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AFGHANISTAN: THE SHIFTING RELIGIO-ORDER AND ISLAMIC DEMOCRACY

Abstract

The purpose of this paper is to explore the relationship between the Islamic religio-order and the fledgling democratic institutions in contemporary Afghanistan. This paper challenges the predominant notion that Islam and democracy are not compatible in Afghanistan by producing a historical account that traces the history of the Afghan religio-order in relation to the ever-changing political sphere. I argue that the Afghan religio-order has historically been co-opted and controlled by Afghan political institutions, no matter what political and ideological system was in place. The legitimation of the political sphere by the Islamic religio-order reveals that Islamic authority and legitimacy given to political institutions is shaped by political interests as opposed to religious doctrine. Finally, this paper builds on the historical analysis to argue that the contemporary Islamic democratic system provides for the first time in contemporary Afghan history an autonomous Islamic religio-order via the Afghan judiciary.[2]

Keywords: Islam, democracy, Afghanistan, religio-order, civil society

Introduction

The question of whether Islam and democracy are compatible entities has been one of the most debated issues since the fall of the Soviet Union.[3] The totalizing narratives that have supplied essentialist evaluations and projections regarding the compatibility of Islam and democracy have been marked by variegated attitudes that have been accompanied primarily from within a moralist paradigm.[4] Principally that Muslim cultural associability and Islamic legal theory are not compatible with democracy.[5] These artificial dichotomizations impose

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2   This paper seeks to contribute to the emerging discipline of religion and politics (Politology of Religion) set forth in the *Politics and Religion Journal*. Please see: Miroljub Jevtic, Political Science and Religion, *Politics and Religion Journal,* Vol. 1, No. 1, 2007, pp. 59-69.

3   See for example: John O. Voll, Islam and Democracy: Is Modernization a Barrier?, *Religion Compass* Vol 1, 2007, pp. 170–78; Azzam S. Tamimi, Islam and Democracy from Tahtawi to Ghannouchi, *Theory, Culture & Society*, Vol. 24, 2007, pp. 39–58.

4   See for example: Samuel P. Huntington, The Clash of Civilizations?, *Foreign Affairs*, Vol. 72, 1993, pp. 22–49; Bernard Lewis, *The Shaping of the Modern Middle East,* Oxford University Press, 1994.

5   See for example: Bernard Lewis, *The Shaping of the Modern Middle East,* Oxford University Press, 1994.

Eurocentric cultural paradigms on a civilization with heterogeneous cultural, political, and social frameworks.[6] But what most of these analyses have done was to look at the structural specificity in the development of Islamic political theory to render that Islam is incompatible with modern democratic discourse.[7]

While the structural political conditions and civic cultural relations that endured in past Islamic empires were essentially non-democratic and patrimonial, the realities on the ground suggest that modern Muslim states have adapted too and constructed new forms of governance that have broken way from the past and incorporated the dominant Western discourse on democracy.[8] Instrumentally, we find that Islam and Islamic theory of governance has conventionally played a secondary role in the construction and management of modern Muslim states.[9] Islamic law was and continues to be operationalized in second-order logic by adapting too and internalizing both pre-existing and newly established institutional systems depending on the contents of the political and social order. The new institutionalized mentalities dispersed around the Islamic faith and democracy has challenged prevailing power relations between the religio-order and the political-order. How do we sustain a truly democratic state if the religio-order has direct influence over legislative outcomes? The answer to this question demands us to historicize the structural conditions and the cultural laboratories that have facilitated the political-order's dominance and incorporation of the religio-order in variegated Islamic contexts. Exponentially, to illustrate how we might conventionally expect the religio-order to materialize in contemporary Muslim countries based on historical precedent and democratic legal formalism.

Through an interpretive historical sociological approach, this paper will focus on Afghanistan to show how under various Afghani systems of authority the institutional hegemony of the political-order has always co-opted and controlled the religio-order regardless of any system of governance; until however, the establishment of an Islamic democracy, which has given the religio-order independence and autonomy from the political order. I conclude by arguing that as long as the extractive power of democracy is ever-present and institutionalized in Afghanistan the autonomous religio-order will again become integrated and co-opted directly by the political order and indirectly through civil society.

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6   See for example: Samuel P. Huntington, The Clash of Civilizations?. . . pp. 22–49.

7   See for example: Francis Fukuyama, *The End of History and the Last Man,* Free Press, New York, 1992; Huntington, Samuel P, The Clash of Civilizations?... pp. 22–49; Bernard Lewis, *The Shaping of the Modern Middle East*; Bernard Lewis, Islam and Liberal Democracy: A Historical Overview, *Journal of Democracy,* Vol. 7, 1996, pp. 52–63; Daniel Pipes, There Are No Moderates: Dealing with Fundamentalist Islam, *The National Interest*, Vol 41, 1995, pp. 48–57.

