultivation, were an additional challenge for him (Jackson, 2014, p.26). In late 2013, Shirzai decided to run in the presidential elections and resigned from his post as governor (ibid.)

ii. Self-perception of Strongmen

To investigate the self-perception of strongmen in Afghanistan, I talked to Gul Agha Shirzai and Hajji Zahir Qadir. To understand their self-perception with regard to legitimacy, I looked at their life histories and gave them a lot of space to elaborate on their biographies in the interviews. By looking at their lives, we can try to go beyond claims of legitimacy and investigate the motives that underpin their decision-making and assumed sources of legitimacy.

Gul Agha Shirzai

I was sitting on a big sofa in a room full of radios. They were from a several different eras and neatly arranged on the shelves of the spacious room. I am not sure what I was expecting when arriving in late April 2015 at the house of the former governor of the provinces of Kandahar and Nangarhar, Gul Agha Shirzai, but the radios certainly came as a surprise. However, I soon found out that Shirzai collects radios. Shirzai, a robust man in his early 60s with a deep voice, was wearing a white *shalwar kameez* [traditional clothes] and told he me about his life. With

visible pride and a great deal of confidence he stressed his achievements as, in his own words, an 'Afghan hero'.

We began our conversation by talking about his biography. While he did not say much about what motivated him, he outlined his career as a government official in the 1970s and a Mujahedin commander against the Soviets.

"My full name is Mohammad Shafir Shirzai. I was an employee of the Afghan government during the first president of Afghanistan, Daud Khan. (...) After the coup, when Daud Khan was killed, I worked in the tax department and at the customs office of Spindak border area of Kandahar for six months. And after that I consulted with my tribe and my famous father how to defend Afghanistan. I then started a Jihad. I fought the Soviets until the fall of the communist regime."

He then moved on to explain his fight as a Mujahedin until he became the governor of Kandahar Province in 1992, claiming legitimacy by stressing the bravery of his father and his efforts in working for peace:

"During the fight against the Soviet Union, my father got the title 'Lion of Kandahar' in a battle at Malejad (...). In this battle, I lost my father and 29 members of my family, a lot of relatives. That's why the people now call me Shirzai, the Son of the Lion. During the war with the Soviet Union there were many rival groups of Mujahedin who were fighting each other. My father and I didn't participate in this and didn't allow our tribe to fight other Mujahedin groups. We didn't fight rival groups in the 1990s and just wanted peace in Afghanistan. When the Soviet Union troops left Afghanistan, we proposed a peace plan (...). We talked to different Mujahedin leaders, but unfortunately (...) they did not want the peace plan to be successful. After the fall of the Najib regime, (...) the people, the elders and Mujahedin came together and elected me as the new governor [of Kandahar Province] of the Mujahedin government in 1992."

But soon the Taliban started to gain influence, claiming legitimacy on the grounds of fighting the corruption that was associated with strongmen like Shirzai (see Chapter 5; Maas, 2002). According to his own report, he left Kandahar to the Taliban to avoid fighting and ensure peace in the province: "When the Taliban entered Afghanistan there was intense fighting with Mujahedin groups. I didn't fight the Taliban, but left for Pakistan and had my own business. Again, I did not participate in the internal fighting between the Taliban and the Mujahedin."

Shirzai described how he only returned to Afghanistan 2001 at the request of the international community, fighting the Taliban, and finally becoming the governor of Kandahar again under the Karzai government. The narrative he tried to establish, was that he cared about Afghanistan's future, and therefore did not kill outside the battlefield, and used his government positions to rebuild the country.

"After 9/11, the international community, especially the Americans, asked for my support and I went to Kandahar again to help them. Karzai entered Afghanistan at the same time and went to Uruzgan [province], I went to Kandahar to fight. But I didn't kill any Taliban. Just on the battlefield I killed, but when I captured them I didn't kill them. Because this wasn't my goal. I was thinking about the future, the prosperous future of my people. And after we took Kandahar, Karzai proclaimed me as the first governor. So, for the second time I became governor of Kandahar. And I paid a lot attention to education in Kandahar, I also established a new university in Kandahar and after that I started to work on the structure of the government. I also did a lot of reconstruction

work in Kandahar. I tried to build a new Kandahar, with new structures and a new government.

Then I became Minister of Urban Development. And after that I prepared a comprehensive plan for development for the next few years, when I was minister. And after that I was moved to the Ministry of Public Work. I worked there and also prepared a good plan for five years, what to do about the reconstruction of roads, etc. At that time, there was a road from Kabul to Paghman District, which President Hamed Karzai asked me to pave within two months. And I did it within 28 days. So, while the father of nation is His Excellency, the former King of Afghanistan, Mohammad Zahir Shah, Hameed Karzai gave me the title of 'bulldozer'. That's why people call me the bulldozer. (...) After that the security situation in Kandahar got worse. So, the president asked me to return to Kandahar, because the security situation wasn't good. So, I was appointed again as the governor of Kandahar. And after that I worked as a governor again, for about one year, and I started the reconstruction work in Kandahar."

After his time in Kandahar, Shirzai was appointed governor of Nangarhar Province in 2004. Again, he emphasised how his work benefited the public and confidently reported on the numerous prizes he won for his contribution to reconstruction in Afghanistan.

"There was a demonstration in Jalalabad, in Nangarhar Province, and somewhere the Koran was burned, and the people demonstrated. They burned the governor's house and a lot of people got killed or injured. Also, the consulate of Pakistan was burned. The situation was out of control. So, Hameed Karzai asked me to go to Nangarhar to bring the situation under control again. And I worked as a governor of Nangarhar for nine years. I started a reconstruction programme and invested USD 5.5 billion. The international community, especially America, the EU, Japan, India, Pakistan, all helped me and I did a lot of reconstruction work. I paved 2,480 kilometres of roads. So, I was honoured with the medal of the Wazir Akbar, which is a very honourable medal in Afghanistan. And a presidential decree honoured me as a hero of reconstruction of Afghanistan. After that there was another presidential decree that announced that I was a hero of both peace and reconstruction. That's all my achievements. And after that, in 2014, I ran for presidency and resigned as governor of Nangarhar Province. Following that, I was elected as the best person of the year, twice. Radio Freedom asked people to vote for the 'Best Person of the Year' and they voted for me two years running."

When I asked him more specifically about how he thinks he is perceived by others and how he gained support from different people – both locally and internationally – he explained:

"I was able to bring the poppy cultivation in Nangarhar down to zero. That's why the international community gave me USD 10 million as a gift. I spent this money on the reconstruction and stabilisation of Nangarhar University. That's why the people of Afghanistan and also the international community respect me. And now you can see what the situation in Jalalabad is like, because I am not there. There is a lot of fighting, even inside the city. The security situation is not good. Probably, if it continues, Nangarhar may fall into the hands of the Taliban. I know how to govern Afghanistan, that's why I was successful. I had good relations with the scholars, the religious scholars, with the elders and the influential people of Nangarhar. I was just sitting on the floor as they sit, together with them. And there were mullahs and religious scholars with them. When I see a mullah, I am a mullah. When I see young people, I am young, and when I see some people who are very smart, I am smart just like them. That's why everybody likes me."

For his future, he expressed hope to be able to play an important role in politics again: "I pray to God to also give me a chance to serve and unite the people of Afghanistan, and to be somehow helpful. (...) Now I am busy and am preparing a plan for a solution. Not a plan of reconstruction of Afghanistan but a plan for a solution. The problem with a solution." Asked

about what made him the right person for an influential role in Afghanistan's political order he told me:

"I have a lot of experience. I know how to do it. I live with the people, with the military, with the civilians. And I was governor for 14, 15 years. I have experience and I know how to do it. And I have their support. (...) If we had a lot of heroes in the world than there would be no problems. That's why the people call me hero. The hero of peace, the hero of reconstruction, the bulldozer of Afghanistan.

The interview with Shirzai provides us with insights into how he wants to be perceived by the public, what history he wants to read in a book, on what basis he claims legitimacy, and what he assumes his sources of legitimacy are. The picture he paints is one of a heroic servant of Afghanistan. As Shirzai's authority as a strongman is personal and not linked to an organisation such as an insurgency group or the state, his claims of legitimacy are also about him as a person. Hence, his personal claim of legitimacy cannot be distinguished from his official claim of legitimacy. In the interview, apart from idealising his father to legitimise himself, he claims legitimacy by portraying himself as a servant of the country, who fought for peace as a Mujahedin and worked for reconstruction as a governor. Shirzai emphasises that he was always asked to take on a certain role or responsibility, carefully avoiding the impression of actively seeking power himself. To foster the image of a 'hero', he appears to be keen to illustrate that he is not driven by any other personal motives than 'serving the country' and 'bringing peace'. Instead, he describes himself as a person who followed Karzai's commands to help wherever necessary, claiming legitimacy on the basis of being appointed. He tries to establish that he wanted to be a role model for other strongmen, when following Karzai's orders and leaving his post in Kandahar, challenging the narrative of 'being removed'.

Generally speaking, public recognition appears to be important for him and he seems to be proud of the titles he has received. Emphasising this, however, makes him appear to be rather conceited. But in addition to claiming legitimacy by portraying himself in a certain way, Shirzai also tries to actively build legitimacy through actions. The interview shows that he has thought about the reasons why people may consider an authority like his to be legitimate and the expectations that he needs to construct legitimacy within different audiences and interest groups. He responded to the international demand to eradicate poppy cultivation, which resulted in external legitimacy and funding. Shirzai used parts of this funding, coupled with the money from the tax he established, to provide visible services for the local people, such as roads and education, as he assumes that people at the local level would consider him to be legitimate because of services he provides. But, he also assumes that he can construct legitimacy through the way he interacts with people. He stressed his experience in interacting differently with different people, whether they are villagers, religious leaders, local elders, national politicians or foreigners, and providing the expected setting for the conversation and displaying the right kind of behaviour. For example, he described how he sits together on the floor with those who expect it, while he was welcoming me, as a foreigner, in a room with sofas. The skill to adapt to different people is what he sees as central to his legitimacy.

Hence, there are different dimensions to Shirzai's self-perception of legitimacy. He tries to portray himself as a heroic servant of the country, who is guided only by the greater good and not by personal interests. To construct a perception of himself at the local level that reflects an attitude of service, he focuses on the day-to-day interaction with people, adjusting to their respective expectations of what interaction should look like. So, while he constructs instrumental legitimacy within different interests groups, eradicating drugs for the Americans and building infrastructure for the people at the local level, he also, and more substantively, considers values, particularly with regard to his attitude and interaction.

Hajji Zahir Qadir

A few days later, in early May 2015, I also had the chance to speak to Hajji Zahir Qadir, who was then Deputy Speaker of Parliament. We met in his house in Kabul, in a much more modest and casual setting than with Shirzai, and he told me about how he had grown up, his career and how he perceives his role and authority today. In contrast to most other interviews I conducted, we talked in English.

Again, we began the conversation by talking about his life story, which he outlined with references to the history of his family, which, in contrast to Shirzai, has been influential in Afghanistan for generations:

"I belong to a family which has been involved in politics not since yesterday or today, but for centuries. And you know, our grandfather's name was Arsala Khan and he was the foreign minister and before that our great-grandfather was Shir Ali Khan. (...) Then there were my father and my uncle Abdul Haq, who was younger than my father, and Hajji Dean Muhammad, who also is my uncle. He is older than my father and was his teacher. My uncle has been in politics since the beginning of Jihad and now our uncle is still alive but all of his students have died. If Abdul Haq was alive, there would be no way and no place for Karzai to be the president of Afghanistan. Abdul Haq would be the president of Afghanistan."

Qadir then went on to describe how he grew up and attended school in Pakistan during the Soviet Union's occupation of Afghanistan. His time at school was also the time when he started to gather forces around him:

"I attended college in Pakistan. During our holidays, we went to fight the Russian Communist Regime [in Afghanistan]. Slowly-slowly, I became the commander of ten or twenty soldiers. And it got bigger and bigger over time. The time came, when I was 21, that I became the first young two-star general in Afghanistan. I was chief of the border police of four provinces at that time. During Jihad, when I was eighteen, I was in charge of 21,000 soldiers. There was no government, everybody worked through parties, following senior individuals."

When the Taliban took control, he was imprisoned with Ismail Khan, the now influential strongman of Herat in western Afghanistan. But, he managed to break out of prison and escaped to Iran, before returning to Pakistan. Like Shirzai, he gathered his forces again in Pakistan after 9/11 to fight the Taliban. He shared his view of the events of that time with me,

emphasising that he fought for Afghanistan and always treated captured Taliban fighters in a humane way:

"There was a shortage of money. And I remember I only had 200,000 Pakistani Rupees [circa USD 2,000] and in 48 hours I collected my 1,000 soldiers and my 50 commanders in Pakistan. (...) I came with my soldiers, but also with a lot of problems and difficulties. There was no money, no food for eating, no ammunition, no guns, no weapons, no anything. (...) I crossed the border [to Afghanistan] with a lot of problems at 12 o'clock at night, I remember. The Pakistanis posted checkpoints at the border. They shouted at us to surrender and 'where are you going?'. I smiled and told them to leave us [alone], 'You are 20, we are 1000. And it's our country not your country. I am going to my country. It's my business, not yours. If you want to fight, we are ready for fighting'. They understood and opened the way for us and we entered, and the Taliban at that time was in every town. (...) I caught the 5th base of the Taliban. There were about 300 Taliban inside that base. When I caught them, they thought they would be killed. But I said 'no, all of us are Muslims and even more, we are humans. And humans need to respect each other.' And we were respectful. Okay, fighting is a different thing. But now my rules, our family rules, our Mujahedin rules are not to kill if you catch someone. I just took their guns and ammunition and gave them money and I told them 'you go, this is for your expenses'. But I kept their cars and weapons. From there I went to Jalalabad. Inside there were soldiers. Slowly-slowly, they heard that I was in Afghanistan. When I entered Afghanistan at the beginning, there were 1,000 soldiers with me. But when I entered Jalalabad, there were 10,000 soldiers with me."

He reported how then his father Abdul Qadir also returned to Jalalabad from Germany, where he was in exile. Together with other commanders they established the *Eastern Region Shura*, which selected Zahir Qadir with a force of 3,500 soldiers as the head of border police for four provinces in eastern Afghanistan. Qadir outlined how he and his father supported Karzai to become president after Abdul Haq had died. According to him, they were the only ones agreeing to give up power in rural Afghanistan and to take up official positions in Kabul, while people like Dostum, Ismail Khan and Atta Noor preferred to remain in the provinces. He further described how his father helped Karzai at the Loya Jirga, successfully convincing other candidates such as Rabbani and Qadir's cousin Hedayet Afzallah not to run for presidency. After Karzai became Interim President in 2002, he appointed Abdul Qadir as the Minister for Public Work and made him Vice President. Zahir Qadir pointed out that only his father accepted an official position, while Ismail Khan, Dostum and Noor all refused to join the government in Kabul. Soon after, however, his father was killed. Zahir Qadir described to me how they had last met in Jalalabad at 10am:

"He [Abdul Qadir] told me to come to his house quickly. (...) He was looking very beautiful and his face was shining. (...) I went over and he told me 'I have three things to tell you that you have to keep in mind.' I told him 'okay father, why not. Tell me.' 'First, make a friendship with my friends. Whether I am alive or dead.' That was the first thing. And secondly, 'anytime our people from Afghanistan are facing problems and knocking at your door at midnight you have to go out yourself and have to try to solve their problems.' The third thing he told me 'anytime you understand that you are so strong that you are hurting your people with your power you have to resign.' I told him 'okay father, no problem.' I accepted his words. (...) But I was wondering why he told me this kind of things. Like he knew he was going to die. And he went to Kabul and at 12.30 or 12.45 I was sitting in my base (...) and my phone was ringing and the number was from Japan, a Japanese number. And when I picked up the phone and asked, 'Hi, how are you?' and they told me, we are from Japan, he mentioned the name of a TV station. (...) Then he told me, 'Hajji [Abdul] Qadir has died. Do you have any news?' And I said: 'no, I just heard now for the first time from you'."

Zahir Qadir explained how he tried to find those responsible for his father's death, investigating and arresting people himself. The death of one of the accused ultimately resulted in the breakdown of his friendship with Karzai:

"We caught some people who did the actual assassination. On one day I got all of them. And for two months we kept them with us and after that they were sent to the government, who asked me, 'Please give these people to us to take to court'. I collected the proof from the investigation and gave it to them. (...) After some time, the chief prosecutor announced openly in the media that Hajji Zaman, one of our commanders in the Eastern Region, had killed Hajji [Abdul] Qadir. But we didn't know who was above Hajji Zaman in all of this. There were many people acting above Hajji Zaman. (...)

After a long time, elections happened again. And I was working for Karzai very honestly. And I was very close to him. But he, for the sake of his power, got my father's killers again to support him in the elections. (...) Two helicopters came to Turkham. They took Hajji Zaman and brought him to Kabul. And he was living in the Intercontinental [Hotel]. When I heard that I came quickly and met Karzai. (...) I told Mr President, 'Listen to me. I don't have any problems with him [Hajji Zaman]. (...) But if he comes to Jalalabad and somebody kills him there tomorrow, don't tell me that I didn't warn you. I am telling you, for the sake of your election, for your campaign I am not going to do anything to him. But 15 to 20 years ago he killed 200 families. And now their children are young. And they are strong people. And they have weapons, they have guns, they have everything. If they kill him tomorrow, don't be surprised.' He told me, 'If you don't kill him, nobody is going to kill him'. I said 'Okay, no problem'.

And he came to Jalalabad for one month, for one and half months. By the time one and a half months was up, he was dead. A suicide killer came and killed him, together with 18 other people. I remember three minutes later, President Karzai called me up, and asked me 'How are you, Khan?' He wasn't saying 'Hajji' as usual, he was calling me 'Khan'. I said 'I am okay, how are you?' He was telling me directly 'Khan, you killed him?' I asked 'Who?', he responded 'Hajji Zahman'. I told him 'It's the first time I am hearing it, from you. Listen, I told you at the beginning. Don't let him go to Jalalabad. If someone kills him then you will be blaming me. And now it has happened. And you are blaming me.' (...) From then on the problems between me and the President started."

In the years that followed, Zahir Qadir's relationship with the Karzai administration deteriorated, and even more so with the US and specifically the CIA. According to Qadir, who was still head of the border police of Eastern Afghanistan at the time, Pakistani forces crossing the border were a major concern. He had the feeling that the Afghan government and international forces were not offering much support, and that "the Americans and the Afghan President were not allowing me to defend my country". In the end, he decided to fight without any backing: "Without asking the President we planned our mission and started to fight against the Pakistani army. We did twelve months of fighting." However, he described how the US was trying to stop and replace him: "For them I was doing negative things, against their interests. But in reality, for me, my country, my people are important." This struggle resulted in Qadir being removed from his position as the head of border police in the East and being relocated to the North, responsible for the provinces Badakhshan, Takhar and Kunduz.

Nonetheless, he reported how also in his new position in northern Afghanistan the power struggle continued. While portraying himself as an upright person, fighting drug trafficking in his position with the border police, he told me how he was dragged into 'international political

games'. According to his accounts, his only chance of surviving these games politically was the threat of force:

"I did a lot of fighting there [in north Afghanistan]. There were smugglers I was fighting with. I seized a lot of drugs and these things. And the capture of drugs was not acceptable to some other people in Kabul. Because they were connected with them. At the time, Marshal [Fahem] was in a strong position and Atta Noor was Deputy Minister of Mol [Ministry of Interior]. I blocked their routes and it was not acceptable to them, because they were smuggling hundreds and thousands of kilos per day. I closed their benefit avenues. So, they tried a different way, portraying me as a smuggler. They caught some of my guys. For ten months my guys were in prison. I left my job and went back to Jalalabad. They were trying to catch me. At that time, Atta [Noor] called me and asked 'Where are you? Can you come to Kabul? I want to meet you. Please come quickly.' Some of my friends called me and said 'If you go to Kabul, you won't come back to Jalalabad. They will arrest you.' I told them 'Don't worry'.

I assembled my soldiers and I remember 170 cars full of ammunition and weapons. 'Let's go to Kabul'. And I called Engineer Ibrahim, he was deputy of the NDS and told him 'I want to meet you for two minutes. I will not take any more of your time.' He said okay. And I came to Kabul and I went there and told him 'I did not come to ask for help. It's not my habit to cry. This is the plan: I have 600-700 soldiers already in Kabul, with ammunitions and all kind of guns and weapons. If someone touches me, I will destroy Kabul in five minutes'. (...)

Then I came back from the NDS and came here [his house]. And I called my commanders, 100 trucks should go to the place where I was supposed to go. It's a place in Kart-e-Se [neighbourhood in Kabul]. The British were there, it was a place for the investigation of smuggling. I sent my 100 cars there and told them to surround the area. When you have surrounded the area, I will go inside. Our meeting was at 12.30 and they were ready to arrest me. My soldiers told me that they were there and controlling everything, so 'Now you can come'. I went there with 70 cars. There were some Afghan soldiers and some people for the investigation. One lady was from the UK, one person was from the United States to investigate my case. It was a very big [laughing] problem. And they came out and asked, 'That many soldiers and weapons? Where are they from? And whom do they belong to?' I said, 'These are my soldiers and my weapons'. 'So why did you bring them?' I told them 'I told my soldiers I am entering the building at 12.30, if I haven't left by 1pm, kill everybody inside, including myself. Don't leave anyone alive.' They were shocked. After 15 minutes, they had finished and let me go. (...) There were political games going on. Not national but international games. And I entered the international games but didn't understand them. But I was clean [innocent]. And if you are clean you don't need to be scared of anything."

After resigning from his position with the border police and moving back to Jalalabad, Qadir decided to run for parliament and was elected. However, his fight with Karzai continued. According to Qadir, for instance, Karzai refused to open the new parliament as he did not accept some of the newly elected MPs, arguing that there had been too much fraud in the process. "I gave a press conference and said 'Mr President, it's not within your power. If you are closing parliament, we will be finished with you. I will finish you', openly I told him. After that my friends recommended me as a candidate to become first deputy speaker [of parliament]. I told them 'No, I am not ready. I am good as an MP.' Anyway, they selected me."

When Qadir talked to me about his biography, he focused mainly on power politics. Hence, towards the end of the interview, I asked him about local perceptions of him and why he thought that people supported him. He responded:

“Our family has the best people. My father, my grandfather. We have a long, good history. And we didn't hurt people. We were always working for the people. Whether I have been an MP or not, if I am sitting in my house, every day 1,000 or 2,000 people come to meet me. They are visiting me. In just 24 hours I can collect 100,000 people for a meeting if I decide to. It's not easy for the president. But in 24 hours my team and I can have a strong team, not just in Jalalabad, not just in the Eastern Region, but in all of Afghanistan, I can have such a team. But my team is an underground team, not out in the open. When I need them, they are doing their work. Because the government is scared of me. If our family supports someone to be the President of Afghanistan, he will be the President of Afghanistan. There are many reasons. We conduct ourselves well with the local people, with our brothers, with our family. We are listening to them, working for them, solving their problems. That is crucial.”

The interview with Zahir Qadir's illustrates how a strongman can successfully navigate the complexity of Afghanistan's political order. While he used to be closely aligned with the Karzai administration, his alliances changed once he stopped receiving the backing he was hoping for. The fights within the state system he is part of were conducted with all kinds of means, including force. Indeed, Qadir perceived his authority to be based on force as well as legitimacy. On the one hand, he emphasised the number of soldiers he has under his command and the case of him being accused of drug smuggling shows that he does not refrain from calling on them; he is confident that the 'government is scared' of him. On the other hand, however, he also highlighted his legitimacy, which he considers to be stronger than that of other strongmen and even that of the Karzai administration. Qadir's claim of legitimacy rests partly on the influence of his family, which has been influential for generations. In addition, and more importantly, he emphasised his fight for the Afghan cause: defending the country against Pakistani but also American influence and sinister machinations; being more responsive to attempts to consolidate power in Kabul than other strongmen; fighting drug traffickers; enduring malevolent political games; and trying to achieve peace and stability in the country. In contrast to Shirzai, Qadir did not portray himself as a servant and, instead, emphasises his agency. But, like Shirzai, he tried to illustrate how he uses his agency in the interest of Afghanistan, and not for personal motives. He described how he stands up to defend national interests – such as the integrity of the territory and the constitutional rights – whether it is on the battle field or in parliament, whether it is against Pakistan or the Afghan government.

But Qadir had also thought about why people at the local level consider him to be legitimate and what he needs to do to construct legitimacy. And his view on his sources of local legitimacy reflects his claims of legitimacy. This is not surprising as the interview was an opportunity for him to portray himself in a way that he wants to be perceived, matching the expectations of the people. He assumed that his family tradition contributes to a positive perception of the people. But, beyond that, he also emphasised his work for the people and his good behaviour when dealing with them, reflecting the claim regarding his attitude that he works for Afghanistan, not hurting people, but 'listening to them, working for them, solving their problems'. The connection between his claims of legitimacy and his assumed local legitimacy produces a coherent picture, which is framed by the narratives of his family tradition and his work for the country.

According to this narrative he uses his agency not out of personal interests but to further the interest of the country, even against the government if necessary.

Overall, Qadir's self-perception of legitimacy rests heavily on values, making it substantive. While he also provides services, he points out that his legitimacy is based on procedural values, his behaviour with local people, as well as his attitude, and his fight for national interests. It was these certain values that his father reminded him of before he was killed: friendship, engagement and restraint.

Shirzai vs Qadir

Shirzai and Qadir are clearly two different kind of people, with different backgrounds and characteristics. Nonetheless, both have successfully assumed authority. The use of force and threats plays a key role in their authority, as particularly Qadir openly admits. Shirzai and Qadir also claim to be legitimate, and, despite being so different, we can see many similarities in terms of how they perceive their own legitimacy. Both claim legitimacy on the basis of their family tradition and both emphasise their engagement for Afghanistan, Shirzai portraying himself as a servant and Qadir as a fighter for the nation and its people. They claim to be guided by an attitude of public interest, rather than being driven by self-interest, egoism and personal motives. Instead of framing their legitimacy in instrumental terms, as being useful for the people, they make a more substantive claim, which is set around the Afghan nation and people. Meanwhile, both try to actively construct legitimacy on the local level, responding to needs and value-based expectations. They provide and finance public services, enabling them to construct instrumental legitimacy by delivering what people want or need. Crucially, however, they also consider the substantive value-based dimension of legitimacy that is linked to what is believed to be right, particularly with regard to how to interact with people. While Qadir emphasised the importance of listening to people and solving their problems, Shirzai stressed the importance of his skill in adapting to different modes of interaction of different people.

iii. Public Perceptions

In contrast to Shirzai and Qadir's claims, the public perception of strongmen in Nangarhar Province is, generally speaking, very negative. Many people blame them for the insecurity in the province and complain about their behaviour. They consider strongmen to be connected to the government but acting outside of the law, conducting land grabbing and others forms of extortion, and acting with impunity. Some people also think that they are connected to the Pakistani intelligence service ISI.

The people I talked to in Nangarhar used different terms to refer to strongmen, including more descriptive ones such as 'Jihadi commanders' and 'influential people' as well as more judgmental ones like 'warlords'. Regardless of the terminology, across the province and during the time I conducted my research, most interviewees considered strongmen to be intimidating drivers of insecurity. Some people were even too afraid to talk to me about them. For instance, a farmer said "I don't like to talk to you about the influential and powerful people here" (N28). However, these were rare exceptions and most people were open and eager to share their thoughts and frustrations with me. For example, the mechanic Rahmanullah complained: "I think poor people can't influence the level of security. It is the powerful people in the province who cause security or insecurity" (N31). And unemployed Bahir from Jalalabad told me: "We know that all former Jihadi commanders are threats and are involved in causing insecurity" (N17). A prevalent perception was that strongmen could easily ensure security in Nangarhar, but want to maintain insecurity in the province to maintain their income from the war economy. For instance, the university student Gulagha complained, "A secure environment can be risky for them. They therefore either directly or indirectly try to sabotage the security situation through their networks if they have the opportunity" (N10).

The interviewees pointed out that strongmen control different armed forces, which enable them to threaten people and cause insecurity. According to the interviewees, most strongmen have their own 'illegally' armed militias. Bahir explained: "They own weapons illegally and the government needs to disarm them as quickly as possible" (N17). But a major concern was that, in addition, strongmen also control parts of the 'official' forces of the Afghan state. The student Rohullah in Jalalabad told me: "The former Jihadi commanders like Gul Karim, former head of the police, Hazrat Ali, member of parliament, Hajji Zahir Qadir, brother of the former governor Hajji Mosa, and Hajji Jamal Qadir have a great number of both legal – government forces – and illegal gunmen and cause insecurity" (N08; see also N03). And an NGO employee from Jalalabad explained that the ALP were frequently co-opted: "In some cases the ALP works quite effectively while in other cases it empowers Jihadi commanders, who cause insecurity instead of security" (N20; see Section 3.3.3).

The interviewees criticised strongmen for using the authority they have on the basis of the forces they control to threaten and exploit people for their own benefit. For instance, Khair from Jalalabad complained about the strongmen's conflict resolution procedures, which he perceived to be unfair and corrupt: "Along with members of local councils and a number of influential people, it's the former Jihadi commanders who are involved in conflict resolution. But their authority is only based on their power, and the fear which they spread among the people. They use their power and take sides in conflict resolution" (N09). Interviewees noted that strongmen often did not even bother to treat them with respect. For instance, the head of a council in Behsod District protested that "powerful people have very bad behaviour with the local people" (N36).

According to the interviewees, strongmen often do not even try to disguise their greed as public service delivery, but simply take what they want. Along with many others, Khair openly condemned the large scale land grabbing: "On the district level, warlords use force to either grab land or buy it off the owners against their will" (N09). Indeed, the accusation that strongmen were involved in land grabbing came up frequently in the interviews. The shopkeeper Najibullah from Surkh Rod District confirmed: "The main reason for insecurity is the presence and power of the former Jihadi commanders. These warlords or Jihadi commanders are involved in a big number of illegal acts such as land grabbing" (N23). Similarly, in Behsod District, many people shared this sentiment. For example, the teacher Mohammad Yusuf stated: "The powerful people in the area take the land of the poor people" (N50). The NGO worker Subhanullah, also from Behsod, supported this claim, saying: "There was a big uninhabited area in our area. But now half of this area has been taken by powerful men, that fight each other up to the point that people get killed" (N40). But the land grabbing does not only affect the victims directly. Unemployed Ahmmad from the same district told me that land grabbing often results in or fuels community conflicts on land distribution (N41). These conflicts often last for a long time and can divide communities.

