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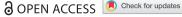Centre for Conflict Studies, Utrecht University, Utrecht, The Netherlands

ABSTRACT
This article focuses on rebel governance and rebel legitimacy during civil war. It investigates how external intervention in support of an incumbent government and withdrawal of external forces shape rebel legitimacy dynamics and rebels' opportunities to govern. It adopts a longitudinal perspective on Afghanistan's Taliban, analyzing three phases of the movement's existence. Moral forms of legitimacy resonated particularly during instances of external intervention, whereas pragmatic forms of legitimacy became more relevant after the withdrawal of external forces and during periods of the Taliban's opponents' ineffective governance. The article is based on a literature review and fieldwork in Afghanistan.

Introduction

In response to the 9/11 attacks on the United States in 2001, international coalition forces and their Afghan allies ousted the Taliban regime from power. Although the Taliban regime collapsed quickly, the movement re-grouped in Pakistan and re-appeared as an insurgency only a few years later. As of 2020, the Taliban controls large swaths of Afghanistan's territory. As in the 1990s, it has become increasingly involved in governance, expanding the reach of its judiciary and governors. Though the Taliban are known to rule by coercion and intimidation, the movement has also gained a level of legitimacy among segments of the civilian population at the expense of the Afghan state. However, how the Taliban legitimizes its rule and how civilians respond to this require further empirical study.

This article, therefore, focuses on how the Taliban has become involved in governance and how it has attempted to acquire legitimacy. Several authors have investigated questions of rebel governance and legitimacy over the past

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decade, mainly from a political science or anthropology perspective.[1] The recent academic literature on rebel governance aims for a better understanding of the interactions between rebels and civilians during civil war.[2] It criticizes the 'failed state' paradigm and attempts to show that political and social order each exist in various ways during civil wars.[3] Related studies have tried to gain a better understanding of rebel legitimacy.[4] Rebels often draw from a variety of sources to legitimize their own existence and justify their rule.[5]

The dynamics of rebel governance and rebel legitimacy, however, do not exist in isolation from other powerful actors. The actions/responses of the state are relevant to the analysis of rebel legitimacy as well.[6] Powerful external actors may also influence the relations between armed groups and civilians.[7] Much research has been devoted to the effects of external support to rebel groups[8] and the attempts of rebel groups to acquire international legitimacy and/or recognition.[9] In this article I shift the perspective and demonstrate how powerful external actors that support the incumbent government shape (though less directly) the dynamics of rebel governance and rebel legitimacy. The presence of foreign enemy forces is an important source of legitimacy for rebel groups and has remained relatively under-studied in the literature on rebel governance.

Rebel legitimacy is a function of present-day events but also of prior armed conflicts and societal tensions. As Schröder and Schmidt observe, 'the most important code of the legitimation of war is its historicity.'[10] In other words, the 'symbolic meaning of prior wars is re-enacted and reinterpreted in the present, and present violence generates symbolic value to be employed in future confrontations.'[11] It is therefore necessary to study rebel governance and legitimacy from a longitudinal perspective. Whereas current sources of legitimacy, such as service provision and protection, are an important part of the analysis, the legitimizing effect of prior events, and external interventions in particular, require further scrutiny. Omitting historical sources of legitimacy may lead to an incomplete understanding of rebel groups' legitimacy.

The Afghan Taliban have had a unique historical trajectory. Some members were part of the *mujahideen*[12] fighting against the Soviet regime; they then formed a separate insurgency (pre-1996), transitioned to a semi-recognized statehood (1996–2001), were ousted from power, and again started an insurgency against the new Afghan government and coalition forces (2001–2020). To understand where specific sources of legitimacy originate, it is necessary to consider the period prior to the US intervention in 2001 and even before the Taliban established itself as a separate movement in 1994. For example, many older-generation Taliban commanders – as well as many commanders/governors in the current Afghan government – shared their experiences as *mujahideen*. This is still relevant today.

Previous research regarding the historical trajectory of the Taliban takes different positions in terms of continuity and change. As Ruttig notes, for

example, 'the [Taliban's] organizational structure including the composition of its leadership, ideology, political aims and programme' has remained largely consistent from the 1990s until the 2010s.[13] Conversely, Strick van Linschoten and Kuehn warn against perceiving the Taliban's thinking and policies as static; rather, they insist they are evolving.[14] By applying the concepts of governance and legitimacy to the full timeframe of the Taliban, this article aims to show the specificities of both continuity and change. The findings are based on fieldwork data collected between 2013 and 2018 and insights from several previous studies.[15]

This article makes empirical and conceptual contributions to the academic literature. First, it reiterates that the Taliban has emphasized and de-emphasized specific religious, cultural, and political sources of legitimacy over the past decades. I argue that moral forms of legitimacy resonated particularly during instances of external intervention, while pragmatic forms of legitimacy became more relevant after the withdrawal of external forces and during instances of the Taliban's opponents' ineffective governance. Second, this article highlights the contrasting effects of external intervention on rebel governance and rebel legitimacy. External intervention in support of an incumbent government decreases the number of opportunities for rebel groups to govern, while it increases the potential moral sources of rebel legitimacy. However, the departure of external forces gives rebels opportunities to govern, while it diminishes the resonance of some specific moral sources of legitimacy.

First, I discuss the theoretical background of rebel governance and rebel legitimacy. Then, I present my methodological considerations. Subsequently, I analyze the traces of governance and legitimacy in the pre-1996 insurgency phase, the phase of the Taliban's proclaimed Islamic Emirate of Afghanistan (IEA) between 1996–2001, and the post-2001 insurgency phase. The last section presents the main findings and contributions.

Rebel governance and legitimacy during civil war

Rebel governance

Rebel governance usually takes place under the conditions of civil war. Civil war can appropriately be defined as 'armed combat within the boundaries of a recognized sovereign entity between parties subject to a common authority at the outset of the hostilities.'[16] Within the boundaries of that initial sovereign entity, several armed groups may operate, often competing with one another. This includes various types of rebel groups, militias, auxiliary forces, self-defense forces, para-militaries, warlords, and strongmen.[17] Hence, during a civil war, territorial control becomes fragmented and controlled by more than just state actors. Different warring parties fully or partially control territories, while other swaths of territories are contested with shifting frontlines.[18] Crucially, however,

the conditions of civil war do not necessarily result in 'ungoverned spaces.'[19] Sometimes previous governance practices continue, and in other instances new governance practices emerge.

As Kalyvas notes, insurgency can be understood as 'a process of competitive state building.'[20] To gain a better understanding of the relationship between rebels and civilians during civil war, the concept of governance should not be understood as the prerogative of a formal government. I agree with Rosenau and colleagues (1992) and view governance as a more encompassing phenomenon. Governance embraces informal, non-governmental mechanisms of persons and organizations as well as formal institutions.[21] According to Kasfir, rebel governance is, at a minimum, 'the organization of civilians within rebel-held territory for a public purpose.'[22] As I define it, governance contains no prescriptive implications; it is comprised of the conduct of rebel-civilian relations regardless of morally good or bad behavior or treatment by either side.[23] Previous studies show how armed groups are involved in various governance sectors, including security, justice, education, health care, taxation, and utility services.[24] In this article I focus on the Taliban's two main governance sectors: justice and security.[25]

Changes regarding external involvement can create incentives for armed groups to become more prominently involved in governance.[26] After the withdrawal of external troops, power vacuums can emerge, which armed groups may exploit. In Sri Lanka, for example, the Liberation Tigers of Tamil Eelam (LTTE) suddenly controlled of much of the northern territories after the Indian Peace Keeping Forces (IPKF) withdrew in 1990. The Northern Jaffna peninsula came under full rebel control, and became the first locality that was *de facto*-governed by the LTTE.[27] The vacuum that external political actors leave behind provides opportunities for rebels to govern.[28]

The dynamics of rebel legitimacy

Rebel groups and civilians

Rebels that are involved in governance cannot take their relationship with the civilian population for granted. The dynamics of legitimacy are in a permanent state of contestation.[29] Even rebel groups that rely mainly on coercion to implement their rule may pursue legitimation practices to increase civilian compliance. According to Suchman, legitimacy is a 'generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions.'[30] Despite the absence of juridical legitimacy or international recognition, rebel groups may hold a level of legitimacy among a particular constituency.[31] While external legitimacy – i.e., how a rebel group is viewed and treated in the international arena – is an important element, particularly for secessionist movements,[32] I largely confine my analysis to the relationship between rebels and civilians but take into account external actors that support

the incumbent government as this influences the legitimation practices of the Taliban vis-à-vis civilians.