8   See for example: Ira Lapidus, *The History of Islamic Societies*, Cambridge University Press, New York, 1988.

9   See for example: Dale F. Eickelman, James Piscatori, *Muslim Politics,* Princeton University Press, 1996; John L. Esposito, John O. Voll, *Islam and Democracy*, Oxford University Press, 1996.

Islamic Democracy and Afghanistan

Nowhere has the discursive practice of Islamic democratic transitions been more apparent than in contemporary Afghanistan where the military overthrow of the totalitarian Taliban regime by American and allied forces has paved way for the institutionalization of a fledging democratic system of governance. Afghanistan is an important case study for questions regarding the compatibility of Islam and democracy because Afghanistan was a contradistinctive state that was politically saturated with internally distinctive elements of both pre-modern and modern forms of governance.[10] The multifaceted nature of the modern nation-state of Afghanistan with its intransigent tribalism, regionalism, traditional Islamism at one end of the spectrum and the distortional systems that have sustained a constitutional monarchy, socialist and communist regimes and contemporarily a non-functioning democracy have shown that the role of Islam is at best deficient in understanding the structural political conditions in Afghanistan.[11]

The contemporary Afghan state is a primary example of how a traditional society has co-opted tribal and Islamic law to conform to any comprehensive system of governance. But now that we have a sustained democratic government in Afghanistan and turned the twentieth centuries most notable Islamists into 'democrats' the question is how do we sustain and understand such a momentous turn in history? This is an important inquiry because the present case of Afghanistan will demonstrate that the construction of an Islamic legal theory that is compatible with democracy is not only normatively possible but also empirically attainable.[12] One only has to look back at eighteenth and nineteenth century Western Europe to know that the development and institutionalization of democracy was a long historical process that did not wait for the reform of canon and traditional monarchical law, in fact it was these legal systems that conformed to latter.[13] The same internally distinctive causal process occurred in Latin America, Eastern Europe, and Southeast Asia in the latter part of the twentieth century.

The hegemonic exceptionalism of the universality of democracy is now challenging the structural political conditions in the Muslim world. The assumption or precondition that Muslims or Islam must be reformed (assuming that reform is always liberal) in order to establish democracies in the Muslim world is rather far-fetched and unnecessary.[14] Because unlike the Shiite tradition of centralized and

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10   See for example: Samina Ahmed, Warlords, Drugs, Democracy, *World Today*, Vol. 60, No. 5, 2004, pp. 15-17.

11   See for example: Thomas J. Barfield, Problems in establishing legitimacy in Afghanistan, *Iranian Studies*, Vol. 37, No. 2, 2004, pp. 263-293.

12   See for example: Christopher P. Freeman, Dissonant Discourse: Forging Islamist States through Secular Models: The Case of Afghanistan, *Cambridge Review of International Affairs,* Vol. 15, No. 3, 2002, pp. 533-547.

13   See for example: Anthony Hyman, Nationalism in Afghanistan*, International Journal of Middle East Studies,* Vol. 34, No. 2, 2002, pp. 299-315.

14   See for example: Francis Fukuyama, *The End of History and the Last Man*, Free Press, 1992

hierarchical religious authority, in Sunni Islam the fragmented nature of various clerical discursive communities has allowed Islamic law and Islamic political theory to cross-fertilize with political institutions of the period. The dynastic interests of Caliph Al-Mutawakil in 847 A.D. to shift and mandate religious orthodoxy from Muatazilite doctrine toward Ashariite doctrine would formulate orthodox Muslim belief through to the present.[15]

While nearly two-thirds of all Muslims live in democratic and semi-democratic nation-states,[16] the enduring question that has resonated in both academic and political circles is what capacity does the Islamic religio-order sustain in the new democratic structures of the state? In Afghanistan, the religio-order or what this paper defines as the traditional clerical class was historically co-opted under various political-orders. These political systems included secular and tribal systems of law, monarchical dictatorships, and communism. However, in the new democratic political institutions, the religio-order has received an autonomous position of power in the judiciary in direct contrast to and control of many facets of the political order constructing new questions surrounding the relationship between religion and politics.