In addition to land grabbing, people also saw the strongmen as the cause of many other criminal activities in the province. The student Gulagha argued: "These circles make their income from kidnappings, robberies and murders" (N10). Similarly, Rohullah explained: "The warlords own weapons illegally (...) and are involved in kidnappings and land grabbing" (N08). An NGO worker from Jalalabad further illustrated: "There is a ban on cutting down the forests. But some members of parliament and ministers use their power to continually do so. And they are involved in drug trafficking. Furthermore, on a weekly basis every shopkeeper at the bazaar has to pay 300 Afs to Jalalabad's municipality. In total, this amount of money easily adds up to 200,000 USD each month. This money is split between the main government authorities" (N20).

Some people concluded that the strongmen's close connection to the state, combined with their ability to exercise force, resulted in their ability to do anything with impunity. Unemployed Nadia summed this up: "They have weapons and power. They can do any illegal activity, whenever they want to" (N53). And Nidah from Kama District told me: "They have weapons, and no one can fight them because they also are part of the government" (N55). The university student Khair illustrated this further with an example: "In Jalalabad city, the former Jihadi commanders and warlords have a strong presence. They use their links to the government (...) for kidnappings and land grabbing. This way they create an atmosphere of fear. For example, a former Jihadi commander prevented the construction of a second bridge in Behsod. It required special forces from Kabul to arrest him so that he couldn't cause problems anymore" (N09). The medical doctor and civil society activist Jamil also supported this point of view: "Providing security is the obligation of both the people and the government. But the

problem is that the former Jihadi commanders are supported by government officials. Otherwise they wouldn't be able to create security threats" (N07).

And even those state security forces that are not controlled by strongmen are unlikely to step up against them, some interviewees noted. According to Jamil, the issue is not only that strongmen use the state security forces for their own purposes. Because a large number of forces is occupied in guarding the strongmen, the police do not have enough capacity to ensure security for normal people: "The security situation in Jalalabad City has deteriorated since a large number of police officers has been asked to guard warlords like Hajji Zahir" (N07). And those officers who actually are on duty to police Nangarhar – even if they are not controlled by strongmen – usually dare not act against them. The former local ISAF employee Bahir claimed: "When the former Jihadi commanders cause trouble for the people and someone calls the police, they don't dare to interfere" (N17; see N10).

But the strongmen's authority does not only rest on militias and control of state forces. Many people I talked to described the strongmen's influences down to the community level, where they have co-opted local structures. This complaint came up particularly frequently in Behsod District. For example, the carpenter Burhanuddin stated: "I don't like the local councils here because they have been created by powerful people in the area" (N47). A civil society activist similarly complained: "Unfortunately in some areas the warlords have reduced the prestige and honour of the local councils" (N07). Other interviewees complained of links between the strongmen and the armed 'opposition', arguing that strongmen also used insurgency groups to defend their interests and mislead people when killing opponents (e.g. N18).

Finally, many interviewees saw the strongmen as being linked to the Pakistani intelligence agency ISI. Wasiullah from Sherzad District, for example, perceived the former governor to be linked to an attack on a branch of Kabul Bank, which had happened recently before the interview: "Ten days ago a bomb exploded in front of Kabul Bank. I think it was planned by Pakistan. Similarly, three months ago a big attack happened on a football pitch in Paktika Province. These attacks are conducted by the ISI with the help of the powerful people in our country, like the last governor Gul Agha Shirzai" (N33). The teacher Parwana summarised this popular perception: "Insurgents, Taliban and warlords are the people who cause insecurity and are a threat to peace. Most of them are controlled by foreign intelligence agencies" (N54).

As a consequence, many people expressed their hope to get rid of the strongmen. For instance, a civil society activist demanded the rule of law: "Our essential need is the rule of law. If we had the rule of law there, the illegally-armed men would be wiped out" (N07). Others were hoping for the Taliban to take over again. Zakerullah, a young man from Jalalabad, told me: "During the time of the Taliban, there were no influential people and there was no extortion in this area. But today the government can't control them anymore and all people hope for the Taliban to return" (N27).

However, there were some people, albeit very few, who had positive views on strongmen. Young Shafeequllah from Jalalabad effectively argued that strongmen have traditional legitimacy, and also provided useful services: “There are two types of leaders in our city. One of them is leaders from certain families, who have a traditional role. The others are appointed formally by the municipality and receive a salary. Both of them provide services for the local people in the area (...). I like the influential people because they are working for the poor people” (N32). The farmer Haiatullah confirmed that strongmen were helpful: “I like all influential people in our province because they help us if we have problems” (N44). Most interviewees with positive views on strongmen emphasised their role in solving conflicts, particularly in the case of Hajji Zahir Qadir. The shopkeeper Abdul Sammad from Jalalabad thought: “There are some influential people who play an important role in the area, like Hajji Zahir Qadir. He is active in conflict resolution and solves our conflicts in a fair way” (N24). Similarly, Hajji Nazar, the head of a village in Behsod District, argued: “I like the influential and powerful people in our province because they have helped us with solving conflicts and providing security, like Hajji Zahir Qadir” (N37). The driver Abdul Wahab from Behsod District seems to agree: “When we are involved in conflicts, we first of all refer the case to the influential and powerful people in the area. Only if they can’t solve our problems we go to the police” (N45).

Analysis

It can be concluded that strongmen in Nangarhar Province indeed have a great deal of influence and authority, judging on the basis of the perceptions of the people in areas where they operate. On the one hand, they have their own militias, but on the other hand they also appear to be operating through the state system, controlling the police and the community structures, co-opting and instrumentalising elders and local leaders, and in some cases, also criminal and insurgency groups. But even though strongmen in Nangarhar Province clearly have significant authority based on force, they do not have much local legitimacy. The people I interviewed were unexpectedly open and surprisingly critical about the strongmen, describing their way of exercising authority to be threatening. They considered their conflict resolution procedures to be unfair and corrupt, their behaviour lacking respect and their actions to be criminal and coercive. Interestingly, people also often described the actions of strongmen as ‘illegal’, using the law as a benchmark. This indicates that, despite the strongmen’s permeation of the state and the corruption of the system, they still believe in the law and the idea of a state with a rational-legal structure. But most people I interviewed thought that everything strongmen do is driven purely by their own interests, making the state and community authorities work for them and not for the people.

But while the majority of people I talked to perceived the strongmen as illegitimate, there also were a sparse number of positive perceptions to be found. Interestingly, no interviewees

appeared to be sitting on the fence or taking a neutral stance. It appears to be personal experiences with strongmen's behaviour that underpin the extreme differences in perceptions. The limited number of positive views is based mainly on the perceived helpful role of strongmen in general and the services they provide, resulting in instrumental legitimacy. Some people, however, do consider the authority of strongmen to be legitimate in a more substantive way, for traditional reasons. Qadir's conflict resolution procedures are also considered to be substantively fair by some. It is striking that people particularly emphasise the notion of fairness, using the antonym of how other people describe strongmen. People like Qadir may, indeed, offer conflict resolution that is perceived as fair by all involved parties, not just the winners, as long as it does not affect his own affairs, enabling him to construct at least a degree of substantive legitimacy.²³ But whether Qadir's conflict resolution is fair or not, it can be concluded that the level of fairness, a substantive value-based perception, is of particular importance when judging strongmen. Overall, the divided picture leaves the impression of some selected people directly benefiting from the strongmen's influence and patronage networks, while the majority of people feel disadvantaged, exploited and unfairly treated by them. Hence, it can be summarised that their authority is perceived as illegitimate, and grounded on coercion.

iv. Self-perceptions vs Public Perceptions

Comparing the self-perception of the strongmen Shirzai and Qadir in Nangahar Province with how the public in the province perceives them, illustrates a considerable mismatch. While Shirzai and Qadir claim legitimacy on the basis of their family tradition and their work for the public and the nation, and assume that people consider them to be legitimate because of their behaviour and how they interact with them, the majority of people I talked to in Nangarhar perceived them in the almost opposite way, as *coercive authorities*. The interviewees described the strongmen as self-interested, working for their own benefit only, perceiving the interactions with them and their forces as disrespectful, and viewing their behaviour as corrupt and criminal. The mismatch shows that simply claiming legitimacy and providing some services is not sufficient to construct substantive legitimacy. Even though many people in Nangarhar have witnessed decades of violent conflict, they have strong views on which attitudes and behaviours of authorities are right and wrong. The negative perception of strongmen appears to be the result of personal experiences or second-hand information of the strongmen's behaviour or of their forces, such as land grabbing. These experiences undermine the claims the strongmen make.

²³ It is difficult though to draw conclusions about specific strongmen in Nangarhar as the interviewees tended to mention specific strongmen more frequently when talking positively about them, while often being more general in their statements when criticising them. So, while some people emphasise Qadir's fairness in conflict resolution, we do not know which critical views on conflict resolution are specifically about him.

Despite all of this, there were those who spoke positively of strongmen in Nangarhar. Some interviewees considered strongmen to be legitimate for instrumental reasons, describing them as helpful and good service providers. The few instances of this nature appear to relate to advantages that individuals can gain by accessing strongmen, allowing them to use their influence in the political order or their local authority. In other words, strongmen can be legitimate for those who are part of their patronage networks and directly benefit from them. But while the provision of goods and services may help strongmen to construct instrumental legitimacy for a limited period of time it does not last. For instance, the literature on Shirzai's time as governor indicates that people thought positively about him in the past due to the services he provided (e.g. Jackson, 2014). This perception has changed, since he is not providing services anymore. At the time of my interviews, Shirzai was considered to be one of the many corrupt strongmen in the province. This illustrates that instrumental legitimacy is short-lived and needs to be constantly maintained if it is not transformed into more substantive legitimacy.

However, a small number of people also considered strongmen legitimate for more substantive reasons on the basis of values, viewing them to be traditional authorities or providers of fair conflict resolution. And, indeed, it is possible that strongmen do offer conflict resolution, which is perceived to be fair by all involved parties. However, this perception does not appear to be common, as the number of people with such views was very low, while most people described strongmen in contradictory terms – as corrupt – and did not care about family traditions. Hence, strongmen certainly have some supporters in Nangarhar, who instrumentally benefit from their patronage networks or, in a few cases, also believe in their authority. But strongmen do not have wide-spread legitimacy, neither in substantive nor in instrumental terms.

The comparison reveals that strongmen and the public talk about similar aspects when claiming or judging legitimacy. The claimed sources of legitimacy appeared to cohere with shared public expectations: work in the public interest, reflected in good day-to-day behaviour, fair procedures and respectful interactions. These aspects of strongmen's authority appear to be crucial for their legitimacy. Nonetheless, it was clear that people did not generally think that strongmen lived up to their expectations. Hence, while some people perceived strongmen as legitimate, mainly for instrumental reasons, most actually considered them to be a coercive and illegitimate authority.

4.4 The Kingdom of the North – Balkh Province

i. Strongman Governance in Balkh

A different kind of strongmen governance can be seen in Balkh Province. Balkh is located in the north of Afghanistan and borders Uzbekistan and Tajikistan. It is famous for its cultural heritage, including the ancient city of Balkh and the 'Blue Mosque', a shrine in the centre of Balkh Province's capital Mazar-e-Sharif. Mazar-e-Sharif is one of the largest cities in Afghanistan and hosts Camp Marmal, the base of German military forces in Afghanistan. Ethnically, the province is diverse, with a big Tajik and Pashtun population as well as Uzbeks, Hazaras, Turkmens, Arabs and Baluchs (Mukhodpadhyay, 2014, p.66). But, in contrast to the complexity and number of strongmen in Nangarhar, the political order of Balkh is simpler, underpinned by a long-standing rivalry between Abdul Rashi Dostum, an Uzbek strongman, and Atta Mohammad Noor, a Tajik strongman, who succeeded in becoming 'King of the North'.

Mukhodpadhyay (2014; 2009) outlines the career of Noor, who grew up in Balkh and joined the Mujahedin as a teenager, progressing quickly to become a commander of the military arm of the *Jamiat-e Islami*²⁴ party in the north (2014, p.82). According to Mukhodpadhyay, he "earned his bona fides as a fighter committed to defending his homeland and his province over the years. His ideological bent, as a committed Islamist, meant he could differentiate himself from those who had shifted their loyalties over the years, in particular Dostum" (ibid.). Dostum commanded an even larger group of militias in the 1990s, with estimates ranging between 20,000 and 110,000 (Mukhodpadhyay, 2014, p.83). In contrast to Noor's "legacy as a defender of Muslims in Balkh" (ibid.), Dostum drew more on his ethnic identity, offering "a voice to non-Pashtun minorities, especially the Uzbek population" (ibid., pp.83-84).

Noor and Dostum successfully fought the Taliban in 2001 and recaptured Mazar-e-Sharif with the help of American Special Forces (ibid., pp.77-78). While they were rivals over the control of Balkh over the years that followed, Noor succeeded in becoming the major authority in Balkh by working more closely with the government in Kabul while maintaining his militias and constructing legitimacy locally. In the post-2001 interim governments, members of the Jamiat party were in control of key ministries, resulting in a 'jamiatisation' of the security sector (ibid., pp.85-86). Noor kept control of his militias – calling them 'Peacekeeping Forces' – but also tried to construct legitimacy locally by providing services (ibid., p.92). For instance, he covered most of Balkh's electricity bill in 2002 and contributed to building a mosque in 2003 (ibid.). But in Autumn 2003, Dostum mobilised a large number of fighters from the region, resulting in an increasing number of clashes between Noor's and Dostum's militias (ibid., p.94). Noor was

²⁴ The political party Jamiat-e Islami evolved as a mainly Tajik Mujahedin group during the Soviet occupation of Afghanistan in the 1970s under the leadership of the later president Burhanuddin Rabbani. Followers included Atta Noor, Ismail Khan, Ahmad Shah Massoud, Mohammad Fahim and Gulbuddin Hekmatyar. The latter, a Pashtun, split off from Jamiat after a few years, establishing the Hizb-i Islami group (for details, see e.g. Rubin, 1989; Ruttig 2013).

preparing his forces for a battle in Mazar-e-Sharif, at a time when observers judged Dostum's forces to be more powerful (ibid.). But the international community and the Ministry of Interior intervened, forcing Noor and Dostum to establish a joined force and to give up heavy weapons, preventing Dostum from winning (ibid.). While Dostum behaved increasingly aggressively, Noor built even closer ties with Kabul and portrayed himself as a politician, a man who has left warlordism behind (ibid., p.96). In mid-2004, the government in Kabul ruled in favour of Noor, appointing him as the governor of Balkh (ibid., pp.99-100).

In the years that followed, the situation in Balkh was calm. Noor consolidated his power, monopolised force to a high degree and connected his informal networks with his formal position of authority (ibid., p.77). He brought his commanders, friends and others who were loyal to him into senior positions of the provincial administration, undermining the government system and allowing him to exercise force both through the formal system as well as informal militias (ibid., p.101). With this high degree of monopolised force he was able to provide stability and security in Balkh, sometimes, as Mukhodpadhyay points out, "simply by *not* contributing to its insecurity" (ibid.). However, according to Mukhodpadhyay, Noor also managed to construct local support by advocating for more foreign aid money for Balkh, and channelling it to his communities (ibid., p.146). He dropped his jihadi image and transformed himself into a civilian governor in a tailored suit (ibid., p.155). Part of his transformation was also increased engagement in the private sector, using his authority in Balkh and his influence in Kabul to support his companies, for instance to win bids in the construction sector (ibid., pp.128-132). He ultimately became the most successful businessperson in the province, created an additional incentive to maintain stability and security (ibid.).

While Noor successfully managed to monopolise force and enhance his influence, in more recent years the situation has changed once again. In the 2009 elections, Noor supported Karzai's opponent Abdullah Abdullah (ibid., pp.162-164). Nonetheless, Noor's position in Balkh appeared to be too strong for Karzai to replace him after being re-elected (ibid.). However, tensions between Dostum and Noor started to grow again in 2016. While Noor had continued to support Abdullah Abdullah in the 2014 elections, Dostum supported Ashraf Ghani and was appointed Vice President. Conversely, Noor was dismissed as the governor of Balkh by Ghani but refused to step down (Sukhanyar and Nordland, 2016). Dostum became increasingly involved in military operations in the north of Afghanistan and the situation worsened after photos of Dostum were removed from billboards in Mazar-e-Sharif. Uzbek demonstrators took to the streets, blaming Noor for this action, resulting in clashes between armed supporters on both sides (Mashal and Sukhanyar, 2016). Even so, Noor managed to remain in control. And while Dostum has been increasingly side-lined in national politics, despite formally remaining Vice President, Noor announced in March 2017 that he would be running for presidency in the next presidential elections (Tolo News, 2017a).

ii. Public Perceptions

Atta Noor did not respond to my requests for a meeting. But the interviews with members of the public in Balkh clearly show that Atta Noor is seen as the most influential person in the province. In almost all the interviews his name was mentioned. In the districts in Balkh which I mainly looked at – Mazar-e-Sharif, Dehdadi and Hairatan – most interviewees voiced very positive perceptions of the provincial governor Noor as the one who is ensuring security. For example, the farmer Hajji Sultan from Dehdadi district reported: “The security in Dehdadi District and wider Balkh Province is good because of our provincial governor” (B03). Also, Farhad, a young mechanic from Mazar-e-Sharif, told me how happy he was with the governor as a security provider: “We have a good governor, Mohammad Noor, who provides security for us” (B22). While the governor was almost always mentioned in the context of security provision, people did not bring up his name in the context of justice. And when asked directly about the role of the governor, the usual response was about him being a good security provider. Consequently, security provision seemed to be powerful in terms of how he is generally perceived. Many people often referred to him as a ‘good’ governor and some also said that they trusted him (e.g. B17).

However, there were some who acknowledged that all was not well in the province, even in terms of the security situation. Many interviewees were worried about the general economic situation in Balkh, pointing out that the unemployment rate was high and constantly on the increase. A small number of people also stated their dissatisfaction with the security situation. For example, the shopkeeper Hajji Nematullah summarised his hope for the future: “First of all we need security because everything else depends on living securely” (B38). But while issues were acknowledged, Noor was usually not blamed for them. When interviewees brought up problems, they often excluded the governor from the group of responsible people, such as unemployed Nemat in Mazar-e-Sharif, who told me that “our governor is a good person. But if there is only one good person nothing will change” (B41). A civil society activist explained that the people either do not understand how Noor benefits from criminality and corruption, or else are too afraid to talk about it (B56).

Indeed, many people I talked to appeared to be too afraid to talk about problems and to criticise Noor. In contrast to the other provinces in which I conducted research, several interviewees in Balkh were hesitant and many interviews were quite brief. Nonetheless, there were some exceptions. For example, a hairdresser in Mazar-e Sharif phrased his critique cautiously, and in general terms: “The powerful people have lots of guns and money. They kill people and take their money. But no one can arrest them” (B01). In a similarly diplomatic fashion, the farmer Abdul Majid concluded: “We agree with the government, but they have to finish their tyrannical behaviour and land grabbing” (B50). By contrast, there were interviewees - particularly civil society activists - prepared to offer more direct criticism. Even though most of them admitted that Balkh, at the time of the interviews, was relatively secure, they blamed Noor for the

remaining insecurity. A civil society activist told me: "There are lots of groups creating insecurity. There are people who rape, kill and kidnap. I think that the governor supports them. Because the governor is aware of everything and nothing here happens without his permission." A young student and activist summarised his critique in a similar way: "The governor of Balkh makes the province look secure from the outside. But the outsiders can't look inside" (B54). Another vocal critic of Noor was a community leader from Chimtal District. He outlined how Noor accused him and many others from his community of being Taliban, to justify the use of force against them. He admitted that they were indeed fighting Noor, however, but explained that this was a local uprising resulting from Noor's corrupt mode of governance rather than a Taliban-affiliated insurgency.

iii. Analysis

The interviews indicate that Balkh's governor Noor has managed to monopolise force successfully in parts of the province, forming the basis of his authority. This explains the comparatively high level of perceived security. As security is rare in Afghanistan while being a basic need, security is a key expectation of people. Hence, they acknowledge the level of security in the province as Noor's success. This satisfaction with the security situation, which people directly link to Noor, can be read as his main source of legitimacy. Most people I talked to consider the provision of security to be useful, bestowing him with instrumental legitimacy. In addition, there is a sign of some substantive belief in his legitimacy, resulting from the security situation, as some people expressed their 'trust' in him. It remains unclear though how honest such descriptions are, as there appeared to be a widespread fear of Noor. Nonetheless, it is quite conceivable that people who want nothing more than a stable political order and are not threatened by Noor, increasingly build a perception of substantive legitimacy. After all, stability may enable them not only to have a secure income, but to also have predictability for the future.

But while legitimacy certainly plays some role in Noor's authority, it seems to be coupled with fear in many cases, as people rarely opened up to talk freely. Ironically, in Balkh, seemingly the most secure province of Afghanistan I looked at, people appeared to feel least secure to openly talk with me about their main 'security provider'. Even when they criticised the security and the economic situation in the province, they generally made sure to emphasise that this was not Noor's fault. This illustrates that Noor, as the ultimate authority in the province, does not only provide security, but can also cause 'insecurity' for people if he wants to, as indicated by Mukhopadhyay (2014). This was confirmed by direct critics of Noor, who did not perceive his successful monopolisation of force only as a source of stability but also viewed it as the cause of fear and insecurity. They argued that Noor is so influential that he can be the only one responsible for instability and see criminality and the resulting insecurity as a way for him to gain money and to remain influential, using it against political opponents. In the interviews,

civil society activists, who demand a more democratic political order in the province, particularly appeared to fear Noor. They were afraid that this 'insecurity' will be directed against them if they speak up too publicly.

Ultimately, Noor's authority rests on force only, its control as well as its application. By monopolising force, Noor has been able to construct instrumental legitimacy through perceived security and stability. But he can also use force to be coercive and create insecurity for people, if it is beneficial for him. This makes his authority authoritarian. Noor seems to have a personal interest in maintaining stability, to construct legitimacy and because he benefits financially. But if individuals or groups get in the way of his personal interests, he may use force, including the state's forces, which he controls, against them. However, his dependency on force as his only source of authority and the absence of other, more lasting substantive sources of legitimacy, make his authority vulnerable. While he looks powerful, and indeed is, judging on the basis of forces he controls and the money he has, he can only maintain legitimacy as long he is control of force in the province.

4.5 Conclusions

Comparing Balkh and Nangarhar provinces, we can see two very different forms of strongmen governance. Strongmen in Nangarhar are part of a competitive political order, where multiple individuals and groups are in control. Shirzai and Qadir claim substantive legitimacy on the basis of good behaviour and family tradition, but are actually perceived as corrupt and criminal, while people do not seem to care much about their family tradition. Conversely, Noor in Balkh has successfully monopolised force to a large extent, controlling not only informal militias but also the formal government forces, with the exception of some districts such as Chimtal where people were resisting these efforts. He claims instrumental legitimacy on the basis of the stability and security and, indeed, manages to live up to this expectation.

What Qadir, Shirzai and Noor have in common and what makes them 'strongmen' is that they have actual authority as *individuals* in their respective provinces. This authority rests predominantly on the control of armed forces. But in contrast to what the literature (e.g. Marten, 2013) suggests, the interviews illustrate that the force of strongmen does not rely on 'private' militias only. On the contrary, in all of the cases this chapter looked at, strongmen depend heavily on 'public' formal forces, using the state apparatus for their personal gains or formalising their private forces and outsourcing their salaries by making them part of the state forces, while maintaining personal control. But even if strongmen exercise force and influence through the state, they do so as individuals, not as state officials with accountability within a bureaucracy. For example, Qadir – as the head of the border police in northern Afghanistan – used his forces to stop the government from prosecuting him for alleged drug smuggling. Noor refuses to step down from his position even though he was formally dismissed. Beyond using

state forces, strongmen were even perceived to be controlling insurgency groups or labelling some of their militias as insurgents, enabling them to fight political opponents without being thought to be involved, or being linked to the Pakistani ISI.

Resting on the control of armed forces, the authority of Qadir, Shirzai and Noor is of a similar kind. And, indeed, their authority is also perceived in a similar way by the public. Nonetheless, there also are some differences. In both provinces people looked at strongmen mainly through the lens of (in)security rather than one of conflict resolution. In the case of Balkh, Noor's control of force and his ability to use it to pursue his own interests is perceived as coercive and spreads fear, particularly in civil society. However, it also ensures stability and enables him to construct instrumental legitimacy, providing a service people need. Conversely, Shirzai and Qadir are seen as a coercive threat by most people I talked to in Nangarhar. People described their behaviour as corrupt and criminal. Lacking a local monopoly of force, they cannot provide stability or security for a larger group of people. However, they also cannot spread fear in a structural way like Noor, so people feel less afraid to criticise them. Shirzai and Qadir also have legitimacy in the eyes of some, but, in contrast to Noor, this seems to be the case for a much smaller group of supporters. None of the strongmen I looked at succeeded in constructing widespread substantive legitimacy. Some people did say that they 'trust' Noor, possibly because they enjoyed and had become used to the stability in the province over time or because fear affected their statements in the interviews. This makes it difficult to judge to what extent voiced trust actually indicates substantive legitimacy. Overall, however, my findings are in line with Mukhopadhyay, who argues: "Although some warlords may have cultivated a brand of legitimacy in their own right, the corruption and predation so often intrinsic to their methods lead me to reject legitimacy as a necessary (or even common) facet of warlord strength" (2014, p.51). The findings also support Giustozzi's work, who goes one step further and suggests defining warlords as people who control territory with military force in the absence of legitimacy (2009, p.5).

People judge strongmen on the basis of their *actions*. Family tradition and other personal features do not appear to be relevant for most people I talked to. And while Marten proposes that strongmen co-opt community authorities to gain legitimacy this strategy does not always appear to be successful. My research indicates that co-option delegitimises the community authorities, instead of legitimising strongmen. People are concerned with how strongmen affect their day-to-day lives, how they behave and how they interact with them. And while Murtazashvili (2014) argues that strongmen do not play a role in people's daily lives, the interviews at the local level show that people perceive them to be heavily involved. They directly interact with a large number of people and their actions, such as landgrabs, directly affect people. Furthermore, they are perceived to be in control of state forces and militias, so that how people experience the behaviour of these forces also affects how strongmen are perceived. On that basis, people draw conclusions about the strongmen's *attitude*. If people

have negative experiences and consider the behaviour of strongmen and their forces to be exploitative they perceive them as working for themselves only.

The case of Nangarhar illustrates that the strongmen's claims do not matter much. Shirzai and Qadir claim legitimacy on the basis of working for the public and their good behaviour with the people. But, while they are aware of the importance of being perceived accordingly, they fail to respond to these expectations and are considered to be self-interested and corrupt because of their actions. Noor, who makes a more instrumental claim of legitimacy, lives up to people's expectations in their day-to-day experience. But in the absence of widespread substantive legitimacy, the perceptions of strongmen are unstable and can change quickly as they depend on the extent and ability to which strongmen successfully respond to shared needs.

So, what role do strongmen play in state formation? On the one hand, Shirzai and Qadir in Nangarhar appear to be supporting Marten's (2013) work, suggesting that strongmen benefit from an ongoing war economy and have no incentive to contribute to state formation. On the other hand, the case of Noor in Balkh is in line with Giustozzi's (2005) and Mukhopadhyay's (2014) more positive views as he has monopolised force to a large extent. After all, Noor is rightfully called the 'King of the North'. As Noor has aligned his personal interests closely to the public interest of stability he has been able to construct a considerable amount of instrumental legitimacy, which makes him an effective 'stationary bandit' (Olson, 1993). However, to ensure long-term stability he needs to establish a monopoly of the *legitimate* use of force, resting on substantive sources. The coming years will show to what extent he will follow the steps of state formation Elias observed in European history and transform himself from a stationary bandit to a legitimate authority. For now, the case studies in this chapters result in an image of strongmen as self-interested individuals, who know well how to gain external legitimacy and support from the international community and, at the same time, rely on force internally in their provinces, even to construct superficial local support, but lack more substantive legitimacy.

Chapter 5 | The Taliban

5.1 Introduction

This chapter looks at the legitimacy of armed opposition groups (AOGs) in Afghanistan, which people commonly refer to as ‘Taliban’²⁵. The Taliban are usually depicted as ideological fighters, religious extremists who want to introduce harsh rules in Afghanistan, including the prohibition of music and the suppression of women. Their mode of governance stands in stark contrast to Western ideals, with the fall of the Taliban government in 2001 being portrayed as a victory against terrorism and human rights abuses. However, 15 years later, the influence of the Taliban and other armed opposition groups is steadily growing again throughout Afghanistan. According to a report for the US Congress in April 2017, not even 60% of the country are under government control (SIGAR 2017, p.87). At the same time, the US is welcoming direct peace talks with the Taliban (Tolo News, 2016). This development raises the question as to what the affected people – rather than the foreign interveners – think about the Taliban.

After briefly outlining the history of the armed opposition and the complexity of the ‘Taliban’ label in Afghanistan, I examine how Talibs – members of the Taliban – perceive themselves, why they join the movement and on what basis they claim legitimacy. Getting access to Talibs in the selected provinces, unsurprisingly, turned out to be one of the key challenges I faced in the course of my field research. Overall, I conducted eight interviews with people who confidently described themselves as Talibs, in addition to some interviews with people who described themselves as armed opposition, but claimed not to be members of the Taliban. While some of my interviewees were still active members of the Taliban, others had – at least formally – joined the peace and reconciliation process. The interviewees’ motives to fight with the Taliban ranged from more instrumental ones, aimed at personal advantage, to more substantive ones, resting on values such as the fight for justice or the fight against the corrupt government. Indeed, all interviewees, were to some extent driven by negative experiences with the Afghan state. While the official claim of the Taliban is set around re-establishing an Islamic system, most interviewees claimed legitimacy on the basis of fighting against the corrupt and unjust government with its foreign allies – rather than for religious reasons.

I then explore how the Taliban are perceived ‘on the ground’ by the general public in different parts of Afghanistan. The interviews present a snapshot of the situation – and its perception – in 2014/15. Since then, the situation has changed in many provinces. For instance, while the Taliban were controlling parts of Nangarhar Province in 2014, IS-K appeared in 2015 and is now controlling parts of the province, fighting both the government and the Taliban. This further illustrates the importance of a better understanding of the mechanisms of why people perceive

²⁵ In line with public discourse I use the term ‘Taliban’ in a wide sense to describe the various armed opposition groups in Afghanistan.

armed opposition groups to be legitimate. My research indicates that the people in government-controlled areas see the armed opposition as a threat to their security. However, the Taliban's attacks also undermine the legitimacy of the Afghan state. Meanwhile, in territories the Taliban can access, the interviews show that they often manage to successfully construct legitimacy. But it is not their 'Islamic' idea of authority that appears to matter and match people's expectations. The people I talked to were far more concerned with how the Taliban behave and interact with them on a day-to-day basis. The provision of conflict resolution is particularly crucial for the Taliban's legitimacy, both in an instrumental and a more substantive way. Many interviewees appreciated the Taliban's rapid and cheap conflict resolution procedures. Beyond that, more substantively, they also perceived the procedures to be less corrupt and fairer in their application than those of other authorities, particularly in comparison to the Afghan state. The procedures are perhaps not based on everybody's preferred code of law, but the interviewees were more concerned with the predictability and fairness of the procedures. It is these basic interaction- and process-related values of human dignity, that are crucial for the Taliban's local legitimacy.