For analytical purposes, I distinguish two forms of rebel legitimacy, but I acknowledge that these forms of legitimacy may empirically overlap and intertwine. These two forms of legitimacy are pragmatic and moral legitimacy. Pragmatic legitimacy is based on the provision of services, protection, or even a willingness to share power, while moral legitimacy is based on 'narratives of goodness, compatibility with existing norms and moral codes,' and, for example, 'explicitly referenced against religion or ethnicity.'[33]

Pragmatic legitimacy includes the provision of basic services, sometimes referred to as 'delivery-based legitimation.'[34] Pragmatic legitimacy can also be based on the rebel group's ability to provide protection or a relatively stable social and political order. Especially in countries racked by civil war, the capacity of an armed organization to offer protection and stability is important to civilian populations.[35] Moral forms of legitimacy refer to a broader set of social norms and moral codes in society. As Schlichte and Schneckener note, rebels' claims to legitimacy are often tied to encompassing ideologies or worldviews.[36] This includes, for instance, religious ideas of a political order. Moreover, rebels' claims to legitimacy are often rooted in 'communal myth-symbol complexes,' popular belief systems, traditions, and cultures.[37] Furthermore, moral claims to legitimacy are often made in reference to external threats and established enemy depictions. By portraying the enemy as 'particularly brutal, inhuman and evil, the armed group aims not only to create solidarity but also to present itself and its violent actions as necessary, appropriate and comparatively less destructive.'[38] Crucially, without the recognition of followers, the legitimacy of a movement or its ideas does not exist.[39] Like the concept of power, rebel legitimacy is a relational notion, not a fixed attribute.[40]

Incumbent governments' responses

Although rebel groups stake their claim to legitimacy strategically, not all legitimation effects occur due to actions of the rebels alone.[41] Legitimacy is affected by contextual factors, such as the actions of opposing parties. In Sri Lanka, for example, the operations and actions of the Sri Lankan Armed Forces and the intervening IPKF also contributed to perceptions regarding the LTTE's legitimacy.[42] Corruption and misconduct within the Afghan government and the inability to protect its citizens legitimize the insurgency if the Taliban is relatively better capable of providing some rule of law and relative stability.[43] It is not a zero-sum game, but the incumbent government's actions also shape the dynamics of rebel legitimacy.

Powerful external actors

Powerful external actors affect the dynamics of rebel legitimacy too.[44] Some provide external support to rebel groups, such as military, moral, political, or

material support.[45] In this article, however, I focus on powerful external actors that side with the incumbent government. The intervention of the Soviet Union and the intervention of the coalition forces have been important factors fostering armed resistance over time.[46]

Methodology

This article presents three case studies of rebel governance and legitimacy corresponding to three phases of Taliban rule. The first two phases are mainly based on document research. I relied on the vast amount of literature on the Taliban movement and the contemporary political history of Afghanistan. The third phase is mainly based on empirical evidence from fieldwork. Accordingly, this article combines a literature-based macro perspective with a more empirical micro perspective to connect past and present forms of Taliban rule.

The findings are partly based on various fieldwork trips by the author to Afghanistan since 2013. I conducted fieldwork in Kunduz province and Kabul in 2013 and 2016 in collaboration with various Afghan research organizations. In 2013, a total of 99 structured interviews were held with community members, militiamen, local elders, *jirga/shura* members, civil society representatives, Afghan Local Police (ALP) officers, and Afghan National Police (ANP) officers in Kunduz. On the German-led Provincial Reconstruction Team (PRT)[47] in Kunduz, I conducted in-depth interviews with police trainers, military staff, diplomats, and NGO workers. During the fieldwork conducted in 2016, I interviewed various analysts, NGO workers, diplomats, military staff, and informants from Kunduz and Kabul.

The latest set of interviews dates from late 2018. I cooperated with The Liaisons Office (TLO) in Kabul, and we developed a structured questionnaire with open-ended questions in order to investigate the experiences of civilians under Taliban rule. Researchers from TLO who were originally from Kunduz province conducted 20 structured interviews with civilians who lived under the direct control and/or influence of the insurgency in Chahar Dara district, Kunduz province. The themes covered during these interviews were the implementation of the Taliban's rule, modes of governance, governance interactions, service provision, and symbolism. Throughout 2018, local sources living under Taliban rule in Kunduz province were consulted to corroborate specific findings from interviews and open-source data. This sample of respondents is certainly not representative of Kunduz province or the population of Afghanistan. Nevertheless, the data provide unique insight into daily civilian life under Taliban rule. The data come with several limitations that should be kept in mind.[48] The triangulation of different sources has reduced but not eliminated these methodological concerns. The article proceeds with the analysis of the three selected phases of Taliban rule: early insurgency (pre-1996), semi-recognized statehood (1996–2001), and post-2001 insurgency (2001–2019).

From the fall of the Shah to the emergence of the Taliban insurgency (1973–1996)

Context of resistance: early Taliban 'fronts'

To understand the emergence of the Taliban, we need to study the 1970s and 1980s. In 1973, Mohammed Daoud Khan, supported by a fraction of the military and leftist parties, seized power from his cousin (and long-term rival), King Zahir Shah, in a bloodless *coup d'état*.[49] Daoud ended the monarchy of the Shah and proclaimed a republic.[50] While attempting to sideline his leftist allies, Daoud also attempted to wipe out the Islamists that opposed him. Simultaneously, the opposition to Daoud, in the form of the Marxists and the Islamists, stepped up their recruiting efforts, seeking to weaken Daoud's power.[51] For years, Afghanistan had been courted by the United States and the Soviet Union in their Cold War rivalry, but by the 1970 s, the amount of Soviet advisors increased, and the Marxist People's Democratic Party of Afghanistan (PDPA) gained more support in urban areas.[52] Factions of the PDPA came to power in a *coup d'état* in April 1978, which was later referred to as the Saur Revolution.[53]

The newly established PDPA regime was not only interested in ruling the country but was also keen to transform Afghanistan by revolutionary policies of land reform, education reform, and changes in family law.[54] The revolutionary regime of the PDPA attempted to clear the country of religious elements and opposing forces, including traditional landowners, the old military establishment, and the Islamic clergy.[55] The regime rejected the country's traditional Islamic symbols of legitimacy by striking religious salutations from government speeches and decrees, and it changed the color of Afghanistan's flag to red.[56] Overall, the regime legitimized its policies in Marxist terms.

From the beginning, revolts against the PDPA involved religious motives and, occasionally, religious forms of organization.[57] Prior to the 1979 Soviet invasion, the PDPA regime faced resistance since it was seen by many Afghans as 'godless' (*kafer*), but after the Soviet invasion, a nationalist element gained more prominence: the fight against an 'illegitimate foreign occupation'.[58] Hence, a crucial element in the mobilization of the broader public and its religious clergy was the arrival of Soviet troops in 1979–1980.[59] Overall, both Islamic resistance and nationalistic resistance were apparent in the 1970s and 1980s even before the Taliban existed as a separate movement.