The contemporary literature on liberal democracy has taken on similar intellectual overtones that have emerged in late eighteenth and nineteenth century Whiggish literature. The distinctive insinuation of Whig historians or what Herbert Butterfield[17] called the Whig interpretation of history essentially glorified the exceptional sanctity of the idea of liberty and freedom in the development of polity and governance in France, Germany and Great Britain. While the dualistic rhetoric sought to cultivate and disseminate a European notion of freedom and liberty in their respective nation-states, they also unassailably justified the expansion of empire. This discourse has been supplanted into the present as freedom and liberty have paradoxically been co-opted by the fecundity of global democracy and capitalism. The "end of history" thesis first introduced by Francis Fukuyama[18] is one of many repository theoretical perspectives that have their roots in Whiggish history and formally operationalized with the collapse of the Soviet Union to explain the instrumentalities of Western liberal democracy as sustained universality.

The hegemonic dominance of the democratic discourse in global politics has left no one untouched.[19] In the Muslim world, the repressive nature of postcolonial political and economic institutions has rendered failing structural conditions and distortional systems that have been the precipitating causes of pov-

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15   See for example: Ira Lapidus, *The History of Islamic Societies*, Cambridge University Press, New York, 1988.

16   See for example: Ehteshami Anoushiravan, Islam, Muslim Polities and Democracy, *Democratization*, Vol. 90, 2004, pp. 90-110.

17   See for example: Herbert Butterfield, *The Whig Interpretation of History*, W. W. Norton Company, 1965.

18   See for example: Francis Fukuyama, *The End of History and the Last Man,* Free Press, 1992

19   See for example: Gary C. Gambill, Democratization, the Peace Process, and Islamic Extremism, *Middle East Intelligence Bulletin,* Vol. 6, No. 6/7, 2004, pp. 16.

erty, civil wars, un-development and by extension terrorism. The oppositional groups and movements that have emerged to contest the indigenous dominant elite have internalized the ideological projections and demands of democratic theory, while sustaining traditional cultural and religious frameworks. One only has to conduct a broad survey across the Muslim world to uncover the democratic conceptual rigor that is resonating across the Muslim world, accompanying all segments of Muslim societies including Islamist and secularists, traditionalists and fundamentalist. While the fragmented paradigms that are emerging on the role of Islam in a functioning democratic state are continually contested, the internal variation of Islamic democratic discourse has disentangled any dominant totalizing narrative. The plurality of democratic systems of governance that are materializing in various Muslim contexts are not only internally distinctive systems but are also embedded within the framework of their cultural, political, and religious institutions.[20] This is important because while Malaysia, Senegal and Iran all assert to be modern Muslim democracies, they are all politically internally and externally distinctive and differentiated.

In Afghanistan, the formation and institutionalization of democratic institutions has challenged the repressive nature of tribalism and regionalism that has for a vast majority of Afghan people defined their spatial boundaries.[21] The newly established democratic institutions have challenged the primordial loyalties that have existed in Afghan society for centuries and given way to the construction of a new imagined community based on Afghan social and religious solidarities that have endured through the centuries. The dynamic paradigm shift that occurred in Afghani politics was not a result of some impervious change to the Hanafi or Shiite school of thought but was the construction and institutionalization of vital national institutions.[22] It was these newly formed institutions that precipitated the warlords and tribal leaders to contend for power not by guns and other anti-civil behavior but through civil contestation by appealing to the constituent's sentiments through participatory collective action and inclusive suffrage for all.[23] While some may contend that the Northern Alliance and other radical Afghan political factions were ambitious opportunist in accepting the new democratic political institutions unilaterally enforced by the United States, for this discussion this is not indicative of how they might behave once in power.

While the Weimar Republic dilemma, "the one man, one vote, one time" scenario can potentially be an insuperable stumbling block in developing democratic discursive communities, the evidence demonstrates that once a democracy

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20   See for example: Azzam S. Tamimi, Islam and Democracy from Tahtawi to Ghannouchi, *Theory, Culture & Society*, Vol. 24, 2007, pp. 39–58.

21   Gordon Peake, From Warlords to Peacelords?, *Journal of International Affairs,* Vol. 56, No. 2, 2003, pp. 181-191.

22   See for example: Angelo Rasanayagam, *Afghanistan: A Modern History,* I.B. Taurus & Co. Ltd. New York, 2003.

23   See for example: Paul Jackson, Warlords as alternative Forms of Governance, *Small Wars & Insurgencies*, Vol. 14, No. 2, 2003, pp. 131-150.

gets institutionalized it becomes increasingly difficult for radical political movements to seize total power.[24] Democracy renders a moderating effect on radical movements in order to consolidate and sustain power. The right-wing Hindu fundamentalist BJP party under Atal Behari Vajpayee in India attempted and failed to undermine democratic institutions in India. The contemporary success of the Justice and Development party in Turkey in promoting democracy and the rule of law against the blatant oversight and interference of the military in political affairs are examples of the unassailable moderating effect of democracy on conservative political movements. Many critics and even skeptics of the democracy and Islam debate cite Max Weber's early work to illustrate that the development and establishment of liberal democracy is dependent on the sustained historical role of bourgeois promotion of political and economic liberalization.[25] His earlier work on imperial Russia suggests that Russia's insuperable effort to cultivate and adhere to basic principles of liberal democracy were politically and socially indicative of the historical preconditions to do so.[26]