Comparing self-perceptions with public perceptions shows that instead of drawing on the Taliban's official claims of legitimacy, the members of the armed opposition have aligned their claims with what many people are hoping for – a less corrupt political order. This claim does not remain abstract but is also realised in many areas the Taliban can access, offering fairer conflict resolution procedures than other authorities, enabling them to construct substantive legitimacy successfully. It is the day-to-day interaction between an authority and the people – the 'how' an authority behaves – that shapes opinions on it. Most people do not expect much more than to be treated like a human being, with respect. Even though this finding does not come as surprise, it is apparently not often applied in the Afghan context, which is dominated by corruption and violence. Denying people respectful and fair treatment not only drives many people towards the Taliban, it also provides them with a powerful claim of legitimacy.

5.2 The Taliban in Afghanistan

The 'armed opposition' or 'insurgency' groups in Afghanistan today are commonly associated with the label 'Taliban'. Indeed, after successfully turning an insurgency into a government in 1994 and being toppled again in 2001, the Taliban have returned to insurgency strategies to subvert the current regime and its foreign allies. Today, however, the Taliban are a complex phenomenon, consisting of various groups and factions that change alliances fairly readily, reflecting, to a certain extent, the dynamics within the Afghan state.

This history of the Taliban is closely linked to the *jihad* against the Soviet occupation of Afghanistan and the subsequent civil war.²⁶ After the Soviet withdrawal from Afghanistan in 1989 and the fall of the pro-Soviet Najibullah government that held Kabul until 1992, the Mujahedin groups turned against each other (see Chapter 3). Afghanistan quickly disintegrated into multiple regions controlled by different commanders, many of whom have remained influential until today as ‘warlords’ or ‘strongmen’ (see Chapter 4), fighting each other and changing their alliances. At that time, the southern province of Kandahar was also divided. As foreign funding dried out in the province, competing commanders began to mistreat the population and extract money; the highways were littered with checkpoints of various groups who put chains across the road and demanded tolls (Strick van Linschoten and Kuehn, 2012, p.113). Rashid describes how, “The warlords seized homes and farms, threw out their occupants and handed them over to their supporters. The commanders abused the population at will, kidnapping young girls and boys for their sexual pleasure, robbing merchants in the bazaars and fighting and brawling in the streets” (2001, p.21). At the same time, the highways were littered with checkpoints and various groups putting chains across the road demanding tolls (Strick van Linschoten and Kuehn, 2012, pp.113-117; Rashid, 2001, p.22).

A number of Mujahedin – many of whom had ceased fighting after the fall of Najibullah and returned to study at *madrassas* [religious schools] in Quetta and Kandahar – became increasingly disillusioned (Rashid, 2001, pp.22-23). In response, they formed a group around their elected leader, Mullah Omar, to “restore peace, disarm the population, enforce Sharia law and defend the integrity and Islamic character of Afghanistan” (ibid., p.22). They “distanced themselves from the party politics of the Mujahedin and signalled that they were a movement for cleansing society rather than a party trying to grab power” (ibid., p.23), calling themselves *Taliban* - the ‘students’ or those ‘seeking knowledge’. However, this narrative is disputed. For instance, Barfield points to an alternative story, according to which the formation of the Taliban was more exogenous, driven by Pakistan shifting their support from Hekmatyar and helping to form the Taliban to fight the Rabbani government in Kabul (2010, p.257). Irrespective of the starting point, the Taliban were certainly successful in gaining both local and external legitimacy quickly as they fought and portrayed themselves as a ‘Robin Hood’ figure (Rashid, 2001, p.25) against Kandahari warlords before moving on to capturing and controlling territory. Meanwhile, their popularity was steadily growing, with more and more people joining the Taliban. By late 1994, the Taliban had taken control of Kandahar and on 26th September 1996, they took control of Kabul (Barfield, 2010, pp.258-260; Strick van Linschoten and Kuehn, 2012, p.144).

While the Taliban successfully expanded their influence further to the north, they introduced a new political order for the territory they controlled. They called this territory *Islamic Emirate of Afghanistan*, which was governed by Mullah Omar, who had been proclaimed *Amir ul-*

²⁶ For a more detailed history of the Taliban see e.g. Barfield, 2010; Edwards, 2002; Rashid, 2001; Strick van Linschoten and Kuehn, 2012.

Mumineen [Commander of the Faithful], and a small *shura* [council] of chosen people (Barfield, 2010, p.261). While they claimed to be implementing (*Salafi*) Islam, their actual way of governing included many elements of the Pashtun's cultural code, the *Pashtunwali* (Barfield, 2010, p.261). Barfield explains: "The religious interpretations were often idiosyncratic and tended to dress local custom in the guise of religion. On the other hand, many aspects of Taliban policy were not local custom at all. The movement was hostile to Sufism as well as the veneration of saints and shrines – elements that were deeply embedded in the popular Islam of Afghanistan" (ibid.). Building on this mix of values and ideas, they enforced harsh rules, including the banning of music and the exclusion of women from public life, which stood in sharp contrast to the previous lifestyles in places like Kabul and Mazar-e Sharif (2010, pp.261-263). They taxed the population, asking all people to pay *zakat* – a form of income tax – and making farmers pay *ushr* [Islamic tithe], ten per cent of their products (Nojumi, 2002, p.155). While, according to Barfield (2010, p.263), the Taliban's claim of legitimacy was powerful, presenting religious ideology as a way of uniting the divided country, many non-Pashtuns perceived them as a Pashtun group trying to impose Pashtun ideology. So, while many people, particularly in the rural Pashtun areas of the south of the country had positive views on the new order, the Taliban rule was perceived to be oppressive in many non-Pashtun regions and more urban areas such as Kabul.

While the Taliban were no longer of any great relevance to the international community after being ousted in 2001, they reorganised in the Afghan-Pakistani border area and began fighting again as an insurgency. Today the Taliban, who still call themselves the 'Islamic Emirate', claim legitimacy by portraying themselves as 'jihadists', fighting against the 'occupying' US forces and the 'infidel' government forces. This rhetoric underpins most of the Taliban's public statements on their websites *al-emarah* and *shahamat*, which is used to justify attacks and announce the beginning of the annual 'fighting season' in spring (see D'Souza, 2016, p.24). For instance, in April 2016 the Taliban declared:

"The Islamic Emirate's armed Jihad against the American invasion has completed fourteen years and is now in its fifteenth year. Jihad against the aggressive and usurping infidel army is a holy obligation upon our necks [sic] and our only recourse for re-establishing an Islamic system and regaining our independence".

Despite the ongoing international support for the Afghan government the influence of the Taliban is growing and the fighting over the major city Kunduz in the north of Afghanistan in 2015/16 illustrates that there indeed even is a chance of expanding insurgency control into urban areas. However, the Taliban of today are a fragmented movement. For example, Ruttig outlines the complexity of the insurgency in Loya Pakita: "It is composed of four different strands. There are two networks led by the Haqqani and the Mansur families respectively. Besides them, there are Taliban groups acting independently from these two networks, led directly by the Taliban *Rahbari* or '*Ali Shura* (Leadership or Supreme Council) or by individual influential commanders in Quetta" (2009, p.59). The exact relationship between the various groups remains unclear, but Ruttig concludes: "The Haqqani and Mansur networks are clearly part of the Taliban universe. Their leaders, commanders and fighters consider Mullah Omar

as their spiritual leader (*Amir-ul-momenin*) but their *modus operandi* is that of semi-independent warlords who have joined the rather heterogeneous insurgency movement for reasons of expediency" (ibid., p.88).

Probably the most widely known institution of the Taliban is the *Quetta Shura*, of which Mullah Omar used to be the leader, together with Mohammad Mansur as his deputy. In addition, there is the so-called *Peshawar Shura*, which has allegedly gained importance since Pakistan's ISI started shifting funds away from the Quetta Shura, after it began opening up for negotiations and trying to open an office in Qatar (Martin, 2014, p.208). The fragmentation of the Taliban appears to have continued since Mullah Omar was revealed to have been dead since 2013. In July 2015, Mohammad Mansur was announced as Mullah Omar's successor. However, members of the *Rahbari Shura* publicly complained about this decision, with one group around Mohammad Rasoul – who fought the Soviets together with Mullah Omar – openly declaring war (Osman, 2015). Meanwhile the head of the Haqqani Network, Jalaludin Haqqani, was appointed as Mansur's deputy (ibid.).²⁷ Mansur was subsequently killed in a US drone strike in Pakistan in May 2016 and was replaced by Mawlawi Haibatullah Akhundzada. However, according to Farrell and Semple (2017) Akhundzada is considered to be a weak leader by many within the Taliban, resulting in an ongoing fragmentation of Afghanistan's armed opposition. This fragmentation on the macro level is complemented by similar processes on the micro level. For instance, Smith describes the dynamics of the insurgency in Kandahar, explaining that "there is no evidence that the formal structure of the insurgency has any real importance" (2009, p.193). He points out that 'the Taliban' in Kandahar are a much more dynamic and fluid 'entity', consisting of different units.

More recently, another insurgency group appeared, acting quite clearly outside of Afghanistan's 'Taliban cosmos'. A group of people, presumably members of the Pakistani Taliban group TTP (*Tehrik-i-Taliban Pakistan*), pledged allegiance to IS-K. People in Afghanistan widely refer to them as *Daesh*. Osman (2016) provides a detailed analysis of how the IS-K evolved in Afghanistan. He describes how groups of militants had been arriving from Pakistan in Nangarhar Province since 2010, claiming to be refugees fleeing from Pakistani military operations, however, turning increasingly repressive over time (ibid.). In May 2015, the militias officially changed flags from TTP to IS-K (ibid.). The tensions between what now was called IS-K and the Taliban quickly started to grow, with both groups vying for control of the same territory, resulting in both groups declaring jihad against each other (ibid.; Khaama, 2015). In July 2015, the Afghan government also joined the fight against IS-K (ibid.). And while the IS-K's control of territory in Afghanistan still appears to be limited to certain districts in Nangarhar Province, they have increasingly been involved in conducting attacks with high numbers of casualties against civilian targets, such as a hospital in Kabul in March 2017.

²⁷ Giustozzi and Mangal (2015) offer further analysis of the power struggles within the Taliban.

While the IS-K quickly established a reputation of being outrageously violent and imposing harsh rules on communities (e.g. Marty, 2016), the Taliban have become more open to less strict interpretations of Islamic governance and adjusted their way of governing in parts of the country. Osman and Gopal argue that “the Taliban appear to have evolved from uniquely strict interpretations to more standard conservative views that are found in Islamist political parties in countries like Pakistan and Egypt” (2016, p.7). Their research shows that many Talibs think that their religious policing was excessive (ibid., p.27). Furthermore, they do not necessarily oppose female education anymore and sometimes even think it is necessary to encourage it (ibid., p.26).

Even though the geographical influence of the armed opposition in Afghanistan is growing, perception data indicates that public support for them has been decreasing since 2009. According to the Asia Foundation, only 27.5% of the Afghan people in areas their researchers can access had sympathy for armed opposition groups at the time of my interviews (2015, p.7), compared to 55.7% in 2009 (ibid.) and 16.7% in 2016 (p.7). But this does not explain *why* some people support the Taliban or consider them to be legitimate. Some of the sources of legitimacy that are discussed in the context of the Afghan state may also apply to the Taliban. In particular, ‘tradition’ in the form of the Pashtunwali could still play a key role. On the one hand, the Pashtunwali influenced how the Taliban govern and on the other hand, Liebl (2007) suggests that the people’s expectations in the Pashtun areas of Afghanistan regarding governance is founded on the Pashtunwali. Rangelov and Theros suggest that the Taliban “have adapted their own discourse to harness the prevailing narratives of abuse and injustice, turning them into an instrument for mobilisation. They try to tell a simple story that diagnoses the problem of oppression and corruption, and then frames the movement as a struggle for Afghan justice, dignity and honour” (2012, p.242). But service delivery may also provide the Taliban with some legitimacy. For instance, Giustozzi (2012a) argues on the basis of interviews with Talibs that the provision of justice is central. When the Taliban manage to establish a local monopoly of force, Giustozzi points out, they can construct legitimacy by providing justice: “By and large, the Taliban seem to have greatly benefited from their ability to mediate disputes among communities. It could be argued that such ability is a major source of legitimacy for the Taliban” (2012a, p.73). Building on these ideas, this chapter further contextualises the perception data and compares the Taliban’s claims to legitimacy with the reasons why members of the Taliban and the public perceive them to be legitimate – or not.

5.3 Claims of Legitimacy – Self-perceptions of Talibs

To gain an understanding of how members of the armed opposition perceive themselves, I interviewed a number of active and former members. I asked the interviewees about the goals of their fight and their personal claims of legitimacy. But as it is not always clear what aspects of people’s descriptions are propaganda and what are ‘honest’ self-perception, I looked at their

life histories, explored their biographies in detail and asked them about their personal reasons for deciding to join the Taliban and, in some cases, leave them again. Together, these aspects of self-perception of authority supplement the public perception, contributing to a more comprehensive understanding of legitimacy. It enables us, for instance, to analyse whether people join armed opposition groups because they consider them to be legitimate or simply because they are useful, and to what extent their claims of legitimacy match the public expectations. In this chapter, I focus on three cases with very different biographies, but for my final analysis I also draw on a number of other interviews.

i. Mohammad – The Instrumentalist

In late October of 2014, I was conducting an interview with a former Taliban commander in Herat City. The interview was suddenly interrupted – and has remained unfinished until today – when another person walked in, introducing himself as the former Deputy Shadow Governor of West Afghanistan and launching into a summary of his biography (H51). Even though it was almost impossible to stop him in order to ask my questions his explanations are useful. He outlined his past as a Mujahedin commander of the *Mahaz-e Milli-ye Islami-ye Afghanistan* (National Islamic Front of Afghanistan; see Section 4.3) in the 1980s and early 1990s. According to his account, he spent five years fighting the opposing *Jamiat-e Islami*, with its key figure, the later Governor of Herat, Ismail Khan (see Section 4.4). He emphasised that when the Taliban gained power he did not join them. Nevertheless, looking back, he appeared to be happy with what they had achieved:

“One of the Taliban’s achievements was that the law was the same for everybody across the country. Furthermore, the Taliban were able to provide security with very few people. People were able to travel across the country without being in danger. In addition, the Taliban believed in the Quran. They based their lives on the orders of the Quran and were dying for the Quran and Allah’s sake. If a woman committed adultery, she was hanged to death, right in front of people while the current government is using the name of democracy to make women liberal, which is totally against our culture and beliefs. If criminals are caught today they only need to pay enough money and will be released within minutes. In the times of the Islamic Emirate this didn’t exist at all. (...) During the Taliban regime we had a council, which consisted of religious elders - and their decision was based on justice. (...) People were ashamed of being charged for a crime. But now people have no honour anymore” (H2).

Despite these perceived advantages, Mohammad only joined the Taliban after the international intervention of 2001. He explained that this move was driven by the idea of taking revenge for bad treatment experienced by Ismail Khan’s people:

“I was not a Talib when the Taliban were in power. Actually I didn’t like their behaviour at all as they always carried a stick and hit people without any reason. I constantly told them to stop this. But then the Mujahedin along with US forces entered the country. One of Ismail Khan’s commanders, Hajji Kamal Arab, son of Hajji Amir Mohammad Arab, robbed an entire truck filled with my carpets, my 480 cows, my [Toyota] Surf vehicle and [Toyota] Corolla as well as 470,000 Pakistani Rupees. They even took the dry meat of the people, which they had stored for winter. They also wanted to arrest me and accused me of being a Talib. I told them that I didn’t even share a single cup of tea with the Taliban throughout the seven years they governed

the country. At that point, with a single pistol in my hand, I joined the Taliban and started my fight against this government. Soon I became the deputy of the [Taliban] West Zone Governor.”

Mohammad did not reveal what he actually did as the Shadow West Zone Governor. But he emphasised, still using the present tense, that “our main concern is not the implementation of Islamic laws (...) but the absence of justice and the corruption of the government”. He explained: “Ismail Khan is the only one who causes insecurity in Herat. His commanders own dozens of buildings, public baths, hundreds of trucks, more than 2,000 hectares of land and huge companies”. From Mohammad’s point of view it is not ideology or ethnicity but marginalisation that drives people to the Taliban: “The war is not between the two big ethnicities – the Tajiks and Pashtun. The war continues because our tribes’ rights are violated.”

However, Mohammad decided to leave the Taliban for financial reasons. Meanwhile, he complains that the government’s promises have remained unfulfilled:

“A few nerveless and coward[ly] men of my tribe sold me to this government. They promised me financial help and then took me to the police headquarters where they introduced me to the [provincial] governor Mr. Nooristani. I would have preferred a wolf attack to joining the government. They made lots of promises but didn’t keep any. They cheated on us by promising us paradise on earth before joining but then treated us badly. (...) I handed over one RPG-7, one RPG-9, one AK47 along with 3,150 bullets, 27 rockets and my three personal vehicles. But I haven’t received three Afs in exchange.”

Being unhappy with the situation he called the members of the tribes that he considers to be marginalised to “continue their fight against the government so that they die or that their rights are respected”. He finished the interview with a threat to take up arms again if the situation did not improve: “I am not alone. 25 to 40 commanders are waiting for my orders, along with at least 6,000 men. If our demands are not addressed, we may take decisive action against the government”.

The interview with Mohammad left many questions unanswered. For instance, we do not know what his responsibilities were and what he did while with the Taliban, and to what extent he was part of the Taliban’s command structure or if he and his forces acted more independently. However, the interview does illustrate what motivated him to fight the government – or at least what he wants other people to think about why he took up arms – and why he considers this fight to be legitimate. Mohammad frames the legitimacy of the historical Taliban regime with reference to their interpretation of Islam, which underpinned their idea of authority and served as the foundation for their practices, for instance, in the context of justice and matches his understanding of what is ‘right’. Nevertheless, this was not sufficient for him to join the Taliban as he was unhappy with their routine behaviour, gratuitously beating people up. It was also the perception of unjust behaviour – this time directed against him by individuals associated with the new government after 2001 – rather than the Taliban’s idea of authority that made him join the movement. His description of joining the Taliban might be ostentatious, however, his anger and frustration became obvious in the interview. Mohammad’s motivation to join the

Taliban was based on grievances that resulted from a personal experience of perceived unjust behaviour of Ismail Khan's commanders whom he associates with the government.

He claims that his and the Taliban's fight are legitimate as they fight for justice – not Islamic laws – against a corrupt government that marginalises entire groups of people. As people associated with the government treated him badly, he can easily frame his own fight as one of the marginalised and disadvantaged for the general 'good' against the 'bad' government. This generalisation might not be propaganda but his actual perception of the legitimacy of fighting the government. In addition, aligning with the armed opposition could be the only way of fighting individuals linked to the government. But that he left the Taliban for financial reasons illustrates that, ultimately, his support for the armed opposition is based primarily on personal motives such as grievances and possibly greed. While it is difficult to generalise from this one interview, particularly as Mohammad was much richer and more influential than most other Afghans, it indicates that people in high ranking positions of the armed opposition might be driven by personal, instrumental intentions. In addition, the case shows how personal politics in Afghanistan are, and how easy it is to frame personal goals in a political way and to justify a fight against 'the government'. Finally, the case illustrates the danger that exists if the behaviour of individuals associated with the government is perceived as 'unjust'. The grievances caused by this behaviour can drive a person to join the armed opposition, which provides a platform to not only take revenge but to fight the entire government system that allowed the injustice to happen.

ii. Abdul – The Humanist

Abdul (N59), who was much further down the hierarchy than Mohammad, had a different experience during his time with the Taliban. I met Abdul, a young man in his early thirties, on one of my trips to Nangarhar Province in June 2015. He had spent some years fighting with the Taliban in Nuristan Province, which is north of Nangarhar, and agreed to talk to me about his experiences. While many of the Talibs I interviewed appeared to be suspicious of me and my motivation, Abdul was eager to share his story with me.

Abdul grew up as a refugee in Pakistan. He attended school in Peshawar up to 10th grade before his family decided to move back to Afghanistan. Abdul's family settled in Nuristan Province where he got a job as a nurse at a clinic run by a European NGO²⁸. According to Abdul, this clinic was close to the US base in Kalagush. One day, around 2006/7, some American soldiers came to the clinic and wanted to speak to him:

"They invited me to their base where they asked me why I was treating insurgents. I told them that I was treating all human beings. The Americans responded that they wanted to clear the area of the Taliban. (...) They asked me not to treat Talibs anymore. So I told the Taliban that I couldn't help them anymore as I relied on my

²⁸ The NGO confirmed the existence of the hospital to me.

salary from the clinic. (...) They still came, however, only when they had serious injuries. I treated them outside of the clinic. They didn't force me to do it. But they are human beings. I felt obliged to help them".

He explained how his frustration continued to grow until another incident occurred sometime later. According to his reports, a construction company was building a new road. The workers were living in tents close to the construction site. According to Abdul, at some point around 2007, "[American] helicopters came and killed 25 innocent people". Abdul pointed out that he was the one "collecting the flesh of the casualties" after the incident, and he describes it as the tipping point: "My motivation to join the Taliban resulted from this very personal experience of civilian casualties. I felt so hurt that I decided to join the Taliban to fight the Americans and the government of America".

Abdul joined the Peshawar Shura branch of the Taliban and became a radio operations commander, supervising a group of up to 50 people and reporting to the Shadow District Governor. They conducted 'missions' against the American forces and the Afghan government, which he saw as an ally of the Americans. But, they were also interacting with local communities on a daily basis. He explained, "We were not governing communities. But people often contacted us when they were facing problems. Back then we were a small group of Taliban, trying to support communities. So we often got involved in conflict resolution. We were a small idealist group". They applied what he called Sharia Law for the resolution of conflicts. And while he thought that most people in his community were in favour of him joining the Taliban, he also noted that some people were concerned that their village might get bombed in response. Nevertheless, he thought that it was worth taking that risk as, according to him, the Americans "came as occupiers not as guests, not behaving like guests doing construction, but targeting innocent people".

A combination of factors, however, made Abdul leave the Taliban in September 2009. He pointed out that the growing influence of the Quetta Taliban Shura, allegedly headed by Mullah Omar at that time, undermined the idealism of their group. "Members of the Emirates joined our group, doing intelligence on our activities. So, the trust among the members of our group was lost. (...) I used to pay for the fighting out of my own pocket. But people started to fight about positions and were not idealist anymore". He illustrated this with a number of examples of how the rival Taliban faction caused frustration. For instance, he explained, "The Emirates wanted to destroy a bridge connecting two districts to prevent the government accessing mines, so they could keep the revenue for themselves". Another example was that: "The Emirates wanted to blow up a school that was supported by the government. We suggested to turn it into a madrassa - but not to destroy an educational centre. They still did it. There was no transparency and accountability anymore".

It was not only the Quetta Shura but also the perceived government's influence that undermined Abdul's motivation to fight. He described one of the missions that happened

during the national elections in 2009: “We wanted to prevent the transportation of ballot boxes. However, in one area the transport still happened. We questioned the responsible commander (...) who defended himself, saying that he was at a party when the boxes were transported. But probably he got bribed by the government”. In addition to his growing frustration, more pragmatic considerations also contributed to how Abdul regarded his decision to leave the Taliban. He pointed out that the Americans left the base, making it less necessary to continue the fight. In addition, some of his relatives started to work for the government, turning family members into potential targets: “I didn’t want to fight relatives. That would have caused family problems”. In the end it was family pressure, from his father and community, that convinced him to lay down his arms because they were afraid of him killing relatives, causing conflicts within the wider family.

Abdul decided to join the official Peace and Reintegration Council, which promised him “food, clothes, counselling and safe accommodation” and wanted to enable him to continue his studies. But he experienced a different reality:

“When I joined the Peace Council (...) it got a lot of media attention as the governor of Nuristan was attending the ceremony. But none of the promises were kept. I started to work for a construction company and then moved to Jalalabad to study. I fulfilled my wish. But it was not due to help of the Americans or the government. The Taliban continued to call me and asked me to return. They threatened me. I had to change my phone number to sever contact with them. At some point the director of the Peace Council in Nuristan invited me to a hotel in Jalalabad and promised me a salary. And indeed I received 250 USD per month for a year. Then I was invited by the NDS and got another 30,000 Afghanis for a year. So, I got some help”.

He concluded: “Today I am happy, but jobless”. Towards the end of our meeting I asked Abdul about his relationship with the Taliban today and if he had plans of returning in the future. He responded:

“I am trying to find a job. It is not the right time to return. I don’t want to go back because the leadership has been arrested or killed. That creates problems though. I recently graduated from college. My father wants me to celebrate in our village. But the ANA had asked me to help them as the Taliban were burning their fuel trucks. So, I released a statement that got broadcast asking the Taliban to join the Peace Council. And I actually persuaded a group, and that was also broadcast. Now the Peshawar Shura is saying that ‘Abdul is convincing people to join the peace process’. Friends delivered the message to me and a member of the [Peshawar] Shura called me”.

‘So was it worth the fight? Were your goals achieved?’ were my final questions, to which he responded, “There is no reason to fight anymore. We want peace. We respect guests like you and want to give them the best hospitality. You have to respect every religion. Islam is a religion of peace. We were fighting because the Americans were fighting humanity, not because of Islam. They treated people in a way not even animals deserve to be treated”.

In contrast to the interview with Mohammad, the one with Abdul was much more dynamic, allowing me to follow up on his responses. I had the feeling of being confronted with a more genuine story, one that was more self-reflective than self-promoting. As in Mohammad’s case, Abdul did not claim that he joined the Taliban to fight for Islam, but because of the personal

experience of perceived unjust behaviour. Unlike Mohammad, however, he was not the immediate victim of this experience. Abdul describes how his frustration grew over time, watching the US forces restricting access to health care and killing civilians, until he decided to join the Taliban. He frames his motivation in far more humanist and idealist terms than Mohammad. Thus, Mohammad and Abdul share the experience of an authority's behaviour they consider to be wrong on the basis of their values, driving them to take up arms. But, while Abdul explains his decision to join the Taliban in more humanist terms, Mohammad appears to be driven by personal grievances. Even though Abdul left the Taliban primarily because of family pressure, his idealist way of thinking is also reflected in his voiced frustration when other armed opposition groups became involved. In Abdul's case, therefore, the reason for joining the Taliban and the reason why the Taliban's fight was legitimate are identical. His main concern appeared to be about inhuman and cruel behaviour.

iii. Nassir – Lacking Alternatives

Just outside Herat City's security belt in west Afghanistan we parked the car at an inconspicuous single-storey office building. It was the venue where I was promised to meet some Talibs, who were willing to talk to me. As we were outside the city I was well aware that my interviewees had the upper hand. If they wanted to harm us the chances of calling in any kind of help was more than slim. But in previous meetings the Talibs I had talked to were willing to visit me not only in government controlled areas, but even in the city centres. So, I did not see a good reason to be less trusting than them. As a consequence, it was excitement rather than trepidation that dominated my feelings when a muscular man in a white *shalwar kameez* came to the car and welcomed us. He guided us to the door of the office, which was packed with men sitting on sofas and the floor, drinking tea and chatting. All heads turned to the door and the conversations died down when we took off our shoes and walked in. I walked from person to person rattling off greeting phrases. After politely declining numerous time to sit on a sofa that was cleared for us, we sat down on the floor at the end of the room and received a cup of chai. Breaking the uneasy silence, one of my Afghan colleagues introduced us, explaining the reasons for our visit. A man on the sofa interrupted him with a few sentences while pointing at me. Everyone looked at me and the room was filled with laughter and giggles. He had made an offer to buy me from my Afghan colleagues to make money with the ransom, an offer which they thankfully declined.

The people in the room had different backgrounds. While some had formally left the movement, a claim that was often expressed with a wink, others admitted without hesitation that they were still active members. One of the people I talked to that day was Nassir (H50). He was a former low-ranking commander of a local Taliban group in Herat Province. We began the interview by talking about his biography and he told me that he used to work as a teacher in a rural district of the province. But when the influence of Taliban in the district

started to grow, he – together with others from his village – decided to join. Asked about the reasons for his decision, he explained, “Because the government was not supporting us or paying any attention to us. We could not fight against them. So we joined them instead to be equal to them. (...) We joined the Taliban to ensure our security as the government wasn't doing anything for us”. But, he added, his frustration with the government was also a driving force: “The government was very corrupt. We wanted to fight them. (...) When we joined the Taliban, they didn't promise us anything. They didn't have to convince us. We wanted to join them to fight against the corrupt government”.

Nassir then went on to tell me about his daily work in his local Taliban group:

“When our leaders commanded us we would get ready for our operations. (...) We had coordination with the other groups of Taliban and every group had separate work to do in separate places. This way we would not get into each other's way. When we wanted to have an operation in any area we would join forces with other groups. We then made plans together and decided what to do. (...) We had no worries because we could do anything and we had the ability to fight against anyone. But sometimes we were hit by rockets or bomb blasts from the government and the foreigners”.

Nassir outlined what his daily routine looked like: “Every morning at 8.00am we used to find a place where [the phone] network works and then we used to call every group to ask about their condition. If there was an order from the head, the commander or the commission for us we would then get ready to execute it. Otherwise we would have a normal day”.

Asked about the purpose of their fight, he said: “Our goal was the jihad against the foreigners and to bring peace to our area”. Apart from fighting, he explained, a big part of his work was conflict resolution:

“There were local shuras, but they were very weak and were not able to solve people's problems. And we joined the Taliban because even the government was not able to solve our problems. Our behaviour was good with the local people and most of the time we tried to solve their problems and people were happy with us. (...) When people asked us to solve their conflict we tried to help them. They accepted our decisions and obeyed us because of our good attitude and behaviour. Our attitude is also what made people agree to us taking over their area [from the government]”.

But, he admitted, sometimes they also were coercive: “We used force for our work. This way we were able to do what we wanted or to take the place we wanted - and we did”.