What became known as the Taliban movement emerged from religious networks that were part of the wider resistance in the 1980s.[60] The primary motivation of the *mujahedeen* groups and the first-generation Taliban among them can be described as political and based on religious infrastructure. In the 1980s, the Taliban, led by their religious teachers, did not yet constitute a separate movement as we know it at the present time, but so-called 'Taliban

fronts' already existed amongst the *mujahideen*.[61] Early incarnations of these Taliban fronts were primarily *mullahs* leading their students[62] – *taliban* – as commanders.[63] These fronts consisted of madrassa- or mosque-centered networks. The Taliban fronts distinguished themselves from other *mujahedeen* groups by a more radically devoted form of religious *jihad*.[64] The ideologically heterogeneous resistance was re-interpreted as *jihad* after Pakistan officially and exclusively recognized seven Sunni Islamist resistance movements, known as the Peshawar Seven,[65] that exclusively received Western and Arab financial support.[66] The American Central Intelligence Agency (CIA) subcontracted its financial contributions through Pakistan's Inter-Services Intelligence (ISI), the country's main intelligence agency. The CIA's covert actions empowered the more radical factions of *mujahideen*, largely at the direction of the ISI.[67]

Traces of governance and legitimacy during the Taliban fronts

The religious clergy already operated so-called *mujahideen* courts during the Soviet–Afghan war. These pre-Taliban courts would settle disputes, and the *mujahideen* largely respected the court's judgements.[68] The courts were initially indistinguishable from the military clout of the commanders, but throughout the 1980s, courts were established as separate institutions at various locations in Afghanistan and run by clerics of different *mujahideen* groups.[69] What would become the Taliban leadership already yielded a certain status of legitimacy due to these religious courts. *Mullahs* set up structures providing conflict mitigation; they would pass judgements and issue edicts and *fatwas* that were mainly concerned with issues arising among the civilian population or between different *mujahideen* groups/factions.[70] Therefore, a level of pragmatic legitimacy based on these groups' ability to settle disputes already existed.

The Taliban fronts were different from other fronts in terms of composition and membership. While most of the other fronts were structured along tribal and kinship lines, the Taliban networks existed through their common educational backgrounds and their pursuit of religious studies.[71] Their experience as *mujahideen* during the Afghan–Soviet war instilled strong social ties among the religious students who had become fighters in the various Taliban fronts. Though not always in the same group, the Talibs had spent many years together, always in some form of close proximity or contact.[72] Even today, the Taliban frequently refer back to the 1980s *jihad* as part of their founding narrative.[73]

Soviet withdrawal and political fragmentation

The withdrawal of the Soviet Union in 1989 created a power vacuum. Political fragmentation and continued violence characterized the 1989–1994 period. Afghanistan descended into a brutal civil war between rivalling *mujahideen*

groups and other strongmen.[74] The war against the Soviet Union had already lasted for ten years, and its impact on Afghan society was severe. An estimated one to two million Afghans were killed during the war, and land mines and indiscriminate bombing injured hundreds of thousands more.[75] Hence, a whole generation grew up as refugees or as fighters.[76] With the Soviet Union gone, much of the territory was open to armed opportunists and radical preachers.[77] Local armed groups continued to fight over land, water sources, and mountain passes at different localities.[78] The various *mujahideen* groups became either players in the battle for Kabul or localized armed actors.[79] The multitude of commanders increasingly tolerated their fighters to loot and rape the civilian population, partly due to their inability to pay salaries and as an incentive to keep them fighting.[80]

The key individuals that would eventually establish the Taliban as a separate movement in 1994 were relatively passive between 1989 and 1994.[81] Those who would come to form the senior leadership after 1994 used to be village *mullahs* or worked in religious education and therefore returned to their home villages or original *madrassas*.[82] Some *mujahideen*, however, reconvened in 1993 and 1994 to discuss the chaotic situation in Kandahar. As Mullah Abdul Salam Zaeef – a key Taliban figure – interpreted the situation in early 1994, 'all over Afghanistan people faced the same situation; the entire province of Kandahar was crawling with rogue commanders and bandits lingering along the roads and cities.'[83] Allegedly, several *mujahideen* who operated in the earlier Taliban fronts approached Mullah Omar in 1994 with the request to respond collectively to the dire situation in Kandahar and other areas.[84] The founding meeting of what became the Taliban movement as we know it today took place in autumn 1994.[85]

The initially fragmented political landscape of the civil war slowly transformed from 1994 onward due to the battlefield successes of the Taliban. By 5 November 1994, Taliban fighters had taken over Kandahar city. Initially, the Taliban's actions were reactive and not based on long-term goals.[86] The movement, however, gained momentum and expanded from Kandahar province to Zabul, Helmand, and Uruzgan. It captured Herat in September 1995 and Jalalabad and Kabul in September 1996. The Taliban continued to target 'warlords who were deemed responsible for much of the destruction, instability, and chaos that plagued the country since the outbreak of the civil war.'[87] An anti-Taliban front formed too late and was far from monolithic as its members kept subverting one another.[88] These rivalries rendered the opposition relatively ineffective even after Kabul fell to the Taliban.[89]

Traces of governance and legitimacy after the Soviet Union's withdrawal

The decline of legitimacy among the Taliban's opponents – including other *mujahideen* factions – during the early 1990s and the chaotic situation that followed set the stage for the Taliban's early success. The inability of various *mujahideen* factions to cooperate effectively weakened their legitimacy. The Taliban gradually expanded the reach of its Taliban courts nationwide from 1994 onward. In addition to the military advances, the movement presented itself as an organization with a strict religious ideology and the ability to re-establish law and orderafter years of disunity among various *mujahideen* and the exhausting civil wars.[90] Though the movement was certainly unable to live up to all its promises, it created a level of order in the areas it controlled. The civilian population had grown tired of the continuing wars between military commanders, and no credible end was in sight.[91] This context made the promises of the Taliban resonate, and large segments of the civilian population initially welcomed the Taliban's efforts to restore law and order.[92]

Phase one findings

During the presence of the Soviet forces, moral forms of legitimacy were most important, but pragmatic forms of legitimacy were also relevant. The early Taliban fronts derived their moral legitimacy from religious networks and sources. They claimed to be involved in a religiously 'justified' battle against 'foreign occupation.' Furthermore, some of the *mujahideen* courts already provided the Taliban fronts with a measure of pragmatic legitimacy. In the years after the Soviet withdrawal and the political fragmentation that followed, pragmatic forms of legitimacy became increasingly important, especially the Taliban's ability to provide law and order. These years laid the foundations for the IEA, as discussed below.

The Islamic Emirate of Afghanistan (1996–2001)

The Taliban captures Kabul, proclamation of the IEA

The second phase of Taliban rule followed the capture of Kabul in September 1996 and the proclamation of the IEA. Militarily, various commanders of *Junbesh* (Dostum), *Jamiat-e Islami* (i.e., Masoud, Rabbani, Atta Noor, and Ismail Khan), and *Hezb-i Islami* (Hekmatyar) continued to challenge the Taliban or had brief alliances with it but with limited success.[93] Overall, the Taliban was militarily successful and able to increase its control over Afghan territory significantly over these five years until the US-led intervention of 2001.

Governance during the IEA

The increased territorial control put the Taliban in a position to become more involved in governance.[94] During the IEA, the Taliban formed a two-track governance system, including a political–military leadership council based in Kandahar called the Supreme Council and an executive Council of Ministers in Kabul.[95] While the Supreme Council represented the Taliban as an insurgency, the Council of Ministers reflected the Taliban's efforts to transform into a state structure.[96] The Islamic clergy played a central role in the Taliban. In that sense, the Taliban's aspirations to govern marked a sharp break with long-standing Afghan political traditions. Despite the fact that religion had always played a significant role in Afghan politics, Muslim clerics had always functioned as servants of the state rather than its leaders.[97] Given the role of the *mullahs* in the resistance against the Soviets, the clergy rose from 'social inferiority to a position of political power.'[98] That system of governance built on the unofficial power that *mullahs* already possessed: 'the power of the sermon.'[99] The position of *mullahs* strengthened when the Taliban regime turned them into the 'eyes and ears' in the villages and started to emphasize the collection of *ushr* and *zakat*, the religious taxes that traditionally made up the *mullahs*' income.[100]