While many critics converge on Weber's conceptual rigor on imperial Russia, many ignore the fact that Weber included imperial Germany within the same generality. However, unlike contemporary Russia, Germany is concomitantly a functioning liberal democratic state. Weber would hardly have been surprised at the case of modern Germany. Weber himself has stated in his condensed essay, "On the situation of Bourgeois Democracy in Russia" that the "chances for democracy and individualism would be very poor indeed, if we relied for their developments upon the "social laws" of the effects of material interests."[27] For Weber, the 'social laws' are bounded by secular objectivity and a rational-legal order, which becomes a necessary pre-condition in the rise of liberal democracy in modern nation-states. Essentially, for Weber the development and institutionalization of liberal democracy is embedded in the theory of secularization. But is total secularization a necessary condition for the implementation and internalization of liberal democracy in modern nation-states?

The empirical reality in modern Muslim nation-states suggests that cross-fertilization is possible. We have the example of Malaysia, Indonesia, Senegal and Albania four Muslim democracies that have found a congruent balance between the demands of Islamic law and the communicative and regulative systems of democracy. In Afghanistan, the nation building project rendered by the US and allied forces were committed to a hybrid democratic system of governance, which incorporated the Islamic commitments of the Afghan people. Historically,

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24   See for example: John L. Esposito, John O. Voll, *Islam and Democracy*, Oxford University Press, 1996.

25   See for example: R. Guenther, History and Sociology in the Work of Max Weber, *The British Journal of Sociology*, Vol. 27, No. 3, 1976, pp. 306-318.

26   Thomas Pearson, Imperial Legacies and Democratic Prospects: Max Weber's, The Russian Revolutions in Historical Perspective, *International Journal of Politics, Culture, and Society*, Vol. 9, No. 4, 1996, pp. 553-568.

27   See for example: R. Guenther, History and Sociology in the Work of Max Weber, *The British Journal of Sociology*, Vol 27, No 3, 1976, pp. 313.

US nation-building efforts in Germany and Japan unilaterally imposed a secular constitutional framework that disentangled hegemonic institutions of the past.

In Afghanistan, the historical realities of this fragmented nation-state with internally distinctive tribal loyalties and decentralized structural political conditions have dispersed the national collectivity.[28] For the United States, the only organized movements and ideology that had the political will to cultivate legitimacy in uniting the Afghan people under the framework of the new democratic state were the Mujahedeen and Islam. This paradox exposed the organizational ability of Islam to unite a fragmented community around the framework of the new Islamic democratic constitution.[29] The extractive power of Islam in Afghanistan provided the various Afghan tribes and warlords to apply themselves value-rationally in order to mobilize the Muslim masses to move beyond primordial loyalties and contest for power. The shift from the Gemeinschaft towards the Gessellschaft[30] has allowed for the construction of newly formed mentalities within the structure of Afghan history and conjecture of contemporary Islamism.

Shifting Afghan Political Institutions and the Religio-Order

The spatial boundaries of the religio-order in the Islamic world were historically formalized under the institutional hegemony of the political-order. The state-centric imperatives of the religio-order facilitated the repressive structures of states and empires of the past and present by ideologizing Islam and Islamic jurisprudence in line with state programs. In Islam, there is no mandating, formal Islamic political theory that was historically ordained in the Quran or even in the life of the prophet Muhammad.[31] This arbitrariness has facilitated powerful states to demarcate between orthodoxy and unorthodoxy for the collective good of the political order, which has allowed Islam as historically represented by the religio-order to adapt to any system of governance. Furthermore, this constellation is critically reflected within Sunni tradition because it lacks a codified religious hierarchy that was present in Shiite Islam and other religious traditions. The overarching generalization which asserts why democracy was never formally established in the Muslim world then is not related to the religio-order but the political-order that hopelessly feared the loss of socio-political and economic dominance.

The political restructuration process in Afghanistan towards democracy was a nuanced shift in the political order that Afghan society and the accompanying religio-order was acclimated toward. The historical specificities of the Afghan na-

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28   See for example: Paul Jackson, Warlords as alternative Forms of Governance, *Small Wars & Insurgencies*, Vol. 14, No. 2, 2003, pp. 131-150.

