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Introduction

Amid the stash uncovered during a raid on a Taliban bomb-making house in 2009 was a Sony PlayStation controller, most likely used as a detonation device.² In a Taliban propaganda video, a commander is shown touring a roomful of young men working on computers.³ Once notorious for their ultra-orthodox interpretation of Islam which prescribed a complete aversion to all manifestations of modernity, the Taliban now appear to have mastered innovations in technology and put them to optimal use in their insurgency against Hamid Karzai's government and ISAF troops.

Terrorist organisations are learning organisations. In the 1980s, the Red Army Faction began to apply a special ointment to their fingers which prevented their fingerprints from transferring onto any surfaces. They adopted this technique after pouring over the details of every court case against them, and learning that the German police could usually obtain fingerprints from the bottom of toilet seats or the inside of refrigerators.⁴ In the words of Martha Crenshaw, "terrorists engage in a process of constant adaptation to the strategic environment".⁵ Despite the widespread portrayal of Islamic terrorists as fanatics who employ violence unthinkingly, as an end in itself, an important component of *jihadi* preparation has always been to painstakingly deconstruct past operations with the aim of identifying mistakes and lessons learned. For example, in his autobiography, Ayman al-Zawahiri analyses the failures of the Al-Jihad group in Egypt and the weaknesses of the coup attempt in 1974 and the 1981 armed rebellion in Asyut ("an emotional uprising that was poorly planned").⁶ The important al-Qaeda strategist, Abu Mus'ab al-Suri, also devotes countless pages to critically assessing "the Jihadi current" from 1963-2001.⁷

The Taliban, too, have learned something from their past mistakes. On the heels of the NATO invasion, the so-called 'neo-Taliban' regrouped in 2002 evidencing important discontinuities with the 'old Taliban' of 1994-2001. The adaptation has been tactical as well as strategic. The PlayStation controller not only represents the technological evolution of the Taliban, but also their ideological evolution, as they strive to moderate their policies and establish themselves as a mainstream independence movement. This paper will discuss features of the ideological evolution of the Taliban and its quest for legitimacy in Afghanistan. First, it will examine their rise to prominence.

Emergence and objectives

Accounts of the exact emergence of the Taliban conflict, but they share in common the depiction of the Taliban as religious students forced to abandon their studies to answer the desperate calls of their countrymen. Certainly, anarchy prevailed in Afghanistan in the early 1990s, as former *mujahidin* fought a brutal civil war after the departure of the Soviets, and rape, pillage and extortion became commonplace. According to Mullah Wakil Ahmed, "some local leaders, particularly in Kandahar, formed armed gangs that fought each other. There was widespread corruption and theft, and there were

² In Fox News report of 12 June 2009 posted on 'Taliban Militants use PlayStation Controller as Bomb Detonator', youtube, <http://www.youtube.com/watch?v=olbqUhgC-zE> [accessed 12 April 2010].

³ Joanna Nathan, 'Reading the Taliban' in Antonio Giustozzi (ed), *Decoding the New Taliban: Insights from the Afghan Field* (London: Hurst & Co., 2009), p.28.

⁴ Bruce Hoffman, *Inside Terrorism* (New York: Columbia University Press, 2006), p.250.

⁵ Martha Crenshaw, 'Theories of Terrorism: Instrumental and Organisational Approaches, in David Rapoport, *Inside Terrorist Organisations* (New York: Columbia University Press, 1988), p.16.

⁶ 'The Military Technical College affair'. See Ayman al-Zawahiri, *Knights Under the Prophet's Banner* (Autobiography, 2001), in reprinted in Laura Mansfield, *In His Own Words: A Translation of the Writings of Dr. Ayman Al-Zawahiri* (USA: TLG Publications, 2006), pp.53-63.

⁷ See for example, *The Global Islamic Resistance Call*, reprinted in Brynjar Lia, *Architect of Global Jihad: The Life of Al-Qaida Strategist Abu Mus'ab Al-Suri* (London: Hurst, 2007), pp.349-419.

roadblocks everywhere. Women were being attacked, raped and killed. Therefore, after these incidents, a group of students from religious schools decided to rise against these leaders in order to alleviate the suffering of the residents of Kandahar Province".⁸ Marrying extreme piety with a humanitarian impulse, the Taliban emerged, then, as a moral project.

One story of the Taliban's founding proceeds thus:

On 20 September 1994, a Herati family, while on its way to Kandahar from Herat, was stopped at a check point ninety kilometres short of Kandahar by local *mujahideen* bandits. The men and women were separated. The boys were taken away and molested. The girls were repeatedly raped until they became unconscious. Later all of them were killed and their bodies partially burnt. It was Mullah Omar (sometimes referred to as Mullah Mujahid) who was the first to arrive on the scene. He is reported to have gathered some *talibs* who helped him in collecting the bodies. These were washed and given a decent burial. He then gathered the [religious] students and pledged to start a campaign to get rid of such criminals... The Taliban movement had begun.⁹

The theme underlying Ahmad Rashid's account is the same: in the spring of 1994 Mullah Omar had enlisted some 30 *talibs* to rescue two teenage girls who had been abducted and repeatedly raped at a military base in his hometown of Sangesar. With only 16 rifles between them, the Talibs freed the girls and hung the camp commander from the barrel of a tank. A few months later, Mullah Omar answered the pleas of his fellow citizens once more and came to the rescue of a young boy that two commanders were fighting over on the streets of Kandahar. Asking for no reward save help in establishing an Islamic system, Mullah Omar's prestige grew rapidly.¹⁰

Whatever the details of the seminal Robin Hood event, crucial to the Taliban's rise was the support of Pakistan, which was seeking secure land routes for trade with Central Asia. Initially, Pakistani Interior Minister Naseerullah Baber enlisted Omar's men to rescue a truck convoy hijacked by a group of bandits outside Kandahar in November 2004. After the resounding success of the operation, Pakistan quickly took the Taliban under its wing.¹¹ And in a matter of months, Mullah Omar's men had taken most of the country.

The Taliban's immediate goals were to disarm all rival militia, fight against those who refused to disarm, enforce Islamic law and retain all areas captured by the Taliban.¹² The simple strategic vision for Afghanistan, the enforcement of the *sharia*, began as a significant source of strength for the Taliban, as their rivals had not offered a competing conception of what the future would look like. In fact, the alternative conception of the state was an empowering feature for Islamist movements in Afghanistan throughout the twentieth century. The traditional religious establishment was not concerned with the state, but with civil society: its role was not political but instead moral and legal. Religious leaders did not involve themselves in politics and, when it came to the state, "their position [was] essentially a negative one".¹³ Even during the *jihād* against the Soviets, the traditional Sufi leadership and the urban nationalists were crippled by their "unwillingness or inability to state objectives for a

⁸ Quoted in Peter Marsden, *The Taliban: War, Religion and the New Order in Afghanistan* (London: Zed Books, 1998), p.61.

⁹ Kamal Matinuddin, *The Taliban Phenomenon: Afghanistan 1994-1997* (Karachi: Oxford University Press, 1999), pp.25-6.

¹⁰ Ahmed Rashid, *Taliban: Militant Islam, Oil and Fundamentalism in Central Asia* (London: I.B. Tauris, 2008), p.25.

¹¹ Amin Saikal, *Modern Afghanistan: A History of Struggle and Survival* (London: I.B. Tauris, 2004), p.221.

¹² Matinuddin, *The Taliban Phenomenon*, p.26.

¹³ Olivier Roy, *Islam and Resistance in Afghanistan* (Cambridge: Cambridge University Press, 1990), p.50.

future free Afghanistan other than the restoration of the conditions prior to the events precipitating the crisis".¹⁴ As a result, the Islamist parties prevailed.

Yet, even when the Islamists came to power in the early-to-mid 1990s, they failed to implement any Islamist policies. Olivier Roy points out that "no measures that could be labelled 'Islamist' were taken by the government chaired by Burhanuddin Rabbani during its four-year tenure".¹⁵ Despite a ban on alcohol and the enforcement of the veil, the same Hindi movies were shown in the half-destroyed cinemas, female anchors continued to work in state television and the former communist administration was retained. Gulbuddin Hekmatyar also did little to establish Islamic institutions in the areas he controlled.¹⁶ Thus, when the Taliban came to power, the opportunity to pursue a genuinely Islamic agenda in Afghanistan, which had been frequently missed by other political actors, was theirs for the taking.