While his fight was directed against foreigners and government forces, his group accepted certain kinds of interventions in the areas they controlled. Nassir stated: “Those NGOs and actors who wanted to help the people and, for example, build schools, support students and do road construction, we had nothing against them. But if there was an NGO that wanted to bring change by spreading awareness and manipulating people's minds according to their plans, we would receive a report and we would stop them”. To finance their activities, they taxed local communities: “We used to collect ushr and zakat for our monthly salaries, to buy weapons and so on”. Meanwhile, he and his colleagues received a fixed monthly salary, paid in Pakistani Rupees. He told me: “Our salary was 10,000 Pakistani Rupees [circa USD 95]

and sometimes, when we had successful operations, we received a bonus of 4,000 to 5,000 Rupees”.

But, ultimately, he decided to leave the Taliban:

“I left the Taliban because most foreigners left our area (...) and the government made lots of promises. Especially (...) the members of the Peace Council promised us that the government would give us jobs, they would support students and teachers, release the prisoners and much more. Then we accepted. The government encouraged us and welcomed us in a very friendly way at the beginning. We were so happy. But then we slowly started to realise that we had lost everything, because of their lies. Now I am unemployed and we are a total of 19 family members with no income. (...) The government hasn’t done much to fulfil its promises. They only gave some of our group members jobs, only those who are really poor and were able to be convinced to collect garbage to earn some money for the family. Once we were in command and now we have to collect garbage and clean the roads”.

He concluded: “We have come to live peacefully. But if the situation gets worse then we will again buy weapons and join our group”.

Nassir’s story adds another dimension to people’s personal experience as active supporters of the Taliban. In contrast to Abdul and Mohammad, he joined the Taliban because he thought there was no alternative, no way of resisting them. In addition, however, he wanted to fight the state, which he perceived to be corrupt and not taking care of him and the other people in his village. This personal motive is not completely aligned with what he describes as the goal of his fight as a Talib and his claim of legitimacy, i.e., the jihad against the government as well as foreign forces. Meanwhile, he describes his local legitimacy in the villages his group controlled, as being based on positive behaviour and a helpful attitude, particularly by providing conflict resolution. This statement is more similar to his personal motives than his public claim of legitimacy. Ultimately, he left the Taliban because of the promises the government made, indicating instrumental motives. But his disappointment in the government, only offering jobs as garbage collectors, also has a value-based substantive component, to be treated unfairly and without respect. An inconsistency in his statement is the way his group financed itself. While Nassir explained how they were taxing communities, his salary was paid in Pakistani Rupees, far away from the Pakistani border, in the Western part of Afghanistan, indicating foreign influence. Other interviewees in the room confirmed that Pakistan, indeed, played an important role in their fight (e.g. H51).

iii. Analysis

The interviews with former and active members of the armed opposition in Afghanistan illustrate that there can be differences between people’s motives and purpose for fighting with the Taliban, their personal claims of legitimacy, the Taliban’s public claim of legitimacy and their assumed sources of local legitimacy.

Looking at the *personal motives* of why the interviewees fight or fought with the Taliban, three different factors emerged. On the one hand, some people join the armed opposition for *instrumental purposes*, because it is useful for them and allows them to achieve personal advantages. This might be driven, among other factors, by opportunism, revenge, greed or sheer survival. By joining the armed opposition, they can fight for what they think they have lost, deserve or want. The importance of instrumental reasons is illustrated by the case of Mohammad. He fought with the Taliban to take revenge and regain his wealth and left the Taliban, because of promises the government had made. On the other hand, some people join the armed opposition for *substantive purposes*, because they believe it is right, as humanists or idealists to fight for a 'good cause' or to improve society or, at least, to fight against injustice or what they think is 'wrong'. Some people may fight for a specific idea of authority, framed in religious terms, but as the case of Abdul illustrates well, 'big' ideologies such as Islam matter less than commonly assumed. In fact, most of my interviewees were more concerned about basic values with regard to practices such as (in)humane behaviour. They joined the Taliban because they oppose the state's practices rather than the idea of authority propagated by the state and its foreign allies. However, there also are people who do not reflect much on their decision to join the armed opposition. I noticed this particularly with regard to rank-and-file members of the Taliban. These *followers* joined because friends convinced them or because the local society considered it to be normal or even demanded it. In some parts of eastern Afghanistan there appears to be a strong public discourse portraying the US forces as cruel occupiers. For instance, an interviewee in Nangarhar told me that he joined the Taliban "because everybody was saying that we had to fight them [the American forces]" (N61).

Some people appear to be idealistic or humanist, driven by a substantive purpose only, as the case of Abdul illustrates. Other people appear to be driven more by instrumental motives. Even so, nobody I talked to was motivated to fight with the Taliban only because of greed or other purely instrumental reasons. Indeed, almost every interviewee offered one substantive reason when explaining their decision to join the Taliban: the perceived *corruption, injustice* or *bad behaviour* of the Afghan state or international forces. And, most interviewees reported *personal negative experiences* of that kind. Such negative personal experiences as the ultimate trigger to join the Taliban came up frequently in the interviews. Another former Taliban fighter from Herat told me: "My main concern was the bad behaviour and the manner of government officials towards local people. The district administrator and police commander were particularly cruel. For example, once the police came and said that the people in the village were hiding weapons. But we actually didn't have any. So they made us pay them the price of weapons instead. It was frustrating. So I decided to join the Taliban" (H45; see also H51). Even in Mohammad's case, though he principally fights for a personal purpose, his decision was triggered in the end by perceived unfair or unjust behaviour of an individual associate with the government or the international forces. Ultimately, local and personal

experiences of perceived injustice 'spill over' to the national level, motivating people to fight the entire Afghan state.

However, some of the interviewees believed in the injustice or cruelty of the government and international forces even though they had not experienced it themselves. These people were convinced by others, usually on the basis of reports of such behaviour. The interviews indicate that the Taliban also use videos of cruel behaviour by US forces to trigger emotions and convince people of fighting for 'Islamic ideals', which in this case express not much more than basic human values and rights. For instance, a former Talib in Nangarhar explained to me: "The Taliban told us that jihad against occupiers is necessary. (...) Look at the cruel activities of Americans in Laghman. They are killing innocent people, even children. (...) If you see the videos of the bombardments, everybody wants to join the Taliban" (N60).

While people's motives to actively support the Taliban are mixed, with varying degrees of instrumental and substantive reasons, all interviewees emphasised the substantive aspects in their *claims of legitimacy*. Surprisingly, however, few interviewees justified their fight in religious terms along the lines of the Taliban's official claim. While some interviewees, like Nassir, used the word 'jihad', few said that they wanted to 're-establish an Islamic system'. When asked about the goal of their fight, most interviewees usually referred instead to human rather than Islamic values and claimed to be fighting for a better society, against unfair treatment, marginalisation, injustice and the corrupt state or the cruel foreign forces. Indeed, most interviewees also thought that their *good behaviour* and *attitude* or their fight against corruption and injustice would explain their *local legitimacy*. Hence, their claims fit what with what they think people expect from them locally. In addition, the claims responding to the personal negative experiences interviewees had had with individuals who are part of the Afghan state are projected to a societal level, providing a powerful justification for their fight against the Afghan state. For instance, Mohammad joined the Taliban because of unfair behaviour he experienced himself, and then left them for financial reasons. But even though his fight appears to be driven by more personal grievances, he claims legitimacy on the basis of fighting injustice in the wider society.

It can be concluded that the Taliban's legitimacy, through the eyes of its members, is not purely instrumental. People not only join the movement because it is beneficial for them but also for substantive reasons. However, the fight of many people appears to be significantly more against what they perceive to be wrong on the basis of basic human values in relation to the day-to-day behaviour of the Afghan state, than for what they themselves believe to be right. Hence, the Taliban's legitimacy rests substantially on the illegitimacy of the state. And regardless of what a person's individual motives are for joining the Taliban or another armed group, ultimately, such authorities provide their members with a platform to achieve their goals – whether they are personal or societal, instrumental or substantive – both with coercion and legitimacy. The Taliban enable their members to fight individuals that are associated with the

government and its armed forces. But even more importantly, armed opposition groups provide its members with an easy claim of legitimacy. In contrast to the Taliban's official claim of legitimacy, the fight for Islam, the personal claims of legitimacy were framed in more basic human values, addressing the perceived corrupt behaviour of the state. However, 'fighting for a better society' can also be a fig leaf covering personal interests for those who are more instrumentally driven. Nonetheless, the claim is powerful as the gap between the state's claims and its actual practices is striking. To regain legitimacy, the Afghan state has to go beyond addressing people's needs, and to start considering people's substantive concerns. To do so, it does not need to be more religious or more traditional. Instead, it has to behave in a way that is perceived to be more humane and fair.

5.4 Local Legitimacy – Public Perceptions of the Taliban

Does the self-perception of the Taliban match how they are perceived by the general public? While most members of the armed opposition share the claim that they were fighting against corruption and for justice, the perceptions of their legitimacy on the local level are far more multifaceted. To do justice to the 'fluid' nature of the Taliban, with characteristics varying spatially and changing over time and to illustrate the variety and carve out patterns, I examine a number of different cases: the urban and rural areas of Kabul Province, Jalalabad and the government- and Taliban-controlled rural areas of Nangarhar Province. For the final analysis, I supplement these cases with interviews with people from Taliban-controlled parts of Wardak Province. This geographical focus complements the existing literature on the Taliban that concentrates mainly on the south of Afghanistan. It turned out that the number of people I talked to who supported the Taliban was much lower compared to those who perceived the Taliban as a threat. As a consequence, I had to work with a comparatively small number of interviews to understand what legitimises the Taliban, and have many more interviews I can build on to understand what delegitimises the Taliban. But understanding what delegitimises the Taliban also helps to draw conclusions on the sources of legitimacy.

i. Kabul – The Taliban: Suicide Attackers and Criminals

The people of Kabul experienced five years of Taliban governance. From 1996 to 2001, at the time of the 'Islamic Emirate of Afghanistan', the Taliban controlled the city. People on the streets of Kabul today have strong opinions about this time, whether they experienced it themselves or have only heard about it. Some people look back rather positively at the time when the Taliban were in power. For example, the security guard Jawid described his personal situation: "Before 2001 we were living in poverty, but we were secure" (K32). Mohammad Hanif, a young unemployed man, pointed at the low degree of corruption in the justice system at that time: "During the time of the Taliban regime there was no corruption in the formal conflict

resolution mechanisms. We still have the same conflicts resolution procedures but now they are very corrupt” (K16). However, Jawid was 22 and Mohammad Hanif was 20 when I interviewed them in 2015. So, both must have picked up these ideas from others since they were young when the Taliban were driven out of the city. In contrast, there are more critical voices. For example, Navida, who works as a programme manager at an NGO, was far less satisfied with the Taliban: “Before 2001 there was no democracy and it was not safe for people, especially not for women” (K38). But Navida was actually living in Pakistan when the Taliban were in power. These competing strong views that were formed without profound personal experiences indicate that there are competing narratives in the public discourse about how the historical Taliban government should be assessed.

Independently of this historical view, they – along with almost all the interviewees in Kabul City – perceived the role of armed opposition groups today negatively. Most interviewees did not distinguish between the various armed groups and considered all of them to be ‘Taliban’ and a threat to stability and security. Generally, people in Kabul City feel insecure, with almost everyone I talked to voicing concerns about security. Most agree as to its main cause: ‘the Taliban’. For instance, the shopkeeper Fazal complained: “The Taliban are the biggest reason for insecurity in the area” (K29). The Taliban are blamed for the high number of attacks and explosions that have happened in the city in recent years, but also for criminal activities such as kidnappings and robberies. It is a common perception that the Taliban are controlled by Pakistan with the intention of destabilising Afghanistan. However, surprisingly few people in Kabul have personally encountered the Taliban in the past few years. Consequently, most people’s perceptions are based on media reporting, rumours and second- or third-hand information from relatives and friends living in other parts of the country. In addition to the Taliban, another group suddenly emerged as a perceived major source of insecurity in my interviews in 2015: Daesh – or IS-K. Not one interviewee in Kabul City had mentioned this group to me in late 2014, but a few months later people were concerned about Daesh’s growing influence in Afghanistan (e.g. K14, K15, K17, K23, K30, K36, K38). While at that time no incidents in Kabul City had been linked to Daesh, rumours and reports had been increasing about their growing influence in the eastern province of Nangarhar.

The negative view of the Taliban and Daesh also dominates the perceptions in the rural districts of Kabul provinces of Char Asiab in the south and Farza in the north. However, as people feel safer here than in Kabul City, armed opposition groups do not play a big role in most people’s lives. In Char Asiab, almost all the interviewees told me that they felt relatively secure. Despite this general feeling, a high proportion of people also said that they were concerned about growing insecurity. In addition, some people refused to talk about the security situation, indicating a certain extent of fear. But, in contrast to the people in Kabul City, the interviewees in Char Asiab described the fear of growing insecurity as a more recent phenomenon. For instance, the shopkeeper Zaqaria stated: “Char Asiab used to be a very secure district in the past 14 years. But now insecurity is growing” (K15). Like the people in

Kabul City, those who openly expressed worries about growing insecurity, blamed the Taliban for attacks as well as kidnappings and robberies. Even though people still felt secure, they thought that the influence of the Taliban – and Daesh – was growing, with negative implications for their security (e.g. K15).

In the similarly rural district of Farza, people were even more confident about the security situation, despite the negative historical experience many of them had had with the Taliban during the civil war (see Section 3.3.2). Looking back at this time, Hajji Jahfar, the head master of a school, told me in late 2014: “The people were dishonoured, the houses were robbed, the gardens were burned and the values of humanity were called into question” (K03). Nevertheless, at the time of the interviews, the Taliban did not appear to be playing any role in Farza. Hajji Jahfar continued, “Now things have taken a positive turn. The people’s rights are observed, their property is secure and they live in a peaceful environment” (K03). Similarly, the shopkeeper Auzoballah expressed his satisfaction in April 2015: “Our security is totally reinforced on the district level. There are no threats for us”. While some people raised concerns about criminal activities in the district the generally positive view was shared by almost everyone.

Throughout Kabul Province people look at armed opposition groups – which for them are the Taliban and, more recently, also Daesh – mainly through the lens of security. Thus, people generally perceive the Taliban as the main driver of insecurity, challenging the stability of the dominant, more legitimate authorities. The Taliban do not control territory in the three analysed parts of Kabul Province and people see them as intrusive outsiders without any legitimacy. Particularly in Kabul City, with its high number of government and foreign institutions, which are a symbolic and attractive target for attacks that however in most cases mainly kill civilians, the people’s frustration with the Taliban can be easily understood. But the people not only blame them for attacks but also for criminal activities such as kidnappings and robberies. The perception of the historical Taliban regime governing parts of Afghanistan until 2001 does not make a difference to how they are perceived today. In Kabul City some people remember, or believe, that the historical Taliban regime governing the city up to 2001, compared to the situation today, provided better security and less corrupt justice. However, this historical perception does not translate into a positive perception of the Taliban today. The Taliban’s legitimacy – or the lack thereof – in Kabul Province appears to be based mainly on the people’s perception of their activities from more recent history and today. This perception is based mainly on attacks in the city, which are associated with the Taliban, as well reporting, rumours and second-hand information from friends and family in other parts of the country. This does not only apply to the perception of the Taliban but also Daesh, which suddenly became a topic of conversation in 2015. If people referred to Daesh, it was only negatively, and, at the time of the interviews, based on rumours from other parts of the country. In the years following my interviews, Daesh also claimed responsibility for violent attacks in Kabul City, for instance, on Shia mosques in June and August 2017.

ii. Jalalabad – The Taliban: A Complex Threat

Travelling from Kabul, it only is a three-hour ride by car to the city of Jalalabad, the capital of Nangarhar province. The road follows Kabul River and twists down 1,300 metres through the mountains. The car ride is short and the view is stunning but I had a queasy feeling more than once on the way. In the mountains one sees many patches of new asphalt on the road, serving as reminders of the fuel trucks which caught fire after being shot at. Surobi district, one of the eastern districts of Kabul province, is particularly well known for frequent attacks on the Afghan National Security Forces (ANSF). Leaving the mountains of Kabul province behind, the road reaches the plains of eastern Afghanistan, first Laghman province – where many people take a break for a photo with an old Soviet tank lying next to road – and finally Jalalabad in Nangarhar Province. The terrain is much flatter and the temperature much higher here than in Kabul. In this part of the country it hardly ever rains and the heat is often unbearable in summer. But because of the pleasant temperatures in winter Jalalabad was a popular seasonal home for many Afghan kings over the centuries. Today, with about 200,000 inhabitants, it is one of the biggest cities in Afghanistan. From here it is barely 80 kilometres to the Pakistani border. Indeed, the main currency used in this part of Afghanistan is the Pakistani Rupee. Like Kabul, the predominantly Pashtun province of Nangarhar was controlled by the Taliban from 1996 to 2001. At the time of my interviews, the Taliban had regained full control of many parts of the province. However, the provincial capital Jalalabad had so far remained under government control with some surrounding districts being 'grey' areas, technically controlled by the government but also influenced by the Taliban. But, although the visible presence of the Taliban in Jalalabad was low, there was an atmosphere of fear, driven by suicide attacks, kidnappings and robberies.

Even though the Afghan state was in control of Jalalabad at the time of my research, the Taliban frequently arose as a topic of conversation in the interviews, as both a historical and a contemporary phenomenon. Looking back to the time when the Taliban were in power, most interviewees had positive memories and stated their satisfaction, particularly in terms of security. Comparing the past with the present, the mechanic Rahmanullah stated: "I think the security situation is worse than 15 years ago. During the Taliban regime there were no kidnappings or other crimes in our province" (N31). Views like those were widely shared, and not limited to Jalalabad. Also, in the more rural districts of Nangarhar, people often had good memories of the time when the Taliban were in power (e.g. N30, N34, N35, N36). Nonetheless, some people, less frequently, also acknowledged that not everything was good during the Taliban's regime. For instance, the farmer Taher explained that under the Taliban the security situation was better but that his economic situation was worse (N28). Compared with Kabul, people in this region have much better memories of the late 1990s.

Today the phenomenon 'Taliban' is much more complex, particularly in Nangarhar Province. There are a number of armed 'opposition' groups with different interests and alliances,

sometimes being linked to strongmen or the government, sometimes claiming to be 'Taliban' and sometimes only being labelled 'Taliban' by others. The armed groups that were mentioned most frequently in my interviews were Hekymatyar's Hezb-e Islami, also known as the Islamic Political Party, and the forces controlled by the Quetta Taliban Shura, also known as the Islamic Emirates, as well as the militias of the various strongmen. A civil society activist explained the structure of the armed groups in Nangarhar to me as follows:

"There are two main opposition groups here. It's the Islamic Party and the Taliban. The Islamic Party usually only attacks foreigners, not the ANA [Afghan National Army] or the ANP [Afghan National Police]. The Taliban attack foreign *and* government forces. The Taliban also collect ushr and zakat, which the Islamic Party isn't doing. The Taliban are much stronger and consist of different factions. The government is linked to these groups as it has some of its people within the Taliban. In addition, strongmen – who often are part of the government too – hire militias to achieve their personal interests. Every strongman, every political party and every group has its own armed force. Most people just call all of these armed groups Taliban" (N18).

In 2015, Daesh suddenly entered the ring, which further increased the complexity of the armed opposition in Nangarhar. While in late 2014 not a single person mentioned the group, in 2015 almost every interviewee was concerned about its growing influence in the province.

Most of the people I interviewed in Jalalabad had strong negative views about the Taliban, being responsible for multiple attacks that killed a large number of civilians in the city. As in Kabul, positive memories from the past rarely translated into today's perception. For example, the university student Gulagha told me: "Taliban means 'the one who is seeking knowledge'. But now it is nothing more than the name of an illegally armed group, which is destroying the country with bombs and suicide attacks" (N10). Similarly, Rohullah, also a student, stated "Taliban for me means murderers. Especially city people hate them" (N08). Very negative perceptions were particularly prominent in my second round of interviews in spring 2015, reinforced by another attack on Kabul Bank in Jalalabad, killing and injuring dozens of people at the time of the interviews. But Rohullah, like many other people I talked to, also blamed the Taliban for crime in the city. Kidnappings by unknown groups were happening frequently at the time of the interviews, which many people attributed to the Taliban even though they appeared to be carried out only for ransom money. Although people in Jalalabad blamed the Taliban for all kinds of criminal activities, they still perceived them as a political actor – albeit one not necessarily fighting for ideological reasons, but as a tool of foreign intervention driven mainly by Pakistan to deliberately cause insecurity in Afghanistan (e.g. N23, N27, N29). For example, Jamil explained his view to me: "In case the Taliban managed to stop the infiltration of their organisation through foreigners they might be accepted. But our nasty neighbour Pakistan causes insecurity through the Taliban" (N07).

In contrast to the people in Kabul, some people in Jalalabad also had recent personal experiences with the Taliban, who at the time of the interviews controlled parts of Nangarhar Province. Based on these experiences, people in Jalalabad did not necessarily perceive the

Taliban to be an armed 'opposition' group linked only to Pakistan, but also saw connections to the Afghan state. For instance, a civil society activist told me:

"My son was kidnapped and I was asked to provide them [the kidnappers] with ten AK47s. (...) Fortunately, my son was released again. But I still think that the police cooperate with them [the kidnappers]. When I was walking out of the police station after filing my case I got a call from the Taliban telling me that the police couldn't help me. About six months ago I was attacked in front of a police station. And after filing my case they arrested a number of police officers. They called me to recognise their faces, but I was too afraid to do so. In fact, the police commanders cooperate closely with the illegally armed groups. Whenever these people notice that their interests are in danger they will take advantage of their links with the insurgents and call on them for help" (N18).

While the civil society activist was particularly open about his experiences, other interviewees also complained about the links they see between the police and the Taliban (e.g. N08). Meanwhile, the civil society activist also explained that the support for the Taliban in other parts of the province is understandable:

"For instance, if there is a conflict about money and people take it to the government courts it's going to take at least five months. They will try to make a criminal case out of this simple legal issue. This way both sides will have to spend an even bigger amount [on bribes] than what their case is actually about. Therefore, people prefer taking their case to the Taliban. They will call the other party of the conflict and guarantee him that he will be safe. They will ask him if he really owes the other person money. If he says 'yes', the Taliban give him a few months to pay back the full amount. And after a few months the amount will actually have been paid back" (N18).

Overall the perception of armed opposition groups in Jalalabad is similar to that in Kabul Province, with the main difference being that more people in Jalalabad had recent personal experiences with them. And while the people in Kabul often describe 'the Taliban' as a uniform group, in Jalalabad the phenomenon is considered to be more complex, consisting of various interconnected groups. But in both cities people see the Taliban mainly as a threat from the outside, a driver of insecurity, and an agent of Pakistan that is responsible for numerous attacks. But people also blame the Taliban for other crimes, often perceiving them as partners rather than the opposition of criminal government authorities. Even though many interviewees had positive memories of the Taliban regime, these memories did not translate into the overall perception of the Taliban, which is founded only on current experiences with the Taliban's actions. The violent behaviour delegitimises the Taliban in the eyes of the people. But the Taliban's attacks in Jalalabad also illustrate that the Afghan state is incapable of providing security for its citizens, even in major urban areas. Hence, people have become dissatisfied with the Afghan state, making the attacks a successful delegitimation strategy for the Taliban.

iii. Behsod & Surkh Rod – The Taliban: A Sporadic Phenomenon

In the other parts of Nangarhar Province in which I conducted research – the districts of Surkh Rod and Behsod – people shared an overwhelmingly negative perception of the Taliban. In Behsod, almost all interviewees saw the Taliban as the main source of insecurity. However,

while some were concerned that “security is getting worse day by day” (N34, see also N36, N40, N47, N51), most people were confident about the security situation (e.g. N35, N38, N39, N45, N48, N49). To explain this variation, many people pointed out that the Taliban were not active in all parts of the mainly government-controlled district. However, the Taliban infrequently showed up in some areas. In contrast to Jalalabad, the experience of insecurity in these areas was based less on attacks and more on the Taliban’s attempts to extract money. For instance, the farmer Haiatullah reported: “There are no Taliban in our village. But they sometimes show up in Samarkhel village close by” (N44). Similarly the NGO employee Subhanullah told me: “Every now and then the Taliban come from Khogyani and Chaparhar districts and ask us for tithes. And when they come we feel insecure” (N40). But despite the limited presence of the Taliban in the district and their negative perception, they managed to recruit successfully in Behsod. An interviewee explained: “Many people from our district go and join the Taliban because of poverty and unemployment” (N50).

Only one of the people I talked to in Behsod had an openly positive perception of the Taliban. The village elder Wais told me that he liked the Taliban because they were helping to solve conflicts at the community level: “Here in our village two brothers had a conflict on land rights. They went to the government to solve the conflict but nothing happened for a month. Then one brother went to the Taliban instead. They solved the conflict very quickly. And the result was acceptable for both brothers” (N34). As he was unsatisfied with the government’s conflict resolution procedure and the growing insecurity he expressed hope that in the future the Taliban would be the only provider of security and conflict resolution. He also explained that the Taliban offered ‘mobile courts’, making access much easier than the government. In case of a conflict, people could request that the Taliban come by motorbike to help. Despite his preference for the Taliban over the government, Wais criticised, like everyone else, the interference of neighbouring countries. He emphasised: “I don’t like Iran and Pakistan because they cause insecurity in our country” (N34). But in contrast to most other people I talked to, he did not see a connection between the neighbouring countries and the Taliban. Furthermore, he did not consider himself to be a Talib, and carefully distinguished between ‘the Taliban’ and ‘the people in the village’ in the interview. He complained that foreign and government forces sometimes accused people from his village of being members of the Taliban: “A month ago international forces and ANA soldiers came and accused our Mullah of being a Talib. They looted his house and burned his motorcycle even though he is innocent” (N34). According to Wais, this reinforced the perception in his village that the government was a threat, and only the Taliban can provide security.

The third area of Nangarhar in which I conducted research was the district of Surkh Rod. Surkh Rod, like Behsod, is rural but close to urban Jalalabad. And like in Behsod, the people I talked to had mixed perceptions of the security situation, but widely agreed that the Taliban were a threat. The teacher Nader told me that the Taliban were only present and a concern in the Kakrak area of Surkh Rod (N16). However, as in the other districts, the label ‘Taliban’ was

used to describe all kinds of armed groups. For instance, Mohammad, a member of a local council, reported: "In general, security is enforced and there is no threat from insurgents. But there are criminal activities. (...) The Taliban use weapons to kidnap, rob, ambush and threaten people" (N05). The head of a civil society organisation further explained that many people and groups describe themselves as Taliban: "A great number of people are only fighting for their personal interests. But they do so using the Taliban label" (N02). Like in Behsod, many people join 'the Taliban' – while it remains unclear who exactly – because they are unemployed and can no longer make a living (e.g. N16). Many interviewees concluded that the violence in the country was not a consequence of opposing ideologies but was purely about economic interests.

In Surkh Rod and Behsod it is the state authorities that dominate the political order. And as in Kabul and Jalalabad, many people perceive the Taliban as a threat. But in contrast to Kabul and Jalalabad, this perception is mainly due to the Taliban's attempts to extract money from people in some parts of the districts. Hence, the Taliban are an actual authority for these people, but one that relies on coercion rather than legitimacy. But, despite their negative reputation, some people decide to join the Taliban to make a living. And not everyone sees the Taliban as a threat, as the case of Wais indicates. While his support for the Taliban was an exception, he, like the other interviewees, formed his opinion on the basis of how he experienced the behaviour of the state in comparison to the Taliban on a day-to-day basis. His support for the Taliban is built on the perception of the Afghan state as not only being incapable of providing security and justice but even behaving in a threatening way, together with a contrasting opinion of the Taliban. He therefore chooses the Taliban for conflict resolution, indicating that authority should be based not only on force but also on legitimacy. The Taliban's legitimacy in this case is grounded in rational considerations: the experience of procedures he considers to be prompt and fair. None of the interviewees explained their support or rejection of the Taliban with more ideological considerations, such as a preference for a certain code of law (e.g. state law or Islamic law) or a preference for a certain defined procedure of how an authority should be gaining power (e.g. democracy or theocracy). Indeed, the interviews illustrate that pragmatic decision-making seems to play a key role, with people joining the Taliban to escape poverty and unemployment.

iv. Khogyani & Sherzad - The Taliban: Provider of Fast & Fair Justice

A number of people I talked to in Jalalabad, Behsod and Surkh Rod turned out to be from other more remote districts, such as Khogyani, Chaparhard and Sherzad. Their views offer valuable additional insights, as these districts were often described as the Taliban's 'bases' for driving insecurity in Nangarhar in the other interviews but were difficult for me to access. And indeed, many of these districts appeared to be at least partly controlled by armed opposition groups at the time of the interviews.

The shopkeeper Obid (N13) and the unemployed engineer Khalid (N14) described the situation in Khogyani district to me in the autumn of 2014. According to them, the security situation had become worse since 2010: "Five years ago at least the main roads were safe. Today not even these roads are safe anymore, as the number of bombings and kidnappings has increased dramatically" (N13/14). They assumed that the reason for this was the collaboration between government forces and other armed groups: "The security is both enforced and sabotaged by the government, as the government cooperates with insurgency groups" (N13/14). They also stated that the political landscape of insurgency groups was complex: "There are (...) the Islamic Political Party, the Islamic Emirates, Mahaz, a new group called Karwan Fidaye as well as ordinary criminals. Karwan Fidaye is particularly active in Khogyani. Once they get you, escaping from them is very challenging. The members of this group cover their faces with black masks and people say that most of them are from Punjab in Pakistan. This group fights both the Taliban and the government" (N13/14).

According to the two interviewees, all of these groups try to extract money: "In rural areas they come several times per year and ask land owners to pay tithes. In cities they target rich people, by calling them or sending them threatening letters, asking for money. Two people who introduced themselves as members of the Mahaz Party called me recently, threatened me and asked for money" (N13/14). But the interviewees also felt threatened by the government and considered the Taliban to at least settle conflicts in a fairer way than other authorities. Khalid explained: "My father in law spent 90,000 to 100,000 USD on building a house in the Ahmad Khail area of Khogyani. Now the head of the Afghan Local Police [ALP], Malik Nawab, has taken the house. He refuses to leave the house and doesn't even pay rent. The Taliban started to attack him and as a result the house got partly destroyed. A suicide bomber even blew himself up inside the house" (N13/14). They were not able to solve the conflict formally: "When we wanted to complain at the district police department about our house being stolen, they didn't even let us inside because the head of the district police is also the head of the village and a friend of Malik Nawab". Under these circumstances they see Taliban courts as the only feasible alternative: "The next time I am involved in a conflict I will go to the Taliban first. They solve conflicts quickly. The government isn't solving my problems, it's making them bigger" (N13/14).