29   See for example: Steven S. Lapham, Forging a New Afghanistan, *Social Education,* Vol. 66, No. 1, 2002, pp. 26.

30   See for example: Ferdinand Tonnies, *Community and Civil Society,* Cambridge University Press, 2001.

31   See for example: John L. Esposito, John O. Voll, *Islam and Democracy*, Oxford University Press, 1996.

tion-state were the primordial reason the transition to democracy was externally and internally a harmonious process. The Islamicization of Afghanistan began during the seventh century and was fully consolidated around the ninth century as Arab armies, traders and spiritual movements converted nearly all of present day Afghanistan to Sunni Islam. The Persian Muslims who briefly ruled Afghanistan under the Samanid dynasty were very successful in institutionalizing a bifurcated centralized governing system that was structurally Persian, but politically tribal. While the caliph legitimated his position through the control and dominance over the religio-sphere, the real claimants to power were the variegated tribal collectivities in Afghan society.[32]

The tribal movements who formed the initial opposition to the newly formed Islamic Samanid Empire in "Afghanistan," were eventually able to consolidate power and create new empires (Ghaznavid, Ghorid, and the Mongols) constructing a religio-order that would adapt to and incorporate Afghan tribal political conditions.[33] The religio-order during this period was thus an amalgamation between the Hanafi school of thought and traditional Afghan tribal and cultural injunctions that would construct a mentality that demarcates Islamic law as second-order logic within variegated civic and political constellations. These dynastic imperial systems would continue to perpetuate patrimonial regimes whose loyalties remained toward ethnic and tribal collectivities through to the twentieth century with the onset of European colonialism. European colonial rule in Afghanistan perpetuated and endorsed the traditional political order by utilizing tribal loyalties and customs to essentially divide and conquer Afghan territories.

Once the Russian and British militarily controlled the region and undermined the power structures of various tribes that were complacent in aiding the British and Russians, oppositional groups began to formulate embarking on three major Anglo-Afghan wars. Since the traditional political-order was no longer directly in control by the tribal elites, the only organized and legitimate subset of society that was able to subsume the political vacuum during this tumultuous period was the religio-order.[34]

The autonomous religio-order united the Afghan tribes under the banner of Jihad against the British and Russian occupiers but it did not assume direct control of Afghan political affairs. After the British and Russians were expelled from Afghanistan, the tribal political-order tactically submerged the bounded religio-order under formalized tribal structural political conditions. The enduring

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32   See for example: Richard Frye, *Cambridge History of Iran From the Arab Invasions to the Saljuqs*, Cambridge University Press. 2008, pp. 131-161, 162-197.

33   See for example: Richard W. Bulliet, Local Politics in eastern Iran under the Ghaznavids and the Seljuqs, *Iranian Studies,* Vol. 11, 1978, pp. 35–56.

34   See for example: Thomas J. Barfield, Problems in establishing legitimacy in Afghanistan, *Iranian Studies*, Vol. 37, No. 2, 2004, pp. 263-293.

reasons why the religio-order was incapable of contesting power and acquiesce control of the political order were three; 1. There was no symposium in Afghanistan which endorsed the political involvement of the clerical establishment, so once the religio-order ceased their uniting political function they were integrated back into the political order. 2. While the religio-order led the opposition against foreign occupation, the resistance was neither homogenous nor united. Various Afghan religious factions were even proponents of colonial rule, advocating tribal affinities over religious sentiments. Even the resistance movements varied in their aims and objectives cultivating distortional movements that often were engaged in cyclical conflicts that accentuated tribal and religious differences. 3. Finally, the religio-order was primarily a function of tribal political administration, whose religious loyalties were second to tribal political culture.

In post-colonial Afghanistan, the artificial dichotomization between the bureaucratic state apparatus and tribal structural conditions would entail no associational autonomy. The integration of these two concomitant political structures would dominate and sustain Afghani politics throughout the twentieth century.[35] The religio-order, bounded by tribal exceptionalism and binary loyalties were co-opted by the regime and were made to enforce religious decrees that reinforced political policy. This paradigm shift in Afghani politics would be exemplified by no other than King Amanullah. Amanullah would reign in and eventually forcibly remove tribal political culture from the political realm by enacting modernization reforms analogous to Kemal Ataturk's in Turkey.[36] The institutionalized reforms officially banned the burqa, introduced compulsory elementary education for every Afghan youth and sought to cultivate a new European educated middle class to participate in the political sphere. The normative devaluation of Afghan tribal culture and power led to the abdication of Amanullah's rule in 1929. The political shift in administrative power ended the bifurcated political culture that was pursued under Amanullah as tribal politics would immemorially dominate the development of the religio-order.