Although the Taliban has always claimed to implement *sharia*, there is an underlying ambiguity regarding its interpretation. As Otto notes, 'Like its counterpart "Islamic law" the term "sharia" is surrounded with confusion between theory and practice, between theological and legal meanings, between internal and external perspectives, and between past and present manifestations.'[101] There is not one static and uncontested *sharia*. There have been different interpretations throughout time, in various countries, and from various positions – e.g., lawmakers, judges, religious scholars, religious leaders, and academics.[102] In fact, all Afghan constitutions except the Constitution of 1980 already endorsed the supremacy of *sharia* in Afghanistan, but the Taliban's interpretation of *sharia* was different from that of previous regimes.[103]

During the IEA, the Taliban established its religious police, deployed by the Taliban's so-called Department for the Promotion of Virtue and the Prevention of Vice.[104] This department 'was given unlimited authority for the enforcement of all decrees issued by the Taliban Government.'[105] Its enforcement had a strong effect on public life, particularly for women. As Rashid notes, 'An announcement on Radio Kabul on 28 September 1996 stated that "thieves will have their hands and feet amputated, adulterers will be stoned to death and those drinking alcohol will be lashed." TV, video, satellite dishes, music, and games, including chess and football, were pronounced un-Islamic.'[106]

Particularly women were discriminated against and severely constrained by the IEA regime. The regime essentially controlled every aspect of women's behavior both in the private and public sphere.[107] As explained by Yassari and Saboory, women were

> Forbidden to take employment, to appear in public without a male relative, to participate in government or public debate, and to receive secondary or higher education. As a result, women were deprived of the means to support themselves and their children. Only female doctors and nurses were allowed – under strict observation of the religious police – to work in hospitals or private clinics. These edicts were … enforced through summary and arbitrary punishment of women by the religious police.[108]

According to Edwards, the Taliban 'forced women in territory under their control to wear the burqa, the traditional Afghan head-to-toe veil that has a small patch of gauze over the eyes. They have declared that Saudi-style veils, which do not cover the eyes, are not allowed.'[109] The Taliban excluded women from all public places and enforced a strict code imposing the veiling and seclusion of women, and it banned all forms of entertainment.[110]

The IEA's implementation of the law stood in stark contrast with that of the communist regime and with the norms and values of large segments of the population. As Yassari and Saboory explain,

> A decree issued in 1997 by Mullah Omar, the founder of the Taliban movement, declared that all the laws against the principles of Hanafi Islamic jurisprudence were not applicable. The Taliban announced via the radio that after the seizure of Kabul, they would abolish all the laws and regulations of the communist regime and reintroduce the system of law that was in place during Zahir Shah's reign (1964–-1973), with the exception of the provisions related to the king and the monarchy.[111]

During the IEA, the Taliban enforced a religious regime with a severe and coercive interpretation of *sharia*.[112] This included a violent display of public punishments, coercing the population to follow the rules that, among others, prohibited music, shaving beards, and flying kites and ordered the exclusion of women from public life.[113] Viewing themselves as custodians of Islamic justice, the Taliban courts were an important institution to materialize the Taliban's vision.[114] Its implementation of *sharia* through the *mullahs* had not been so prominent in the past because the Afghan state had assumed some of these functions.[115] Now that the Taliban had captured state institutions, it implemented its rules more widely and comprehensively.

Legitimacy during the IEA

Pragmatic forms of legitimacy

While the Taliban was initially lauded for bringing a measure of security to the regions it captured, its social and religious policies were widely unpopular among the general public.[116] Its social and religious policies were met with resistance, particularly in the bigger cities.[117] Particularly in cities like Kabul and Mazar-e Sharif, the Taliban's conservative style of living contrasted with the modern lifestyle of much of the urban population and was confronted with pushback. For example, Wormer notes,

> The commanders of the Taliban forces in Mazar-e Sharif did not stick to the agreement to share power with Malek Pahlawan and immediately introduced their interpretation of *sharia* law in the city instead. The Taliban soldiers closed the city's school as well as the university and tried to completely disarm all North Alliance militias, including Malek's. When some Wahdat units[118] resisted, an uprising against the Taliban broke out in one of the Hazara quarters and quickly seized the entire city. On 29 May, 1,000 to 1,500 Taliban soldiers were killed and nearly 3,000 captured.[119]

To give another example, on 17 October 1996, over one hundred women in Herat protested against the closure of bath houses.[120] The women were beaten and arrested by the religious Taliban police, and men were warned to keep their women inside their houses.[121]

Moral forms of legitimacy

In April 1996, only a few months before the Taliban was able to capture Kabul, approximately 1,500 Islamic scholars from across Afghanistan gathered to meet. During this gathering, the Taliban's leader, Mullah Omar, was proclaimed the *Amir ul-Mu-mineen* ('Commander of the Faithful').[122] The proclamation aimed to project the universal nature of the movement that transcended tribal and ethnic divisions.[123] In its commissioned national anthem, the Taliban made no strong ethnic or Pashtun allusions; instead, it chose 'to refer to Islamic or other national symbols.'[124] The claimed legitimacy of the movement and its leadership was derived from Islam and was presented as standing in the tradition of previous caliphates.[125] The religious and political institutions merged into one person and one institution. As Strick van Linschoten explains, 'some of the most symbolic and powerful/potent moments and statements from during the Taliban's rule come when the distinction was blurred; Mullah Mohammad Omar's assumption of the title amir ul-mu'mineen is perhaps the best example of this – a mosque was the site of what was directly a merger between religious and political spheres of activity.'[126]

However, based on religious claims and sources, the Taliban's rule was not necessarily perceived as legitimate by the general public. Coercion strongly underpinned the Taliban's Emirate, which makes it questionable whether the extreme interpretations of religious sources attracted approval from the population.[127] Ibrahimi elaborates in that regard:

> Although Afghanistan is an Islamic country and Islam has functioned as a source of legitimacy and jurisprudence for centuries, the Taliban's interpretation of Islam and its coercive approach to enforcing it was not broadly welcomed in the country. Except for individuals who joined the Taliban, the rest of the Afghan population, even the rural religious communities, did not tend to freely follow the Taliban's Islamism.[128]

Moreover, in terms of legitimacy, the remaining perception of favoritism towards ethnic Pashtuns was a problem for the Taliban. The Taliban's

ideology potentially allowed the movement to overcome ethnic, political, and regional barriers, but in practice it failed to expand its core leadership beyond its parochial Pashtun base throughout these years.[129] As Ibrahimi explains,

> ... despite the Taliban's claim of being ethnically tolerant, there is numerous empirical data and evidence that indicate the IEA's ethnic-based behavior. The IEA was entirely dominated by Pashtuns with other ethnic groups being excluded from the IEA's political and leadership arenas. For example, non-Pashtuns were largely excluded from the IEA's both governing councils, the Supreme Council and the Council of Ministers. Of the six original members of the Supreme Council, five were Pashtuns and only one ... was a Tajik from Badakhshan. Likewise, out of 17 members of the Council of Ministers in 1998, only two were non-Pashtuns.[130]

In a similar vein, Edwards's study indicates that the Taliban specifically encountered resistance from non-Pashtun communities. Most non-Pashtun groups showed 'little willingness to relinquish their hard-earned autonomy.'[131] Moreover, the

> ... determination of the Taliban to impose their morality throughout the country ... further alienated groups with different and often considerably more liberal traditions (for example, with regard to female veiling and the right of individuals to worship as often and with whom they please) than those of the conservative and conformist Taliban.[132]

A final problem regarding legitimacy during the IEA was the lack of a clear external enemy. What had 'glued' together some fighters of the *mujahideen* during the Soviet–Afghan war, for example, was a common enemy in the image of the Soviet Union and the Afghan government.[133] For the Taliban regime, the common enemy had become less obvious. As Barfield points out, 'In the absence of an external enemy, the Taliban found it difficult to gain legitimacy internally when so many Afghans saw its regime as too dominated by Pakistan and al Qaeda Arabs.'[134] Particularly from 1998 onward, the Taliban became more heavily reliant upon foreigners, such as Pakistani recruits from madrassas and international *jihadis* (e.g., Arabs, Uzbeks, and Chechens).[135]

Phase two findings

Although the Taliban proved to be militarily superior to its opponents during the 1990s, the movement faced several challenges once it was put to the test of governing the country. The Taliban was initially hailed for restoring order and security. Locally, this gave them a measure of pragmatic legitimacy. However, as the Taliban expanded its reach throughout the country, it became clear that its social and religious policies encountered fierce

resistance, particularly in larger cities and within non-Pashtun communities. Moreover, an essential form of moral legitimacy disappeared during this phase due to the lack of a clear external enemy.

