



The Taliban and state-building (Islamic Emirate)

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ABSTRACT: Afghanistan was established as a nation-state in the 18th century. The monarchy became the constitutional system in the first half of the twentieth century. Subsequently, in the early 1970s, the political system of the republic emerged. The Soviet invasion in 1979 led to the creation of a puppet state that collapsed with the collapse of the Soviet Union. The Mujāhidīn were unsuccessful in state-building, and the Taliban established the Islamic Emirate at the end of the twentieth century. Thus, over two centuries of historical experience in Afghanistan, both modern and reactionary governments have been formed. The Taliban group seeks to create a pre-modern historical state in the age of globalization. The establishment of such a government at such a time raises many questions; how the Taliban group create such a government; how they seized political power and how they interacted with the world; is one of the most important questions in this area. This article tries to answer the first question, which is related to the formation of the state or what is called state-building. The article hypothesizes: "The Taliban is establishing a government of a historical nature by resorting to ethnic and religious extremism; based on religious texts, historical customs and local customs, they form a state that has been rebuilt into historical political systems." This paper tries to test its claim using the method of description and analysis.

KEYWORDS: Afghanistan, Taliban, Pashtunwāli, Deobandiyah, Islamic Emirate

INTRODUCTION

The formation of the Taliban Islamic Movement is rooted in Afghanistan's *jihad* against the Soviet Union. In 1979, the 40th Division of the Soviet Army invaded Afghanistan and formed a government led by *Babrak Karmal*¹. Geopolitical variables were influential in this event; in the bipolar world of that day, in the face of this invasion, the full support of the West and the Arab countries against the Soviets was concentrated. Finally, in 1989, the last Soviet soldier left Afghanistan, and in 1991, the dictatorship collapsed. *Mujāhidīn*² were unable to establish a national government, and from there, numerous riots broke out. In 1994, the Taliban entered a religious school in *Kandahar* in response to attacks by local insurgents. They continued their political and military activities under the same name "Taliban". The Taliban were soon able to seize the capital, Kabul, in 1996.

¹ At the same time as the occupation of Afghanistan, he was appointed as the President of Afghanistan by the Soviet Union in December 1979.

² Armed Islamic groups who waged *Jihad* against the Soviet attack. After the withdrawal of the Soviet Union in 1989, they could not form an inclusive government.



From the point of view of Islamic militants, the victory of the Taliban was considered the victory of Islam, and this is how the global missions defined themselves in order to play an international role. From then on, they also contacted the *Al-Qā'idaglobal* network, which irritated the United States. The collapse of the Twin Towers eventually led to a military confrontation with the Taliban on September 11, 2001, and the group was ousted the same year. The US presence in Afghanistan was welcomed by the people of Afghanistan; It caused the formation of the central government based on the constitution, and civil institutions and the expansion of human rights and citizenship rights, But on the contrary, it caused regional and trans-regional sensitivities, which prolonged the war in Afghanistan. The growing power of regional and anti-US forces eventually, the spread of corruption, injustice and ethnicism, led to the Taliban's victory, and on August 15, 2021, the Taliban unexpectedly regained political power in Kabul, and their governance once again attracted international attention.

1. STATE-BUILDING

The term “State-building” has different uses. In this text, state-building does not mean establishing a country with those four elements; People, territory, government and sovereignty. In this text, state-building refers to a process that started from the 90s onwards: "the creation of new governmental institutions and the strengthening of existing ones" (Fukuyama 2004, 17). So State-building means government building in which the establishment of legislative, judicial and executive institutions is important.

Based on the Taliban's historical and classic approach to government, the elements of state-building are somewhat different from modern state-building. In this way, in the Taliban state-building, these components are elements of state-building; Divine legitimacy, historical traditions (Pashtunwāli), special religious readings (Deobandi, Salafi, Ikhwani) and the classical structure of the state.

Explaining the Taliban state-building based on Ibn Khaldun's Aṣabīyyah

There are various theories about state-building from a theoretical point of view, but one theory that can explain the Taliban's menus in the field of state-building is *Ibn Khaldun's* famous theory of *Aṣabīyyah* (tribal solidarity). *Ibn Khaldūn* divided political life into primitive and civil stages. In his view, the basis of the need for social life is to meet the needs of individuals (Ibn Khaldūn 2014, Vo. 2, 467). *Aṣabīyyah* can be considered the basis of society, government formation and development (Ibid, 480). Civil life comes into being despite the order that is realized in the existence of the state.