However, after the capture of Kabul the Taliban issued no manifesto. There was no administration and no foreign policy, no public services and no economic plan. Gilles Kepel describes how "in Kabul, the Taliban did not so much take control of Afghan institutions as completely eviscerate them, erecting in their stead only three functions: morality, commerce and war".¹⁷ The simplicity of the Taliban's Islamic vision for society was laid bare, as it boiled down to severe prescriptions for personal morality. Men were compelled to grow beards and pray at the mosque five times a day; women were forced to wear the *burqa* and forbidden from work (and thus war widows could not feed themselves and their children). Music, dancing and kite-flying were banned. The Taliban's most robust institution was charged with enforcing these strictures, a religious police force named after the Quranic verse which enjoins commanding the good and forbidding the evil (*Amr bi al-Marooif wa Nahi an al-Munkar*). An elderly Islamic scholar in Herat told a journalist, "we are ruled by men who offer us nothing but the Koran, even though many of them cannot read... we are in despair".¹⁸ The suffering of the Afghan people, which had allegedly galvanised the *talibs* in the first place, continued—and arguably deepened.

The 'neo-Taliban' which reconstituted in 2002 have sought to reclaim the moral highroad in Afghanistan. The first step to that end was to re-brand themselves as a broad-based independence movement rather than religious fundamentalists obsessed by personal morality. They exist so as to expel invading forces from Afghanistan and defend the Afghan people. In the manner of Osama bin Laden, their demands are framed as intuitive, reasonable and valid across all cultures: "we are not the aggressors but only reacting to what you have instigated, if you freedom loving people were put in the same predicament, your reactions would be same, you would defend your honour and your properties from the invader".¹⁹ Indeed, the western presence in Afghanistan has enabled the Taliban to rationalise their existence in more widely-accepted terms. The Afghan *jihad* against the Soviets demonstrated the power of channelling nationalist sentiments within an Islamic framework and, at least initially, its unifying effects. Indeed, Islamic and nationalist values are often twinned by the

¹⁴ Eden Naby, 'The Changing Role of Islam as a Unifying Force in Afghanistan', in Ali Banuazizi and Myron Weiner (eds), *The State, Religion and Ethnic Politics* (Syracuse: Syracuse University Press, 1986), p.149.

¹⁵ Olivier Roy, 'Has Islamism a Future in Afghanistan?', in William Maley (ed), *Fundamentalism Reborn? Afghanistan and the Taliban* (London: Hurst & Co., 1998), p.207.

¹⁶ Roy, *ibid*.

¹⁷ Gilles Kepel, *Jihad: The Trail of Political Islam* (London: I.B. Tauris, 2002), p.229.

¹⁸ To New York Times correspondent John Burns, quoted in Matinuddin, *The Taliban Phenomenon*, p.38.

¹⁹ 'Islamic Emirate of Afghanistan Address to the Canadian People in Connection with Killing of Two of its Female Citizens', 17 August 2010, at <http://www.alemarah.110mb.com/english-8-17-08-2008.html> [accessed 11 November 2009]. Unless otherwise stated, all citations of Taliban statements will refer to the Islamic Emirate of Afghanistan's website at www.alemarah.info and accessed between 12-20 November 2009.

Taliban, who speak of their “lofty Islamic and nationalist aims”.²⁰ In turn, the Taliban can attempt to mobilise a distinctly *rural* constituency (extremely rare in the history of Islamist movements), as the Afghan Islamists in the 1970s and 1980s were only able to do *after* the Soviets had invaded.²¹

In fact, the neo-Taliban have capitalised upon three broad features of the anti-Soviet *jihad*. Firstly, the mass uprising against the Russians embedded the link between Islam and nationalism in Afghanistan. Secondly, it provided vindication for the Deobandi idea that the only the return to Islam will yield liberation from foreign invasion. Thirdly, the anti-Soviet *jihad* permitted the association between atheism and brutality. Without doubt, the historical record shows that in times of *jihad*, the balance of power has always shifted from the tribal authority structure to the religious one. As Olivier Roy notes, “the *jihad* always implies a shift in power relations in favour of religious leaders and to the detriment of the *khan*... it is the external threat which gives Islam its energising power”.²² Asta Olsen puts it another way: “like a banner, the mullah shows his beauty in a headwind”.²³

As nationalist actors upholding the undeniable Islamic right to self-defence, the Taliban have hit upon a defining characteristic which speaks to a much more mainstream audience. Their social programme also appears more progressive, as their objectives are defined as “independence, Islamic social justice, human dignity and national identity”.²⁴ However, the vagueness of this agenda indicates that, as before, the Taliban have not yet worked out a sophisticated view of what a genuinely Islamic system would look like, and the worry must surely be that a new Taliban regime would lapse into the same reductionist and obscurantist version of the faith. That being said, we will see later how, where they have re-taken control, the neo-Taliban have promised not to impose their convictions as harshly as before.

Upholding universal norms

While any Taliban regime, however moderated, is likely to challenge ‘western’ political norms in the domestic realm, on the international level the Taliban has always sought to re-enforce them. Not long after seizing power in 1996, Mullah Omar wrote to US President Bill Clinton making a bifurcation between the domestic and the international arenas. He sought to re-assure the Americans that the Taliban had neither the intent nor the capability to attack the US: “whatever we are—even if we are as you say fundamentalists—we are far from you and we do not intend to harm you and cannot harm you either”.²⁵ Of course, al-Qaeda attacks on US interests in 1998 and 2001 were to illustrate that far more relevant than the Taliban’s stated intent and capabilities were those of the groups being harboured on Afghan soil, owing to Mullah Omar’s political manoeuvring and the fundamental weakness of the Afghan state.

Indeed, as Gilles Kepel notes, the Taliban’s “effect on the world was not made through a state and they had no diplomatic relations with any country except their Pakistani sponsor and their principle commercial partner, the United Arab Emirates... They were completely indifferent to politics”.²⁶ Certainly, Mullah Omar proclaimed that the Taliban were not influenced by other Islamic systems of government such as could be

²⁰ ‘Remarks of Esteemed Mullah Brader Akhund Made to Media about Obama’s New Strategy’, 30 October 2009.

²¹ Roy, ‘Has Islamism a Future?’, p.205.

²² Roy, *Islam and Resistance*, p.61-62.

²³ Asta Olsen, *Islam and Politics in Afghanistan* (Richmond: Curzon Press, 1995), p.15.

²⁴ ‘Statement of the Islamic Emirate of Afghanistan on the Occasion of the Eighth Anniversary of the American Attack on Afghanistan’, 7 October 2009.

²⁵ ‘Text of Mullah Omar’s Letter to President Clinton’, 6 September 1999, reprinted in S. Iftikhar Murshed, *Afghanistan: The Taliban Years* (London: Bennett & Bloom, 2006), p.310.

²⁶ Kepel, *Jihad*, p.231

found in the Islamic Republic of Iran and Hassan al-Turabi's Sudan – adding, somewhat worryingly, that “we do not have enough information on those states' systems”.²⁷ The corresponding lack of impact on international Islamic politics is thus unsurprising. Olivier Roy noted that the Taliban was a purely Afghan movement (which had been instrumentalised by Pakistan). To wit, “the Taliban have no foreign policy”.²⁸

Fighting a defensive *jihād* against Christian invaders, the stateless Taliban have, by contrast, had a far more pronounced effect on the international system. From prolonging NATO involvement in Afghanistan and thus directly affecting Western politics, to contributing to the destabilisation of Pakistan and the region more generally, to serving as a battleground in which radicalised Muslims can confront the ‘global Crusader’, the neo-Taliban are significant far beyond Afghanistan's borders. However, the neo-Taliban have carried over the insistence that their intent and ambitions are entirely Afghan-centric. Countless statements underline that “we did not have any agenda to harm other countries including Europe nor [do] we have such [an] agenda today”²⁹. They maintain, too, that “we will not allow our soil to be used against any other country”.³⁰

In a special message to the Shanghai Summit in October 2009, the Taliban elaborated its ‘peaceful policy’ on international relations:

The IEA wants to have good and positive relations with all neighbours based on mutual respect, and to open a new chapter of good neighbourliness of mutual cooperation and economic development... The Islamic Emirate of Afghanistan, as per its peaceful policy, wants constructive interaction with Shanghai forum members, for permanent stability and economic development in the region on the basis of mutual respect.³¹

But what of occasional Taliban threats to take the battle outside of Afghanistan's borders and into the heart of the West? Anne Stenersen argues that “while individual insurgent commanders have issued threats to attack the West, the senior leaders of the Afghan Taliban are currently uninterested in pursuing such a strategy”.³² Stenersen points out that Mansour Dadullah, who threatened to dispatch suicide bombers to western countries in 2007, was later sacked from the Taliban (officially, for refusing to obey the chain of command) and that the Taliban is far more interested in using foreign volunteers to fight in their local war. The Taliban has sought to distance itself from both al-Qaeda (to be discussed below) and the Pakistani Taliban, which is brazen about its involvement in concrete international plots.³³ No doubt, foreign attacks would increase pressure on the Taliban's Pakistani sanctuaries. Further, Mukhtar A Khan noted in May 2009 that the Taliban sheltering in Quetta have not sought to challenge the Pakistani security forces, instead focusing their efforts on cross-border fighting against US and NATO forces in Afghanistan.³⁴

In addition to vowing to respect reciprocal sovereignty, the neo-Taliban champion the international legal regime more generally. They maintain that the US-led coalition

²⁷ Quoted in Marsden, *The Taliban*, p.66.