The institutional hegemony of the monarch would continue to dominate Afghan politics under Nadir Shah and Zahir Shah. These monarchs sought to harmoniously support a vibrant political culture dominated by tribal loyalties. The religio-order under King Zahir Shah remained under the binary control of both the state and tribal structural apparatus thus legitimizing the bifurcated power structure. In order to expose the political vulnerability of Afghan tribal loyalties, King Zahir Shah and later Muhammed Daud Khan would open the state to developing political collectivities that were operationalizing foreign ideological flows within Afghanistan's differentiated political constellations. The differentially linked political parties and organizations on the left and right slowly challenged

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35   Ibid.

36   See for example: Senzil Nawid, Comparing the regimes of Amanullah (1919–29) and the Afghan marxists (1978–92): Similarities and differences, *Critical Middle Eastern Studies,* Vol. 2, 1993, pp. 15-32.

the distortional binary systems that have dominated Afghanistan for centuries. The ostensibly modern movements that emerged in this period politically saturated the Afghan state.[37]

The new urban middle and upper classes formed political parties and movements that teleologically projected the shifting global order. Afghanistan would begin to see the formation and rise of Islamist and Communist movements who would inevitably transform the monodirectional course of Afghan political structures. The most powerful of these movements to emerge in Afghanistan in this intermediary period was the People's Democratic Party of Afghanistan (PDDA). Unlike the competing narratives that emerged from within the Islamist camp that sought to revolutionize Afghan society towards a Qutbian utopia, the PDDA were bolstered by tribal support from the Khalqi Pashtun tribes and external structural support from the Soviet Union, two important exemplars the Islamist invariably failed to secure.[38]

The extirpation of Muhammed Daud Khan's regime, also dubbed by the PDDA the Saur revolution, disentangled pre-existing structural political conditions by imposing transposed political models from the Soviet Union. The PDDA, led by Nur Muhammed Taraki, were ideologically committed to the internal evisceration of Afghani cultural and economic structural conditions. The rigid distinctions between Communist economic development and the enduring economic and cultural practices of Afghans would accelerate Afghanistan into a penultimate decade of civil war and economic crises. The repressive nature of Taraki's regime forcefully implemented formidable land reform measures by distributing resources from wealthy landowners to landless peasants; while actively undermining the religio-order by formally mandating and even nullifying religious edicts given by the clergy that supported Afghan tribal cultural traditions. Taraki's Soviet-Sino style reforms were epitomized with the ruthless murder of nearly hundred-thousand village elders, tribal aristocracies and village mullahs mirroring the brutal policies instituted by Mao Zedong and Stalin during the Cultural Revolution and the collectivization era.[39] Essentially, Taraki's operationalization of Communist dictates supported and reified the Khalqi Pashtun tribal networks political influence over other ethnically Pashtun and non-Pashtun tribes. The perceptive attempt by the PDDA and the Soviets to displace and undermine Afghan tribal leaders and challenge Afghan cultural and Islamic commitments activated a national and eventually a global Muslim uprising against Soviet occupation and influence in Afghanistan. The PDDA's authoritarian political program unraveled, as discontented Afghans exposed the administrations vulnerabilities and distor-

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37   See example here: Thomas Barfield, *Afghanistan A Cultural and Political History*, Princeton University Press, 2010; Angelo Rasanayagam, *Afghanistan: A Modern History,* I.B. Taurus & Co. Ltd, New York, 2003.

38   See example here: Angelo Rasanayagam, *Afghanistan: A Modern History,* I.B. Taurus & Co. Ltd, New York, 2003.

39   See example here: Rafael Reuveny, Aseem Prakash, The Afghanistan war and the breakdown of the Soviet Union, *Review of International Studies*, Vol. 25, 1999, pp. 693–708.

tional policies that essentially undermined the Afghan people and benefited the ruling Khalqi tribal elite.[40]

As Afghan society was disintegrating in the midst of the occupation, the religio-order dislodged from the institutional hegemony of the state and fractioned off exclusively with the tribal political order.[41] With exceptional sanctity, the religio-order ordained the legitimacy of tribal political culture epitomized through the formalization of tribal jihad against the Soviets and the ruling PDDA party. The mobilization of tribal collectivities by the religio-order would allow for the transition and eventual absorption of a new competing narrative that would ascertain Islamist principles and organizational incentives held by the emerging Afghani urban middle class. The dynamic thrust of the Afghan Jihad against the Soviets would not transform the structural position of the religio-order in relation to the political order, but would challenge the traditional tribal Islamic class who were historically the bounded representatives of the religio-order. The fragmented religio-order would invariably come under the direct influence of the new Islamist discursive community.