The shopkeeper Obid had had a similar experience. He told me,

"I had a fight with my brother regarding our inheritance. I was insisting that my sisters' rights need to be observed as well. But my brother denied it. We took the case to the government courts and it took two years – without any result. Then they referred the case to the local council. They did not solve it either, because they were scared of my brother whom they thought was a militant. The local council simply asked each of us to pay 10,000 USD as Machalgha. We didn't want to accept that. Then we took the case to the Taliban. They instantly called the local elders to return the money they had taken from us as well as an AK47 they had also taken from me. They also made a decision about our case. On the basis of Islamic Law they decided that my sisters as well as my mom had inheritance rights" (N13/14).

His experience illustrates that de facto rules applied by the Taliban in Nangarhar have been changing. Several interviewees reported along similar lines, how women's rights to inherit land are not only accepted but also enforced. And even beyond inheritance rights, interviewees explained that the Taliban do not only accept schools for women now but also enforce their attendance and visit families if their children do not attend on a regular basis. However, some people also complained about the Taliban, preferring the government which did not previously enforce schooling.

In Jalalabad, I also met Wasiullah (N33), a young man from Sherzad district. According to him "Sherzad district is completely controlled by the Taliban" (N33). He was satisfied with that situation: "I think it is much better in Sherzad than in Jalalabad. Because in Jalalabad there are two governments in once city, in Sherzad it is only the Taliban. And all people in Sherzad are happy with the Taliban" (N33). According to Wasiullah, the reason for this was not only the sound security but also the quick and uncorrupt conflict resolution: "When a person has a problem he goes to the Taliban. The Taliban then refer the conflict to their Hoquq²⁹ Department and courts. Their conflict resolution procedure is much simpler than the formal justice mechanisms. The decisions are made on the basis of Islamic law, and they are fast. They sometimes ask for a small bribe to cover the expenses of their motorcycle. But apart from that there are no costs for the involved parties" (N33). When asked about the use of force by the Taliban, Wasiullah responded: "Yes, they use force if necessary. But they are not corrupt. So people prefer the Taliban's conflict resolution" (N33). He expressed his hope that the Taliban would be governing the country again soon.

It is questionable that, as Wasiullah claims, all people in Sherzad were happy with the Taliban. But it has to be acknowledged that some people in Sherzad district apparently seem to prefer the Taliban to other authorities and that the Taliban have legitimacy because they do some things better than the government. And again, it is their day-to-day behaviour, the perceived speed and comparatively lower level of corruption that turns out to be major sources of their legitimacy. The interviews with people from Khogyani district further support this narrative. They complain about the various insurgency groups collecting tithes and, like many others, see strong links between the government and the armed opposition. But, in comparison, they prefer the Taliban courts to those of the government. This preference stems from their personal negative experience of theft and unfair treatment by people associated with the government, combined with the perception of comparatively fast and fair procedures at the Taliban courts. It is interesting to see that the Taliban do not only offer conflict resolution in the areas they fully control but also in areas of competition, such as Khogyani. Generally, the process of conflict resolution, the how it is actually done, appears to be more important than which code of law is applied. Again, this indicates that people do not care much about ideology, but are much more concerned with basic values with regard to interaction, whether procedures and behaviour are 'fair' or 'free of corruption'.

²⁹ Meaning 'law' or 'rights'.

v. Analysis

Most people I talked to had a negative view of the Taliban, which corresponds with survey data (Asia Foundation, 2015). However, no conclusions about the extent of the Taliban's legitimacy should be made on the basis of my research as the sample size was small and did not aim at being representative in a positivist sense. A substantial caveat to my research is that my access to women was limited and their view is not significantly represented in my findings. But the reasoning that underpins these different perceptions are very similar, indicating that the mechanisms that legitimise or delegitimise authorities are of a more general nature.

Many people refer to all kinds of armed groups – whether they are political or criminal – collectively as ‘the Taliban’, and this phenomenon is not limited to Nangarhar and Kabul. For example, an interviewee in Balkh told me: “There are people who create insecure situations in the name of Taliban. Be we don’t know who are they and what they want. We don’t know if they actually are Taliban, but everyone calls them Taliban” (B05). Meanwhile, various groups, including political factions but also criminal groups, describe themselves as Taliban or are being labelled Taliban for political reasons. This is a problem that can again also be seen in other parts of Afghanistan. An interviewee from a rural district in Balkh Province complained that the provincial governor Atta Nur (see Section 4.4) called the people in his village ‘Taliban’ to justify military actions against them. While he confirmed that they were indeed fighting the governor he argued that they were not linked to the official Taliban. Another interviewee confirmed this view stating: “There are no real Taliban here. These people are fighting because they are dissatisfied with the government” (B39). Furthermore, a prominent perception is that some of the armed opposition groups are closely linked to criminal government authorities.

Nonetheless, all the people I talked to had strong views on ‘the’ Taliban. Generally speaking, the overall assessment of the Taliban appears to be *pragmatic*, predominantly based on the *day-to-day experience* of their *actions*, particularly the *interaction* with them, rather than their history or idea of authority. Two conflicting images of the Taliban were prominent in my research. While people in most parts of the government-controlled territories I went to looked at them through the lens of ‘insecurity’, some people in Taliban-controlled territories viewed the Taliban more favourably, focusing on their role in ‘conflict resolution’. These views are closely aligned with the two different roles the Taliban play in Afghanistan, governing some parts or offering services that are associated with governing authorities while fighting in others.

On the one hand, most people I talked to in the government-controlled areas perceived the Taliban as a coercive authority or simply a threat to their security. And while some had positive memories of the Taliban regime, these thoughts did not translate into a positive perception today. In the government-controlled urban areas of Kabul City and Jalalabad, the public perception focuses on attacks but also other criminal activities for which the Taliban are

blamed. It looks as though the Taliban were not even trying to construct actual authority here, but were focusing on undermining the legitimacy of the state by illustrating that it cannot protect its citizens. In Kabul City, with its high symbolic value due to being the capital of Afghanistan, the number of attacks people witness is particularly high. As Esser points out, “insurgent forces have utilized Afghanistan’s capital city as a stage for acts of spectacular violence” (2014, p.373). But apart from witnessing such attacks, people rarely personally experience the Taliban, so that media reporting and second-hand information play an important role in their perception. Also in Nangarhar’s provincial capital Jalalabad, people experience attacks and criminality, for which many blame the Taliban. However, in contrast to Kabul, more people had recent personal experiences with the Taliban, which directly shaped their perceptions.

In the government-controlled rural districts of Kabul Province, Char Asiab and Farza, some distance from the insurgents’ targets in the city and fighting in other rural parts of the country, people perceive the Taliban as a more remote security threat. The Taliban are merely potential authorities here, lacking any ability to have direct impact. However, in Behsod and Surkh Rod, which are in close proximity to insurgency-controlled territories, people frequently experience the Taliban. Here, they are not only seen as an abstract threat but as actual authority, using coercion to exercise social control and extract money. Meanwhile, people in Nangarhar had a more complex understanding of the Taliban. While the people I talked to in Kabul perceive the ‘Taliban threat’ to be external and only linked to Pakistan, many people in Nangarhar have a more complex view and also see links between armed opposition groups, the government and strongmen. Nevertheless, in spite of the wide-spread rejection of the Taliban, some people from these areas decide to join the Taliban to make a living. This voluntary choice to not only accept but actively join the Taliban can be read as legitimacy. However, this legitimacy appears to be purely instrumental as it is not based on beliefs but results from economic need.

On the other hand, some residents from Taliban-controlled areas and territories that were technically government-controlled but accessible for the Taliban had more positive opinions. I came across such positive views in Behsod District, Khogyani District and Sherzad District in Nangarhar Province. But also beyond Nangarhar, for instance, in parts of Herat, people voiced similar opinions. These people described the Taliban as their preferred authority or viewed their relationship with them as a voluntary one – which indicates legitimacy. In terms of the Taliban’s role in security provision, this legitimacy appeared to be instrumental. People viewed the Taliban as the best security provider for pragmatic reasons, not because of values and beliefs. For instance, they considered armed opposition groups to be threatening but thought the state was even worse. Or they simply preferred having a monopoly of force over ongoing violent competition. This positive perspective of the Taliban was supported in many other interviews with people from other parts of Afghanistan. For example, the university student Hamidullah told me about the positive role the Taliban plays in providing security in Wardak: “We don’t like the Afghan security forces such as the ANP at the district level because they

are incapable of providing security for us. I think that the Taliban are doing a much better job in Wardak” (K34).

But, the Taliban's role in security provision was a marginal point for most as they focused on their positive role in *conflict resolution*, confirming Giustozzi's (2012a) conviction that justice plays a key role in the Taliban's legitimacy. Again, this focus was not limited to Nangarhar. Many people I talked to not only accepted the Taliban's way of conflict resolution but were actually satisfied with it, considering it to be better than the mechanisms of other authorities. In many places the people appear to be unsatisfied with the government's justice system, which is perceived as corrupt and slow. And some people would not approach their community authorities for conflict resolution either, considering them to be equally corrupt. The Taliban have managed to offer an alternative that some people prefer. For example, Naqibullah, another interviewee from Wardak explained: “The Taliban make their decisions on the basis of the Sharia Law. Their decisions are fast and not corrupt. (...) Government agencies such as the ANA or the ANP do not play any role in our area” (K35). His perception was shared by most people I talked to from Taliban-controlled areas. Supplementing Giustozzi's theory, my findings also indicate that the Taliban apply this strategy not only in territories in which they have a local monopoly of force but also in some territories that are government-controlled but which they can access, attracting people for conflict resolution and building legitimacy. This is noteworthy, as in the absence of a local monopoly of force the Taliban's ability to enforce decisions is limited and requires more acceptance.

Some people choose the Taliban because they think they respond better than the state to their need for *fast and cheap* conflict resolution. *Accessibility* also plays an important role. For some, the Taliban courts are situated closer than the state ones or their ‘mobile courts’ even come to the village. As such assessments are based on usefulness and personal advantage, they again illustrate that the legitimacy of the Taliban is instrumental. This high level of instrumental legitimacy shows that many people simply think that the Taliban are the best available choice or the lesser evil. This makes their authority vulnerable. Supporters may easily be convinced to turn to rival authorities, such as the state, if they were more accessible and offered services of a similar standard.

However, there also is a substantive dimension to the Taliban's legitimacy in this context, since the interviewees also prefer the Taliban because of the *fairness and predictability* of their conflict-resolution procedures. The terms ‘fairness’ and ‘uncorrupt’ came up a lot in the interviews, indicating that people do not only choose the Taliban for conflict resolution because they assume they have the best chance of winning their case or getting the best output, but also because the procedures correspond with a shared belief of what is right. In line with Osman and Gopal's (2016) findings, the Taliban's interpretation of the Islamic code of law appears to be adjusting to match people's expectations, being more liberal and favourable to women in some cases than is often assumed. But the people's main concern seems to be the

rule of any law, regardless of its ideological sources, to counter the perceived high level of corruption and arbitrariness. Only if the procedures are clearly defined and implemented accordingly do people have a certain degree of predictability. And only if people have the feeling that everybody is treated the same way, regardless of money or influence, do they consider the procedures to be fair.

By living up to these very basic expectations and making people feel like subjects who are equal to their authority – not necessarily perfectly but at least better than the state – can the Taliban construct substantive legitimacy. My research indicates that they often do so successfully in areas they can access and where they want to construct legitimacy; but they are not always successful. Qari, a university student from Loya Paktia, complained about the corruption in the Taliban's justice system: "The Taliban's conflict resolution mechanisms is the most corrupt one. It is much more corrupt than the government's or the local councils' mechanisms. The Taliban don't solve people's conflicts if they don't have money. I think their only financial sources are the local people and Pakistan" (K36). But his perspective again indicates that people care more about fair procedures than on which code of law or ideology it is based.

5.5 Conclusions

People actively support the Taliban to achieve different purposes. Some people join to gain personal advantages or goals, driven by opportunism, revenge, greed or simply the need to make enough money to survive. Others are more humanist or idealist and fight for a 'better' society, possibly defined in a religious way, but, in most of my interviews, described in terms of general human values with regard to the authorities' practices. Then there are followers who join the Taliban, willingly or unwillingly, because of social pressure. The Taliban provide all of these people with a platform from which to fight more successfully than alone against the powerful government and foreign authorities.

Some people certainly use the armed opposition for their personal interests, but almost everyone I talked to, regardless of their goals, had experienced a *behaviour* of the government or foreign forces that they considered to be deeply unfair, even if they only witnessed it on video. Hence, while the Taliban's legitimacy bestowed by its active supporters may be instrumental in some cases, it also has a substantive component, which is linked to *basic human values regarding interaction*. And, indeed, most active and former Talibs I talked to presented a similar claim of legitimacy, framed in terms of fighting a corrupt government or the cruel foreign forces for a just and humane society. This behaviour on the side of the Afghan state – and not the Taliban's idea of authority, based on Islam or some other ideology – legitimises the Taliban from its supporters' point of view. Joining the Taliban not only enables them to fight for their goals but also provides them with a claim that legitimises this fight.

While the claim of legitimacy by the armed opposition in Afghanistan is quite consistent, the local perceptions are much more multifaceted. People have different and often contrary perceptions of the Taliban and it is difficult to define who the Taliban actually are and how to categorise and distinguish them from other armed groups, including, in some cases, state authorities such as the police. Nonetheless, there are some common patterns. People judge the Taliban *pragmatically* on the basis of what they actually do, and consider them to be legitimate or illegitimate depending on their actions, in particular their *day-to-day behaviour* and *procedures of interaction*. In the government-controlled areas, their behaviour is perceived to be threatening and illegitimate by many, if not even most. The main concern of the people is not religious extremism, but the attacks the Taliban launch and the instability they cause. But, in territories under Taliban control – also in some territories which are government-controlled but which they can access – some people consider the Taliban to be legitimate. Again, my findings suggest that this legitimacy is not based on a certain idea of authority, whether it is traditional or religious, but on the perception of being treated better by the Taliban than by other authorities, particularly the Afghan state.

Indeed, negative experiences with the Afghan state and its high level of corruption are crucial for the legitimacy of the Taliban. For instance, the Taliban successfully construct legitimacy by providing conflict resolution. Their conflict resolution is not only more *accessible* and *faster* but many also consider it to be more *predictable* and *fairer* than the conflict resolution offered by the Afghan state and, in some cases, even community authorities. Fairness appears to be expressing a notion of a process in which everybody is treated the same way, independent of income and influence. In the massively corrupt and volatile political order of Afghanistan, people appear to be wishing mainly to be treated equally with respect, caring less about which code of law is actually applied. In some cases, the Taliban seem to be responding to these local demands much better than the government. Thus, the Taliban do not only build instrumental but also substantive legitimacy, responding to people's value-based expectation of authority's behaviour and the interaction with them.

The public perception illustrates that the Taliban's official claim of authority does not matter much in relation to their legitimacy on the local level. People do not care about 'jihad' or the 're-establishment of an Islamic system'. But the Talibs' personal claims of legitimacy, the fight against injustice and corruption, responds well to people's concerns. As Rangelov and Theros (2012) argue, the Taliban successfully mobilise support through a discourse of injustice and abuse. The reason many people join the Taliban matches the grievances and frustration they have with the Afghan state. More importantly, this claim of legitimacy does not remain a claim only. The interviews with people from areas which the Taliban can access indicate that they often do a better job in living up to these expectations than other authorities. The provision of conflict resolution plays a particularly key role in legitimising the Taliban. But even beyond conflict resolution, the Taliban appear to be more pragmatic than is often assumed and adjust

their practices to suit people's expectations as illustrated by the example of enforced schooling for girls in Nangarhar. Both the Taliban's legitimacy bestowed by active supporters and members and by those living under its rule are based on similar sources. While instrumental factors and personal advantages certainly matter, they also have substantive legitimacy, grounded in behaviour and procedures that are perceived to be fairer than those of other authorities, particularly those of the Afghan state.

Chapter 6 | Community Authorities

6.1 Introduction

It is commonly argued that 'all politics is local'. Indeed, in Afghanistan 'the local' is not only the place where the state, strongmen and insurgents vie for control and legitimacy, but it is also host to a unique set of authorities of its own. This group of actors includes, among others, elders, councils and mullahs. The authority of these community actors may be restricted to a small geographic space, however, in these spaces their authority can exceed that of supposedly more influential actors such as the state.

The general assumption is that community authorities are more legitimate than other actors in Afghanistan, either because of their traditional character, grounded in local customs such as the *Pashtunwali*, or because of their participatory structure, which grants them a kind of democratic legitimacy. As a consequence, many interventions by the state and the international community target the local level and community authorities, in order to benefit from their legitimacy. Most recently, the *Citizen's Charter* programme was launched to enhance the legitimacy of the Afghan state by empowering or constructing new community structures.

This chapter sets out to gain a better understanding of these community authorities and their legitimacy. I use secondary literature to investigate their history and structure and to obtain an insight into what their sources of authority and legitimacy may be. I then take a more detailed look into how community authorities perceive themselves, and how my interviews suggest they are viewed by the public, especially with regard to security and conflict resolution. To ensure a high level of variation in terms of political order at the community level, I investigate three different geographic cases: rural Surkh Rod in Nangarhar Province in the East of Afghanistan, rural Robot Sangi in Herat Province in the West of Afghanistan, as well as the urban centre of the same province, Herat City. The insights gained from these case studies are consistent with my findings from the other districts and provinces I conducted interviews in.

The interviews show that for the provision of security, some community authorities may play a coordinating role, however, in this context their authority is secondary to other actors, such as the state or insurgents. But, in the context of conflict resolution, community authorities, particularly councils, village leaders and elders, are considered by the public to be more important. Such community authorities have both instrumental and substantive legitimacy that are linked to their practices, especially with regard to the procedures of interaction, and how people perceive their attitude. Other aspects of their authority, such as how they came into power and whether they were elected, matter considerably less. Community authorities are often simply closer and easier to access than the state, and the process of conflict resolution

is cheaper and faster. In addition, their procedures are often considered fairer and less corrupt and hence also more predictable than the state's, giving community authorities a substantive, values-based legitimacy. The notion of fairness appears to be based primarily on the expectation of equal treatment, rather than, for instance, specific local traditions. But most interviewees hope the state will take over the perceived responsibility of conflict resolution again in the future. In a way, the legitimacy of community authority seems to result from a perceived insufficiency in the state's practices.

6.2 Community Governance – History, Structure and Sources of Legitimacy

The political order of Afghanistan at the local level is often seen as a 'traditional' one, in which 'traditional' authorities have maintained control in the absence of state control. And, indeed, for a long time, communities in Afghanistan did develop quite independently of 'the state'. For instance, Barfield traces back two different cultures and socio-political structures in the history of community life in Afghanistan. In the rural areas, life was characterised by what he calls a 'desert civilization' (2010, p.57). It was a subsistence economy, in which people produced similar things and had a similar standard of living, with 'wealth' being measured in livestock (ibid.). People had a "strong group solidarity based on kinship and descent" (ibid., p.58), and a predisposition towards equality (ibid., p.59). In this social structure, state institutions played a subordinate role. For instance, justice was organised within the group and if a person was murdered by someone from another clan, the group collectively sought blood revenge (ibid.). In contrast, the 'sedentary civilization' in the urban areas of Afghanistan labour was divided. The society was structured more hierarchically on the basis of class, social rank and wealth, not kinship (ibid., p.60). The political order here was more centralised, with state authorities such as kings collecting taxes (ibid., p.62). Nonetheless, Barfield concludes that also the urban population was 'uninvolved' with the state: "As its passive inhabitants it mattered little to them who the ruler was, and hence concepts of patriotism, citizenship, or indeed any sense of obligation to the state was entirely absent" (ibid.).

Today, different traditions and forms of community governance can be found in Afghanistan. These variations are often explained through an ethnic lens, emphasising the particularities of, and differences between, the Pashtun, Uzbek, Tajik, Nuristani and Hazara populations of the country. Particularly, the Pashtunwali is often considered to be central to the culture of the Pashtun population in the South and East of Afghanistan. It describes rules and recommendations for behaviour [*narkh*] such as the importance of hospitality [*melmastia*], equality [*seya*], social network [*qawm*] and forgiveness [*nanawati*], as well as the design of political order (e.g. councils on different levels) (Kakar, 2003; Miakhel, 2009). Conversely, Barfield argues that "members of different ethnic groups living together in cities or irrigated valleys often have more in common with each other than they do with co-ethnics who reside in completely different economic and social worlds" (2010, p.65). In addition to spatial

differences, the way in which communities are governed changes over time. Noelle-Karimi argues that what is 'traditional' "by no means imply timelessness or immutability" (2006, p.8). The reasons for this change include migration and the on-going conflict. But changes have also been driven by 'external' actors who have intervened at the community level, such as the international community and the state. 'Pristine' or independent community governance has long ceased to exist.

However, despite these differences, there also are similarities. Certain kinds of 'informal' authorities can be found in most communities that have characteristics of their own (Nixon, 2008; Murtazashvili, 2016). These are, on the one hand, collective decision-making bodies – councils such as shuras and jirgas – and, on the other hand, individuals with authority – such as maliks, arbabs, khans and commanders.

Collective Actors: Community Councils

A prominent community authority in Afghan villages are the councils. Councils called *jirgas* are a central element of local governance in rural Pashtun villages (Nixon, 2008, p.11). Nixon describes them as "a gathering of male elders to resolve a dispute or make a decision" (ibid., p.11). Even in non-Pashtun areas, many villages have some kind of council, which they usually call *shura* [Arabic for council] (Murtazashvili, 2016, p.69). The role these councils play within a community can vary somewhat, although Murtazashvili argues that the main functions of village councils are actually fairly similar across Afghanistan (ibid., p.6). She describes councils as collective decision-making bodies, with their main responsibility being conflict resolution at the village level (see also Nixon, 2008, p.11; Saltmarshe and Medhi, 2011, p.25-27). Membership of councils is usually limited to men, who are often called 'elders' or 'white beards', regardless of their age (Murtazashvili, 2016, p.69). While membership is consistent in some councils, many others are organised more flexibly, assembling people who are best equipped or motivated to deal with a certain problem or conflict (Nixon, 2008, p.11; Murtazashvili, 2016, p.68). And Wilde and Mielke note that "elders are not appointed but derive their status always from conduct and behaviour over a certain time and their possession of material endowment (means for hosting and feeding guests, visiting government offices, or travelling to dispute sites)" (2013, p.361).

Different councils in different parts of the country have different customs, and apply different rules for conflict resolution. Barfield describes customary law in Afghanistan as 'highly localised' (2003, p.1). In addition, he argues, "far from being timeless and unchanging, they are subject to a great deal of manipulation and internal contest" (ibid.). Nonetheless, the different customary practices share certain basic characteristics, with a strong focus on mediation instead of conviction and punishment (ibid.). According to Saltmarshe and Medhi conflict resolution in councils "seeks to take into account everyone's right (...) while at the

same time maintaining village stability” (2011, p.26). The Asia Foundation’s survey data suggest that 64% of the people have confidence in community councils (2015, p.96; 62% in 2016, p.106) and that 43.2% of those who required conflict resolution turned to local councils, while only 31.6% used the state’s courts (2015, p.104; see also 2016, p.113).

Community councils have a long-standing tradition in many parts of the country. However, the ‘tradition’ was often influenced or even shaped by interventions from the outside (see Pain, 2016, p.9). In the 1980s and 1990s, NGOs tried to build on the legitimacy councils were assumed to have and established ‘development shuras’ to channel aid through these structures (Nixon, 2008, p.11; Murtazashvili, 2016, p.72). Other actors, such as Mujahedin fighters, established their own councils. Over time, ‘traditional’ structures began to be conflated with the newer ones (Nixon, 2008, p.11). Since 2001, new community councils have once again been created at the behest of the Afghan state and the international community. In 2003, Afghanistan’s Minister of Finance and former World Bank employee, Ashraf Ghani, who later became Afghanistan’s president, introduced the *National Solidarity Programme* (NSP). Building on the concept of ‘traditional’ jirgas and shuras (Beath et al., 2015, p.305), the aim of the programme was “to improve the access of rural villagers to basic services and to create a foundation of village governance based on democratic processes and female participation” (World Bank, 2013).

With the help of ‘Facilitating Partners’, international and national NGOs, *Community Development Councils* (CDCs) were set up to manage internationally funded local projects. The members were supposed to be elected by the community and also had to include women. In many parts of the country, the representatives of multiple CDCs form an additional *District Development Assembly* (DDA), bridging the decision-making structures at the local and provincial levels (UNDP, 2014). Communities received block grants of up to USD 60,000 per community, to implement development projects at the village level. The total budget for the three phases from 2003 to 2016 was USD 2.7 billion USD (Pain, 2016, p.11). According to the World Bank (2013), 32,000 CDCs were established in 361 districts in all of Afghanistan’s provinces within the first ten years of the NSP. But the Asia Foundation found that 61% of the people had confidence in CDCs in 2015 (p.96), a rate that dropped to only 53% in 2016 (p.106), less than the confidence in the ‘traditional’ community councils (2016, p.106).

CDCs look set to continue to play an important role in Afghanistan. In September 2016, the Afghan government launched the *Citizens’ Charter*, a new programme that is supposed to link CDCs more closely to the state to improve public perception towards it, with a budget of USD 630 million for the first four years (Pajhwok, 2016). The Ministry of Rural Development (MRRD) summarised:

“The Citizens’ Charter will go one step further than the NSP and bring CDCs to the forefront of program delivery and all development activities thereafter. The Community Development Councils (CDCs) will be linked to sub-national government to improve communication and coordination from the community to the district, provincial and national levels, which will increase Government visibility and accountability. (...) The

Citizens' Charter intends to improve service delivery, provide greater responsiveness by the Government to the people and increase the level of public satisfaction with services" (2016).

Even more closely linked to the state than the councils at the community and district levels are the *Provincial Councils* (PCs). Provincial councils were established in 2005 to increase the local accountability of the government, thus, using the legitimacy councils were supposed to have for the benefit of the state. The size of PCs ranges between nine and twenty-nine members, who are elected every four years (ibid.). But the PCs' mandate is unspecific and contested. The PCs would like to have authoritative oversight over the provincial government, while parliament wants the PCs to be advisory bodies (Qaane and Ruttig, 2015). The National Democratic Institute (NDI), which works with PCs, contends that: "provincial councils are for most Afghans the only elected representatives they are likely to meet, making them the face of government for most citizens" (2013). However, there are also more balanced voices. Larson and Coburn describe how PCs play different roles in different provinces, sometimes holding governors to account but often being 'captured' by the local elite. They conclude: "setting aside the patronage and power-brokering so pervasive in all levels of Afghan politics, many PCs made a connection, if shaky, between local communities and the state" (ibid.). But, according to the Asia Foundation, only 52% of the people had confidence in PCs in 2015 (p.97; 47% in 2016, p.106).

The cases of the NSP, the Citizens' Charter and the PCs illustrate the assumption, which underpins many national and international interventions at the local level, that 'community councils' are legitimate authorities, either because of their tradition, their democratic or participatory character, and/or their proximity to the people. The hope is that if public services are channelled through such structures, the Afghan state can also gain legitimacy. Brown argues that in its efforts to work from the 'bottom-up', the international intervention post-2009 targeted the village level, expecting "to find 'the *shura*' of legitimate local elders to ensure local ownership of projects" (2012, p.14). But, a quantitative study on the NSP concludes that there is "only weak evidence" that it had increased the legitimacy of the Afghan state (Beath et al., 2015, p.311).

And while councils are certainly close to the people, scholars question the extent to which their traditional and democratic structures make them legitimate. For instance, Lister points out that councils that were set up by the state cannot have traditional legitimacy (2005, p.7). And Wardak (2003), who analyses jirgas in the Pashtun parts of Afghanistan, concludes that its decisions are not legitimate because of a certain supposedly 'traditional' institutional structure but only when they are "arrived at fairly and [is] in accordance with the tenets of Pashtunwali" (2003, p.12). Other scholars doubt whether councils are as democratic as presumed. For instance, Miakhel and Coburn paint a rather bleak picture, arguing that many councils are corrupt and have been co-opted by government officials, militias or criminals and therefore do not represent their communities (2010, p.2; see also Wilde and Mielke, 2013, p.361).

In addition to these collective decision-making bodies, individuals can also have authority at the community level. The literature suggests that a major authority in many villages is the so-called *malik* (also *arbab* or *qaryadar*³⁰). Maliks are often described as the 'village leader', even though Murtazashvili points out that the people in the village often considered them to be 'first among equals' (2016, pp.78-79). While many communities elect their maliks, in some villages the maliks have inherited their role (ibid.; Nixon, 2008, p.31). Other villages do not have a malik or a specific person with a similar function at all. The role a malik plays in a community and the extent of his influence vary a lot. It often includes conflict resolution and in many villages, the malik is the main interlocutor between the state and the village, representing the community towards the state and other outside actors (Nixon, 2008, p.30; Murtazashvili 2016, p.79).

The maliks' role as 'community representatives' is rooted in their history, which is closely linked to the state. During the times of the monarchy in Afghanistan, maliks were selected by the state and functioned as local powerbrokers, enabling the state to indirectly rule rural communities to a certain extent (Nixon, 2008, p.30). After being appointed, the malik received a certificate of authority (*wasīqa*) from the state (Wilde and Mielke, 2013, p.356). Their function was regulated in the state's laws, which defined their responsibilities for villages within the administration, and included tax collection and the registration of people (ibid., Murtazashvili 2016, p.81). The link between the state and maliks and the practice of the state formally legitimising the maliks' authority, continues to exist in some parts of the country, however, based on tradition not laws (ibid.). Murtazashvili argues that the official recognition of a malik by the state now works as a 'signal towards the government', making documents approved by a community through the malik valid in the realm of the state (ibid., pp.81-82). She concludes that the legitimacy of maliks is now founded in tradition and does not require the state anymore (ibid.). Similarly, Nixon finds that maliks "retain authority through a combination of community acceptance and linkages to formal authorities" (2008, p.11).

In addition, according to the literature, so-called *khans* can also play an important role at the community-level. In some cases, the term is used as a synonym for malik, while in other cases, khans are wealthy landowners (Murtazashvili, 2016, p.79; Nixon, 2008, p.35). With a large portion of a community often working on land belonging to a few individuals, they have a lot of authority. Due to their local status, they are often members of councils or may also be the local malik. But the role of maliks has decreased in parts of Afghanistan over recent years. Some villages have abandoned the role, while in other villages new authorities have gained importance. After the April Revolution in 1978, the government turned against 'traditional' community authorities, murdering many elders, maliks and other local elites, or forcing them to join the armed resistance (Wilde and Mielke, 2013, p.355). Instead a new kind of authority

³⁰ For other common terms see Murtazashvili, 2016, p.80.

started to rise, which is often referred to as *commanders* (or *qumandan*) (Nixon, 2008, p.35). Commanders gained authority and started to replace traditional ones. Wilde and Mielke explain that “because they managed to monopolize power resources and offered the only sources of rule enforcement, ordinary people turned to them for support and to help in dispute resolution or decision-making” (2013, p.360). According to their analysis, today the authority of commanders rests mainly on coercion (ibid., p.361). Nonetheless, they also tend to maintain a degree of legitimacy, behaving according to the expectations people have of elders, i.e. hosting guests, settling disputes and coordinating with the government (ibid.).

