

Hearts, Minds, and the Barrel of a Gun

The Taliban's Shadow Government

BY ANTONIO GIUSTOZZI

The predominant image of the Taliban is a military organization bent almost exclusively on wreaking havoc on the Afghan state and whoever sides with it. However, for all their reputation of “warrior mullahs,” the Taliban have not altogether neglected the civilian dimensions of power. In the early post-9/11 period, as an insurgent organization, they were indeed little more than roving bands of warrior mullahs who were trying to regroup and relaunch an insurgency. They did not have the resources or capacity to develop a shadow government structure. After 2003, however, the situation gradually changed and the Taliban started investing greater resources in their shadow government. Apart from the increased availability of financial resources, what might have driven the Taliban's desire for building their own shadow government was their thirst for legitimacy. They wanted to show that they were the authentic government of Afghanistan and not merely an opposition military force. Another reason appears to have been that the Taliban actually realized that a shadow governance structure brought them some practical benefits, such as a greater ability to interact with the population. Particularly since the Taliban started entering relatively heavily populated areas in 2006, their commanders were no longer skilled enough to deal with the villagers. In a sense, the Taliban realized that they could not outfight the forces arrayed against them, which included the strongest military on the planet and a series of allies, also of respectable military capability. They tried, therefore, to outgovern their rivals, identifying the ineffectiveness of Kabul's government as their greatest opportunity.

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“Outgoverning” a competitor should not be misunderstood as an alternative rendering of “winning hearts and minds.” As we shall see in greater detail, governing is not just about offering better services to the public; it is also about the efficient and effective utilization of coercion, a basic ingredient of the art of government. One example might help clarify this point. A basic but key component of government is the ability to administer justice. However, no government can administer justice without first imposing its own monopoly over it. This is because the administration of justice is inherently divisive: for every individual or community satisfied with a verdict, there might be as many who are unhappy with it.

If the emergence of the Taliban’s shadow governance structure can be explained, what has always been difficult to assess is its actual impact on the economy of the conflict. Observers, mostly from the media, were either wholly dismissive of anything the Taliban seemed able to achieve on this front, or uncritically supportive of Taliban success. Thanks to interviews carried out with commanders, judges, and other cadres of the Taliban, as well as with local elders, we can attempt in this article to throw some light on the issue.

The Taliban’s Governors

The first signs of Taliban provincial governors date back to 2003, when the Taliban started controlling significant chunks of Afghan territory. From about 2006, district governors and “chiefs of security” also started being reported. By 2010, 33 provincial governors and about 180 district governors were said to be in existence. The only province without a governor was Panjshir, which

was placed under the responsibility of the governor of Parwan.

Many observers believed that the new governance system was merely a facade and that its purpose had more to do with public relations and propaganda than anything else. It was a kind of mimicking of the government structure by a movement that had no interest whatsoever in governance and was just bent on destruction. While public relations might well have been a major concern in the rolling out of the new governance structure, it also appears that it gradually started kicking into activity. As of late 2008, there were about two dozen districts in Afghanistan where the Taliban had overwhelming influence; in 11 of those districts, the government had no presence left whatsoever, and at least some of them seemed to be run by Taliban district governors.

This is not to say that the Taliban did not experience serious problems in getting their administrative structure to function. In some cases, the “governors” were judged by the leadership to be too accommodating with local communities and elders and were therefore removed. Some governors proved ineffective. In other cases, there were conflicts among different Taliban networks who could not agree over the governor’s identity, thus ending up with multiple governors. In other cases still, the governors complained about being bypassed by military commanders who paid little respect to their roles and efforts to present a more civilized image of the Taliban to the wider public.

Still, by 2009–2010, the role of the governors seemed to have grown in significance due at least partially to successful efforts to institutionalize the process of appointments. Their duty was mediating disputes among elements of the population and between the Taliban and the population, but the villagers were

mostly afraid of lodging complaints against the Taliban. Within a given community, most of the time some form of dispute regulation exists in Afghanistan, reducing the demand for external judicial services considerably.

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The Taliban were therefore mostly successful in mediating among communities, where they faced little competition. Their ability to back up dispute settlements with military force in many formerly ignored corners of the countryside was a key asset as long as they were able to be fair in their judgments. An oppressive or partial rule would have caused revolt. At least in some cases, the Taliban would also negotiate ad hoc agreements with local communities, or among communities, acting as a broker to allow pro-Taliban communities to bypass longstanding rivalries and cooperate in the interest of the jihad against the foreigners. Some of these agreements were remarkably sophisticated, such as one among some Alizai subtribes in Helmand Province over the sharing of narcotics revenue. Such agreements often collapsed, leaving a bitter taste of “governance in Afghanistan” in the mouth of the Taliban cadres; but by and large, the Taliban seem to have greatly benefited from their ability to mediate disputes among communities. It could be argued that such ability is a major source of legitimacy for the Taliban. Perhaps as importantly, should the Taliban be pushed back from a particular area, such agreements could easily collapse, creating a demand for its return.