²⁸ Roy, ‘Has Islamism a Future?’, p.210.

²⁹ ‘Statement of the IEA on Occasion of Eighth Anniversary’, *op cit*.

³⁰ ‘Statement of the Leadership Council of the Islamic Emirate of Afghanistan Regarding the London Conference’, 28 January 2010.

³¹ ‘In Open Letter to Shanghai Summit, Taliban Urges Participants to Render Assistance in the Work of Liberating People...’, *MEMRI Special Dispatch No. 2599*, 15 October 2009.

³² Anne Stenersen, ‘Are the Afghan Taliban involved in International Terrorism?’, *CTC Sentinel*, 2:9, September 2009, p.2.

³³ *Ibid*, p.3.

³⁴ Mukhtar A. Khan, ‘Quetta: The Headquarters of the Afghan Taliban’, in *CTC Sentinel*, 2:5, May 2009, p.6.

“invaded our country in contravention of all moral and legal norms and principles”³⁵ and that “Americans have been tramping down on [the] religious, social, cultural and economic rights of the people under the notorious name ‘war on terror’”.³⁶

For the first five years of the war, the Taliban refrained from targeting the United Nations, perhaps because it did not want to be seen to attack a respected global actor (although Guistozzi suggests it was due to the fact that the Taliban needed the UN as a broker in negotiations with the government).³⁷ In any case, when Secretary General Ban Ki Moon condemned the armed opposition for causing 80 per cent of the civilian death toll in Afghanistan, the Taliban accused him of bias, chastised him for “brazenly trampling down on UN principles of neutrality... in order to please the White House rulers”, and advised him that such remarks harmed the credibility of an august world body.³⁸ Similarly, when the United Nations Security Council extended the mandate for international troops in Afghanistan until October 2010, the Taliban protested that, in so doing, the Security Council “has categorically violated its Charter and the Geneva Convention”, which guarantee sovereignty and self-determination.³⁹ Indeed, the Taliban calls on “all independent institutions, entities, leaders, writers and statesmen to join their voice with that of the Islamic Emirate to defend the common and shared values of humanity”.⁴⁰ It also urges human rights organisations to raise their voices over the massacre of innocents and to conduct neutral investigations into such deaths.⁴¹

Although notorious for assassinating journalists who speak out against them, in their statements the Taliban also staunchly uphold norms on media freedom. In October 2005, a former Taliban official told Radio Tehran that the detention of Taliban spokesmen Ustad Mohammad Yasir and Latifullah Hakimi was against international conventions on the freedom of the press.⁴² It is also claimed that “the *mujahidin* of the Islamic Emirate of Afghanistan do their best to maintain security for independent journalists so that the realities can be revealed to the people”.⁴³ By contrast, “the so-called protectors of democracy and freedom of speech block our websites and spread lies against us... They efface the values that the humanity [sic] has achieved after a long struggle”.⁴⁴

Human rights are also mobilised in morally denouncing their adversaries. The international community is criticised for engulfing the oppressed Afghan nation with “a black cloud of atrocities and violations” under the guise of the Karzai-led government, consisting of human rights violators, corrupt drug traffickers and war-mongers. ISAF itself is referred to as “the invading troops and their hiring soldiers”,⁴⁵ and it is condemned for massacring civilians, using noxious weapons such as white phosphorous and committing war crimes. The Taliban derides “the empty slogans of democracy”—not least for the cancellation of the presidential run-off in

³⁵ ‘Statement of the Leadership Council of the Islamic Emirate of Afghanistan Regarding the London Conference’, 28 January 2010.

³⁶ ‘Response of the Islamic Emirate of Afghanistan Concerning the Desecration of the Holy Quran and Martyrdom of Innocent Afghans’, 15 January 2010.

³⁷ Antonio Guistozzi, *Koran, Kalashnikov and Laptop: The Neo-Taliban Insurgency in Afghanistan* (London: Hurst & Co., 2007), p.135.

³⁸ ‘Response of the Islamic Emirate of Afghanistan to Banki Moon Assertions about Civilian Casualties in Afghanistan’, 7 January 2010.

³⁹ MEMRI, October 20, 2009

⁴⁰ ‘Response of the Islamic Emirate of Afghanistan Concerning the Desecration of the Holy Quran’, *op cit.*

⁴¹ ‘Remarks of Z. Mujahid, Spokesman of the Islamic Emirate of Afghanistan, Regarding the Invaders’ Recent Brutalities’, 17 December 2009.

⁴² Nathan, ‘Reading the Taliban’, p.38, fn 5.

⁴³ International Crisis Group Asia Report No. 158, ‘Taliban Propaganda: Winning the War of Words?’, 24 July 2008, p.8.

⁴⁴ ‘The Help of Allah (SwT)’, 16 November 2009.

⁴⁵ ‘Response of the Islamic Emirate of Afghanistan Concerning the Desecration of the Holy Quran’, *op cit.*

2009⁴⁶—and criticises the US for the atrocities alleged at such prisons as Bagram Airbase, Abu Ghraib and Guantanamo Bay, for engaging in ‘extraordinary rendition’, and for allowing the private security company Blackwater to commit “flagrant human rights violations in Iraq”.⁴⁷

In the neo-Taliban’s discursive framework, Obama is “a violator of peace” leading a series of “anti-human activities”⁴⁸ while the Taliban are “freedom-loving and patriotic forces [who] have taken up arms to achieve their aspirations and natural rights”. Acting only in self-defence, the Taliban are described as “a freedom-loving, progress-favouring movement”⁴⁹ and “a liberation movement”⁵⁰ fighting to achieve the people’s “legitimate rights”⁵¹. In the end, it is the Taliban’s opponents who, under the slogan of the war on terror, act “against the universal human values, justice, peace, equal distribution of resources and independence”.⁵² Of course, this reliance on universal human values is not easy to square with the Taliban’s track record of injustice and abuse against the Afghan people.

Social easing

As a result, many of the prohibitions which symbolised the austerity of Taliban rule during the 1990s are no longer in effect. To begin with, it is not forbidden to depict living images through drawing, film, or photography. When the Taliban permitted occasional exceptions to these strictures before 2001 it was only to allow the filming of its fighters by the press, but the ‘neo-Taliban’ are tolerant of television and cinema and Taliban commanders are reported to openly watch Indian soap operas featuring women dressed in revealing western attire.⁵³ Also, where once “roadblocks by the Taliban always included a pole around which were wrapped, like trophies, the tapes ripped from audiocassettes that had been seized from motorists”,⁵⁴ the Taliban have more recently produced hundreds of thousands of cassettes and CDs using song to support their cause.⁵⁵

Certainly, as noted in the Introduction, the Taliban have enlisted the full spectrum of media technology to cast their shadow over Afghanistan today. From scores of web sites and online publications to millions of explicit DVDs depicting graphic images of civilian casualties allegedly perpetrated by western forces in Iraq, Afghanistan and Palestine, the Taliban’s manipulation of media technology is unrivalled even by the foreign presence in Afghanistan. As outlined in a report by the International Crisis Group, Taliban spokesmen maintain regular contact with journalists through email, SMS and telephone calls and provide online reports conveying the Taliban’s side of the story on civilian casualties and encounters with foreign forces. In contrast to government and international officials, “journalists stressed that Taliban spokesmen responded to queries around the clock”.⁵⁶ In fact, one journalist complained that the Taliban were contacting him too much. The turnaround with regard to technology has not been confined to the informational realm, however. Laptops and game console

⁴⁶ See ‘Statement of the Islamic Emirate of Afghanistan Concerning the Cancellation of the Runoff Elections, the American Melodrama’, 4 November 2009.

⁴⁷ ‘The Help of Allah’, *op cit*.