This shift in the rational administration of the religio-order formalized because of three primary factors: 1. global Islamists were differentially linked thus allowing for global financial, physical and moral support for Islamist ideologues in Afghanistan. 2. The tribal political orders ceased to function coherently as one unit, which allowed for the Islamist to unite all tribes that were in the political periphery under a coherent panorama that upheld the notion of Ummah over tribe. 3. Finally, the Islamists would take advantage of global funds to construct schools in fledgling refugee camps to coercively promote an Islamist discursive ideology that would consequently construct new cultural and social laboratories that undermine the traditional order. While the fragmented religio-order attempted to gain some relative autonomy from the political-order, they were internally distinctive and demarcated by tribal and ethnic loyalties, thus co-opted by tribal political loyalties.

The reflexivity of Afghani Islamists to articulate loyalties to tribe over Islam was a stumbling block for international Islamists who sought to take advantage of Afghan geo-political constellations. This artificial dichotomization between tribe and Islamist allegiance would ostensibly allow the tribal political-order to dominate the religio-order throughout the eighties and into the nineties. The Afghan Mujahedeen would fissure into "warlordism" and vulgar tribalism that would immemorially dislodge a cruel campaign to subjugate the other for political power and dominance after the Soviet pullout in 1989. The decentralized Afghan state with its internally distinctive boundaries, governed by tribal and ethnic spatial demarcations; would again see the rise of another tribal movement

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40   Ibid.

41   Alexander Their, Jarat Chopra, The road ahead: political and institutional reconstruction in Afghanistan, *Third World Quarterly*, 23, No. 5, 2002, pp.893-907.

that sought to dominate the collective Afghan political-order. The Taliban, an ethnically Pashtun movement that contested power from Southern Afghanistan, would dominate the Afghan political-order in less than four years; subjugating nearly ninety-five percent of the Afghan population under their political dominion.

While scholars[42] have instrumentally viewed the Taliban movement as a distinctively religious movement, any critical reflection of the Taliban would sufficiently render their organizational administration as a political movement that utilized the co-opted Pashtun religio-order to justify their political and military aspirations.[43] The Taliban aspired to institutionalize Pashtun hegemonic political structures on Afghani ethnic and tribal collectivities. Mullah Omar, the self-ascribed leader of the Taliban was neither a cleric nor a spiritual guide, but a tribal leader that gained political momentum when he sought to challenge the political and military madness that surrounded the Afghani civil war.[44] While mullah Omar was not a sanctioned Islamic scholar by any means, he was a charismatic, individual who was able to unite the heterogeneous Pashtun tribal collectivity and allow the *Pushtunwali* (Pashtun tribal code) to dominate over all forms of legal systems including Islamic law. Thus, explaining why, the religio-order justified and legitimated the heinous policies emerging from the political-order.

Afghan Democracy and the Autonomous Religio-Order

The externally enforced transformation of the political order from the tribal apparatus to the state was a nuanced process that the United States helped consolidate after the invasion and continued occupation of Afghanistan in 2001. The United States relied on the particularistic support of the Northern Alliance, the only opposition movement that was able to conjure legitimacy and construct national solidarity in the post-Taliban political context. Not only were they the legitimate opposition to the Taliban but they were also the existential heroes of the Afghan Jihad against the Soviets.[45] For the United States, the enduring problem that structurally formalized in the construction of the new Afghan nation-state is how to unify an already fragmented political-order with competing narratives? The only "order" that can potentially construct a consensus oriented political precedence over tribal, ethnic, and linguistic differences that permeated Afghan society was Islam. The negotiated settlements that emerged in the Bonn Conference demanded two regulative demands from the United States and the various

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42   See example here: Jurgen Kleiner, The Taliban and Islam, Diplomacy and Statecraft, Vol 11, No. 1, 2000, pp. 19-32; Ahmed Rashid, *Taliban: Militant Islam, Oil and Fundamentalism in Central Asia,* I.B. Taurus & Co. Ltd, United Kingdom, 2001.

43   See example here: Conrad Schetter, Ethnoscapes, National Territorialisation, and the Afghan War, *Geopolitics*, Vol. 10, No. 1, 2002, pp. 50-75.

44   Ibid.

45   See example here: Sultan Barakat, Setting the scene for Afghanistan's reconstruction: the challenges and critical dilemmas, *Third World Quarterly,* Vol, 23, No. 5, 2002, pp. 801-816.

Afghan factions: 1. Democracy would be the institutionalized form of governance. 2. Islam would be the institutionalized state religion and Islam, the law of the land.