The Taliban governors played a greater role in some provinces than in others, even if their influence would extend to only some areas. This is not surprising given the extent of the average province and the inevitable constraints the Taliban faced when traveling.

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Although the Taliban proved proficient at imposing their own law and order in the areas they controlled, it usually did not happen through a specialized police force—which did not really exist—but through their system of informers and armed groups. The position of “security commander,” mimicking that of the Kabul government’s chief of police, remained for all practical purposes an honorific one that was hardly known to villagers, a fact that reflects the Taliban’s desire for outward (international) legitimacy as well.

The main shortcoming of the Taliban governors was their inability to provide much in terms of services aside from dispute settlement. The Taliban grew acutely aware of this limitation over time, as we shall discuss.

The Taliban’s Judges

The exact timing of the introduction of Taliban judges in Afghanistan’s districts after 2001 is unclear. The Taliban claim it was planned from the beginning and rolled out as they started acquiring control over significant territory. By 2009, in any case, the judges were present in most districts where the Taliban operated. The Taliban judiciary is managed by a Provincial Judicial Shura, which represents

the highest level of judicial authority inside Afghanistan. Ultimately, the local judiciary is subordinated to a central Judiciary Shura based in Pakistan that liaises directly with the provinces concerning general directives but seldom gets involved in local disputes. The shadow provincial governor typically leads the Provincial Judicial Shura but does not control it. The judiciary is therefore quite independent and can mostly afford to judge cases free of external interferences. As of 2011, the fact that the judges were mostly nonlocal increased their autonomy. Often the villagers are not certain who the judge is or where he comes from. This policy appears to be a conscious effort to keep individual judges or commanders insulated from involvement in personal and tribal politicking, from building personal power bases, and from displaying favoritism and abusing their positions of power in their home districts.

This “institutionalization” of the Taliban’s judiciary is the result of the establishment of a rotation mechanism that is managed centrally. Judges are usually rotated over varying periods of 1 to 2 years. Each district is supposed to have four to seven judges depending on its size and the degree of Taliban control, although in isolated pockets (such as parts of northern Afghanistan) the number may be lower. Every district has a chief judge who is responsible for supervising his colleagues. There are also a number of other judges, some of whom may be junior judges who act as assistants and are not entitled to decide cases alone.

The large majority of the cases handled by Taliban courts are civil matters, mainly disputes, despite the fact that the Taliban encourage the villagers to take recourse to the elders for resolving small disagreements. The judiciary simply

does not have the human resources to rule over every petty dispute that might turn up in a village. The Taliban also leave enforcement of the judges' decisions to the villagers and only intervene when these are not able or willing to deliver. This attitude involves the population in the Taliban's judiciary and makes the two parties co-responsible—another incentive for the villagers to keep the Taliban in. One could expect retaliation should the government reestablish its presence in any area that had been under Taliban influence for some time because the losers in disputes and criminal cases could turn to the government for support.

The Taliban actively advertise their judiciary as armed groups travel and invite villagers to bring cases to the courts. Although the transition from fixed courts to mobile courts in 2010–2011 made it more difficult to contact the Taliban judges, mobile numbers are distributed to help villagers contact judges when needed. The Taliban also claim to allow appeals, but in practice this seems to be a rare occurrence because many villagers are afraid the judges would not appreciate the gesture.

The courts have a reputation for impartiality even among those who do not sympathize with the Taliban. Occasionally there have been cases of judges being accused of corruption, but they appear to have been dealt with swiftly. The reliance on Shariah helps the Taliban because the villagers easily understand the judgments. How do the Taliban manage to keep their judiciary largely corruption-free? They use a system of internal oversight with two channels of reporting—the judges themselves and the commanders and informers who operate in the villages. Because the latter is completely separate from the judges, it exercises effective oversight; the judges are from out of the area while the

informers are local and have had little or no contact. The basic conditions for the functioning of a system of oversight are thus met.

The Taliban's Schools

State schools were an early target of the Taliban; in 2002–2003, the burning of schools and killing of teachers (and sometimes students) were common. The campaign against state schools gradually escalated and reached its peak in 2006. At that point, there was no effort by the Taliban to offer alternatives to the villagers except by telling them to send the village children to madrassas. The backlash from the villagers, who in many cases wanted their children to be educated, forced the Taliban to reconsider.