⁴⁸ ‘Taliban on Obama’s Nobel Peace Prize’, *MEMRI Special Dispatch No. 2611*, 22 October 2009.

⁴⁹ ‘Taliban in Statement on Security Council’s Extension of Foreign Troops’ Mandate in Afghanistan’, *MEMRI Special Dispatch No. 2606*, 20 October 2009.

⁵⁰ ‘In Open Letter to Shanghai Summit’, *op cit*.

⁵¹ ‘Taliban in Statement on Security Council’s Extension’, *op cit*.

⁵² ‘Eid ul-Fitr Message from Taliban Leader Mullah Omar’, *MEMRI Special Dispatch No. 2550*, 20 September 2009.

⁵³ Nir Rosen, ‘In the Lair of the Taliban’, *The Sunday Times*, 7 December 2008.

⁵⁴ Kepel, *Jihad*, p.230.

⁵⁵ Giustozzi, *Koran, Kalashnikov and Laptop*, p.121.

⁵⁶ ICG, ‘Taliban Propaganda’, p.11.

controllers have empowered the Taliban on the battlefield, greatly facilitating roadside bombs and improvised explosive devices.

In addition to embracing technology, the Taliban has relaxed its prescriptions for society. During the harsh rule beginning in the mid-1990s, men with beards shorter than the 'Islamic' standard were whipped, drinkers were flagellated with rubber hoses, the limbs of thieves amputated and murderers executed, all of which were deemed the only legitimate forms of public spectacle as thousands of people were crowded into stadiums to watch. By contrast, Giustozzi reports that as the neo-Taliban grew in strength in late 2006-early 2007,

... they seemed intent on capitalising on a certain shift of opinion in their favour by relaxing their ideological strictures. At least in some of the areas under their control, such as Musa Qala, they were no longer demanding that men grow a beard, keep their hair short or refrain from watching movies. This appears to have broadened their appeal, particularly in the towns. Taliban commanders were telling journalists that they were not going to impose their convictions so 'harshly' as when they had previously been in power.⁵⁷

Moreover, ordinary people were not to be harassed. The 2006 *Layeha*, or code of conduct, decreed that Talibs who tormented innocent people were to be expelled from the movement.⁵⁸

One sign of this easing was with regard to the Taliban's attitude on narcotics. Although the Taliban used drug production and trafficking to fund its own activities,⁵⁹ poppy cultivation by ordinary Afghans was banned by Mullah Omar. The neo-Taliban, however, seized on the Afghan government's poppy eradication policy begun in 2005 and stepped in to protect the farmers and offer them financial assistance. Unsurprisingly, drugs were outlawed as deeply immoral under the Taliban, but there has been an interesting shift in justification since that era, as voiced by one Taliban fighter: "We grow it because it damages non-Muslims. And that is why we're growing it. And we should do whatever damages non-Muslims.... Islam says that it is not permitted. But we do not care if it is permitted or forbidden. But we are only saying that we will grow poppies against non-Muslims".⁶⁰ Poppy production soared in areas under Taliban control, as in Kandahar and Helmand, and it is estimated that farming in the latter province is responsible for growing more than half the world's poppy (and also for 40-70% of the Afghan insurgency's funding).⁶¹ The Taliban is believed to levy a 10% tax on harvests and earn additional transit fees by transporting the drug outside Afghanistan.⁶²

Another shift in attitude has occurred with regard to female education. A series of Taliban leaders have spoken out in favour of female education and women's right to work. Clashes have also been reported between the Taliban and foreign fighters in Afghanistan (Arabs and Pakistanis) who tried to close down girls' schools, with fire fights ensuing over the issue.⁶³ The Taliban undoubtedly continues to burn down schools and assassinate students and teachers,⁶⁴ which is accounted for with the

⁵⁷ Giustozzi, *Koran, Kalashnikov and Laptop*, p.72.

⁵⁸ *Layeha* of 2006 reprinted in Christopher Dickey, 'Afghanistan: The Taliban's Book of Rules', *Newsweek*, 12 December 2006, article 15.

⁵⁹ Saikal, *Modern Afghanistan*, p.222.

⁶⁰ A 21-year-old Ishaqzai tribesman quoted in Graeme Smith, 'What Kandahar's Taliban Say', in Giustozzi, *Decoding the Taliban*, p.201.

⁶¹ Michael Erwin, 'The Insurgent-Narcotic Nexus in Helmand Province', *CTC Sentinel*, 2:9, September 2009, p.5-7.

⁶² Michael Erwin, 'Key Factors for the Recent Growth of the Afghan Insurgency', *CTC Sentinel*, 1:9, August 2008, p.10.

⁶³ Rosen, 'In the Lair', p.3-4.

⁶⁴ See for example Matthias Gebauer and Shoib Najafizada, 'If we Now Kill Schoolgirls, You Shouldn't be Surprised', *Der Spiegel*, 26 May 2009, at <http://www.spiegel.de/international/world/0,1518,627004,00.html>

argument that they only oppose mixed sex schools which peddle propagandist curricula, and in January 2007 it was announced that the Taliban would open their own schools (for girls too) promoting an 'Islamic' curriculum.⁶⁵ Their statements underline the Islamic Emirate's commitment "to take measures for the fulfilment of our countrymen's educational needs in the light of the fundamentals of Islam and the requirements of the contemporary world".⁶⁶ Mullah Omar bemoans the fact that the Taliban's enemies "have wrongly depicted us as a force that is against education and women's rights."⁶⁷ Such statements represent an ideological turnaround for the Taliban. Indeed, the Taliban's target constituency has expanded to include the educated Afghan population, and it is believed to have infiltrated Kabul University.⁶⁸

The Taliban also seem to have softened their position on the Shia. The Taliban emerged on the political scene as "the revenge of the Pashtuns", coinciding with a wider sense of frustration among the Pashtun population who never recognised Islamists like Gulbuddin Hekmatyar as its representative and resented the fact that Kabul was in the hand of non-Pashtuns, for only the second time since the creation of the country.⁶⁹ Some of the worst affected areas by the civil war had been around Kandahar, the heartland of the Pashtuns, where *mujahidin* commanders were engaged in drug trafficking, extortion and rape. As a result, "most Pashtun commanders, whatever their ideological affiliation joined or approved of the Taliban... By the same token, no well-known non-Pashtun figures joined the Taliban".⁷⁰ Indeed, the long beards and turbans which became the Taliban hallmark had long been a part of Kandahari culture⁷¹—in a sense, the Taliban sought to universalise a specifically Pashtun custom and enforce its adoption across Afghanistan, as a visible expression of piety but also as a symbol of the Taliban's political monopoly.

Representing one of the most brutal strains of puritanical Sunnism, the Taliban pursued a virulent anti-Shia agenda. In the words of Muhammad Qasim Zaman, "the fruits of an Islamic system ha[d] a sectarian taste, however".⁷² The governor of Mazar i-Sharif proclaimed outright that "Hazaras are not Muslim, they are Shia. They are [*kuffar*]... wherever you go we will catch you. If you go up, we will pull you down by your feet; if you hide below, we will pull you up by your hair".⁷³ Shortly thereafter, Mazar i-Sharif became the scene of a brutal massacre, in which the Taliban conducted house-to-house searches for Hazara men, shooting them in the head, chest or testicles, suffocating them to death in shipping containers or slitting their throats. Up to 8000 were killed, with thousands more maimed or raped.⁷⁴ Nine Iranian diplomats were also slaughtered at Mazar i-Sharif, taking Afghanistan to the brink of war with Iran. In a Taliban religious inquiry (*istifta*), one cleric maintained that the Iranians' Shia beliefs were "wicked and corrupt" and "a direct criticism of Islam itself".⁷⁵ The Shia were targeted in other parts of Afghanistan, too, and the country was equally unsafe

and James Palmer, 'Taliban Kill Afghan Students, Burn Schools', *Washington Times*, 28 May 2009, at <http://www.washingtontimes.com/news/2009/may/28/taliban-takes-battle-to-schools>.

⁶⁵ Giustozzi, *Koran, Kalashnikov and Laptop*, pp.104-5.

⁶⁶ 'Statement of the Leadership Council of the Islamic Emirate of Afghanistan Regarding the London Conference', 28 January 2010.

⁶⁷ 'Eid ul-Fitr Message from Taliban Leader', *op cit*.

⁶⁸ Colonel David Benest, 'Hot Stabilisation Strategy for Afghanistan?', seminar for the Changing Character of War Programme, University of Oxford, 10 June 2008.