A return to ruling as insurgents (2001–2019)

Below, I discuss the third phase: the post-2001 insurgency. This analysis combines a macro perspective with a micro perspective of Chahar Dara district in Kunduz province.

US-led intervention, the Taliban reverts to insurgency mode

After the US and its allies ousted the Taliban regime from power in 2001, the Taliban leadership went into hiding, watching the events in Afghanistan unfold. The Taliban initially contemplated an inclusion in the new political system, but that seemed impossible given the US 'no talks with terrorists' policy.[136] Instead, the Taliban reverted to a strategy of insurgency. As early as April 2002, Taliban messaging re-appeared in Afghanistan in the form of night letters and leaflets, in which the movement called upon the population to resist the new Afghan government and its international allies.[137] By mid-2003, the Taliban leadership had regrouped in Quetta, Pakistan. This is where the Rhabbari *shura*, also known as the Quetta *shura*, was established.[138] Based on a regional command structure, the initial council members were responsible for specific regions in Afghanistan.[139] During the resurgence phase of 2003 until 2005–2006, the Taliban re-emerged in most areas of Afghanistan.[140] In the first years, the structure transitioned from a state-like structure with ministries, a sub-national administration, and a security apparatus back to an insurgent or guerilla movement without a 'liberated zone' in which to establish a parallel government. Gradually, however, as its territory expanded, the Taliban became more involved in governance again.[141]

Governance during the post-2001 Taliban insurgency

With fluctuations over time, the movement controlled more territory and re-established a parallel administration with provincial and district governors, judges, police, and intelligence commanders and a system of taxation.[142] Through its shadow judiciary and governors, the Taliban increasingly filled political spaces and regulated daily life in insurgent-controlled and contested territories.[143] The key development in governance has been the re-establishment and expansion of the Taliban's shadow judiciary.[144] By 2003, some of the Taliban courts had already re-emerged, though these were initially mainly reactive bodies that held sessions for specific events and issues.[145] If we consider Kunduz province, for instance, the Taliban judiciary was one of the main

mechanisms that resolved judicial cases by 2018, but the exact figures are unknown.[146] Due to increased territorial control in Kunduz province, the Taliban judiciary expanded its reach.[147] A respondent from Chahar Dara confirmed that the 'Taliban has courts and judges, who resolve disputes based on Islamic Sharia and rules,'[148] and another respondent noted,

> The Taliban might have one or two or more permanent judges, but it is also true that the Taliban uses a lot of mullahs of the mosque to resolve disputes. For example, there was a problem between families, then one day the imam of the mosque mediated and resolved the dispute. People knew that imam of the mosque had support from the Taliban. If anyone had had a problem with the decision, the imam could easily enforce it anyway due to the force of Taliban.[149]

In a recent study by the Afghanistan Analyst Network (AAN) in Dasht-e Archi district of Kunduz province, most respondents agreed that 'the Taliban "outgovern" the Afghan administration particularly in the justice sector in addressing disputes among local people.'[150] This is not because the Taliban judiciary system is perfectly organized but because the government justice system is essentially paralyzed, operating remotely from Kunduz city.[151] Locals tend to take their cases to Taliban courts because cases are generally 'adjudicated faster, without corruption and with satisfactory outcomes.'[152]

The Taliban continues to implement its interpretation of *sharia*. According to one of the respondents, the Taliban 'make people pray on time in order to stay in accordance to Sharia. [The Taliban] impose the veil, *Chadari* [burqa], on women in order to avoid *bi Hejabi* [unveiling]. Another example of their imposition is the prevention of people from playing music in their marriage parties. They even prevent the use of dollar currency.'[153] Another respondent noted that the Taliban 'prohibits youths to have smartphones. If anyone gets caught with a smartphone, the Taliban would severely punish that person.'[154] Another respondent mentioned that the Taliban representative in his village 'behaves respectfully with people and tries his best to resolve disputes. However, he hates government employees and always preaches that government employees are working for foreign infidels. When Taliban members commit a wrongdoing, he usually ignores the issue.'[155]

Legitimacy during the post-2001 Taliban insurgency

Pragmatic forms of legitimacy

Continuing its efforts from the IEA, the obvious area for the Taliban to rebuild its political legitimacy after 2001 was its judiciary.[156] It has used the judiciary to legitimize itself, condemning the corruption in the Afghan state and providing an alternative. Weigand indicates that the ability to resolve disputes is one of the main sources of legitimacy for the Taliban.[157] According to Weigand, 'What matters much more [to the people] is the perception of the

Taliban as being less corrupt than the state.'[158] Similarly, a respondent in my study explained, 'We do not have any issue with any group; the government and the Taliban do not differ much for us. We want a governing body that can keep people secure, and it should be in accordance with Islam. Otherwise, we have no problem with them; we just want peace.'[159] A Pashtun farmer from Chahar Dara noted, 'People like that there is no robbery … in this Taliban-controlled area.'[160] Similar to other insurgent courts, the Taliban courts act as a measure of legitimacy and reach as well as an instrument used to extend and entrench that legitimacy.[161]

Moral forms of legitimacy

The Taliban has incorporated the international troop presence into its nationalistic narrative. Nationalism has been a key element of the Taliban's communications, beyond a purely Pashtun-centric message.[162] The purpose of that narrative has been to unite 'all Afghans' against foreign occupation. The narrative often includes references to the past, such as the hardships during resistance against the Soviets, the British, Genghis Khan, and Alexander the Great.[163] This nationalistic source of legitimacy gained more prominence in the post-2001 timeframe. The Taliban's interpretation of the post-2001 situation became a religious fight that continued against another 'foreign invader' with a 'puppet' Afghan regime.[164] The current framing corresponds to that during the Afghan–Soviet war: Non-religious outsiders occupy 'our' land in cooperation with an 'ingenuine' Afghan regime. The message conveyed is that the current coalition forces are the same as the Soviet army in 1980 s.[165]

As in the earlier timeframes, the Taliban's policy has been to re-establish an Islamic system based on its interpretation of *sharia*. As Johnson notes, 'The Taliban continue to use Islamic piety, based loosely on the strict dogmatic Deobandi interpretation of Islam, to construct a jihadist image that evokes righteousness and greater justification to their violent anti-government military campaign.'[166] The Taliban's perspective continues to be that all Muslims have a duty to protect their religion if it is threatened.[167] A 23-year-old farmer in Chahar Dara echoed the Taliban's interpretations and his own perceived religious duty: 'We are Muslims and follow the holy Quran. Islam mandates us to stop the current corrupt government and withstand foreigners who intend to destroy our country and distance us from Islam.'[168] Others do not share the Taliban's religious interpretations and note, for example, that 'the Taliban have provided wrong interpretations of Jihad to locals, and they have brainwashed people through politicizing Islam and portraying a violent understanding of Jihad.'[169] In a similar vein, a 43-year-old Pashtun school teacher from Chahar Dara stated, 'We are all Muslims, and we know what Islam is, the principles have been taught to us … The Islam that Taliban represents is not the true one; they are extremists, while Islam in every aspect of life always encourages people to choose moderation. This is the reason people do not

always follow the rules that are enforced by the Taliban.'[170] According to a 28-year-old Uzbek from Chahar Dara, 'People have different opinions regarding the truth or falsehood of Taliban rules. Many believe the rules to be in compliance with Islam since they are uneducated and have insufficient religious knowledge. Meanwhile, the majority thinks that the current state is corrupt and non-Islamic, a sufficient reason that provokes many to fight against it.'[171] Regarding the rightfulness of the Taliban's interpretation of *sharia* and Islam in general, the expressions of the respondents oppose one another.