Another important actor at the community level are the religious authorities, commonly termed *mullahs*. In contrast to the formally trained *imam*, mullahs are low-level religious authorities with no formal training (Murtazashvili, 2016, p.74). Murtazashvili illustrates that their main responsibility is to lead prayers (ibid.). However, they can also play an important role in community life beyond that, particularly in the context of conflict resolution (ibid., p.75). They are usually considered to be poor, as they depend on the community to provide them with food and money (ibid., p.78). However, because of their influence, the mullah has always been another focal point for the interventions of the Afghan state at the local level. Murtazashvili illustrates how the Durrani empire tried to co-opt the mullahs, whereas the PDPA later on prosecuted them (ibid., p.76). Then, the Taliban tried to turn the mullah into the central community authority and to sideline maliks and elders. They made the mullahs responsible for collecting taxes and for implementing their code of law (ibid.). Today, while their formal role has diminished again, Murtazashvili concludes that mullahs still play an important role because of their religious legitimacy, “their personal reputation for piety and wisdom” (ibid., p.74), as well as the services they deliver for the community (ibid., p.78). According to the Asia Foundation, 64% of the people have confidence in religious leaders (2015, p.97; 66% in 2016, p.106).³¹

It can be concluded that different actors at the community level may have different sources of authority and legitimacy. According to the literature, the authority of khans seems to rest primarily on wealth, providing them with sufficient legitimacy to have a voice from the community’s point of the view. Meanwhile, the commanders’ authority is mainly supported by force, rather than legitimacy. Mullahs have legitimacy because of their religious role and their involvement in conflict resolution. What appears to be more difficult to explain are the legitimacy of community councils, elders and maliks. The community councils’ legitimacy can rest on tradition, its participatory or democratic character and/or its membership, whereby its elders may have gained legitimacy over time by behaving according to the community’s expectations. Maliks may have legitimacy for traditional reasons, because they are elected, because they help community members to solve their conflicts, and/or because of their links to the state.

³¹ The Asia Foundation does not report on people’s perception of other individual authorities at the community level.

To gain a better understanding of the sources of legitimacy of community authorities, particularly of councils, elders and maliks, I will be looking at a number of cases studies from across Afghanistan, investigating both the self-perceptions of authorities as well as public perceptions in the context of conflict resolution. The cases show that there are strong similarities in terms of why people consider some community authorities to be legitimate.

6.3 The Rural East – Surkh Rod, Nangarhar Province

One of the districts I conducted research in is Surkh Rod in Nangarhar Province (see Appendix A.4). To get a better impression of community governance in rural Nangarhar, my original plan was to travel to a more remote district close to the Pakistani border. But, due to the high level of insurgency activity in the province, including Daesh/IS-K, this would have endangered not only me but also my colleagues and my interviewees. Instead, we decided to look at Surkh Rod, which is comparatively easy to get to from Jalalabad. Despite its close proximity to the urban centre of East Afghanistan, the district is predominantly rural with an overall population of ca. 117,000 (CSO, 2013a). To further reduce the risk, we visited different villages every day, not staying long at each location. Nonetheless, security was an issue at the time of my research and because of threats I had to interrupt my research in Nangarhar in 2014 and was only able to continue it in the spring of 2015 after a break of half a year.

In this part of Afghanistan, most people consider themselves to be Pashtun; Pashto is also the dominant language. The literature indicates that in rural Pashtun areas, community authorities play a particularly important role. And indeed, the list of community authorities mentioned by the interviewees is long and complex. There are a number of elders, whom people often also referred to as ‘maliks’ – in contrast to the literature, where maliks are described as the heads of a village or village leaders. These elders form ‘malik councils’ at the village level as well as a superior one at the district level (N01, N03, N04, N05). So, for this specific case study I will use the term elders to describe both ‘village leaders’ and other ‘elders’. In addition, many villages have development councils that consist of elected members (ibid.). Groups of ten development councils are organised as clusters (ibid.). At the district level, the 145 development councils of Surkh Rod are represented by a District Development Assembly (DDA). This structure of development councils is a more recent phenomenon, and was set in the course of the NSP (ibid.). Furthermore, there are youth councils and tribal councils in some villages (ibid.). Finally, mullahs exist in most villages. However, these structures overlap in many cases. For instance, elders may also be elected members of the development councils.

Self-Perceptions

I talked to different elders and members of councils in Surkh Rod to gain an understanding of how they perceive themselves and how they look at their role within the community. For instance, I spoke to Malik Shukrullah, the head of a village, and Mohammad Ibrahim, a member of the community development council in the same village in a joint interview (N04/05). They explained to me how they perceive their responsibilities as members of different councils and how they collaborate closely:

“Usually every village has two councils. A development council and an elders’ council. (...) The elders’ council’s responsibility is conflict resolution, while the development councils organise development projects. Typically, we meet every two days. But in addition, we also meet for special occasions. To solve conflicts, we often have joint meetings of both councils too”.

They also reported on how conflict resolution works in their village:

“Most conflicts evolve in the context of inheritance and land rights. Particularly the inheritance rights of women are an issue. (...) If people face a problem they usually go to the head of the village or the elders first. The second choice are local councils, youth councils and civil society organisations. The third choice are development councils and the governor’s office. If after that the conflict still hasn’t been solved, people would go to the government. So, cases which are not solved locally are taken to the government. But often the government returns the cases to the local councils and asks us to solve them. That has become quite common. Criminal cases, however, are always taken directly to the government while smaller conflicts are usually solved by the local councils.”

Asked about why people preferred them over the state for conflict resolution they responded: “Unfortunately, the government is not serious about providing fair justice”.

Another interviewee was Hajji Batel, the head of a different village (N06). When asked about his role in the village, he outlined that he was involved in coordinating security with the government, but that his main responsibility was conflict resolution. Like Malik Aziz Mohammadi and Mohammad Ibrahim, he stated that the people’s first choice for conflict resolution were community authorities: “If people face a problem they would go to the local elders first”. He further explained: “We use either customary law or Islamic law to solve conflicts. We have an organised council system and record our decisions in books, which are provided by the government”.

Hajji Batel also described in more detail why he thought that people preferred community authorities for conflict resolution: “They [community authorities] solve conflicts fast and ask both sides for guarantees so that the conflict does not erupt again. People trust all elders. Only criminal cases are taken to the formal government system. Local elders do not expect money in exchange for conflict resolution. (...) And once local elders have made a decision it cannot be changed anymore.” Hence, he hoped that community authorities would maintain their role in the future: “It is much better if conflict resolution continues to be done through local councils, it saves times and money”.

Public Perceptions

When talking to members of the public in Surkh Rod, they confirmed the important role community authorities play in the context of conflict resolution. According to the interviewees, most conflicts in the area evolve around land when it is inherited or sold, or around access to water for its irrigation (e.g. N16). But also the role of women in 'causing' conflicts was often mentioned in my interviews. For instance, the labourer Mohammad Nasim explained: "Women escaping, sexual harassment and such things often result in small conflicts that get big very fast" (N12). The teacher Ismail added that marriages and marriage proposals can also result in conflicts between families (N15).

To solve such conflicts, most interviewees told me that they would approach local elders or the council of elders and the development councils. Other councils or mullahs were not mentioned by the interviewees in this context. While people acknowledged the existence of these other authorities, they do not tend to play any role in solving their conflicts (N03). However, in some cases, people said they would also consider taking their cases to one of the strongmen, such as Hajji Qadir (N03; see Section 4.3). As claimed by the interviewed local community authorities, only in 'bigger' criminal cases would the people I talked to involve the formal state authorities. Mohammad Nasim told me: "The preferred option for conflict-resolution is the local councils and the second is the government" (N12). This view was shared by most interviewees in Surkh Rod. Ismail agreed: "I would take my cases to the local council (...). For instance, all land conflicts are solved by local councils. Only criminal cases are taken to the government" (N15).

But what makes local elders and their councils the preferred choice for conflict resolution in Surkh Rod? What law authorities apply does not appear to be a decisive factor, as there is no 'standard' at the local level. Different communities and community authorities apply different codes of law for conflict resolution, relying either more on customary law or Islamic law (N06). A number of interviewees explained that their interpretation of Islamic law is usually more liberal than customary law, for example, in terms of women's rights. The knowledge of the two bodies of law are passed on from generation to generation. The tailor Halim described the situation in his village in Surkh Rod: "Here, conflicts are still solved like they were solved ten years ago. On the basis of customary laws" (N11). Conversely, the teacher Nader from Surkh Rod noted: "In family-related conflicts, customary law is used. But in other cases, such as in inheritance disputes, Islamic law is applied" (N16). But while the interpretation of religious rules does not change much over time, the traditional body of law is adapted constantly. Furthermore, customary law can be different in different communities. For instance, the school principal Hajji Muhebullah explained: "Communities that live close to the city have their own

customary law and do not use *Machalgha* anymore. But in most of the more remote parts of the districts the *Machalgha* tradition is used for conflict resolution” (N03).³²

When I asked the interviewees directly about why local elders and councils were their preferred choice for conflict resolution, people did not claim it was ‘their tradition’ but instead often pointed at the selfless and serving attitude of community authorities and the flaws of the state system, making local elders a ‘cheaper’ and ‘fairer’ alternative. Samar Gul outlined:

“Local elders take a lot of time to solve people’s conflicts without expecting money in exchange from any side. They do this work voluntarily. The government’s formal justice mechanism is very corrupt and solving conflicts there takes a lot of time (...). Local elders are closely linked to our daily social life. They are visible. And they deal with the problems the government can’t take care of” (N02).

The tailor Halim, like most other interviewees, supported this claim: “It’s better for poor people to solve conflicts locally as they don’t have enough money to take their cases to the government. If cases are taken to the government, they are not going to be solved soon but both parties will have to pay a lot of money as bribes” (N11). The teacher Ismail concluded: “I trust the local elders. Their conflict resolution is based on justice” (N15).

However, there were exceptions to this preference. Some people in Surkh Rod preferred the state’s courts for conflict resolution. For example, the shopkeeper Najibullah reported: “In case I am involved in a conflict and can’t solve it within the family, I would take it to the government” (N23; see Chapter 3). Others in Surkh Rod preferred to go to the Taliban to get their conflicts solved (see Chapter 5). This preference is due to dissatisfaction with the local elders, whom they perceived to be driven by self-interest. Najibullah explained: “Local elders try to maintain their social status and earn money. Only a small number of them work hard to solve the people’s problems without any demands” (N23). And two Taliban supporters argued: “The local elders are not honest. They make a living by being a member of the council. For instance, they took 100,000 Afs from us and an AK47” (N13/14).

But even though such strong views were unusual, with most interviewees in Surkh Rod arguing that community authorities were their first choice for conflict resolution, several remained critical. For example, the labourer Mohammad Nasim pointed out: “Unfortunately, some of our elders are totally uneducated. Instead of solving conflicts, they intensify them. But I hope that the number of educated elders will be growing day by day. And some of the elders ask the conflict parties to pay money. So, one can say that they are corrupt” (N12). The civil society activist Samar Gul complained: “Local elders try to satisfy both sides of the conflict. Their conflict resolution is not based on justice. It only works temporarily, like a painkiller” (N02). Ismail argued: “Some elders deduct money from the *Machalgha* and do not pay it back to the conflict parties” (N15). And the school principal Hajji Muhebullah complained: “Only 20% of

³² *Machalgha* is a practice of solving conflicts according to which both parties pay a deposit to the community authority. This money is only returned after a few years where the conflict has not erupted again.

decisions made by local councils are based on justice and equality. Usually they do favours to some people or are driven by their own interests. (...) For example, they sometimes only return a part of the money they took, as keeping money to host a reception to celebrate the reconciliation between the conflict parties" (N03).

When asked about the future of conflict resolution in Surkh Rod, without exception everyone who shared their views with me argued that the state should be in charge. Samar Gul told me: "In the future the government has to solve the people's problems, on the basis of the law" (N02). The shopkeeper Najibullah said: "In future, the government has to take responsibility again and solve people's conflicts" (N23). Ismail likewise maintained: "It would be better if in future the government were in charge again, solving conflicts in a formal way" (N15).

In the context of security provision, no one I talked to brought up any community authority as a relevant actor. When asked to name key security providers, the interviewees in Surkh Rod mainly pointed towards state actors and the Taliban. Leaving my thematic lenses behind and asking people about their view on a number of other potential authorities on the community level, most argued that these were not playing an important role. Not one interviewee in Surkh Rod thought that the mullah was a relevant actor at the community level. When I specifically addressed CDCs, some people said they were important for conflict resolution, much like the elders' councils. For instance, Samar Gul told me that CDCs, like the elders' councils, "are busy with conflict resolution" (N02). However, there were also more critical voices and complaints about CCD members implementing development projects for their own advantage only.

Finally, I also asked people about their views on the provincial council. Some people acknowledged that they were indeed influential. For example, Ismail said: "Provincial councillors could play a positive role in the lives of people if they worked hard" (N15). Some interviewees acknowledged that provincial councils were helping them. For instance, the labourer Mohammad Nasim remembered a useful personal encounter, in which he had received help from a provincial councillor (N12). But most people maintained they had never met a provincial councillor, thus assuming that they were only working out of personal interest. For instance, the teacher Nader stated: "Provincial councillors don't play any role in my life, because they are busy with their personal business" (N16). And the tailor Halim told me: "Nobody has ever met a provincial councillor. They never come to our village" (N11).

Analysis: Fast, Cheap and Fair Conflict Resolution?

In the case of Surkh Rod, community authorities – mainly elders and councils – play an important role at the local level. While their authority appears to be extensive, it also seems to be limited to the context of conflict resolution. In Surkh Rod they solve conflicts according to

traditional or Islamic law. But the reason for the people's decision to choose community authorities for conflict resolution, and hence their legitimacy in this sector, rests on a perception of them being faster, cheaper and less corrupt than the state. This perception of the public resonates with the self-perception of interviewed community authorities, who claim legitimacy and assume that people chose them for conflict resolution for the same reasons. Only if the case is 'big' and the involvement of the state cannot be avoided, do people tend to take their case to the police or the courts.

That the perceived level of corruption is crucial in informing people's view and choice of authority is also illustrated by the interviews in which people complained about community authorities. The complaints in Surkh Rod were predominantly about community authorities being corrupt, a notion which was closely linked to a perceived attitude of an authority being driven by self-interest rather than a desire to serve the community. This view was particularly widespread with regard to members of the provincial council, which, like MPs (see Section 3.5), do not play a visible role or make a visible contribution at the community level. But some of the interviewees also considered elders and local councils to be corrupt, hence, preferring other actors such as the Taliban or the state's courts for conflict resolution. This could either result from differences in perceptions of what constitutes a fair or corrupt procedure, for instance, with some people viewing Machalgha as legitimate for traditional reasons and others considering it to be a form of corruption, or it could stem from different community authorities behaving differently in different villages. While both are possible, my experience and reading of the situation points to the latter. There appears to be a general broad-based support for traditional procedures like Machalgha, as long as the amount is reasonable and as long as the full amount of money is repaid. But perceived fairness quickly tips into perceived corruption, once community authorities do not return the full amount to the conflict parties. This indicates that traditions like Machalgha are no blank cheque that are considered to be legitimate per se, but that their legitimacy depends on how they are applied, particularly with regard to whether the full amount of money is repaid. Depending on the scale of corruption and personal experience with community authorities, some people may consequently use other authorities for conflict resolution.

At the same time, supposedly 'informal' conflict resolution at the local level in Surkh Rod is linked to the state. At the institutional level, the state asks community authorities such as Malik Aziz Mohammadi to keep an official record of their work. This illustrates Nixon's (2008) analysis that, historically, maliks have been local powerbrokers of the state. But the importance of the state is also prevalent at the level of perceptions. People choose to use community authorities to solve conflicts, because they consider them to be better than the state, often emphasising more the failures of the state than the advantages of community authorities. In a way, community authorities seem to have legitimacy, simply because the state is unable to provide conflict resolution that is considered to be fair and fast. Even the interviewed community authorities themselves claimed legitimacy by comparing themselves to the state.

And, while the community authorities I talked to hoped to remain the main providers of conflict resolution in the future, all members of the public I interviewed ultimately viewed the state to be responsible for conflict resolution. They invariably hoped to be able to rely on the state again in the future, once it again lives up the expectation of fair procedures. Hence, conflict resolution through community authorities is not necessarily the ideal scenario for people. They do not choose local authorities because they believe in them completely, but because the state, which they believe in as a concept, is unsatisfactory. Given the chance however, it seems clear that most would prefer a fair state-based mechanism to traditional community authority.

6.4 The Rural West – Khushk Robat Sangi, Herat Province

To see if the views on community authorities in the districts in Nangarhar were an isolated phenomenon or more widely shared, I decided to compare them with perceptions in Herat Province, in the far west of Afghanistan. Herat Province is predominantly rural with circa 77 percent of its population living outside Herat City. While Herat City has been a Tajik stronghold historically, the province is now ethnically mixed, with Pashtuns constituting another large ethnical group (Leslie, 2015, p.8). The most remote part of Herat Province in which I conducted research was Kushk Robat Sangi district (see Appendix A.2), which is located north of Herat City, borders Turkmenistan and is also in close proximity to Iran. It has a population of 121,000 (CSO, 2013b).

Together with my Afghan colleagues, I took a car from Herat City to Kushk Robat Sangi. And even though we were fairly confident about the security on the road, the atmosphere in the car was more tense than usual. I was dressed in traditional Afghan clothes, as I usually did for trips to rural parts of the country. But despite the hat I was wearing I had the feeling that my blond hair could be spotted from miles away in the barren landscape. To deal with the awkward silence we started telling each other jokes, which indeed helped to make it feel more relaxed. The ride only took about ninety minutes, but everybody looked relieved once the gates closed behind the car at the house of one of my colleague's friends, in the village where I wanted to conduct my interviews. To avoid further attention, we decided to conduct all interviews in this house instead of visiting the people in their houses. And as I had to limit the number of interviews and time spent on them, I interviewed only a small number of people in one village, who were mainly community authorities. Here, I will outline the views of Mahmood and Fahima, who are community authorities in the same village.³³

³³ To protect the interviewees, I am not disclosing the name of the village.

Mahmood - Head of Village

Mahmood, the head of the village and a previous member of the peacebuilding council, had studied social sciences and was also a medical doctor (H20). He explained to me what kind of community authorities exist:

“We have local development councils in each village, which were designed by the NSP, and we have conflict resolution councils, which were set up by the SDO [Sanayee Development Organization] in 1995. The councils that were designed by the SDO used to deal with any conflicts developing in the district. Fortunately, even though the situation in our district is very fragile, these councils still exist. After the NSP was launched and development councils were set up, people started to become increasingly used to councils. While there is a conflict resolution council for men, similar structures exist for women. (...) In the years after 2001, the transitional government established peacebuilding councils. They used to be quite active. But when the NSP's development councils [CDCs] were set up, the peace-building councils' role started to fade. In addition to these councils, there are elders and religious leaders in each village, who are involved in conflict resolution. They either do so as members of a council or independently. And as people trust them, they are often invited to participate in conflict resolution meetings. And even those elders who prefer working independently of the councils usually have good relations with them”.

The main problem he saw for his community was the security situation. According to him, insurgent groups were very active in the district, posing a threat to security:

“The insurgents use IEDs, block the highway, conduct suicide attacks and so on. They cause insecurity for the people. (...) The government is unable to provide security for all. (...) The people in more rural parts of the districts have to provide security for themselves. In the years after 2001, the people expected a lot from the new government and it had widespread public support. But as they have witnessed that the government is unable to live up to these expectations, they have stopped expecting anything, but also do not support the government much anymore”.

Asked about his own role in the context of security he said:

“I am trying to contribute to an improved security situation individually and through the councils, by calling for unity and trying to keep peace between the people. We have always advised people not to listen to the promises of insurgents and not to support them, as they are not legitimate and do not care about the people or the country. They come, attack their targets and leave again. Fortunately, the attitude of the people is changing and people are becoming more interested in education and development”.

However, regarding his own role in the community, he considered it more important in terms of conflict resolution than security provision. He told me that conflicts often evolved in the community, often within families:

“We live in a very traditional society with a high percentage of illiteracy. (...) Fortunately, the number of organisations working on human rights, especially women's rights, has increased and they are teaching women about their rights. But the understanding of their rights in rural areas is still not widespread. And it's not only women's rights. Many men are not aware of their rights either. So, conflicts between men and women often evolve, for instance, if a woman isn't doing household work and the man reacts in a harsh way.”

I asked him how he would deal with conflicts like this. He explained: “In the case of such a family conflict, we would call both sides and talk to them to find out about what causes the

problem. Furthermore, we sit down individually with the man and the woman to give some advice and reconcile them”.

He described how most people in state-controlled territories used local councils for conflict resolution, an impression that is in line with the Asia Foundation’s findings:

“If people have a conflict, the first choice for them usually is to take the case to the local councils. 95% of the cases are solved immediately, while bigger conflicts that cannot be solved by the councils are passed on the government. (...) In more rural areas, where the government does not have control, people take their cases to the Taliban. They make a decision on a spot. As soon as they have decided who is right and who is wrong, they implement their decision”.

He pointed out that people prefer either community authorities or the Taliban as they ensure fast conflict resolution: “People do not take their cases to the government as the government is unreliable and delays the process. Even tiny conflicts are sometimes not solved by the government for months.” However, he admitted that people also make their choice on the basis of whom they know and where they expect better chances of winning a case: “It is all about knowing someone in the government or the local councils. Sometimes people are very keen to take a case to the government as they might know someone there who can help them. For the rest of the people, who don’t even have enough money to travel to the district centre, the local councils are the only option”.

In conclusion, he expressed hope for the state to provide better conflict resolution in future: “Of course, as soon as the government becomes stable, they have to strengthen formal justice mechanisms so that people go there and solve their conflicts formally. Local councils only treat the symptoms, like painkillers”.

Fahima - Member of Women’s Council and DDC

Another community authority I talked to was Fahima, a teacher and member of both the district women’s council and the district development council. She confirmed the structure of community authorities on the village level, adding:

“Robat Sangi district is divided into twelve clusters. Each cluster represents fifteen to twenty villages. These clusters meet on a monthly basis in the district centre, and each cluster is represented by two men and one woman in these meetings. In the meetings, we discuss the main problems we are facing and share experiences. In addition, we have a conflict resolution commission, which is directly supervised by the district governor. It consists of fifteen women and thirty men and meets once per month to discuss the conflicts that were solved on the community level. A secretary records it all”.

Fahima also shared the view on growing insecurity in the district, stating that “the security situation has become worse over the past ten years.” She objected to how the influence of the Taliban had been growing:

"The Taliban threaten people and ask them for money. And if girls are getting married, they force their families to pay a share of dowry to them. It really is quite annoying for people. And when they are collecting the harvest the Taliban ask for a tenth, which they call *tithe*. Just before the [2014 presidential] elections, one of my uncles was kidnapped [by the Taliban]. They asked him to pay USD 4,000, but my uncle refused. The Taliban warned him that he would be taken to the Taliban main committee in Pakistan. However, after local elders intervened and mediated he was released after two days of captivity."

However, Fahima not only blamed the insurgents for the insecurity:

"Also the security forces, MPs, the ALP and local elders have weapons. I know a number of places where everybody can easily buy a gun. And of course, people who own weapons use them to threaten people and secure their own benefits. These people are not necessarily Taliban or government supporters, but the government is still incapable of disarming them. To deal with these illegally armed men and to protect ourselves, we have to obey them."

She demanded: "It is the government's direct responsibility to provide security in close cooperation with the people. For instance, Kushk Robat Sangi is only 70 kilometres from the Iranian border. One police checkpoint is not enough. Therefore, the Taliban can easily block the highway if they want to". Nonetheless, she said, community authorities also have to play a role in security provision: "We live in a very traditional society. Therefore, people trust local elders and want them to be involved in providing security".

But, like Mahmood, she considered conflict resolution to be the main responsibility of community authorities and explained to me how they deal with conflicts:

"Within local councils, conflicts are usually solved by reaching an agreement, based on guarantee letters from both sides. However, the decisions made in local councils are not as decisive as the ones made by courts. If one party rejects the decision of the council we ask other elders, who have more direct influence on the involved parties, to assist. For instance, I recently dealt with the case of a woman who was the victim of a family conflict. She was beaten by her mother-in-law, because she had punished one of her children for something he had done. The mother-in-law was beating the woman and when the sister-in-law and the brother-in-law noticed they joined in beating her. After this incident, she left the house, fled to her mother's place and complained about her in-laws. She stayed at her mother's place for several months. Finally, she took the case to the head of the district development council. He called me and asked me to take over the case. So, I had several meetings with both sides, and managed to solve the conflict in the end. She returned to her husband's house in exchange for strong guarantee letters by her in-laws. I am still in regular contact with her on the phone as we used to be close friends in school. She is happy now and having a happy life together with her children".

In addition to the slow procedures of the state courts, Fahima pointed to traditions as another reason for why people preferred local conflict resolution: "Often family conflicts are not taken to the government as it is considered to be quite shameful. People try to solve these kinds of conflicts within the family. And if that doesn't work, they would rather use the local conflict resolution mechanisms." And, according to her, the Taliban are also a better alternative for many: "There are rural villages in which people prefer taking their conflicts to the Taliban. For instance, one of my uncles was involved in a conflict on land rights. He took it to the

government first. But it hadn't been solved after a year. Hence, he took the case to the Taliban instead. Although they haven't dealt with it yet, they have promised to do so soon."

Despite being involved in conflict resolution at the local level herself, like Mahmood, her hopes for the future rested on the state: "For the future I would appreciate it if the formal justice system or other rightfully selected and educated people were solving conflicts in a formal way".

Analysis: For the Sake of Stability - Treating the Symptoms, not the Cause?

The interviews with Mahmood and Fahima illustrate how connected their role as community authorities is with the state, strongmen and sometimes even the Taliban. In their respective roles, they consider themselves to be playing a particular role in the community, both in terms of security provision and conflict resolution. While they see their role in security provision more as a bridge between the state and the people, they are actively involved in conflict resolution. In line with what Saltmarshe and Medhi (2011) suggest, they illustrate that their priority is the balancing of individual rights with stability in the community instead of punishing misconduct.

But, even though they are involved in conflict resolution themselves, they do not fully believe in the idea of conflict resolution at the community level by community authorities and would prefer the state to take responsibility and provide conflict resolution. Local conflict resolution for them is only a substitute for the state and is subject to a number of flaws, such as the influence of strongmen and corruption. Mahmood, like an interviewee from Surkh Rod, described conflict resolution at the community level as a 'painkiller', not a lasting solution.

Nonetheless, they view conflict resolution at the community level to be better than that which the state currently offers, thinking that they, as community authorities, have local legitimacy and are preferred by people for conflict resolution over the state because of their practices. They assume that they are faster, closer and more traditional than the state, allowing people to solve conflicts at the smallest possible level beyond the family, without much public attention and avoiding the shame of making a conflict into a big thing by involving the state. But, the authority of some community actors does not rest on legitimacy alone. According to Fahima, elders have 'direct influence', which can help to solve conflicts. This can be read as social pressure, a form of coercion, which enables community authorities to solve a conflict by reaching an agreement that may prioritise stability in the community over the rights of an individual.

Meanwhile, Mahmood and Fahima also acknowledge that community authorities are not free from corruption and that people may also choose to use community-level institutions for conflict resolution, because they think they can influence the decision-making process more easily. And even though they, as members of councils, work closely with the state and see the

Taliban as a threat and source of insecurity, they understand people who prefer the Taliban's conflict resolution mechanisms to those offered by the state. They draw a picture in which all authorities – the state, the Taliban and community authorities – may be corrupt, whether money is extracted by using the religious framing of tithe, a traditional framing of Machalgha, or simply bribes. Hence, ultimately, people simply choose the authority that offers the easiest and fairest conflict procedures.

6.5 The Urban West – Herat City, Herat Province

Herat City, the provincial centre, with a population of more than 400,000 people, is the second largest city of Afghanistan after Kabul. Like other urban areas in the country, the city has grown considerably in the past decades due to migration and displacement within Afghanistan (Leslie, 2015, p.9). Strolling through the buzzing streets of the city, one feels far away from rural and less secure places such as Kushk Robat Sangi. As armed opposition groups do not have much influence in Herat, one could imagine the state to be the only authority here. Therefore, I came with the initial presumption that most 'authorities' I talked to in Herat City would be government officials. However, when talking to members of the public I realised that, despite its urban flair, community authorities play an important role in Herat City too, at least in the context of conflict resolution (see also Section 3.4).

Public Perceptions

According to the interviewees, many conflicts in Herat City are about land rights. The civil society activist Ahmad pointed out that some of these conflicts date back to the civil war (H23). During the war, many people fled and left their land and houses behind. When they returned, often years later, their land had frequently been claimed by others, resulting in a conflict on the question of land ownership. The freelancer Abdul Karim added that land-grabbing remains a common problem: "Warlords illegally claim people's land. Even if the legal landowner has all the necessary documents, he has to begin a long fight to secure his rights, which he can't win because the other side is more powerful. The ones who have economic power and armed forces are the ones who can cause and end conflicts. They take advantage of the absence of the rule of law and the wide-spread corruption in the government" (H17). But conflicts also evolve in families and between neighbours. For instance, inheritance disputes on land, conflicts about the access and use of water, and conflicts resulting from divorces are common.

The interviews showed that, contrary to my expectations, many interviewees used community authorities to solve conflicts. In some parts of the city, people elected street representatives to deal with small conflicts in the neighbourhood. For example, the shopkeeper Farid told me: "If I am involved in any kind of conflict, I would go to the street representatives" (H11). Similarly,

the labourer Nassir said: “In the case of a conflict I would first approach my neighbours” (H12). In other parts of the city, as in some rural parts of the country, people relied on elders or local councils to deal with conflicts. Many people, including the high school student Zalmai, stated: “To solve a conflict I would go the local council. And if they are not able to help me, I would take some members of the council along and approach the government” (H13). Conversely, religious leaders were not mentioned much by the interviewees. Zalmai for instance seemed to favour the clergy not being involved in conflict resolution, stating that “their role is to teach and guide the children” (H13).