The arbitrary institutionalization of both of these principles would see the cross fertilization between the construction of newly formed Afghan political institutions that resembled comprehensive Western democratic systems of governance and the role of the religio-order as jurisprudential vanguards of the new constitution. This political development allowed all ethnic and tribal collectivities to overwhelmingly support a constitution that does not endorse tribal affinities or an ethnic cultural group over the other.[46] This allowed a religiously saturated narrative to emerge that not only constructs a consensus oriented current that all groups can unassailably support but also reflects the conservative cultural norms that have endured in Afghan society. The institutionalization of democratic governance and the religio-orders compliance with and support of the process can be found in the reign of Karzai and his democratically elected successor Ashraf Ghani in 2014. While the democratic transition was not in full compliance with international norms, the Islamic religio-order recognized the Islamic character and legitimacy of the changing political order.

Moreover, once these principles were enshrined in the new constitution, the accompanying religio-order would not only be autonomous from the political order but would internalize the aims and objectives of the political order. While this does not necessarily mean that the democratic status of the constitution is in challenge, the Islamic relio-order's input and influence over the constitution has created a semi-functioning Islamic democracy that holds sway and legitimacy among the majority of Afghanis. But how democratic is the constitution when the religio-order as represented in the Supreme Court controls the jurisprudential process? This question is an enduring one that exists in all democracies including our own in the United States. How is procedural fairness respected if the executive and legislative branch of government dominated by one party appoints consecutive liberal or conservative judges to the Supreme Court? Would not the determined legal rulings reflect not only the ideological tilt of the ruling party but also indirectly communicate the "common will" of the people?

Similarly, in Afghanistan, if the democratic process is respected and fully employed the religio-orders imposing position in the judiciary will ultimately in theory, communicate the will of the people. In the current political system, Supreme Court judges are appointed by the executive and confirmed by the legislative branch of government and more importantly unlike the United States, whose justices hold lifetime positions; in Afghanistan, the judges are only appointed in one non-renewable ten-year position a Justices.

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46   See example here: Thomas J. Barfield, Problems in establishing legitimacy in Afghanistan, Iranian Studies, Vol. 37, No. 2, 2004, pp. 263-293.

Once the liberalization process is analytically imposed and articulated on the political structures of the Afghan state, the extractive power of democracy has the potential to mobilize the masses to challenge the institutional dictates of their government through democratic contestation and inclusive suffrage. This will eventually shift the religio-order's hegemony over the process of interpretation of Islamic law every time a citizen casts their ballot. The transformation of citizen to Mujtahid (Muslim scholars who are able to produce legal rulings) would potentially unleash intense competition among a myriad of religious groups and individual Islamic scholars that will deconstruct and reconstruct Islamic discourse to resonate with the will of the Afghan collectivity.

Conclusion

In trying to understand the relationship between Islam and democratic governance, this paper challenged the predominant perspective that assumes Islamic reform is necessary in order to attain democratic governance in the Muslim world. Moreover, this paper reveals how Afghan political institutions have historically co-opted and controlled the religio-order, thus, legitimizing every political ideology institutionalized in modern Afghanistan. Additionally, with the establishment of democratic institutions, this paper revealed how for the first time in recent history the Afghan religio-order has become semi-independent from the political sphere via its position in the Afghan judiciary. This paper contends that if democracy is further institutionalized in Afghanistan then the possibility the religio-order to be indirectly controlled and/or shaped by the masses is highly probable. Thus, the future of democracy in Afghanistan is not dependent on the artificial bifurcations between the administrative apparatus of democracy and Islamic discursive impulses (which are vague, fluid and arbitrary) but the ability of the Afghan state to maintain political stability, secure external support, and assist the expansion of civil society and the public sphere.

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Анвар Оуасини

АВГАНИСТАН: ПРОМЕНЕ У ВЕРСКОМ ПОРЕТКУ И ИСЛАМСКА ДЕМОКРАТИЈА

Сажетак

Циљ овог рада јесте истраживање односа између исламског верског поретка и крхких демократских институција у савременом Авганистану. Чланак изазива предоминантно мишљење да Ислам и демократија нису компатибилни у Авганистану, нудећи историјски преглед верског поретка и промена у политичкој сфери. Аутор тврди да је верски поредак у Авганистану историјски био контролисан од стране политичких институција, независно од тога који политички или идеолошки систем је био на снази. Легитимизација политичке сфере и политичких инситуција од стране исламског верског поретка нам открива да су разлози за овакво понашање усмерени политичким интересима који су супротни верској доктрини. На крају, на основу историјске анализе, у овом чланку се тврди да савремени исламски демократски систем у Афганистану по први пут у историји нуди аутономију верском поретку у односу на правни систем.

Кључне речи: ислам, демократија, Авганистан, верски поредак, цивилно друштво