A common religious symbol employed by the Taliban is its white flag with black text. As one of the respondents noted, 'The only thing about Taliban that is common everywhere is their flag.'[172] Usually the flag is inscribed with the *shahadah*, the Islamic profession of faith, but sometimes it reads 'Islamic Emirate of Afghanistan.' Since 2001, the Taliban has focused more on this outlook. As Osman notes,

> The Taleban appear to have woken up to the importance of organisational symbols and their political meaning. Compared to how little they cared about their image during the 1990s and the initial years of the insurgency, the Taleban now project an increasing consciousness of their "brand." This is seen in both their media and the actions of fighters and officials on the ground.[173]

Furthermore, the Taliban uses *shabnameh*, the so-called night letters.[174] As Johnson explains, night letters 'have been a traditional and common instrument of Afghan religious figures, jihadists and rebels to encourage people, especially (but not exclusively) rural populations to oppose both state authority and regulations.'[175] Common symbolism the Taliban uses in these night letters and other correspondence include stamps of the Islamic Emirate of Afghanistan.[176] The stamps indicate the formal nature of the documents issued by Taliban representatives, such as local imams. As a respondent pointed out, 'the Taliban have a particular stamp that they use to validate their letters.'[177] Similarly, a 28-year-old Uzbek respondent noted, 'Local imams also have stamps. Once, I went before a governor to address a problem. He asked me for a letter from the mosque imam confirming that I was a resident of Chahar Dara. When I referred to the imam, he issued the letter and stamped it, confirming me as a resident of the district. The stamp is credible in all commissions and Taliban-related offices.'[178] A 35-year-old Pashtun farmer noted, 'The Taliban uses its own paper-work, such as summoning letters.'[179] Johnson emphasizes in his study on Taliban night letters that it is nearly impossible to evaluate how the Taliban's night-letter campaign has contributed to support for the Taliban, but he indicates that 'Taliban narratives have clearly resonated' and 'where their messages have not resonated with the populace, the Taliban has compensated by waging an effective intimidation campaign.'[180]

In the post-2001 timeframe, the Taliban has learned from earlier strategic misjudgments and tends to be more inclusive towards non-Pashtun communities. Particularly in the North, the Taliban has included different ethnicities. In Badakhshan, for instance, the Taliban started to recruit and install non-Pashtuns in key provincial positions and as fighters.[181] This is remarkable since Badakhshan was a stronghold of long-term Taliban rival Ahmad Shah Masoud and a province that was not conquered during the IEA regime before 2001. As Ali notes, 'From 2008, and in sharp contrast to behaviour exhibited during the Taleban regime (1994–2001), the Taleban leadership council offered most local posts to this new generation of local Taleban, instead of merely using Badakhshani recruits from Pakistani madrassas as foot-soldiers.'[182] The Taliban has often been characterized as a Pashtun movement, but currently it is more accurately a movement with many Pashtun members.[183]

Finally, in several of the interviews, the practice of bacha bazi[184] was mentioned. There is no clear legal definition of bacha bazi, but it generally refers to 'local powerful individuals keeping one or more boys, typically between 10 to 18 of age, for use as bodyguards, servants, dancers, and for sexual exploitation or other forms of harassment.'[185] Bacha bazi involves men in positions of power who exploit, enslave, and abuse young boys sexually or for entertainment.[186] Not every police chief is involved in bacha bazi, but it is a common practice.[187] Bacha bazi seems most prevalent in northern Afghanistan, where it is associated with local militias and state security commanders.[188] Human Rights Watch reported that perpetrators of the sexual abuse of boys are rarely prosecuted, which can be partly explained by taboos regarding the issue, but is primarily 'because the perpetrators are often members of powerful militias or have the protection of state security forces.'[189]

Based on the perceptions of the respondents, the Taliban positions itself as an organization that effectively counters bacha bazi and other 'forbidden practices.' A Pashtun farmer from Chahar Dara noted, 'People like that there is no robbery, that there is no gambling in this Taliban-controlled area. There is no bacha bazi. People's sons are not taken by force for bacha bazi because some government commanders take underage boys by force to their checkpoints where they sexually abuse them.'[190] Similarly, another farmer from Chahar Dara noted, 'bacha bazi is a very bad thing; it is not allowed by the Taliban. People love and support the Taliban for stopping bacha bazi. In the same way, people hate the government for being involved in bacha bazi, because we know that almost each commander of the police has one or more boys who they use for dancing and for sex.'[191]

Already during the 1990 s the Taliban opposed the practice of bacha bazi as one of its claims to a legitimate authority, and it continues to do so.[192] The Taliban deliberately refers to the actions of the Afghan security forces and pro-government militias as a source of its own legitimacy and uses them to justify its own policies.

Phase three findings

The beginning of the 21st century revealed new possibilities for the Taliban movement in terms of moral legitimacy and pragmatic legitimacy. With the international troop presence, the Taliban has faced an external enemy that is more clearly identifiable. The aspirations for the Islamic Emirate of Afghanistan – the name the Taliban continues to employ – have gradually revived against the backdrop of the US-led intervention. Moral legitimacy has become more important, as evident in the narratives about foreign occupation and religion being under threat by external forces. Pragmatic legitimacy continues to be relevant given the Taliban's ability to resolve disputes. The Taliban judiciary thereby exploits instances of corruption and incompetence of the Afghan state.

Conclusions

This article has made empirical and conceptual contributions. Empirically, it has shown that both pragmatic and moral forms of legitimacy have been relevant throughout these three phases of Taliban rule. In terms of pragmatism, the Taliban's ability to create a relatively safe and stable environment and to adjudicate disputes has been a legitimating factor for the movement. As Roy noted, if an actor in the context of the Afghan state appears as a relatively honest broker between local factions, clans, tribes, and ethnic groups, even if some are more favored than others, it can be a major source of legitimacy.[193] This finding also underpins Weigand's observation that 'the people's immediate concern is having any rule of law – regardless of its ideological sources.'[194] Moral sources of legitimacy, however, have certainly not been irrelevant. The Taliban's narrative of a 'justified' struggle in the name of Islam and against external interference has provided them with a level of legitimacy as well, particularly in reference to external forces. Overall, the moral forms of legitimacy were more prominent during the presence of external forces, while pragmatic forms became more prominent following their withdrawal and during periods of the Taliban's opponents' ineffective governance.

Complementary to the existing literature, this article has demonstrated the value of a longitudinal perspective on rebel governance and legitimacy. The post-2001 Taliban insurgency was not new to governing; it used prior networks, claims, and experiences. Several claims to legitimacy and policies continued albeit with small adjustments based contextual changes. Understanding rebel governance and legitimacy, therefore, also requires researchers to consider the contemporary history of armed conflict. As Schroder and Schmidt previously noted, the 'symbolic meaning of prior wars is re-enacted and reinterpreted in the present.'[195] During the Soviet timeframe, the pre-Taliban fronts mobilized based on a perceived legitimate struggle against an external

enemy that invaded Afghanistan. In the post-2001 timeframe, the foreign-enemy image re-appeared in the form of the international coalition forces. Together with the corruption and ineffective governance by the state, the narrative of a nationalistic and 'necessary' armed resistance has been revived.

Finally, this article has contributed to the existing literature by investigating how external intervention in support of the incumbent government affects the rebels' opportunities to govern and the dynamics of rebel legitimacy. It expands upon other studies that have either focused on external support for rebel groups or the strategies rebel groups employ to gain international legitimacy and/or recognition. External intervention has contrasting effects on rebel governance and specific forms of moral legitimacy. On the one hand, external intervention decreases the number of opportunities of rebel groups to govern; on the other hand, external intervention increases the potential resonance of moral forms of rebel legitimacy. The departure of external forces also has contrasting effects on governance and moral forms of legitimacy. Withdrawal can create more opportunities for rebel governance as it opens political space while simultaneously undermining specific earlier forms of moral legitimacy when the rebels had a clearly identifiable external enemy.