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Already in 2007, the Taliban announced that they would open their own schools in areas under their control, providing “Islamic education” for boys and later even for girls in six provinces under Taliban influence (Kandahar, Zabul, Uruzgan, Helmand, Nimroz, and Farah). The Taliban announced that the schools would use the same textbooks used under their rule elsewhere and that preparations were already being made to print them; USD 1 million was allocated for these schools, of which one was planned for each of 10 districts. While it appears that in the early years of the insurgency they might have banned all nonreligious schools, the Taliban have been permitting private schools to operate from at least 2007 under some kind of mostly informal supervision. These private schools had to adopt the Taliban curriculum and textbooks

to stay open. In fact, the Taliban say that they invite families to send their children to private schools. Sometimes, state-run schools seem to have reopened as private schools. The Taliban seem to have developed an idea of facilitating more private schools as a way to square the circle of making the communities happy and at the same time rejecting the role of the state in education. It is worth noting that in recent times the Taliban started distributing pens and religious textbooks to the pupils of private schools, although the extent of the practice is unclear.

The reliance on private schools proved insufficient to appease the villagers, who often could not afford to pay for their children's education; moreover, not every village could count on an entrepreneur to open a private school. During 2007, the Taliban started negotiations with Kabul's Department of Education to reopen schools. The Taliban again imposed conditions such as the adoption of their curriculum and textbooks and the hiring of some teachers loyal to the Taliban, but by 2008 the first boys' schools started reopening. Initially implemented in the south, the policy of co-opting state schools later spread to wherever the Taliban arrived.

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Over the following years, a kind of Taliban educational policy has gradually taken shape. It features the long-term strengthening of the role of madrassas and Koranic schools. It also features an expanded role for private schools (that is, they are

neither state-run nor madrassas), although it is not clear how long term this will be in the Taliban's strategy. Finally, the Taliban are investing considerable human resources in bringing state schools under their control.

Even when the trickle of state schools reopening started expanding greatly from 2010 onward, the Taliban continued inviting families to send their children to madrassas or Koranic schools during winter when state schools were closed and other times when state schools did not operate.

Perhaps the most interesting aspect of the Taliban's educational strategy as it developed from 2007 onward concerns their effort to establish control over state and private schools. At least in some provinces like Ghazni, Paktika, Kunar, and Kunduz, the schools were being supervised in a rather systematic way, with a commission established for the task. The Taliban imposed one of their own representatives as a teacher in each school, vetted the recruitment of the other teachers, enforced school discipline and attendance, and sometimes deployed inspectors to make sure everything functioned properly. The Taliban also relied on their network of informers to collate information about teachers and their behavior and ideological leanings. Teachers who refused to conform to the Taliban's standards were first warned and then intimidated into submission. Occasionally, the execution of recalcitrant teachers was reported.

The Taliban's effort concerning schools could be described as significant by 2011, mobilizing considerable energy and human resources. Seen within the context of the wider Taliban effort to form a shadow government inside Afghanistan, it might be regarded as an attempt to address their weakness



U.S. Army (Daniel P. Shook)

in providing services to the population by “hijacking” state education and reshaping it in its own image. The inspections in the school contribute to this by ensuring that the quality of the education provided is better than in schools under state control.

The Taliban and Nongovernmental Organizations

The Taliban’s policy toward nongovernmental organizations (NGOs) has always been mixed: a small number of NGOs appears to have always been able to operate in southern Afghanistan despite the high level of violence. From about 2010 onward, however, the Taliban have widened the spectrum of NGOs they are willing to cooperate with, resulting in more informal agreements. The Taliban have preconditions for

allowing NGOs to operate in territory under their control. They raise taxes on projects, reject any NGO funded by some of the Western aid agencies more closely connected to the International Security Assistance Force (ISAF) military effort, vet projects, and sometimes impose the employment of individuals linked to them. NGO workers point out how over time the Taliban’s chain of command and control has strengthened and the discipline of its combat groups has improved, making it easier to negotiate deals and see them implemented. Some sources report a team of Taliban inspectors operating in Kabul and tasked to examine projects and authorize them as they are judged to be compliant with the Taliban’s criteria. In the provinces, NGO offices are often searched by the Taliban, who seem to have developed the

human resources necessary for these types of investigations. Educated cadres, increasingly with English language skills, are attached to a growing number of Taliban units.

While attacks on NGOs and, in particular, the kidnapping of NGO workers were still occurring frequently in 2011, the intent appeared primarily to be intimidating those NGOs and aid organizations that were not linked to the Taliban by any agreement. The fluidity in the areas of control in some parts of the country, with the Taliban's influence sometimes expanding and sometimes contracting, represented a major factor of uncertainty.