⁶⁹ Roy, 'Has Islamism a Future in Afghanistan?', p.208.

⁷⁰ *Ibid*.

⁷¹ Matinuddin, *The Taliban Phenomenon*, p.37.

⁷² Muhammad Qasim Zaman, *The Ulema in Contemporary Islam: Custodians of Change* (Princeton: Princeton University Press, 2002), p.139.

⁷³ Human Rights Watch Report, 'Afghanistan: The Massacre in Mazar-I Sharif', 1 November 1998, at http://www.hrw.org/legacy/reports98/afghan/Afreport0-03.htm#P186_38364 [accessed 12 December 2009].

⁷⁴ See Michael Sheridan, 'How the Taliban Slaughtered 8,000', *Sunday Times*, November 1, 1998. The Taliban claimed to be avenging the killing of Taliban prisoners by Hazaras the previous year.

⁷⁵ Abdul 'Ula Deobandi in M. J. Gohari, *The Taliban: Ascent to Power* (Karachi: Oxford University Press, 1999), p.126.

for Hindus, Sikhs and Jews. In early 2001, the Taliban destroyed two statues of Buddha carved into the cliffs at Bamyán, which dated from the sixth century and were also a part of popular Shia folklore.

The bloody sectarianism which stained the Taliban era certainly marked a rupture with the past. Nineteenth century British travellers reported on Afghans as devout Muslims and tolerant towards other faiths⁷⁶ and communal interconnections, through marriages in particular, were higher in Afghanistan as compared to the Middle East, Central Asia and the Indian subcontinent.⁷⁷ Yet it is worth noting that, historically, religious persecution was not unknown in Afghanistan. In the nineteenth century, for example, Amir Abderahman vilified the Hazara Shia and solicited fatwas condoning attacks on them. Under the relatively moderate reign of Aminullah in the 1920s, the Constitution provided that the followers of certain unacceptable sects were “to be killed”.⁷⁸ Harsh attitudes towards the Shia specifically persisted well into the twentieth century:

The Shi’ite minority has always been far removed from the centres of power; they have been looked down upon and, until 1963, were practically outside the law. Their religious practices (praying with palms upraised, the procession of *moharram*) were forbidden and the Jaffarite law was not recognised by the state.

It was impossible for them to pursue a career in the army or in politics.⁷⁹

What’s more, after the defeat of the Soviet Union in 1988 and despite the fighting prowess shown by minority groups during the resistance, minority rights were not dealt with. The *mujahidin*’s Charters declared the supremacy of Hanafi jurisprudence (a Sunni school of law),⁸⁰ and the Shias were largely left out of the process of political reconstruction.

Vitriol against the Shia has largely dropped out of the neo-Taliban’s discourse. There have also been reports that the Taliban are working with Shia commanders.⁸¹ The Taliban seek to build a constructive relationship with Iran, even defending the regime in the face of Security Council condemnation.⁸²

But while the Taliban’s adaptability has been a force for moderation on many issues, it has led to a more radical evolution on others. Heralding the arrival of suicide bombing, Mullah Dadullah announced that “now we are going to change our tactics, using a new weapon we did not have in the past”.⁸³ Until mid-2003, and despite decades of war, the tactic had been unknown in the country, anathema as it is to the Afghan tradition, code of honour and culture (especially martial culture).⁸⁴ Dadullah proudly confessed that the Taliban had learned the technique from their Arab ‘brothers’,⁸⁵ and its utility was surely demonstrated by the war in Iraq. Although many suicide bombings were outsourced to non-Afghans, with Pakistanis, Arabs, Bangladeshis and even a Malian

⁷⁶ Asta Olsen, *Islam and Politics*, p.56.

⁷⁷ Neamatollah Nojumi, *The Rise of the Taliban in Afghanistan: Mass Mobilisation, Civil War, and the Future of the Region* (New York: Palgrave, 2002), p.216.

⁷⁸ Naby, ‘The Changing Role of Islam’, p.132.

⁷⁹ Roy, *Islam and Resistance*, p.51.

⁸⁰ Olsen, *Islam and Politics*, p.291.

⁸¹ Giustozzi, *Koran, Kalashnikov and Laptop*, p.119.

⁸² ‘Statement by the Political Commission of the Islamic Emirate regarding Certain Developments in Afghanistan and the World’, double-check this, website was down

⁸³ Noor Khan, ‘Top Taliban Military Commander Dismisses NATO Casualty Reports, Warns Journalists’, *Associated Press*, 4 September 2006.

⁸⁴ It is worth noting, however, that there was precedent for suicidal behaviour in war in Afghanistan. For example, Roy mentions that during the Islamist ‘uprising’ of 1975, militants made suicidal attacks on police stations. For the argument that modern jihadis build upon and re-invent the Islamic martial tradition of *inghimas* (courageous self-immersion into enemy ranks), see my ‘Crushed in the Shadows: Why Al-Qaeda Will Lose the War of Ideas’, *Studies in Conflict and Terrorism*, 33:2, February 2010.

⁸⁵ In Brian Glyn Williams, ‘Return of the Arabs: Al-Qa’ida’s Current Military Role in the Afghan Insurgency’, CTC, 1:3, February 2008, p.24.

citizen arrested for plotting such attacks,⁸⁶ young Afghans also embraced the tactic and its attendant 'cult of martyrdom' (final interviews with bombers, footage capturing the carnage, tributes lionising the perpetrators). Indeed, the vast majority of the 140 bombings which occurred in 2006 were carried out by Afghans or Pakistani Pashtuns.⁸⁷ In a 2008 DVD, one spokesman claimed that the Taliban was overwhelmed with volunteers for suicide bombings operations, including females, and that the Taliban "cannot provide enough [suicide] waistcoats".⁸⁸

Unlike in Iraq, however, Taliban suicide bombings are primarily directed towards foreign forces and government officials. The Taliban repeatedly fails to claim responsibility for blasts which kill large numbers of civilians and Taliban foot soldiers have been ordered to "try your best to avoid killing local people" when conducting suicide attacks.⁸⁹ The tactic remains controversial among the Taliban leadership and Mullah Omar is believed to have opposed an increase in its use due to concerns over civilian casualties.⁹⁰ This, in turn, is informed by the Taliban's quest for legitimacy.

Legitimacy

As discussed earlier, the Taliban views itself as a grassroots movement which was formed to alleviate the suffering of the Afghan people: "The Taliban, who have emerged from the masses of the people, have started their struggle to deliver their compatriots from pain and hardship..." (1996)⁹¹; "The Mujahideen have sprouted from among the people. They live among them and share their joy and pains" (2010).⁹² The Neo-Taliban are careful to underline, too, that they fight to defend their compatriots against the "infidel occupant forces".⁹³ As such, popular support is as critical to the Taliban's strategic narrative as it is to their ability to keep the insurgency alive through information, supply and safe passage.

It is worth noting that popular support has been hard to come by for Islamists in Afghanistan. When Gulbiddin Hekmatyar attempted to foment an Islamist uprising against Daoud's regime in 1975, Roy describes how "only in the north-east was there anything approaching an uprising; in the rest of the country, including Paktya, where Hekmatyar was, nothing happened... People were not with the movement".⁹⁴ Not only did the peasants fail to stir, they actively turned the Islamists in to the government forces.⁹⁵ Later, during the resistance to the Soviet invasion of Afghanistan in the 1980s, the self-appointed leadership ultimately distanced itself from its support base. Ashraf Ghani concluded that "the main shortcoming of the resistance has been an inability to pay attention to the local needs of the communities or attempt to win over the confidence of the local people... Speaking in the name of Islam has neither brought unity of ranks nor unconditional popular support".⁹⁶

⁸⁶ Omid Marzban, 'The Foreign Makeup of Afghan Suicide Bombers', *Terrorism Focus*, 3:7, 21 February 2006.

⁸⁷ In Brian Glyn Williams, 'Afghan Suicide Bombing', *Islamic Affairs Analyst*, September 2007, p.4.

⁸⁸ Ustad Mohammed Yasir in ICG, 'Taliban Propaganda', p.24, note 16.

⁸⁹ *Layeha* of 2009, 'Taliban 2009 Rules and Regulations Booklet Seized by CF on 15 Jul 2009 Ivo Sangin Valley', section 7, at <http://www.pbs.org/wqbh/pages/frontline/obamaswar/etc/mullahomar.pdf> [accessed 3 November 2009].

⁹⁰ Giustozzi, *Koran, Kalashnikov and Laptop*, p.117.

⁹¹ Broadcast on Voice of Sharia radio, 5 November 1996 in Marsden, *The Taliban*, p.62.