According to the people I interviewed, most elders and community councils use ‘traditional’ or ‘customary’ law to solve conflicts. The school teacher Abdul Wahab reported: “the conflict resolution of local councils is totally based on customary law” (H8). In some cases, however, Islamic law is also applied. Zalmai said: “Local elders (...) try to solve the conflict on the basis of traditional law. The only exceptions are inheritance conflicts, which are solved on the basis of Islamic law” (H13, see also H24). But using community authorities for conflict resolution is a recent phenomenon, at least in some parts of Herat City. Shoaib (H29) pointed out that as an urban society, they had traditionally relied on state authorities to solve conflicts. Similarly, Ahmad stated that “in Afghanistan’s urban societies, people usually use the formal conflict resolution mechanisms, such as the courts” (H23). Indeed, the cook Parwiz explained that there were no community councils in Herat ten years ago, with everybody using the state’s court system (H41). So, while community authorities such as councils and elders apply a traditional code of law, these authorities themselves do not necessarily have a longstanding tradition in Herat.

The rise of community authorities in Herat City as opposed to that of the state can be explained by the people’s dissatisfaction and frustration with the state’s court system, which is considered to be corrupt and slow (see Section 3.4). In comparison, people consider community authorities to be the better choice. As in Nangarhar and rural Herat, most people view them to be faster and fairer, treating people equally, independently of their status and influence, and not accepting bribes. For example, the labourer Nassir thought that: “Local elders make decisions quickly and base them on justice” (H12). As to why, Masoud, who works in social media, offered the following analysis:

“Having the choice between the informal and the formal system of conflict resolution, the shura and the court, the people in our area usually choose the informal one. There are two reasons for this. The first reason is that there is no equality [of the conflict parties] in the formal system. The second reason is the high level of corruption. So instead of going to the courts people take their cases to the local shura or an elder. They solve conflicts in a traditional way and ensure equality when dealing with a conflict, treating everyone the same way. There is no corruption either. They solve conflicts in a fair way” (H31).

And the shopkeeper Aminullah told me about his local elder: “He is a really good person and serves everyone equally. And if anyone faces a problem he will try hard to help without expecting anything in return” (H14). And also in most of the other interviews I conducted in

Herat City, people emphasised the fairness of community authorities and the low level of corruption. The civil society activist Mujibullah concluded: "We usually try to solve problems ourselves, with the help of elders and local councils, because we don't trust the government and don't like to take cases to the government. They take lots of bribes and we have simply become fed up with dealing with them" (H24). In addition to the ideas of speed and fairness of decision-making, one interviewee, the labourer Nassir, declared that he also had more trust in community authorities as he was involved in selecting them (H12). But, while most people were vocal supporters of community authorities, they also pointed out that their authority is limited solely to conflict resolution (e.g. H16).

At the same time, there were exceptions to the apparent widespread preference of using community authorities for conflict resolution in Herat City. As in Nangarhar's Surkh Rod, most people told me that they would approach the state not community authorities in 'big' cases, such as murder. Moreover, some people I talked to in Herat even expressed a preference for state authorities when addressing smaller problems. For example, the unemployed Naimullah reported: "In case I am involved in any conflict, I would take the case directly to the government" (H15). The reason underpinning this choice is again a lower level of perceived corruption. As Naimullah explained: "Local elders are also not fair because they stand on the side of the rich" (H15). This view was shared by others. Mujibullah argued: "Some community authorities ask for money or people try to bribe them to solve a conflict in their favour. They sometimes are as corrupt as the government" (H24). So, while most interviewees view community authorities to be less corrupt and others considered the state to be a bit better, there also are people who have given up on both parties. According to Mujibullah, the only remaining option for them is "to speak with Taliban to solve their problems" (H24).

Looking to the future, people shared different expectations with me. Some people wanted to rely on community authorities for future conflict resolution. For example, Nassir expressed his hope that in future all "micro conflicts are solved by local councils" (H12), while the state only takes care of bigger ones. However, the majority of people I talked to thought that the state was ultimately responsible for conflict resolution, and should be the only authority to do so. But people called for changes to state procedures as a prerequisite. Mujibullah pointed out: "In future, the government should take on its responsibility for solving conflicts. But it needs to ensure justice. The courts and lawyers have to follow the laws. The state has to follow the rules it has created. Then people will also agree to the force it applies" (H24).

While people in Herat City were dissatisfied with how the state provided security for them, community authorities were generally not considered to be a viable alternative. When asked directly about other potential community authorities – such as mullahs and development councils – the people I talked to argued that such actors did not play any significant role in their lives. In contrast to those in rural areas, some did think that provincial councils were relevant and positive actors. For example, one interviewee said: "Provincial councillors play a

positive role in my life as they work honestly” (H10). For the most part however, such approval was tempered with a degree of dissatisfaction. For instance, the civil society activist Ahmad demanded: “Provincial councillors have to be more active in the communities and bring job opportunities to women and other community members” (H23).

Analysis: The Mobility of Traditions

The people in Herat City I talked to were not aware of any longstanding tradition when it came to councils solving conflict. Instead, they used to rely on the conflict resolution mechanisms offered by the state. Indeed, in contrast to rural areas, the state’s courts in Herat City are physically close and easy to reach. However, due to the frustration with these mechanisms, which are considered slow and corrupt, people started to adapt rural structures and create local councils or elect street representatives. It is easy to imagine how rural traditions ‘moved’ to the city, together with migrants and displaced people from rural Afghanistan. ‘Traditional’ community authorities offering ‘traditional’ conflict resolution now exist in Herat City, without having a local tradition.

Today, people in Herat City actually have a choice as to where to go for conflict resolution, as both the state and councils are available and accessible. The interviewed people still consider the state to be responsible for conflict resolution, again indicating a belief in the idea of the state, but its practices have yet to live up to their expectations. While the authority of the councils is limited to conflict resolution, they are considered to be faster and fairer, and therefore tend to be people’s preferred option. But there also are some who prefer the state system, because they perceive the elders and councils to be more corrupt. Hence, the findings from Herat City do not allow us to conclude that community authorities are always better or preferred. But it does illustrate that the main concern of people and their foundation for judging an authority and its legitimacy is the extent to which they are perceived to be serving the public, rather than working only for themselves. This view stems from the perceived level of fairness of these authorities, which is reflected in an opinion that they treat people equally.

In contrast to the more rural parts of Afghanistan, however, the provincial council appears to play a bigger role, resulting in a more positive perception. While I did not explore the character of this role further, a possible explanation for the differences in perceptions is that members of the provincial councils are more visible and accessible in Herat City as the provincial council is based in the provincial capital.

6.6 Conclusions

Without doubt, different kinds of community authorities are a central ingredient of Afghanistan's political order. And even though many community authorities are closely connected to the state, for instance through the National Solidarity Programme, people consider them to be a different type of authority – with the exception of provincial councils, which people appear to categorise as a state actor. The case studies illustrate the differences and similarities in the political order of communities in Afghanistan with regard to conflict resolution. They support Barfield's (2003; 2010) argument that the difference in community governance is not between ethnic groups but between geographic areas, particularly between urban and rural ones. Nonetheless, rural traditions increasingly also appear to be adapted in cities. In Surkh Rod in Nangarhar, village leaders, elders and councils played a key role. In Kushk Robat Sangi in Herat, at the opposite side of the country, similar structures existed. However, here the idea of councils was first introduced only in the 1990s by NGOs. People in Herat City used to rely on the authority of the state but recently also established community authorities and, for instance, elected street representatives. Mullahs are sometimes involved in conflict resolution, however this was not consistently the case.

Despite the differences, community authorities were perceived in a similar way and when comparing public perceptions in these communities, a number of patterns can be seen. In terms of conflict resolution, people in rural communities usually have a choice and can either approach community authorities or the state, if not the Taliban. For most people I talked to, community authorities were clearly the first choice, as also reported by the Asia Foundation (2015). The interviewees maintained that they would prefer to take their cases to the elders, the local council, village leaders or sometimes, though rarely, to the local mullah. Only where these authorities were not able to solve the conflict, or if they were not satisfied with the result, would they take the case to 'the government', namely to state institutions such as the police or the courts. A notable exception was in the case of major incidents, such as murder, where many conceded that they 'couldn't avoid' involving the state directly.

That people choose councils, village leaders or elders over other actors for conflict resolution illustrates that these indeed do have authority. And, that people choose them *voluntarily* and follow their decisions shows that their authority rests on a degree of legitimacy. This legitimacy is underpinned by both instrumental and more substantive sources. In line with what is commonly assumed, many interviewees emphasised the usefulness of community authorities, which are considered to be more accessible than the state, as one does not have to travel far to talk to them. For many people, *proximity* may even be a necessary condition to consider an authority for conflict resolution, as they cannot afford the trip to the district or provincial capital. But, in contrast to what are widely assumed to be community authorities' substantive sources of legitimacy, tradition or their participatory structures, other aspects seemed to matter. Many pointed out that they preferred community authorities because of the relative *fairness* of the

conflict resolution procedures. And, even though most people agreed that community authorities were not flawless, they considered them at least to be less corrupt than the state. Some people indicated the *serving* character of community authorities, emphasising that they were volunteering for the community without payment. In addition, in some cases, authority may also be supported by *coercive* means through the ability to direct *social pressure* within a community.

Looking more closely at the sources of legitimacy and distinguishing the beliefs from the aspects of authority they relate to shows that neither the institution 'community authority' per se, as a *concept or an idea*, nor a certain type of community authority seems to have much legitimacy in this context. Instead, most people I talked to considered the state to be responsible for conflict resolution and expressed the hope that they could rely on the state for conflict resolution in the future (see Section 3.4). When explaining their reasons for choosing community authorities for conflict resolution, they usually did so by comparing them to the state. That people see the state as the referent object for their comparison further points to its importance. And while many community authorities I interviewed hope to remain the main provider of conflict resolution, most members of the public actually described community authorities and their conflict-resolution mechanisms that focus on stability in the community as something temporary, a 'painkiller' they were using until the state becomes available. Because the state does not live up to expectations in the here and now, many people have begun to look for alternatives. What exactly this alternative looks like and whether a malik or a council is responsible for conflict resolution in a community does not appear to matter much. Also, the *history* of how an actor gained authority – whether it happened democratically through rational-legal structures, because of tradition or through 'self-appointment' – was not brought up by many interviewees as a reason for their support or preference of authority. Some people argued that they were supporting their community authority or had trust in it because they elected it, but such views were only voiced infrequently.

Instead, people judged the *attitude* of community authorities, appreciating unpaid service to the community. And while not being particularly interested in the history of how an actor gained power, the referent object of people's concern is the 'output' side of authority, the *authorities' actions*. To begin with, it is quite naturally the actual output, the result of authorities' actions that matters. People want to get their conflicts solved and look for authorities that are close, fast and cheap. In addition, they may prefer an authority for conflict resolution where they have the chance of getting the best result, for instance, through personal contacts. However, it is not just the result that matters. People also care about the process of getting there, the way the *interaction* between authority and subject is designed. In this regard, people have quite substantive, value-based concerns.

The case studies suggest that what is central to the community authorities' legitimacy in the context of conflict resolution is the extent to which these interactions are perceived to be *fair*

or corrupt. Communities apply customary and Islamic law to different extents and, as indicated by Barfield (2003), what customary law looks like is different in different communities and has changed over time. But, people were far more concerned with how law was applied, if it was done in a fair manner, than what law was applied. That the rule of law is more important than the underpinning code of law shows that people do not have very ideological expectations. In a way, for most, a 'bad' law that is applied rigorously is still better than a 'good' law that only applies to those who can afford it. The interviews indicate that people want predictability and hope to be treated equally. When approaching community authorities, they know what to expect and have a degree of predictability. In addition, in many cases the procedures are perceived as fairer than those of the state. Corruption and the perception that people can influence the decision-making process with money are looked down on and undermine legitimacy. As a consequence, new community authorities were even established in the urban area of Herat City, providing an alternative conflict-resolution mechanism to the state that is considered to be too corrupt, even though there is no local tradition of having community authorities.

The community authorities I talked to appeared to be aware of this, and assumed that their legitimacy was based on fair interactions rather than, for instance, how they had gained their position. And even though there were exceptions to the widespread support of community authorities, as some people I talked to preferred to take their conflicts to the state or to the Taliban, the reason for this choice was the same as for the other interviewees. They argued that they considered the state or the Taliban to be less corrupt than community authorities. This illustrates, on the one hand, the importance of perceived corruption and fairness. On the other hand, it shows that not all community authorities are necessarily perceived to be less corrupt than the state and that the behaviour of community authorities can vary from village to village.

Tradition certainly matters and the 'traditional character' of society was frequently mentioned by interviewees in rural areas. But, crucially, what is traditional is not necessarily legitimate and what is not traditional can still be legitimate. For instance, many described Machalgha to be a legitimate tradition of solving conflicts. This indicates that what is perceived as 'traditional' can play an important role in the legitimacy of conflict resolution procedures, contributing to an understanding of what is 'fair'. However, interviewees appeared to be wary of Machalgha in those cases in which they thought that authorities were benefiting financially, considering it to be corruption. Hence, framing practices as traditional does not ensure that people consider them to be fair, and perceived corruption undermines the legitimacy of traditions. Conversely, new traditions may evolve to counter perceived corruption, as in the case of Herat City. The case studies support the work on the transmutability of norms and traditions (Algappa, 1995; Nixon, 2008; Noelle-Karimi, 2006; Pain, 2016). As Pain (2008) points out, communities do not exist in isolation. Traditions from other geographic areas might be copied, becoming a legitimate tradition without being a local tradition.

While traditions may differ and change, the expectations of people with regard to conflict resolution across the country are very similar. The frequent references to Machalgha in Pashtun areas appear to support Wardak's (2003) argument that to achieve legitimacy in Pashtun areas, the decision-making process of community authorities has to be in accord with the Pashtunwali. But ultimately, the people I talked to across the country had a similar understanding regarding what they expect conflict resolution procedures essentially to be like, without distinct differences between Pashtun and other areas. They considered the equal treatment of all people to be 'fairness', constituting the basis of the legitimacy of many community authorities. Conversely, the behaviour of authorities considered to be driven by greed or self-interest is considered to be 'corrupt', and undermines their legitimacy.

There is an obvious tension between people's interest in winning their cases and choosing an authority they can influence, if necessary, through bribes, on the one hand, and their belief in and hope for fair procedures on the other hand. Further research is required to investigate how people balance these dimensions as well as their understanding of fairness and corruption. My own interpretation is that paying bribes in conflict resolution in Afghanistan has become so normal that people feel compelled to try to influence authorities through bribes as they know that the other conflict party will be doing the same. Hence, bribes are necessary to at least level the playing field, achieve equality and avoid losing the case to the other party. Furthermore, it creates a temptation to pay even more to outperform the other conflict party, possibly win the case and settle the conflict quickly. Nonetheless, most people are unsatisfied with this way of solving conflict. They hope for a system in which paying bribes is not necessary and becomes impossible. Hence, they choose authorities for conflict resolution that they expect to be the least corrupt, treating people in the most equal way possible.

As well as conflict resolution, community authorities may also matter for security provision in some cases. Most members of the public I talked to thought their role was not significant in this sector. Instead, they would usually talk about the police, the army or the Taliban when being asked about security. But some interviewed community authorities pointed out that they were helping to 'coordinate' security. So, while they are not visibly fighting or policing, as village representatives, they may speak to the state's security forces or to the Taliban. A prominent role of the involvement of community authorities in providing security can for instance be seen in the case of Farza District (see Section 3.2.2). But, community actors clearly have more authority over conflict resolution than in the security sector, where it is the state, armed opposition groups and strongmen that have more authority.

Overall, the case studies contribute to a better understanding of what legitimises community councils, village leaders and elders. But the extent and sources of authority and legitimacy of most other community authorities, who were perceived not to be playing a role in either conflict resolution or security provision cannot be substantially assessed on the basis of my research, as these actors were only encountered sporadically in my interviews. For instance, khans did

not come up much in my interviews. Due to my thematic focus, we cannot conclude that such actors do not exist or have no authority at all. As the literature suggests, the authority of khans may simply rest on wealth, making their voice 'stronger' in the community. But the interviews do indicate, in support of Murtazashvili's (2016) work, that the legitimacy of community authorities is centred around conflict resolution, being at the core of what people expect from authorities at the local level. Even when asking people specifically about each of the other potential community authorities, few people thought these actors had any significance in their community. For example, while some people considered mullahs to be a second or third option for conflict resolution, few thought they had much authority beyond their religious duties.

The little attention people appear to pay to CDCs casts doubt as to whether they are a promising method for the construction of state legitimacy, as intended by the NSP and now the Citizens' Charter. Often people were not aware of the existence of CDCs or did not see much of a difference between CDCs and other local councils, describing them as one of the community authorities offering conflict resolution. Only a few people had distinct views on CDCs, for instance, seeing them as responsible for conflicts in the community due to unfair distribution of aid money or projects. The case of CDCs further shows that legitimacy of community authorities is closely linked to conflict resolution. Hence, a newly established authority is not 'automatically' considered to be legitimate in a substantive way, simply because it is a local actor, because councils are a local tradition, because its members are elected, or because it provides services.

However, many people had strong views on provincial councils, albeit mainly negative ones, as suggested by the Asia Foundation's (2015) data. The low confidence in PCs appears to be driven by the perception of them to be working only for their personal interests, rather than to serve the public. Like scholars such as Larson and Coburn (2014, p.2), people in Afghanistan seem to think of a PC seat being nothing more than a valuable commodity. This perception was often supported by them not being visible at the community level. The only exception to this common perception was the urban Herat City, where some people had met provincial councillors and considered them to be more helpful. This indicates that in the absence of proximity and personal interaction, authorities easily lose legitimacy, unless it is balanced with other measures, such as positive media reporting. In addition, it further supports the findings on perceptions of MPs (see Section 3.4); even though PCs, like MPs, are elected, this potential 'input' legitimacy alone is not sufficient without being linked to 'output' through a rational-legal system, which ensures fairness in a structural way. In the absence of an accountable system on the macro level, people look for accountability on the micro level in their day-to-day interactions with authorities. Being part of the community, even 'self-appointed' corrupt community authorities are likely to be more accountable, fairer or least less corrupt than authorities that are external to, and distant from, the community, even when elected.

It can be concluded that the proximity as well as the predictability and perceived fairness of their conflict-resolution procedures are particularly important sources of legitimacy for many community authorities. Community authorities are not legitimate simply because they are traditionally influential. Nevertheless, traditions can matter in an indirect way, influencing what kind of procedures are considered to be fair. How community authorities gained power, and whether they were democratically elected matters even less. Hence, my research redirects the focus of attention from the 'input' side to the 'output' side, the actions and interactions of authorities. Although, that does not mean that authorities simply have to provide more public services to construct legitimacy. There are many authorities people can turn to for conflict resolution in Afghanistan. What matters is *how* it is done, whether the process is considered to be fair – or corrupt.

Chapter 7 | Overall Conclusions

In this thesis, I have investigated how people in Afghanistan attribute legitimacy to various authorities in the country, along with how these authorities perceive themselves. While this thesis is ultimately only a first exploration of legitimacy in Afghanistan, it has made three original contributions. It first adjusted the *conceptual* understanding of legitimacy, to the dynamics of today's conflict zones to overcome the limitations of Weber's work in political orders that lack a monopoly of force and suggested a framework for the empirical analysis of legitimacy in such contexts. In the following *empirical* chapters, it explored the legitimacy of four authorities in Afghanistan, adding to the literature on the country. In this final section, building on the conceptual propositions and empirical analysis, I will draw *theoretical* conclusions on the mechanisms of legitimacy and relate them back to the more general literature on legitimacy. My research shows that a particularly important source of substantive legitimacy in Afghanistan is, what can be called, *interactive dignity*. The aspect of authority people are most concerned with is the way they experience interactions in their day-to-day lives, while they care less about how an actor gained authority and what ideas it stands for. People expect these interactions to be based on basic values of human dignity, not on tradition, religion or another ideology. These theoretical findings challenge common assumptions as to how to construct legitimate authority in conflict zones, for instance, by holding elections, drawing on traditions or simply providing public services (see Section 2.4).

The picture that has emerged is complex in several respects. First, this thesis illustrates that authorities in Afghanistan are multifaceted and interconnected. For instance, many people see links between state authorities and armed opposition groups, or else may believe that strongmen control community authorities. In addition, none of these authorities are unitary actors, with each of them potentially playing a plurality of roles. For example, the Taliban govern some territories, providing public goods for people, but also access state-controlled areas to extract money or launch attacks. Hence, the categories chosen to separate different kinds of authorities are limiting. Nonetheless, it is evident that people clearly distinguish between these actors, having specific views about each of them. At the same time, a second observation is that the views of those interviewed show a striking lack of uniformity. It is therefore not feasible to conclude that most people consider a specific authority to be definitively legitimate or illegitimate. While my research is not fully representative in the positivist sense, it does indicate that all authorities in Afghanistan enjoy a certain degree of legitimacy, at least among certain strata of the population. However, even though the views on whom people consider to be legitimate is heterogeneous, there are certain patterns indicating why people consider authorities to be legitimate – or not. Therefore, we can draw some more general conclusions as to the mechanisms that link aspects of authority to people's needs and beliefs and underpin legitimacy and authority in Afghanistan.

To begin with, the *visibility* of an authority, or the visibility of its actions – such as attacks or services provided – is an important aspect that has an impact on people's perceptions. Not surprisingly, the people I talked to tended to have stronger views on those authorities that were more visible to them. Conversely, they often did not care much about authorities that were invisible to them, regardless of their ability to have an impact on their lives. While media reporting, which was not directly covered by my research, certainly plays a growing role in Afghanistan, people nonetheless do not have strong views on those actors that are not present in their lives. For instance, people had strong views on the visible security forces, such as the police and the army, while strong views on Afghanistan's intelligence agency NDS were only prominent in areas where it operates in a more obvious way.

Beyond visibility, *accessibility* enables people to not just see an authority but to experience it by having a direct interaction with it, changing the basis on which they form their views and resulting in even stronger perceptions.³⁴ In addition, accessibility appears to be an important aspect of authority for the construction of instrumental legitimacy. In the context of conflict resolution, it is a necessary condition, the basis for the construction of legitimacy. After all, people can only use an authority's conflict resolution mechanisms if they can access it. But being more accessible than another authority, can also be a comparative advantage, increasing instrumental legitimacy. Not surprisingly, people prefer an authority within their proximity for conflict-resolution. Similarly, they expect security providers to be close enough to provide security. Conversely, being perceived as inaccessible and distant, for instance, MPs and members of provincial councils, who possibly have an ability to impact, do not play a role in people's lives and fail to build local legitimacy, despite having been elected.

But accessibility alone is not sufficient. An authority can be accessible but nonetheless perceived to be illegitimate. Beyond that, particularly to construct more lasting legitimacy, other aspects of authority matter. My research indicates that the *actions* of an authority, and how they are perceived, play an important role for its legitimacy, both in instrumental as well as in substantive terms. People in Afghanistan have general expectations with regard to the authorities' services, such as, crucially, security. Furthermore, the fulfilment of other basic needs, such as conflict resolution, education and health matter. This finding is hardly surprising. And at a first glance, this observation is line with the literature on output legitimacy and statebuilding, emphasising the importance of providing public services in order to construct legitimacy. However, the picture that evolved from my research shifts the focus from the output or result of an action to *modes of interaction*. This finding supports Sturge et al.'s (2017) conclusion that people care more about how services are delivered than what services are delivered. Supplementing their findings, my research illustrates that this mechanism does not only apply to the state and appears to be of a more general nature.

³⁴ While closely related, accessibility is different from an authority's ability to impact, which turns potential into actual authority. On the contrary, accessibility describes the perceived ability of *people* to access an authority. For instance, the NDS may be inaccessible but have an ability to impact.

As most public services, regardless of the authority providing them, are set around an interaction between the authority and the public, the output is closely linked to the preceding process. For instance, to what extent a public hospital can provide 'health' for people depends on the interaction between the patient and the physician. And, indeed, when I asked people in more detail about their expectations with regard to authorities on issues such as security, these expectations turned out to be predominantly in reference to modes of interaction, such as *processes, procedures* and the authorities' *day-to-day behaviour*, not the formal results like the size of territory controlled by an authority.³⁵ The modes of interaction are vital both for instrumental and substantive legitimacy. The interactions that people experience have to live up to their needs-based expectations, such as *costs, predictability* and *convenience*. But people also have value-based expectations with regard to interaction, which are concerned with basic *human dignity*, such as *fairness* and *respect*, founded on the hope of being treated as equal citizens.

Conversely, the *history of how an actor gained authority* does not appear to be an important aspect for the construction of legitimacy. The interviewees did not usually care whether the way an actor had gained authority was in line with democratic, Islamic or traditional procedures - or if it had possibly even happened violently. While, for instance, people elect MPs as their representatives, they actually do not care much about them. This finding illustrates that 'input' alone does not construct legitimacy, but needs to be linked in people's minds to 'output'. It further shows that Scharpf's (1997; 2003) conceptual work on input and output legitimacy does not have much analytical leverage in a conflict-torn space like Afghanistan. In the absence of rational-legal structures connecting input and output legitimacy and translating people's values into an authority's actions, the input side is not of much concern for people. But, other ways of gaining authority than being elected were also not necessarily considered to be more legitimate. While many community authorities are viewed as legitimate, this is the case regardless of whether they were elected, self-appointed or had inherited their position, and whether this process was traditional or not. And the historical behaviour of an authority also matters little. Even though some people said that they were happy with the Taliban government before 2001, this view did not translate into how they perceived the Taliban today. Some people may have opinions on what they consider the right way of gaining authority, but it is a subordinate concern that in itself is not a sufficient source of legitimacy. Instead, today, people are more immediately concerned with the output side of authority, its actions and practices, the only aspect of authority that has an impact on their lives.

³⁵ While I emphasise the importance of processes like scholars stressing the importance of input legitimacy, the types of processes we refer to are different. In the context of input legitimacy, processes are about participation, such as, for instance, elections. Conversely, I refer to processes of interaction. These can occur as part of processes of participation in various ways, for instance when casting a vote and interacting with officials or when making suggestions in a community council meeting, but they are not limited to it. For example, an encounter with a police officer or a Taliban fighter has a process of interaction without being participatory.

However, people still expect accountability. Instead of focusing on accountability on the macro-level, as suggested by Scharpf, my research proposes that people are more concerned with accountability of authorities at the micro-level in their day-to-day lives, particularly when interacting with them. Hence, the process of getting to the 'output' is so important. As people cannot rely on formalised institutions, they closely observe the behaviour of the various authorities around them and judge to what extent it is useful as well as fair. Tyler (2004; 2006) and other scholars working on police legitimacy in rational-legal contexts (e.g. Mazerolle et al. 2013) emphasise the importance of procedures of interaction for the construction of legitimacy. My research indicates that such interactions are even more important in political orders without functioning rational-legal structures, in line with Sturge et al.'s (2017) findings on the importance of output-related procedures as well as Barfield and Nojumi's (2010) claim of the importance of fairness for legitimacy in Afghanistan. Hence, with regard to legitimacy, community authorities have a comparative advantage over other authorities. People can closely observe their actions and interact with them frequently, putting more pressure on the authorities to live up to people's expectations, regardless of whether they are elected or not. This is confirmed by my research, which shows that community authorities, while they also may be perceived as corrupt and illegitimate in some cases, tend to be seen as more legitimate than other authorities, particularly in the context of conflict resolution.

However, my research also indicates that there is another important aspect of authority for the construction of substantive legitimacy: the perceived *attitude* of an authority. In fact, it might be the most crucial one. The judgment of an authority's attitude is firmly rooted in the subjects' values. And people have strong expectations with regards to an authority's attitude. They expect them to be *serving the public*, the country, the nation and the people. This expectation is sometimes underpinned by nationalism; however, it is usually linked less specifically to the public. Conversely, people are heavily critical if they perceive an authority to be driven by self-interest or foreign interests. For instance, many praise the army for serving the nation, while criticising police officers for apparently working only for their own economic benefit, as well as the Taliban for being Pakistan's henchmen. But, because attitude as such is invisible, people draw their conclusions on proxies of what they can see or even feel, such as, most importantly, the interactions they have with authorities. Again, people's assessments rest on the extent to which authorities can live up to their value-based expectations, such as being treated with dignity. Hence, while factors that were not covered by my research, such as media reporting and rumours, almost certainly matter as well and can reinforce perceptions of legitimacy, my research suggest that modes of interaction are decisive for the construction of legitimacy. How people experience interactions with an authority and the extent to which these match their expectations affects the perception of the authority's legitimacy directly. But people also draw wider conclusions on the basis of the perceived procedures and behaviour with regard to an authority's attitude, judging if it actually serves the public or if it is only driven by greed and self-interestedness. Thus, while different aspects of authority matter for how people perceive

its legitimacy, they all seem to be linked to modes of interaction between authorities and subjects.

When looking at conflict resolution, people first of all want *fast and predictable* procedures, so they can estimate when a conflict is going to be solved and what the result is likely to be. In Afghanistan's 'coping economy' (Goodhand, 2003), where many people struggle on a daily basis and some live on the edge of survival, solving conflicts fast and being able to predict what result is likely are essential. By living up to these expectations, authorities can construct instrumental legitimacy and people will choose it for conflict resolution as long as no other authority does so on a closer or cheaper basis. To construct more substantive, and hence long-lasting, legitimacy, authorities have to match people's expectation of *fair* procedures. If people perceive the procedures to be fair, they assume that the authority is working in the public interest. If, however, people perceive an authority as *corrupt*, they assume it is driven by greed. Only if people think that an authority works in the public interest, serving the people or the nation, do they believe in its right to exercise social control. Hence, by living up to the very basic expectation of fairness an authority can construct legitimacy that is actually founded on a belief. What fairness and corruption mean may be established through discourse over time in line with Habermas' theory of communicative action (1984; 1987), resulting in meanings with different nuances in different communities across the country. More ethnographic research is required to explore such meanings. However, generally speaking, the expectation of fairness in Afghanistan appears to be underpinned by the notion of equality. In contrast to the theory of adaptive preferences, people have not given up on such basic values in the course of the conflict, but on the contrary, feel deprived of them and demand them. People want conflict resolution procedures in which everyone is treated the same way – regardless of income, influence or social status. Of lesser significance, is which code of law authorities apply and what ideology underpins the procedures. The people I talked to in Afghanistan did not select the state, community authorities or armed opposition groups for conflict resolution because of their use of state law, traditional law or Islamic law.