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The rationale behind this change of attitude toward NGOs is that the Taliban feel a need to satisfy at least the communities' demands for employment and cash to some extent. Although government-run or government-sponsored projects throughout the countryside have not had much success in terms of kick-starting the processes of economic development, the ensuing donor-fed economic bubble has created employment and driven higher salaries in the areas affected. The villages under Taliban control would like to be part of that too, forcing the Taliban to face a conundrum. The answer is to selectively allow portions of the new wealth to trickle to the Taliban's villages, hoping to maintain a degree of control over the process.

Impact of the Taliban's Shadow Government

On the whole, the weight of the Taliban's effort is still heavily on the military side, which is unsurprising given that the odds favor the military and that any human or financial resource dedicated to nonmilitary tasks would appear puny in comparison to the massive expenditure by donors and charities in any case. The question, however, is whether the Taliban strategy of expanding nonmilitary operations is having an appreciable effect in terms of the level of support they enjoy and of their popularity.

In this regard, the evidence is contradictory. The Taliban judges are mostly popular and respected, but they are also feared because their rough justice does not leave much space for mistakes. The reliance on witnesses for issuing judgments leaves room for abuse even when the judges themselves are keen to do their job fairly. Villagers do say that the Taliban's ban on using government courts is a factor in driving them toward the Taliban courts. As always with judicial systems, even fairness does not bring universal happiness; somebody will always be unhappy or feel they have been punished too harshly regarding the resolution.

Concerning schools, the gradual relenting of opposition to state institutions has eased the resistance the Taliban have been facing and has somewhat bridged the gap with the communities. Few villagers seem concerned with the switch to the Taliban curriculum, and most are instead happy with the near cessation of attacks. On the other hand, few villagers are heard praising the Taliban for their supervising efforts, although that might also be due to the fact that relatively

few schools are supervised by the Taliban countrywide. Moreover, the number of children attending schools tends to be lower than average, which is not particularly surprising in a war zone.

The Taliban, in other words, seem to have limited the damage that their aggressive campaign against state schools was inflicting, but otherwise they have gained little additional legitimacy from their new policy on schools (yet). In part this is due to the fact that occasional violence still occurs. The Taliban deny responsibility except in a few cases where teachers were accused of being government spies or of heterodox behavior. Whatever the truth, some villagers still perceive the Taliban as far too violently opposed to schools.

The case of NGOs is also controversial. Although many NGOs report a change in approach on the Taliban's side, the overall level of violence and intimidation is only moderately down; the severity of the violence, of course, matters. It does appear to be more discriminating than before. However, to those who observe it from a distance and ignore local dynamics, the violence still conveys a negative image of the Taliban. This is even more true when it affects the civilian population despite attempts by the leadership to control it. The improvised explosive device campaign in particular tends to be indiscriminate because of its nature. The actual number of projects implemented via the Taliban's consent or even sponsorship is probably not negligible, but as with the Afghan government, little of the work done by NGOs accrues any legitimacy to the political "sponsor" even when it is the Taliban. Therefore, if a message is meant to emerge from the Taliban's development of a civilian structure, it tends to be mostly suffocated by the violence the wider strategy creates.

ISAF's own military strategy helps dampen the impact of the Taliban strategy of out-governing rivals. The strategy of targeting the local Taliban command structure has driven the governors largely underground, often preventing them from playing the role of interface with the local communities they were at least in part designed for. Similarly, being on the run has complicated the judges' task even if it has not prevented them from executing it. The real advantage the Taliban enjoy over their rivals in Kabul is that the latter have little permanent presence in the villages. The Taliban, moreover, make sure that this modest presence decreases all the time with their campaign of targeted killings. The numbers of civilian administrators and elders assassinated by the Taliban is probably not very high (many of the hundreds reported each year are security forces personnel), but the intimidating effect is very strong and drives scores away from the villages into the relative safety of the towns.

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The Taliban's coercive power is also apparent in the functioning of the judiciary, as highlighted earlier in the article (using government courts is banned) and in the co-optation of the NGOs. It would be wrong, however, to see the strong role of coercion in the Taliban's system of governance as necessarily a weakness. This is because the choices available to Afghanistan's villagers are ultimately limited. They cannot mobilize for collective action without a framework in place to allow them to coordinate their efforts. The Taliban provide such a framework

for those who want to join their side, whereas there is rarely any such alternative for opposing the Taliban. Coercion is therefore a key component of the Taliban's campaign to out-govern Kabul; they are able to achieve only limited objectives in terms of establishing a shadow governance system. Moreover, they must expect to be hampered at every step by their adversaries (with arrests and killings), so they have to count on the necessity of keeping the Kabul government's ability to govern even lower than their own. Their coercive capacity also allows the Taliban to impose their authority and their own solutions and present them as the only option available. In other words, they establish a local monopoly of violence—a precondition for any system of governance to function effectively. **PRISM**