⁹² 'Response of the Islamic Emirate of Afghanistan to UN Report on Civilian Casualties', 15 January 2010.

⁹³ In *Nizami Darsoona – Da Mujahideeno Da Aghdad La para*, quoted in Imtiaz Ali, 'Preparing the Mujahidin: The Taliban's Military Field Manual', *CTC Sentinel*, 1:10, September 2008.

⁹⁴ Roy, *Islam and Resistance*, p.75.

⁹⁵ Naby, 'The Changing Role of Islam', p.140.

⁹⁶ Ashraf Ghani, 'Afghanistan: Islam and Counterrevolutionary Movements', in John Esposito (ed), *Islam in Asia: Religion, Politics and Society* (New York: Oxford University Press, 1987), p.94.

Undoubtedly, the legitimacy sought in Afghanistan is often specifically Islamic. In the nineteenth century, with the territorial expansion of the European imperial powers into the region and a succession of Afghan rulers who were not viewed as credible, Islam emerged as the dominant legitimating discourse in Afghanistan. From 1818 onward, a series of movements which opposed the state stressed Islam as their dominant symbol.⁹⁷ As the culmination of a power struggle between the centre and the countryside, the state and the tribal structure, the reformist King Amanullah was overthrown in 1929 under the slogan 'Islam is in danger'. His modernists policies were (successfully) depicted as western-instigated attacks on Islam; "religion became a focal point for opposition that was essentially political".⁹⁸ In 1970, there was huge public outcry when a Marxist journal published a poem celebrating Lenin's centenary which used words reserved for the Prophet. For the first time, the clergy and the militant Islamists worked together but their demonstrations were violently repressed.⁹⁹ As the parliament failed to act, the government itself was attacked for not following the tenets of Islam and the opposition's demands became diversified to include banning alcohol, reintroducing the veil and the abolition of secular education and legislation.¹⁰⁰

The Marxist regime of Nur Mohammad Taraki offended similar sensitivities. In 1978, Taraki eliminated all Islamic symbolism from the Afghan flag and took to executing members of the traditional religious leadership. Along with his peddling of Marxist jargon, this "gradually led to the alienation of the majority of the Afghans in the countryside. The ranks of the revolutionary Muslim groups swelled, particularly in the absence of any other foci for opposition to the government".¹⁰¹

As religious 'students' espousing a literalist version of Islam and enforcing a fundamentalist interpretation of the *sharia*, the Taliban's Islamic credentials were more readily apparent. The son of a village mullah and a mullah himself, the Taliban's leader was renowned for doing much of his strategic thinking on his prayer mat.¹⁰² In order to authenticate his role as a ruler ordained by God to lead the Afghan people, Mullah Omar drew upon both Islamic and Pashtun motifs. In 1996, he visited the shrine of the Cloak of the Prophet, which is situated next to the tomb of Ahmad Shah Durrani, the founder of the Pashtun dynasty which ruled Afghanistan for 300 years. Standing in Kandahar's central bazaar, Mullah Omar removed the cloak and wore it in front of a large crowd of followers. He was then named Amir al-Mo'mineen (Commander of the Faithful).¹⁰³ In donning the cloak of the Prophet, the Taliban's leader surely sought to adopt Mohammad's mantle, as he did when he stood up to the oppressive warlords and initiated the Taliban's crusade against ordinary people's suffering.

But this powerful symbolism did not long insulate the Taliban from a crisis of authority. As early as January 1997, the Taliban faced a revolt from within the Kandahar heartland over forced conscription.¹⁰⁴ At least four Taliban recruiters were killed by villagers who refused to join the army, and gunfights drove them out of several villages around Kandahar. In Wardak and Paktia, too, Afghans fought conscription, with one elder famously explaining that "the Taliban have promised peace, instead they have given us nothing but war". In the end, the Taliban were increasingly compelled to rely upon recruits from Pakistani *madrassas* and Afghan

⁹⁷ Ibid, p.85.

⁹⁸ Naby, 'The Changing Role of Islam', p.128.

⁹⁹ Roy, *Islam and Resistance*, p.47.

¹⁰⁰ Olsen, *Islam and Politics*, p.215.

¹⁰¹ Naby, 'The Changing Role of Islam', p.141.

¹⁰² Rashid, *Taliban*, p.82.

¹⁰³ Rashid, *Taliban*, p.20.

¹⁰⁴ Rashid, *Taliban*, p.103

refugees settled there.¹⁰⁵ As the economic situation worsened in the four years that followed and social strictures hardened, political alienation only deepened.

The resurgent Taliban appear to have understood their past mistakes. Their *raison d'être* is summed up as follows, on the back of a 2009 booklet issuing regulations to Taliban fighters: "This is our mission: to keep people and their property safe".¹⁰⁶ Indeed, these *jihad* regulations, or *Layeha*, offer an important insight into the neo-Taliban's quest for legitimacy. In the first place, they counsel against zeal and aim to instil discipline. For example, if members of the Afghan National Army and National Police surrender, the Taliban are not to kill them. On the contrary, "the *mujahidin* should take care of them very well, no matter if they come with or without a weapon".¹⁰⁷ If someone is accused of being a spy and there is no proof, they should be let go.¹⁰⁸ Taliban fighters are also not allowed to force donations from people; "the people should be free, and they should be able to donate to any group that they want".¹⁰⁹ They are barred from smoking,¹¹⁰ from taking young boys without facial hair to the battlefield or to their homes,¹¹¹ and from using *jihad* equipment or property for personal ends.¹¹² Indeed, "every Talib is accountable to his superiors in matters of money spending and equipment usage".¹¹³ The ideal Talib, then, is a disciplined and restrained strategic actor. He is not fanatical and does not employ violence unthinkingly.

Secondly, and related to this, the *Layeha* provide for a clear chain of command. District provincial commanders alone can authorise house searches and weapons confiscations,¹¹⁴ only the *shura* is to determine any dealings with NGOs,¹¹⁵ and if a Talib wants to infiltrate the Afghan government his group leader can dispense permission only after talking to the district authority which must talk to the governor.¹¹⁶ There are clear provisions for due process. If a spy working for the Taliban is killed, his murderer must stand before an Islamic court.¹¹⁷ Any witnesses that testify in trials "must be in good psychological condition, possess an untarnished religious reputation, and not have committed any major crime".¹¹⁸ If a spy is captured by the Taliban, one of three scenarios must apply: there are two witnesses willing to testify that he is a spy; the person voluntarily admits he is a spy; or there must be evidence indicating he is a spy, which is presented to the Imam.¹¹⁹ In this way, the Taliban's military culture is informed by a deep sense of legality.

Thirdly, the predominating assumption is that those who once worked for the Afghan government will have committed infractions which must be atoned for: "those who join the *mujahidin*, but who during their time working with the government took people's personal property or money, should return it back. The Islamic Emirate will not force them, but they should be responsible for all the bad things they have done in the past".¹²⁰ Further, the attendant assumption is that past evils can be redeemed.

¹⁰⁵ Rashid, *ibid*.

¹⁰⁶ *Layeha* 2009, back cover.

¹⁰⁷ *Layeha* 2009, article 11. For more on the humane treatment of prisoners as an established part of the Islamic *jihad* tradition, see my 'Terrorist Beheadings: Politics and Reciprocity', in Sibylle Scheipers (ed), *Prisoners in War* (Oxford: Oxford University Press, 2010).

¹⁰⁸ *Layeha* 2009, article 17.

¹⁰⁹ *Layeha* 2009, article 52.

¹¹⁰ *Layeha* 2006 article 18; *Layeha* 2009 article 49.

¹¹¹ *Layeha* 2006, article 19.

¹¹² *Layeha* 2006, article 9.

¹¹³ *Layeha* 2006 article 10.

¹¹⁴ *Layeha* 2006, article 16.

¹¹⁵ *Layeha* 2006, article 8.

¹¹⁶ *Layeha* 2009, article 6.

¹¹⁷ *Layeha* 2006, article 14.

¹¹⁸ *Layeha* 2006, article 27.

¹¹⁹ *Layeha* 2009, article 14.

¹²⁰ *Layeha* 2009, article 2.

While those who once killed Muslims on behalf of the Afghan government are not allowed to join the Taliban's ranks, the Taliban will accept guarantees that they will be good from now on.¹²¹ Certainly, mercy is a recurrent theme in the *Layeha*.