Similarly, in order to construct substantive legitimacy by providing security, authorities have to respond to the expectation of *coordination*. Communities do not simply want to be passively viewed as an area in which security needs to be provided, but want to be actively included in the process. Coordinated security can be seen as a form of input legitimacy, enabling participation of the subjects. But beyond that, like the expectation of fair conflict resolution procedures, the expectation of coordinated security provision appears to be closely linked to expectations regarding general ways of behaving. People want to be treated with respect, as equal citizens, not as recipients of a superior authority. If security forces interact respectfully and inclusively with communities, addressing their concerns, they can enhance the perceived level of security. And even more so, by acting in this manner, an authority can construct a belief that it serves the public, resulting in a perception that it has the right to exercise authority. Conversely, people in the interviews rejected those authorities, whose procedures they

perceive as corrupt and whose behaviour they experience as extractive. The case of the police, particularly demonstrates that behaviour that is perceived to be corrupt heavily undermines legitimacy.

My research further indicates that the perceived legitimacy of one authority often rests on the perceived illegitimacy of another authority. For example, many interviewees did not support the Taliban because they were in favour of the Taliban, but did so because they were *against* the Afghan state's practices. The Taliban provided them with a platform on which to fight the state or people associated with the state. The perceived illegitimacy of authority often rests on experiences that are perceived as *unjust*, such as, in the case of the Afghan state, the experience of expropriation or unfair treatment. Obviously, not everyone decides to fight an authority after an experience of perceived injustice. But in less extreme cases, for instance after perceived corruption in conflict resolution, people will prefer other authorities and, if available, are likely to choose another body for conflict resolution in the future. Even in the urban centre of Herat, where there is no history or tradition of community authority, such authorities quickly gained legitimacy as an alternative to the corrupt state. It shows that behaviour and procedures of authorities that are perceived to be unfair or unjust, or else negative on the basis of basic values of dignity, have far-reaching consequences. In a way, behaviour that is seen as negative appears to be having more extensive implications than positive behaviour, delegitimising an authority and, thereby, legitimising another authority.

But, some authorities covered in this thesis are not easily explained by these findings. Some authorities have legitimacy in parts of Afghanistan, even though they *do not interact much with people*. This applies particularly to the army and, to a lesser degree, to the NDS. Their legitimacy again depends on how people perceive their attitude. Both the army and the NDS have managed to construct an image of being servants of the people who are fighting for the nation. But how did they manage to build such a reputation? This image of the army could be partly explained by their high level of visibility, which symbolises security and safety. Similarly, people have more positive views on the NDS in areas in which they operate more visibly. However, beyond that, my research suggests that their legitimacy also results from a perception of these agencies *not being coercive* and not using force to extract money from people while having the perceived ability to do so. Hence, their legitimacy again is based on their behaviour, resisting the temptation to easily supplement their income. This indicates to people that the NDS actually carry weapons to fulfil their duty, not to extract money. This form of legitimacy could also be described as rational-legal, with people believing that they are acting according to the rules of the state. In addition, in the absence of personal interaction, media reporting is likely to be particularly important and can more easily influence public perceptions, reinforcing the agencies' public image. Conversely, other authorities, which lack the perceived ability to be coercive, such as most MPs, are perceived more negatively if they do not do anything visible for the people and do not interact with them.

In contrast to an authority's attitude and modes of interaction, the *idea of authority* appears to be of as little relevance for constructing legitimacy as the history of how authority was gained. This finding contradicts a common view on Afghanistan, explaining legitimacy with references to competing 'big' ideologies. But few interviewees explained their support for an authority with references to what authorities stand for or what their institutions are formally like, such as the Afghan state's democratic and liberal constitution, the traditional character of community authorities or the Taliban's jihad. It is hardly surprising that people do not care about what an authority stands for unless it determines the authority's practices and affects them. But even if ideas of authority do translate into actions, with interactive dignity being essential, they are not a primary concern. For example, as mentioned before, which code of law is applied, and whether it is derived from the Taliban's interpretation of Islam or based on the community's traditions, does not appear to be a decisive factor for most people's choice of an authority for conflict resolution.

However, there is a notable exception. Most people I talked to expressed the hope that the Afghan state would assume responsibility again and provide, for instance, conflict resolution. This shows that there is a deep-rooted belief in the *idea of the state* as a *concept*. Regardless of who people supported at the time of the interviews, in the long-term most people hoped for a state to be governing, and consider the state, not other authorities, to be *responsible* for governance. This indicates that people believe in the ideal-typical Weberian state, characterised by a monopoly of the legitimate use of force and possibly also by rational-legal structures. Conversely, the more specific features of the state, such as its liberal and democratic constitution, do not seem to be legitimising the state to any extent. Meanwhile, people may not necessarily be opposed to the ideology advocated by the state. While there are many good reasons to be sceptical of the official numbers (see Ruttig, 2014b), the claimed voter turnout in the first round of the 2014 presidential elections was 58%, which also indicates a belief in the democratic system. But the character of the state's formal institutions appears to be of little relevance because it does not translate into the state's practices and, ultimately, does not greatly affect people's experience of the state. Furthermore, people appear to be more concerned with having any rules that ensure predictability, thus making the ideology that underpins the rules a secondary concern.

As long as the state does not satisfy people's more immediate expectation of interactive dignity and is perceived as very corrupt, people will support and consider alternative authorities to be more legitimate. Hence, while the idea of the state has substantive legitimacy it does not translate into legitimacy of the Afghan state as it is and does not result in voluntary obedience to its social control. Nonetheless, the finding indicates that the Afghan state is in a stronger position than any other authority to construct legitimacy. People only consider other authorities to be legitimate as long as the state is not a viable alternative. Therefore, the widespread assumption that Afghans reject the state and consider it to be illegitimate, has to be viewed in a more nuanced way. While most people are indeed disappointed with the state as it is, and

many do not even consider it to be legitimate, they do believe in the concept of the state. If the state was meeting more basic expectations – particularly with regard to procedures and behaviour – it would, in theory, be able to construct a stable political order, based on substantive legitimacy.

Comparing the view of the public to the self-perception of authorities shows that authorities are aware of people's expectations and address them rhetorically but fail to satisfy them in practice. As illustrated, the official claims of legitimacy, which are linked to the idea of authority, do not meet people's expectations because they have more immediate concerns of interactive dignity. But people who are an authority themselves, such as strongmen and community authorities, or who are associated with an authority such as the state or the armed opposition members, are clearly aware of the importance that people place on their behaviour and procedures as well as the expectations people have with regard to their attitude. This is reflected both in their *assumptions about what legitimises them* locally as well as their *personal claims of legitimacy*. For instance, police officers pointed out how their corrupt behaviour undermines the trust of the people and community authorities appeared to be well aware that their legitimacy rests primarily on conflict resolution mechanisms, which are faster and less corrupt than what is offered by the state. Similarly, the personal claims of legitimacy were in line with the expectations of the public. For example, insurgents pointed at the importance of fighting the corrupt state, and the strongmen I talked to emphasised their skill of behaving and talking to people in the right way and stressed their work for the nation and the people.

However, while these personal claims match public expectations, they do not always match public perceptions. The mismatch was particularly striking in the case of strongmen, who, regardless of their claims, were usually seen as corrupt and criminal. In contrast, most of the employees of the state I interviewed, such as police officers, did not even try to claim legitimacy and were more openly reflective, acknowledging the high level of corruption. It indicates that they see less of a need to try to claim legitimacy and openly state their views, while strongmen and MPs try construct legitimacy discursively, also in their interviews with me.

Looking at the *personal motives* of why people join and actively support an authority, further illustrates the importance of interactive dignity. Some interviewees, such as most notably one of the MPs, seemed to be genuinely driven by the idea of serving the country. But, more commonly, interviewees simply joined an authority for instrumental reasons, to earn an income, for instance, in the in the case of the ANP. However, several interviewees also explained their decision with reference to more substantive reasons linked to values of humane behaviour. This became particularly visible in the case of the Taliban, with Talibs explaining that they joined the group after experiencing perceived injustice.

We do not know to what extent the findings of this thesis cover the perception of Afghanistan's entire population. For example, women, who were underrepresented in my research, may have different views than men on what authorities are 'fair' and 'respectful'. It also remains unclear whether the findings are unique to Afghanistan or can also help to understand the mechanisms of legitimacy in other conflict zones. For instance, proximity and access might be particular to contexts that have a low literacy rate or have sparsely populated rural areas like Afghanistan. Finally, the kind of questions asked in the interviews may have narrowed down what aspects of authority to think about. As argued in the methodology section, the scope of this research project was limited and further research is necessary. Nonetheless, we can draw some cautious, theoretical conclusions.

Weber proposes rational-legality, tradition and charisma as sources of legitimate authority. My research on Afghanistan suggests that we have to consider an additional one: *interactive dignity*. In the absence of a monopoly of force, people's primary concern is their day-to-day experience of authority. How an authority gained power and whether it happened democratically, traditionally or violently, and what idea an authority stands for and if it claims authority on the basis of Islam, tradition or Western values matter less. The values that underpin people's expectations with regard to interactions are not driven by a specific ideology, but are basic ones linked to human dignity. People are tired of the corruption they face on a daily basis and expect authorities to serve the public and treat people with respect, ensuring that conflict resolution is fair and that security provision is coordinated. By satisfying these expectations any authority can construct legitimacy. But while authorities seem to be well aware of this, they keep failing to meet people's expectations.

These conclusions, despite being abstract, do have policy implications and are important to consider in future 'statebuilding' efforts and other international interventions, whether in Afghanistan or possibly also in other conflict zones. Neither imposing a Weberian state 'top-down' nor enhancing what is local from the 'bottom-up' necessarily ensures legitimacy. People believe in the idea of a state as a concept and hope for a state with Weberian features to take over this role in the long term. In a way, this supports the assumption of the traditional statebuilding literature, which advocates the construction of Weberian states in conflict-torn spaces. But my research also shows that people's more immediate concerns have to be addressed first, or at least should not be neglected, while 'building a state'. Elections do not help to construct legitimacy, if people see that their 'input' does not affect the 'output' they experience and the reality they live in. While people may be excited about participating in elections in the first place, there is a danger of them soon becoming frustrated with 'democracy', legitimising alternative systems and authorities. But it is also not sufficient to simply respond to people's needs, providing aid and building roads on the 'output' side. In order to construct substantive legitimacy, people's value-based expectation of interactive dignity also have to be addressed.

This certainly is a complex and challenging task. A way forward for the Afghan state could, for instance, be to think about structural measures that link the self-interest of the individual to the public interest. The impunity of warlords needs to be ended. Civil servants need to be vetted and thoroughly trained on how to interact with people. 'Good' behaviour needs to be institutionalised, 'fair' processes need to be turned into procedures and civil servants need to be paid a salary that does not make them dependent on bribes. In a way, petty corruption undermines the legitimacy of the state more than large-scale corruption, as a large number of people experience it. The role of the police is particularly crucial as many people experience 'the state' in their day-to-day lives primarily through them. Hence, police forces should not be trained and used to fight the war but need to be trained instead to do ordinary policing, tackling criminality and ensuring the safety of the people. This can help to construct an image of a state that works in the interest of the people, not in the interest of warlords.

Thinking less about what to do, the outputs and results, and focusing more on *how* to do it, particularly in terms of the interaction with the people, would already be a positive change. Matching people's expectations does not depend on a certain ideology, but it requires treating people with dignity. By viewing people as citizens that provide legitimacy, not as subjects to exploit, authorities could change how they are perceived, and ultimately, construct legitimacy. For now, if people have a choice, they have to choose the least of many evils and rely on that authority, which they consider to be the least corrupt.

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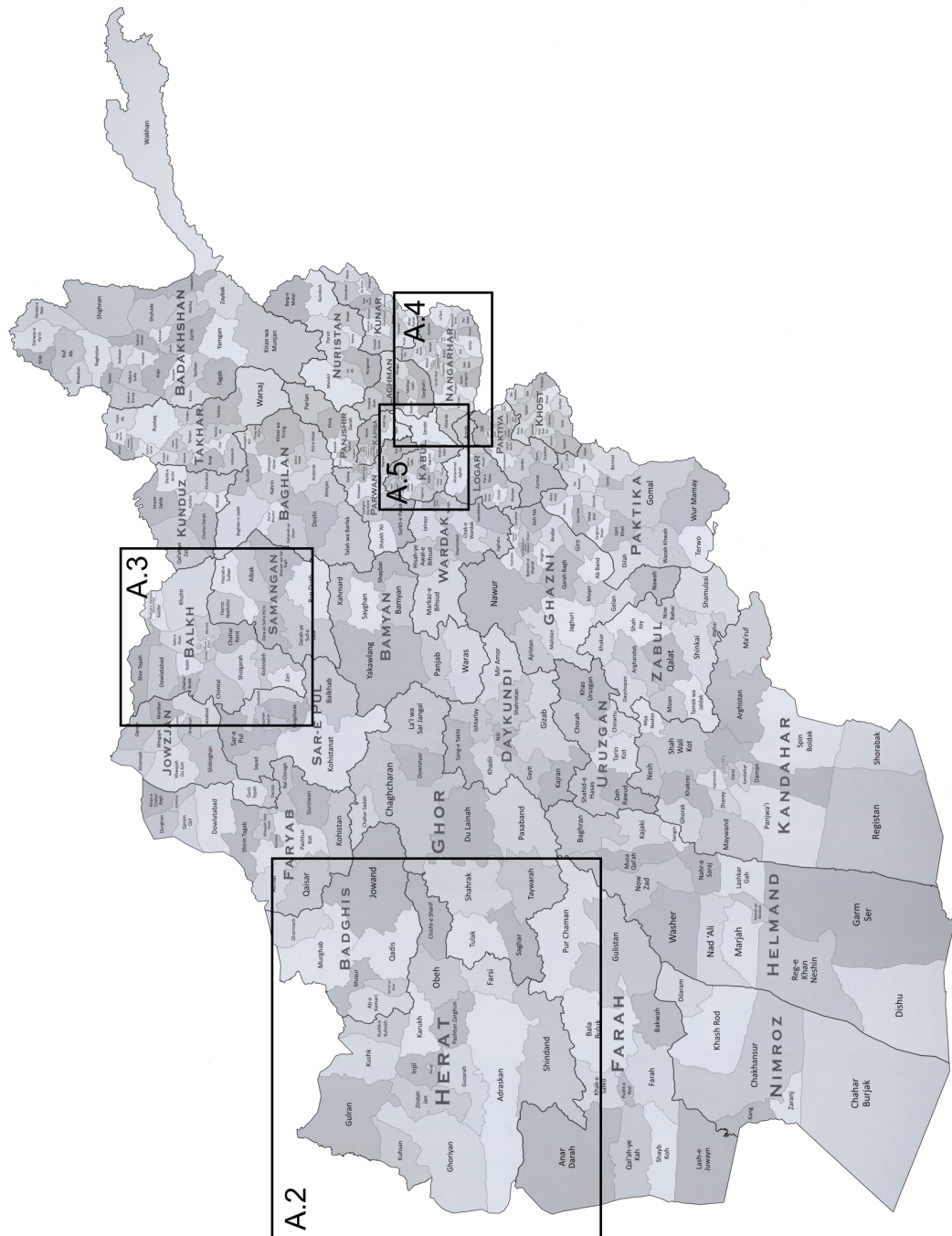
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Appendices

Appendix A – Maps

A.1 Case Studies Afghanistan



(Adapted from University of Texas Library, 2014)

A.2 Herat Province



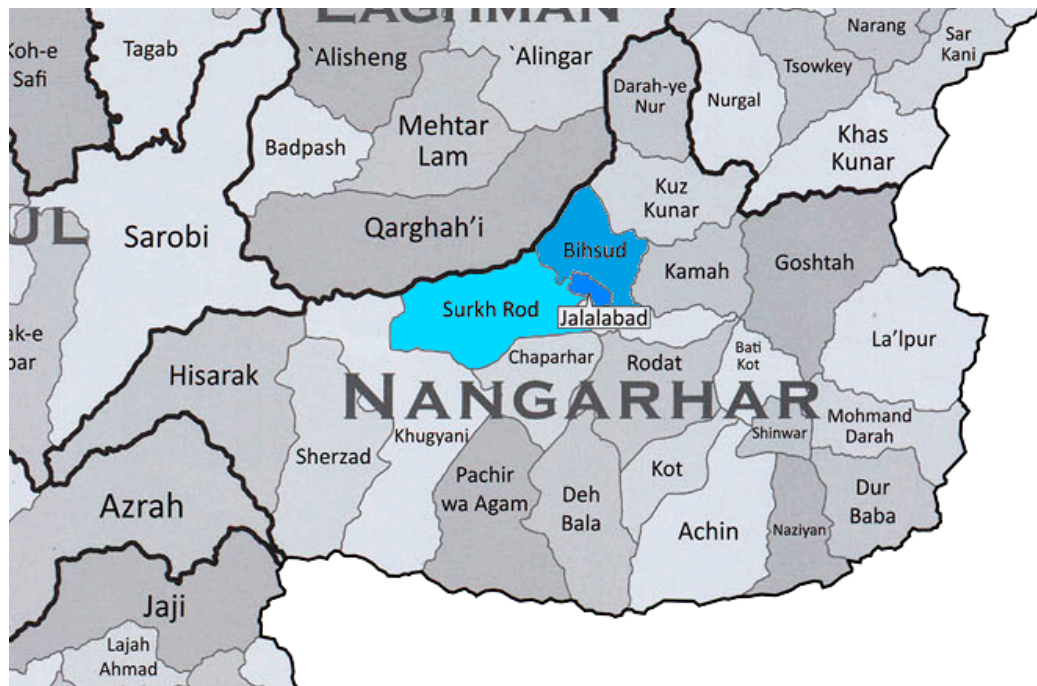
(Adapted from University of Texas Library, 2014)

A.3 Balkh Province



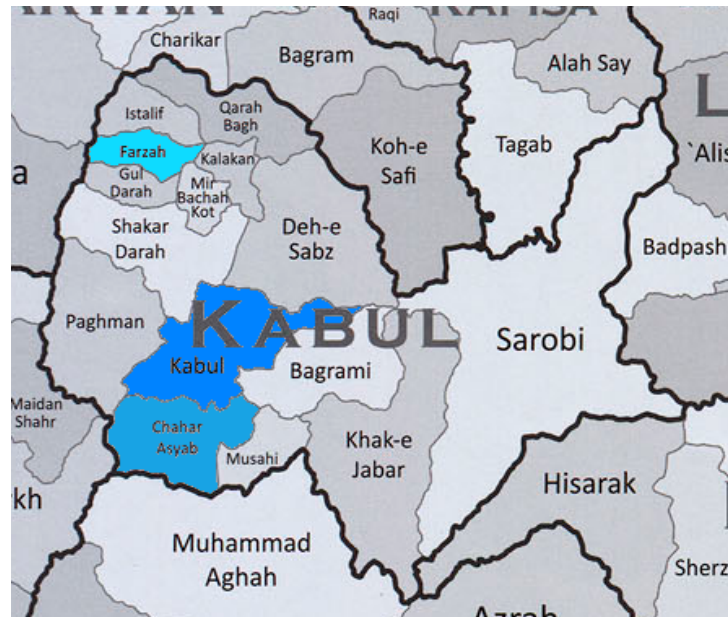
(Adapted from University of Texas Library, 2014)

A.4 Nangarhar Province



(Adapted from University of Texas Library, 2014)

A.5 Kabul Province



(Adapted from University of Texas Library, 2014)

Appendix B – List of Interviewees

Groups of interviewees: A = Authority, P = Member of the public, KI = Key informant (e.g. civil society activists, diplomats).

B.1 Herat Province

Label	Month	District	Category
H01	October 2014	Herat City	A
H02	October 2014	Herat City	A
H03	October 2014	Enjil	P
H04	October 2014	Enjil	P
H05	October 2014	Enjil	KI
H06	October 2014	Enjil	A
H07	October 2014	Enjil	P
H08	October 2014	Herat City	P
H09	October 2014	Enjil	P
H10	October 2014	Herat City	P
H11	October 2014	Herat City	P
H12	October 2014	Herat City	P
H13	October 2014	Herat City	P
H14	October 2014	Herat City	P
H15	October 2014	Herat City	P
H16	October 2014	Herat City	P
H17	October 2014	Herat City	P
H18	October 2014	Kushk Robat Sanghi	A
H19	October 2014	Herat City	A
H20	October 2014	Kushk Robat Sanghi	A
H21	October 2014	Enjil	A
H22	October 2014	Guzarat	A
H23	October 2014	Herat City	KI
H24	October 2014	Herat City	KI
H25	October 2014	Enjil	P
H26	October 2014	Enjil	P
H27	October 2014	Enjil	P
H28	October 2014	Enjil	P
H29	October 2014	Herat City	P
H30	October 2014	Enjil	P
H31	October 2014	Herat City	P
H32	October 2014	Enjil	P
H33	October 2014	Enjil	P
H34	October 2014	Kushk Robat Sanghi	A
H35	October 2014	Herat City	A
H36	October 2014	Kushk Robat Sanghi	A
H37	October 2014	Herat City	P

H38	October 2014	Enjil	P
H39	October 2014	Herat City	P
H40	October 2014	Enjil	P
H41	October 2014	Herat City	P
H42	October 2014	Enjil	P
H43	October 2014	Enjil	P
H44	October 2014	Enjil	P
H45	October 2014	Kushk-e-Kohna	A
H46	October 2014	Kushk Robat Sanghi	A
H47	October 2014	Kushk Robat Sanghi	KI
H48	October 2014	Herat City	A
H49	October 2014	Kushk Robat Sanghi	A
H50	October 2014	Kushk Robat Sanghi	A
H51	October 2014	Kushk Robat Sanghi	A
H52	October 2014	Kushk Robat Sanghi	P
H53	October 2014	Kushk Robat Sanghi	P

B.2 Balkh Province

Label	Month	District	Category
B01	November 2014	Mazar-e Sharif	P
B02	November 2014	Mazar-e Sharif	P
B03	November 2014	Dehdadi	P
B04	November 2014	Haeratan	P
B05	November 2014	Mazar-e Sharif	P
B06	November 2014	Mazar-e Sharif	P
B07	November 2014	Mazar-e Sharif	P
B08	November 2014	Haeratan	P
B09	November 2014	Kaldar	P
B10	November 2014	Kaldar	P
B11	November 2014	Kaldar	P
B12	November 2014	Kaldar	P
B13	November 2014	Dehdadi	P
B14	November 2014	Haeratan	P
B15	November 2014	Mazar-e Sharif	P
B16	November 2014	Mazar-e Sharif	P
B17	November 2014	Dehdadi	P
B18	November 2014	Dehdadi	P
B19	November 2014	Dehdadi	P
B20	November 2014	Mazar-e Sharif	P
B21	November 2014	Dehdadi	P
B22	November 2014	Mazar-e Sharif	P
B23	November 2014	Haeratan	P
B24	November 2014	Mazar-e Sharif	P
B25	November 2014	Dehdadi	A
B26	November 2014	Dehdadi	P
B27	November 2014	Dehdadi	A
B28	November 2014	Mazar-e Sharif	P
B29	November 2014	Mazar-e Sharif	P
B30	November 2014	Mazar-e Sharif	P
B31	November 2014	Dehdadi	A
B32	November 2014	Dehdadi	P
B33	November 2014	Mazar-e Sharif	P
B34	November 2014	Dehdadi	P
B35	November 2014	Dehdadi	P
B36	November 2014	Mazar-e Sharif	P
B37	November 2014	Jawzjan (Khamyab)	P
B38	November 2014	Dehdadi	P
B39	November 2014	Mazar-e Sharif	P
B40	November 2014	Mazar-e Sharif	P
B41	November 2014	Mazar-e Sharif	P
B42	November 2014	Haeratan	P
B43	November 2014	Dehdadi	P
B44	November 2014	Mazar-e Sharif	P

B45	November 2014	Dehdadi	P
B46	November 2014	Dehdadi	A
B47	November 2014	Dehdadi	A
B48	November 2014	Kaldar	P
B49	November 2014	Dehdadi	P
B50	November 2014	Mazar-e Sharif	A
B51	November 2014	Mazar-e Sharif	KI
B52	November 2014	Mazar-e Sharif	A
B53	November 2014	Mazar-e Sharif	A
B54	November 2014	Mazar-e Sharif	KI
B55	November 2014	Dehdadi	A
B56	November 2014	Mazar-e Sharif	KI
B57	November 2014	Mazar-e Sharif	KI
B58	November 2014	Mazar-e Sharif	KI
B59	November 2014	Mazar-e Sharif	KI
B60	November 2014	Chimtal	A
B61	November 2014	Chimtal	A
B62	November 2014	Chimtal	A
B63	November 2014	Chimtal	A
B64	November 2014	Chimtal	A

B.3 Nangarhar Province

Label	Month	District	Category
N01	November 2014	Surkh Rod	A
N02	November 2014	Surkh Rod	KI
N03	November 2014	Surkh Rod	P
N04	November 2014	Surkh Rod	A
N05	November 2014	Surkh Rod	A
N06	November 2014	Surkh Rod	A
N07	November 2014	Jalalabad	KI
N08	November 2014	Jalalabad	P
N09	November 2014	Jalalabad	P
N10	November 2014	Jalalabad	P
N11	November 2014	Surkh Rod	P
N12	November 2014	Surkh Rod	P
N13	November 2014	Khogyani	P
N14	November 2014	Khogyani	P
N15	November 2014	Surkh Rod	P
N16	November 2014	Surkh Rod	P
N17	November 2014	Jalalabad	P
N18	December 2014	Jalalabad	KI
N19	December 2014	Jalalabad	A
N20	December 2014	Jalalabad	P
N21	December 2014	Surkh Rod	P
N22	December 2014	Surkh Rod	P
N23	December 2014	Surkh Rod	P
N24	April 2015	Jalalabad	P
N25	April 2015	Jalalabad	P
N26	April 2015	Jalalabad	P
N27	April 2015	Jalalabad	P
N28	April 2015	Jalalabad	P
N29	April 2015	Jalalabad	P
N30	April 2015	Jalalabad	P
N31	May 2015	Jalalabad	P
N32	May 2015	Jalalabad	P
N33	May 2015	Sherzad	P
N34	April 2015	Behsod	A
N35	April 2015	Behsod	A
N36	May 2015	Behsod	A
N37	May 2015	Behsod	A
N38	April 2015	Behsod	P
N39	April 2015	Behsod	P
N40	April 2015	Behsod	P
N41	April 2015	Behsod	P
N42	April 2015	Behsod	P
N43	April 2015	Behsod	P
N44	April 2015	Behsod	P

N45	April 2015	Behsod	P
N46	April 2015	Behsod	P
N47	April 2015	Behsod	P
N48	April 2015	Behsod	P
N49	April 2015	Behsod	P
N50	April 2015	Behsod	P
N51	April 2015	Behsod	P
N52	April 2015	Behsod	P
N53	May 2015	Khiwa	P
N54	May 2015	Jalalabad	P
N55	May 2015	Kama	P
N56	May 2015	Behsod	P
N57	May 2015	Jalalabad	P
N58	May 2015	Surkh Rod	P
N59	June 2015	Behsod	A
N60	June 2015	unknown	A
N61	June 2015	unknown	A
N62	June 2015	Jalalabad	A
N63	June 2015	Jalalabad	A
N64	May 2015	Jalalabad	P
N65	May 2015	Surkh Rod	P
N66	May 2015	Surkh Rod	P
N67	May 2015	Surkh Rod	KI
N68	May 2015	Jalalabad	A
N69	May 2015	Jalalabad	P
N70	May 2015	Jalalabad	KI

B.4 Kabul Province

Label	Month	District	Category
K01	September 2014	Farza	A
K02	September 2014	Farza	A
K03	September 2014	Farza	A
K04	September 2014	Farza	P
K05	September 2014	Farza	P
K06	May 2015	Char Asiab	P
K07	May 2015	Char Asiab	P
K08	May 2015	Char Asiab	P
K09	May 2015	Char Asiab	P
K10	May 2015	Char Asiab	P
K11	May 2015	Char Asiab	P
K12	May 2015	Char Asiab	P
K13	May 2015	Char Asiab	P
K14	May 2015	Char Asiab	P
K15	May 2015	Char Asiab	P
K16	May 2015	Char Asiab	P
K17	May 2015	Char Asiab	P
K18	May 2015	Char Asiab	P
K19	May 2015	Char Asiab	P
K20	May 2015	Char Asiab	A
K21	May 2015	Farza	A
K22	May 2015	Farza	P
K23	May 2015	Farza	P
K24	May 2015	Farza	P
K25	May 2015	Farza	P
K26	May 2015	Farza	P
K27	May 2015	Farza	P
K28	May 2015	Farza	P
K29	May 2015	Kabul City	P
K30	May 2015	Kabul City	P
K31	May 2015	Kabul City	P
K32	May 2015	Kabul City	P
K33	May 2015	Kabul City	P
K34	May 2015	Kabul City	KI
K35	May 2015	Kabul City	KI
K36	May 2015	Kabul City	KI
K37	May 2015	Kabul City	P
K38	May 2015	Kabul City	P
K39	May 2015	Kabul City	P
K40	November 2014	Kabul City	A
K41	November 2014	Kabul City	P
K42	November 2014	Kabul City	P
K43	November 2014	Kabul City	P
K44	November 2014	Kabul City	P

K45	November 2014	Kabul City	P
K46	November 2014	Kabul City	P
K47	November 2014	Kabul City	P
K48	November 2014	Kabul City	P
K49	November 2014	Kabul City	P
K50	December 2014	Farza	P
K51	December 2014	Farza	P
K52	December 2014	Farza	P
K53	December 2014	Farza	P
K54	December 2014	Farza	P
K55	December 2014	Farza	P
K56	November 2014	Char Asiab	P
K57	November 2014	Char Asiab	A
K58	November 2014	Char Asiab	A
K59	July 2015	Kabul City	A
K60	July 2015	Kabul City	A
K61	July 2015	Kabul City	A
K62	July 2015	Kabul City	A
K63	August 2015	Kabul City	A
K64	August 2015	Kabul City	A
K65	May 2015	Kabul City	KI
K66	May 2015	Kabul City	KI
K67	May 2015	Kabul City	KI
K68	May 2015	Kabul City	KI
K69	June 2015	Kabul City	KI
K70	June 2015	Kabul City	KI
K71	July 2015	Kabul City	KI

B.5 Public Figures

Name	Month
Mirwais Yasini	April 2015
Gul Agha Shirzai	April 2015
Hajji Abdul Zahir Quadir	May 2015
Ali Shah Ahmadzai	June 2015
Ramazan Bashardost	July 2015
Kobra Mustafawi	July 2015
Ahmad Behzad	July 2015
Ghulam Mujtaba Patang	November 2015