Notes

1. Weinstein, *Inside Rebellion*; Mampilly, *Rebel Rulers*; Klem and Maunaguru, "Insurgent Rule"; and Hoffmann and Verweijen, "Rebel Rule."
2. Kasfir, "Rebel Governance."
3. Stel, "Governing the Gatherings," 20–30.
4. Schlichte and Schneckener, "Armed Groups and the Politics of Legitimacy"; Duyvesteyn, "Rebels & Legitimacy"; Schoon, "Building Legitimacy"; Terpstra and Frerks, "Rebel Governance and Legitimacy"; Worrall, "(Re-)Emergent Orders"; and Kasfir, "Foreword."
5. Terpstra and Frerks, "Rebel Governance and Legitimacy."
6. Schoon, "Building Legitimacy," 748.
7. Kasfir, Frerks, and Terpstra, "Introduction," 257.
8. O'Neill, *From Revolution to Apocalypse*, 142–48.
9. Huang, "Rebel Diplomacy in Civil War"; and Malejacq, "From Rebel to Quasi-State."
10. Schröder and Schmidt, "Introduction," 9.
11. Ibid., 9.
12. In general terms, the *mujahideen* can be characterized as a 'force of religious nationalists: communities – particularly those from rural areas – were motivated to participate in the jihad by religious fatwas sanctioning jihad, but also to protect their land, their villages, traditions and customs' (Strick van Linschoten, 2016, p. 112).
13. Ruttig, "How Tribal Are the Taliban?" 23–24.
14. Strick van Linschoten and Kuehn, *The Taliban Reader*, 1.
15. Edwards, *Before Taliban*; Barfield, "Establishing Legitimacy in Afghanistan"; Barfield, *Afghanistan*; Ruttig, "How Tribal Are Taliban?"; Strick van Linschoten

and Kuehn, *An Enemy We Created*; Strick van Linschoten and Kuehn, *The Taliban Reader*; Strick van Linschoten, "Mullah Wars"; Ibrahimi, "The Taliban"s Islamic Emirate of Afghanistan (1996–2001)"; Weigand, "Afghanistan"s Taliban"; Jackson, "Life under the Taliban Shadow Government"; and Johnson, *Taliban Narratives*.

16. Kalyvas, *The Logic of Violence in Civil War*, 5.
17. Kasfir, Frerks, and Terpstra, "Introduction," 259.
18. Kalyvas, *The Logic of Violence in Civil War*, 210–20.
19. Duyvesteyn et al., "Reconsidering Rebel Governance"; Kasfir, Frerks, and Terpstra, "Introduction," 258; and Murtazashvili, "A Tired Cliché."
20. Kalyvas, *Logic of Violence*, 218.
21. Rosenau et al., *Governance without Government*, 4.
22. Kasfir, "Rebel Governance," 24.
23. Kasfir, "Dilemmas of Popular Support in Guerrilla War," 4.
24. Mampilly, *Rebel Rulers*; Arjona, Kasfir, and Mampilly, *Rebel Governance in Civil War*; Duyvesteyn et al., "Reconsidering Rebel Governance"; Arjona, *Rebelocracy*; and Kasfir, Frerks, and Terpstra, "Introduction."
25. For a discussion on the Taliban's current involvement in other governance sectors, such as education and health care, or its taxation practices, see Jackson (2018).
26. Kasfir, Frerks, and Terpstra, "Introduction," 274.
27. Terpstra and Frerks, "Governance Practices and Symbolism," 1013.
28. See note 26 above.
29. Mampilly, *Rebel Rulers*, 56.
30. Suchman, "Managing Legitimacy," 574.
31. Terpstra and Frerks, "Rebel Governance and Legitimacy," 285.
32. Terpstra and Frerks, "Governance Practices and Symbolism," 1035–36.
33. Worrall, "(Re-)Emergent Orders," 715.
34. Schlichte and Schneckener, "Armed Groups and the Politics of Legitimacy," 418.
35. Kalyvas, "Promises and Pitfalls of an Emerging Research Program"; and Terpstra, "Statebuilding, Legal Pluralism, and Irregular Warfare."
36. Schlichte and Schneckener, "Armed Groups and the Politics of Legitimacy," 417
37. Ibid., 417.
38. Ibid., 417–18.
39. Kasfir, "Foreword," xiii.
40. Weber, *The Theory of Social and Economic Organization*, 359; and Kasfir, "Foreword," xiii.
41. Terpstra and Frerks, "Rebel Governance and Legitimacy," 281.
42. Ibid., 281.
43. Weigand, "Afghanistan"s Taliban," 376.
44. Huang, "Rebel Diplomacy in Civil War"; and Podder, "Understanding the Legitimacy of Armed Groups," 698–701.
45. See note 8 above.
46. Johnson, *Taliban Narratives*, 31–33.
47. The PRTs were invented by the United States. They generally consist of military compounds with military officers but also include diplomats and reconstruction experts who work together on reconstruction.
48. The security situation in Kunduz has been dire, particularly since the temporary fall of Kunduz city to the Taliban in September 2015. Common data collection challenges include the following: threats to the personal security of researchers

and respondents, scarcity of data, lack of monitoring of field surveyors, high staff turnover within research organizations, unsteady access to certain districts at certain points in time, incorrect expectations of researchers and respondents regarding data collection, multiple layers of interpretation in the data collection process, and social desirability in the answers of respondents.

49. Malejacq, "From Rebel to Quasi-State," 871.
50. Barfield, *Afghanistan*, 211.
51. Ibid., 215.
52. Johnson, *The Afghan Way of War*, 206.
53. Ibid., 207.
54. Barfield, *Afghanistan*, 225.
55. Safi, "The Afghan Taliban's Relationship with Pakistan," 14; and Barfield, *Afghanistan*, 225.
56. Barfield, *Afghanistan*, 225.
57. Ruttig, "How Tribal Are the Taliban?" 10.
58. Ibid., 10.
59. Strick van Linschoten and Kuehn, *An Enemy We Created*, 18.
60. Ruttig, "How Tribal Are the Taliban?" 11; and Safi, "The Afghan Taliban's Relationship with Pakistan."
61. Ruttig, "How Tribal Are the Taliban?" 11; Safi, "The Afghan Taliban"s Relationship with Pakistan," 15; and Strick van Linschoten and Kuehn, *An Enemy We Created*, 43–50.
62. 'Talib' literally translates to 'student.' 'Taliban' or 'Taleban' is plural and translates to 'students.' *Mullahs* are religious leaders usually – at least at a very basic level – educated in Islamic traditions and Islamic law.
63. Strick van Linschoten and Kuehn, *An Enemy We Created*, 45.
64. Ibid., 45.
65. The Peshawar Seven included Hezb (Hekmatyar), Hezb (Hales), Jamiat (Rabbani), Harakat (Nabi Muhammadi), Ittehad (Sayyaf), Nejat (Mujaddedi), and Mahaz (Gailani) (Ruttig 2010, p. 11).
66. Ruttig, "How Tribal Are the Taliban?" 11.
67. Coll, *Directorate S*, 2.
68. Strick van Linschoten and Kuehn, *An Enemy We Created*, 46.
69. Giustozzi and Baczko, "The Politics of the Taliban's Shadow Judiciary, 2003–2013," 201; and Strick van Linschoten and Kuehn, *An Enemy We Created*, 47.
70. Strick van Linschoten, "Mullah Wars," 111.
71. Strick van Linschoten and Kuehn, *An Enemy We Created*, 46.
72. Ibid., 67.
73. Ibid., 43.
74. Johnson and Mason, "Understanding the Taliban and Insurgency in Afghanistan," 73.
75. Coll, *Directorate S*, 1.
76. Strick van Linschoten and Kuehn, *An Enemy We Created*, 66–67.
77. Coll, *Directorate S*; and Giustozzi, *Empires of Mud*.
78. Giustozzi, *Empires of Mud*, 50.
79. Staniland, *Networks of Rebellion*, 126–27.
80. Giustozzi, *Empires of Mud*, 83.
81. Strick van Linschoten, "Mullah Wars," 20.
82. Ibid., 20.