Fourthly, Taliban violence is enacted in a moral realm. Important aspects of the Islamic *jihad* tradition are appealed to, and one *Layeha* begins with the assertion that “[*jihad*] can be achieved only if it is done according to the laws of God and to the framework of the established rules and regulations”.¹²² The *jihad* principle of last resort, which stipulates that force should be used only if it is unavoidable, is repeatedly invoked. To begin with, and after the classical model,¹²³ Taliban commanders are urged to reach out to all Afghans who support the government and/or the foreign presence, and invite them to return to Islam.¹²⁴ Moreover, teachers and construction companies working for the enemy are to receive a warning before they are molested,¹²⁵ and night letters (*shabnamah*) are routinely dispatched to warn collaborators to desist from their ways.¹²⁶ The principle of right intention is also drawn upon, as Talibs are told that “everything you do should be according to Islamic law and only for God”.¹²⁷ Perhaps most crucially, strict Islamic protections for non-combatants are upheld. Talibs are never to target civilians and “anyone with a bad reputation or who has killed civilians during the *jihad* may not be accepted into the Taliban movement”.¹²⁸

Fifthly, every province is told to set up a court with one judge and two Islamic experts,¹²⁹ reflecting the Taliban's attempts to embody a shadow government. They are known to go after notorious criminals and, in parts of the country, they have set up an administration centred on the judiciary. Based exclusively on the *sharia* and paid for by road tolls, the Taliban's courts dispense quick justice and offer “a greater degree of predictability and reliability than the arbitrary behaviour of government security forces”.¹³⁰ In addition, they have established a shadow cabinet and appointed shadow provincial governors. The Cultural Commission of the Islamic Emirate of Afghanistan was established in 2008, the logo for which appears on a variety of websites and publications, and a new ‘media bureau’ was also charged with a series of tasks ranging from the production of films to the gathering and organisation of statistics on martyrs who have fallen in battle with coalition troops.¹³¹ Taking the notion of ‘shadowing’ even further, after Barack Obama announced the troop surge in Afghanistan in November 2009, the Taliban announced its own surge in exchange.¹³²

In displaying the white flag of their shadow government wherever possible, the Taliban seek to depict themselves as omnipresent. They erect patrols and checkpoints in small towns supposedly under government control, and they “openly wear the typical black turban as a reminder of the widespread presence of the Movement”.¹³³ The Taliban also strive to appear omniscient. For example, during a conversation with

¹²¹ *Layeha* 2009, article 5.

¹²² *Layeha* 2009, introduction.

¹²³ The invitation to Islam was a practice observed faithfully by the Prophet and his early successors, whereby the enemy was presented with two options for avoiding hostilities before the commencement of combat: either to accept the new faith or to agree to pay the *jizya* (a poll tax levied upon Christians and Jews). See Majid Khadduri, *War and Peace in the Law of Islam* (Baltimore: Johns Hopkins Press, 1962), p.96.

¹²⁴ *Layeha* 2006, article 1.

¹²⁵ *Layeha* 2006, article 25; *Layeha* 2009, article 21.

¹²⁶ See Thomas H. Johnson, ‘The Taliban Insurgency and an Analysis of Shabnamah (Night Letters)’, *Small Wars and Insurgencies*, 18:3, September 2007, pp.317-344.

¹²⁷ *Layeha* 2009, back cover.

¹²⁸ *Layeha* 2006, article 21.

¹²⁹ *Layeha* 2009, article 32.

¹³⁰ Giustozzi, *Koran, Kalashnikov and Laptop*, p.111.

¹³¹ See Nathan, ‘Reading the Taliban’, pp.27-28.

¹³² Islamic Emirate of Afghanistan, ‘The Invader's Anxiety Versus the Mujahideen's Victory’, 30 December 2009.

¹³³ Giustozzi, *Koran, Kalashnikov and Laptop*, p.113.

Canadian journalist Graeme Smith in 2007, one Taliban spokesman proudly showed that he knew the colour of the shopping bag that Smith had been holding as he walked out of the gates of the military base earlier that day.¹³⁴ And in their infamous *shabnamah*—‘night letters’ used to deliver threats and decrees—the Taliban drop in such information as “consider your poor employee who will suffer. He was in front of the house” and “I was following you from four in the afternoon until seven at night”.¹³⁵

Although never reluctant to issue threats when necessary, the Taliban strive to interact positively with the population. Talibs are advised over and over again to have “good relationships with local people, so that the *mujahidin* will be always welcomed by local people, and they should always help them”.¹³⁶ They are ordered to rise above tribal differences.¹³⁷ Further, they must not commit barbaric acts which alienate the masses. For example, “cutting noses, lips and ears of people is completely prohibited”¹³⁸ and, in 2009, beheading in particular was condemned. In a manner reminiscent of Ayman al-Zawahiri’s instruction to Abu Mus’ab al-Zarqawi to stop the spate of beheadings in Iraq in 2005 (“among the things which the feelings of the Muslim populace who love and support you will never find palatable are the scenes of slaughtering the hostages... And we can kill the captives by bullet”¹³⁹), Talibs are told that if someone is sentenced to death, he should be killed by gun. Moreover, “photographing the execution is prohibited”.¹⁴⁰ Indeed, Mullah Omar publicly condemned the terror tactic of beheading, which was most likely learned from the insurgency in Iraq, and probably pioneered in Afghanistan by the Dadullah brothers. Nevertheless, beheadings continued, pointing to divisions within the movement.

Divisions

The Taliban were able to seize power in Afghanistan in the first place due to divisions among the *mujahidin*. As M. J. Gohari argues, “*mujahideen* internal conflicts, which inflicted heavy damages and huge suffering on Afghanistan, provided the Taliban with a golden chance to verify their claim over the corruption and hypocrisy of their opponents”.¹⁴¹ As fighting militias representing specific localities, each *mujahidin* group had its own unique combination of ethnic and tribal support, and there were rivalry and violent clashes even between the Pashtun groups.¹⁴² As Burnuhiddin Rabbani attempted to form a government in 1992, the old rivalry between the two main Islamist parties, Rabbani’s Jamiat i-Islami and Hekmatyar’s more radical Hizb i-Islami took root, and tens of thousands of Kabulis fell in the fighting. Rabbani’s own faction was beset with divisions, as his alliance with the famous military commander Ahmad Shah Massoud was rocked by polarising ethnic loyalties, with Massoud’s Panjsheris and Rabbani’s Badakshanis plotting against each other.

In fact, the Taliban profited from another turf war which occurred within Benazir Bhutto’s government in Pakistan. The ISI, which had been supporting Hekmatyar in his quest to capture Kabul, was undermined by Naseerullah Baber’s Ministry of the Interior.¹⁴³ As considered earlier, after the Taliban rescued the Pakistani truck convoy, Baber took Mullah Omar under his wing. The Bhutto government dropped Hekmatyar, who was increasingly viewed as a losing horse, and put all of its money on

¹³⁴ Smith, ‘What Kandahar’s Taliban Say’, p.192.

¹³⁵ Taliban night letter to Fatima Moshtaq, director of education for Ghazni province, reprinted in Johnson, ‘The Taliban Insurgency and Night Letters’, pp.334-335.

¹³⁶ *Layeha* 2009, article 46. See also article 59.

¹³⁷ *Layeha* 2009, article 60.

¹³⁸ *Layeha* 2009, article 51.

¹³⁹ Letter from Ayman al-Zawahiri to Abu Mus’ab al-Zarqawi, 11 October 2005, reprinted in Mansfield, *In His Own Words*, p.273.

¹⁴⁰ *Layeha* 2009, article 18.

¹⁴¹ Gohari, *The Taliban*, p.26.

¹⁴² Saikal, *Modern Afghanistan*, p.210.

¹⁴³ J. N. Dixit, ‘Soldiers of Islam: Origins, Ideology and Strategy of the Taliban’, undated.

the Taliban. Bhutto aimed at strategic depth in the region as well as stability to facilitate trade and the transport of oil and gas from the Central Asian Republics.

But while the Taliban exploited a series of divisions, they themselves were not unified. After all, the Taliban was a Pashtun-dominated movement embodying “the ethnic polarisation of a rural and segmented society under the banner of Islam”.¹⁴⁴ Differences first emerged as the seizure of Kabul played out in 1996. Some Taliban elements were open to making a deal with the Rabbani government, but the more purist leadership based in Kandahar spurned all efforts to reach a ceasefire.¹⁴⁵ There were also divisions over how the Taliban should best capitalise on their momentum in Afghanistan and export the Islamic revolution. While some believed that propaganda efforts to teach Muslims abroad about the Taliban’s achievements would suffice, others argued that financial and military assistance ought to be provided to other Muslim liberation movements.¹⁴⁶ Divisions also surfaced over the role of women, relations with the west,¹⁴⁷ and the presence of al-Qaeda’s largely Arab fighters on Afghan soil. In the end, like the *mujahidin*, the Taliban resorted to one-man rule with no organisational mechanism to accommodate other ethnic groups or points of view. The struggle between moderate and hardline Taliban went underground, with no Taliban leader willing to contradict Mullah Omar.¹⁴⁸ No doubt, the “eventual explosion within the Taliban” predicted by Ahmad Rashid in 2000 would have occurred in due course had it not been for the US-led invasion.

Indeed, that invasion provided the neo-Taliban with the unifying mechanism of the defensive *jihad*. However, that *jihad* has brought with it a potentially polarising element: foreign fighters. Renowned for their brutality, thousands of mainly Arab and Pakistani fighters have set up dozens of camps in Afghanistan. They bring to the Afghan *jihad* an extremist, Salafi interpretation of Islam that is less tolerant than the Hanafi tradition of most Afghans. During the *jihad* against the Soviets in the 1980s, the thousands of ‘Gucci jihadis’ who flooded into Afghanistan in order to fulfil their Islamic duty of defending the *umma*, left behind them a religious and cultural legacy. They imported into the region a more puritanical strain of Islam which included anti-Shism, opposition to Sufi customs and the broadening of the battle against the invader from military defence to *cultural* defence against a *kafir* onslaught.¹⁴⁹ Today, that ideological legacy is built upon with a tactical one: as noted earlier, suicide bombings and beheadings were copied from Iraq and most likely taught to the Taliban by Arab fighters.

Certainly, after the ‘Sunni Awakening’ in Iraq and the pursuant expulsion of foreign militants, many die-hard *jihadis* decamped to Afghanistan. It is said that they wish to lead their own fighting units, but Taliban commanders make clear that “no foreign fighter can serve as a Taliban commander”.¹⁵⁰ Zabiullah Mujahid, a spokesman for Mullah Omar, denies that the Taliban is under al-Qaeda’s sway, underlining that, although people that want to come to fight are welcome, “we are from the country [Afghanistan], we are the boss. We [do] not have any link with [al-Qaeda], they [do] not have any link with us”.¹⁵¹ Until his death in 2007, Mullah Dadullah, a proponent of beheadings and suicide bombing in Afghanistan who appeared in al-Qaeda propaganda material,¹⁵² was disliked by many other Taliban commanders. In some

¹⁴⁴ Roy, ‘Has Islamism a Future?’, p.211.

¹⁴⁵ Dixit, ‘Soldiers of Islam’.

¹⁴⁶ Gohari, *The Taliban*, p.111-2.

¹⁴⁷ Marsden, *The Taliban*, p.65.

¹⁴⁸ Rashid, *Taliban*, p.104.

¹⁴⁹ Roy, ‘Has Islamism a Future?’, p.202.

¹⁵⁰ Quoted in Williams, ‘Return of the Arabs’, p.24.

¹⁵¹ Nic Robertson, ‘Afghan Taliban Spokesman: We Will Win the War’, *CNN*, 5 May 2009.

¹⁵² Stenersen, ‘Are the Afghan Taliban involved in International Terrorism?’, p.3, fn 12.

cases, as in Paktia and Kunar, local Taliban commanders asked foreign volunteers to leave in order to keep the population on side.¹⁵³

In the nineteenth century, King Abdurrahman declared that any mullah whose whereabouts, nationality and parentage were not known would be expelled from Afghanistan, so that no stranger could come and foment discord.¹⁵⁴ This suspicion of foreigners surely carries over into the modern day, as mainly Arab militants reveal extreme attitudes and engage in undisciplined behaviour. Insights from internal al-Qaeda communiqués reveal that many Arab fighters who came to Afghanistan during the anti-Soviet *jihad* in the 1980s and under Taliban rule in the 1990s had massive contempt for the ‘impure’ Afghan people. Abu Mus’ab al-Suri, an al-Qaeda strategist who fought tirelessly against the hard line Salafi strain within the movement, despaired with the way his Arab colleagues behaved in Afghanistan. They despised the population at large for its superstitious and deviant religious practices, which incorporated Sufi rituals, and many of them believed that the Taliban regime itself was ungodly and not a pure Emirate.¹⁵⁵

It can be assumed that these uncompromising views are as prevalent among the foreign fighters in Afghanistan today, and that this will be an important source of tension for the Taliban in the future. “The Taliban are not a unified force—they are not the SPLA in Sudan or the Maoists in Nepal”¹⁵⁶—there is plenty of scope of division. The unifying effects of the defensive *jihad* can only suppress difference for so long. When those differences do manifest themselves, and with a bang most probably, it is likely that one of the key dividing lines will concern the foreign element within Afghanistan.

Moreover, and as a matter of policy, the existence of divisions within the Taliban combines with clear evidence of a sizeable moderate camp within the Taliban to recommend negotiations. This moderate strain is necessarily ascendant in time of defensive *jihad*, and it seems important to capitalise on this state of affairs in order to carefully detach the softer core of the Taliban from its more hard-line fringe. Given the growing legitimacy among the Afghan populace attendant to such moderation, it seems wise to listen to and empower the most moderate element within the movement, in the same surgical stroke.

In sum, the foreign influence in Afghanistan and the integration of the Taliban into the global *jihadi* movement has had uneven effects. On the one hand, the Taliban has been able to engage technology for both information and asymmetric warfare. On the other hand, the foreign and especially Arab presence has brought with it radical ideologies and tactics. If the former is a source of strength for the Taliban in its quest to become a mass movement, then the latter is an inevitable source of weakness.

Conclusion

At the height of Abu Mus’ab Zarqawi’s campaign of terror in Iraq, Osama bin Laden’s deputy warned him in a letter that “we don’t want to repeat the mistake of the Taliban, who restricted participation in governance to the students and the people of Qandahar alone... When the invasion came, the Emirate collapsed in days, because the people were either passive or hostile”.¹⁵⁷ The neo-Taliban, too, have sought to learn from the Taliban’s past mistakes—an urgency thrust upon the movement as it went from

¹⁵³ Giustozzi, *Koran, Kalashnikov and Laptop*, p.131.

¹⁵⁴ Olsen, *Islam and Politics*, p.74.

¹⁵⁵ See Brynjar Lia, ‘Dissidents in al-Qaida: Abu Mus’ab al-Suri’s Critique of bin Laden and the Salafi-Jihadi Current’, lecture delivered at Princeton University, 3 December 2007.

¹⁵⁶ Ashraf Ghani lecture for the Ralph Miliband Programme at the London School of Economics, 12 March 2010.

¹⁵⁷ Letter from al-Zawahiri to al-Zarqawi, 11 October 2005, p.262.

embodying the government, to opposing it. After all, the first canon of the insurgent is that he cannot survive without the support of the people.

In a sense, and in opposition to the current trend in the rest of the Islamic world, the Taliban have moved away from neo-Fundamentalism back towards Fundamentalism, or old-fashioned Islamism. While neo-Fundamentalism is a closed, scripturalist and conservative view of Islam which is obsessed with the narrow application of the *sharia*, Islamism is a political ideology and a product of modernity. Often, as during the period of opposition to colonial rule, Islamism is accompanied by, and capitalises upon, fierce nationalist sentiments. Neo-Fundamentalism targets society, while Islamism sets its sights on the state. Neo-Fundamentalism defines Islam as a social and legal attitude prescribing external indicators of internal faith (beards, ankle-swinging thobes, the *burqa*); Islamism defines Islam primarily as a political system, and as the only means to political liberation.

This shift, a devolution of sorts, occurred because of the exigencies of foreign occupation and thus the Taliban's need for a wider legitimacy in order to fight (and so exist). But the Taliban have a long way to go to become Islamists, principally because they do not know much about Islamism (or, it is sometimes said, Islam itself). There has never been an Afghan Islamist intellectual, and Afghanistan has been isolated from the Islamic debates which occurred in the Middle East, both moderate and radical, ancient and ongoing. Where the Taliban take control of territory, it is probable that they will fall back upon hold habits—by default, perhaps—and replicate the severe strictures of old.

We have also seen that the Taliban integrated itself into the global *jihad*, but the global *jihad* is a poisoned chalice. It provides the legitimising rhetoric of self-defence against the global Crusader and an arsenal of technological innovation, yet it brings with it a fanatical foreign presence and tactics like suicide bombing and beheading which alienate the populace and sow division within the ranks.