83. Zaeef, Strick van Linschoten, and Kuehn, *My Life with the Taliban*, 60–61.
84. Strick van Linschoten and Kuehn, *An Enemy We Created*, 114.
85. Zaeef, Strick van Linschoten, and Kuehn, *My Life with the Taliban*, 65. The Taliban movement garnered support of Pakistani authorities, but it was certainly not founded by Pakistan (Safi, 2018, p. 17). For example, alongside the inception of the movement in 1994, a Taliban office was opened in Quetta in Pakistan. One of the Taliban buildings there was used to 'recruit new fighters into the movement, another house was a place where injured Taliban were treated medically,' and a third building 'functioned as storage facility' (Safi, 2018, p. 18).
86. Strick van Linschoten and Kuehn, *An Enemy We Created*, 117.
87. Johnson and Mason, "Understanding the Taliban and Insurgency in Afghanistan," 74.
88. Giustozzi, *Empires of Mud*, 82.
89. Ibid., 82.
90. Giustozzi and Baczko, "The Politics of the Taliban's Shadow Judiciary," 203.
91. Giustozzi, *Empires of Mud*, 83.
92. Barfield, *Afghanistan*, 261.
93. Barfield, *Afghanistan*; Giustozzi, *Empires of Mud*; and Mukhopadhyay, *Warlords, Strongman Governors, and the State in Afghanistan*, 136.
94. Depending on the strictness of the definition, the Taliban ceases to be a rebel group or an insurgency once it capture the capital and the majority of Afghanistan's geographical territory. Nevertheless, for the sake of the longitudinal analysis in this article, I decided to expand the scope of the conditions and also consider the full timeframe of 1996–2001 a continuation of rebel governance and rebel legitimacy.
95. Ibrahimi, "The Taliban's Islamic Emirate of Afghanistan (1996–2001)," 947–48.
96. Ibid., 947–48.
97. Barfield, *Afghanistan*, 263.
98. Ruttig, "How Tribal Are the Taliban?" 12.
99. Ibid., 12.
100. Ibid., 12.
101. Otto, "Introduction," 23.
102. Ibid., 23–49.
103. Yassari and Saboory, "Sharia and National Law in Afghanistan," 312.
104. Edwards, *Before Taliban*, 302–3.
105. Yassari and Saboory, "Sharia and National Law in Afghanistan," 291.
106. Rashid, *Taliban*, 2000, 50.
107. Yassari and Saboory, "Sharia and National Law in Afghanistan," 292.
108. Ibid., 292.
109. Edwards, *Before Taliban*, 295–96.
110. Barfield, *Afghanistan*, 262.
111. Yassari and Saboory, "Sharia and National Law in Afghanistan," 292.
112. Ibrahimi, "The Taliban's Islamic Emirate of Afghanistan (1996–2001)," 955.
113. Rashid, *Taliban*, 2001, 303–4.
114. Strick van Linschoten, "Mullah Wars," 121.
115. Ibid., 121.
116. Barfield, "Problems in Establishing Legitimacy in Afghanistan," 288.
117. Barfield, *Afghanistan*, 261–63; and Weigand, "Afghanistan's Taliban," 363.
118. Hezb-e Wahdat is a political movement in Afghanistan. Like most Afghan political movements, it is rooted in the anti-Soviet resistance. Political

Islamism is its ideology, but it is mostly supported by ethnic Hazaras, who follow a Shia interpretation of Islam.

119. Wörmer, "The Networks of Kunduz," 22.
120. Rashid, *Taliban*, 2001, 163.
121. Ibid., 163.
122. Barfield, *Afghanistan*; Strick van Linschoten and Kuehn, *An Enemy We Created*. There is debate regarding why exactly this occurred (Strick van Linschoten and Kuehn, 2014, pp. 130–34). It was an important moment for the Taliban movement itself and how it was seen by the outside world. Some interpreted it as a sign that Mullah Omar was the legitimate person to establish an Islamic government in Afghanistan. Some Talibs who were present at the meeting allegedly stated that it served to diffuse internal rivalries within the movement, while others mentioned the push for Pakistani influence (Strick van Linschoten and Kuehn, 2014, pp. 131–33).
123. Strick van Linschoten and Kuehn, *An Enemy We Created*, 133.
124. Strick van Linschoten, "Mullah Wars," 101.
125. Strick van Linschoten and Kuehn, *An Enemy We Created*, 133.
126. Strick van Linschoten, "Mullah Wars," 27.
127. Barfield, "Problems in Establishing Legitimacy in Afghanistan."
128. Ibrahimi, "The Taliban's Islamic Emirate of Afghanistan (1996–2001)," 956.
129. Barfield, *Afghanistan*, 263.
130. Ibrahimi, "The Taliban"s Islamic Emirate of Afghanistan (1996–2001)," 955.
131. Edwards, *Before Taliban*, 301.
132. Ibid., 301.
133. Malejacq, "From Rebel to Quasi-State."
134. Barfield, *Afghanistan*, 263.
135. Ibid., 260.
136. Ruttig, "How Tribal Are the Taliban?" 19.
137. Strick van Linschoten and Kuehn, *The Taliban Reader*, 226.
138. Ibid., 227.
139. Ibid., 227.
140. Ruttig, "How Tribal Are the Taliban?" 19.
141. Jackson, "Life under the Taliban Shadow Government," 9.
142. Ruttig, "How Tribal Are the Taliban?" 21.
143. Giustozzi, "Hearts, Minds, and the Barrel of a Gun"; and Jackson, "Life under the Taliban Shadow Government."
144. Giustozzi and Baczko, "The Politics of the Taliban"s Shadow Judiciary, 2003–2013," 199.
145. Strick van Linschoten and Kuehn, *The Taliban Reader*, 227.
146. IWA, "Corruption and Justice Delivery in Kunduz Province of Afghanistan," 14.
147. IWA, "Corruption and Justice Delivery in Kunduz Province of Afghanistan," 14–15; and Ali, "One Land, Two Rules."
148. Interview code: 2018–13.
149. Interview code: 2018–05.
150. Ali, "One Land, Two Rules," 11.
151. Ibid., 11.
152. Ibid., 11.
153. Interview code: 2018–16.
154. See note 148 above.
155. Interview code: 2018 – 19.

156. Giustozzi and Baczko, "The Politics of the Taliban's Shadow Judiciary," 19–20.
157. See note 43 above.
158. Ibid., 376.
159. Interview code 2018–16.
160. Interview code: 2018–03.
161. Ledwidge, *Rebel Law*, 72.
162. Johnson, *Taliban Narratives*, 31.
163. Ibid., 32–33.
164. Ibid., 32.
165. Ibid., 36.
166. Ibid., 22.
167. Ibid., 24.
168. Interview code: 2018 – 12.
169. Interview code: 2018 – 20.
170. Interview code 2018 – 09.
171. Interview code: 2018 – 13.
172. Interview code 2018 – 14.
173. Osman, "Rallying Around the White Flag," 1.
174. Johnson, "The Taliban Insurgency and an Analysis of Shabnamah"; and Johnson, *Taliban Narratives*.
175. Johnson, "The Taliban Insurgency and an Analysis of Shabnamah," 318.
176. Interview code: 2018–12; 2018–15.
177. Interview code: 2018 – 19.
178. Interview code: 2018 – 13.
179. Interview code 2018 – 01.
180. Johnson, "The Taliban Insurgency and an Analysis of Shabnamah (Night Letters)," 339.
181. Ali, "The Non-Pashtun Taleban of the North."
182. Ibid.
183. See Strick van Linschoten, "Mullah Wars" 99.
184. The literal translation of bacha bazi from Dari is 'boy play.'
185. SIGAR, "Child Sexual Assault in Afghanistan," 1.
186. Jones, "Ending Bacha Bazi," 66.
187. Reid and Muhammedally, "Just Don't Call It a Militia"; and SIGAR, "Child Sexual Assault in Afghanistan."
188. Reid and Muhammedally, "Just Don't Call It a Militia," 42.
189. Ibid.
190. See note 160 above.
191. Interview code: 2018–01.
192. See https://www.pbs.org/wgbh/frontline/film/dancingboys/ (Accessed 11 June 2019).
193. Roy, "Development and Political Legitimacy," 173.
194. See note 43 above.
195. See note 10 above.

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