Aṣabīyyah favours the formation of the state and consequently the factor of transition from primitive life to civil life (Ibid, 467-468, 472).

Farid Rofa'i, one of the commentators on Ibn Khaldūn's theory, has defined *Aṣabīyyah* in his works as follows: "*Aṣabīyyah* is co-operation and co-operation between each other and is achieved between those who are brought closer by one of the links in their lives, such as close or distant kinship or co-religion or profession in a political belief." (Rifā'ī 1927, 75). According to this, prejudice or *Aṣabīyyah* means strong solidarity between members of society, the output of which is manifested in the form of self and others, and there is a strong sense of solidarity between insiders. There is also a degree of hatred, distrust and suspicion towards others (strangers) to the extent that there is a sense of dependence between insiders. According to *Ibn Khaldūn*, such *Aṣabīyyah* occurs first among families, and then among tribes (Ibn Khaldūn 2014, Vo. 2, 496). Based on *Aṣabīyyah* among the tribes, each tribe which has more nervousness and a more savage temperament, causes others to form a state (Ibid, 495).

Ibn Khaldūn classifies several states; Rational states, religious states, ethnic states, and other types of states. Among such states, *Ibn Khaldūn* concludes that *Aṣabīyyah* arises based on kinship (Ibid, 481). Religion is another force that increases *Aṣabīyyah* and a religious state cannot be achieved without *Aṣabīyyah* (Ibid, 519-520). The presidency is achieved through domination and is one of those who have more *Aṣabīyyah* (Ibid, 485).

Ibn Khaldūn explains the formation of the state among Muslims and the historical evolution based on this theory. The formation of national governments influenced by the Westphalian order with the domination of colonial governments and the development of modern ideas has forced Islamists to consider the establishment of an Islamic state. These currents, which see the benefits of politics and the political system in the past, tend to *Ibn Khaldūn's* way of state-building. All these currents are appropriate cases to explain *Aṣabīyyah* in *Ibn Khaldūn's* theory (Mir Ahmadi 2016, 13). Accordingly, if the Taliban movement creates a state-building based on ethnic *Aṣabīyyah* and religious call, and refers to it as religious zeal or ethnic zeal, they are in fact relating to *Ibn Khaldūn's* theory.

Ethnic and religious foundations of Aṣabīyyah in the Islamic Tehreek-e-Taliban

There are theoretical elements based on which ethnic and tribal tensions can be observed in the Taliban. four basic and important elements as *Aṣabīyyah* transmitters in order of importance are *Pashtunwāli*, *Diwbandīyya*, *Wahhabism* and the *al-Ikhwān al-Muslimūn*.



A) *Pashtunwāli*

Pashtuns are one of the most important and relatively populous ethnic groups in Afghanistan. Pashtuns have held monopoly power since the formation of the Afghan government, and only in a very short period has this domination been eroded. The decision-making core and discursive credibility of the Taliban belong to Pashtun.

This tribal society, culturally, socially and politically, has its own customs and traditions called *Pashtunwāli*. Most of the people who belong to this ethnic group have a primitive and rural life. Pashtuns are usually militant and violent, and women are harsh in the harsh, arid environment in which they grew up. As usual, women are not given many rights. Much of what we see today in the practical scene of the Taliban's practical policies and operational strategies in state-building and political management is rooted in the same Pashtun culture (Collins 2011, 9-10). All tribal *Pashtuns* also followed *Pashtunwāli*, a Social code which gave the tribal *Jirga* or council the right to make judgments on cases from a traditional pantheon of laws and punishments, especially when it came to disputes over ownership of land and women and murder (Rashid 2000, 112).

Salafi-jihadi ideology is formulated or secured in the form of the custom of *Pashtunwāli* tribes as follows: Taliban's violent treatment of the people under their control reflects the *Pashtuns'* habit of hatred and revenge. The militarism shows the importance of the zeal and courage of the Pashtun. Ethnic dialogues are seen as indicative of their fear or possibly cowardice and are therefore considered cowardice in overcoming opposition. The *caliphate* system, although the Islamic model is pervasive; but its confinement to a particular ethnicity reflects a *Pashtun* tribal system. The monopoly of power and political sovereignty is a reproduction of the monopoly of politics in Afghanistan, which is one of the *Pashtun* ethnic customs. Accordingly, every Pashtun considers himself the owner of political power and political sovereignty, and this approach leads to the marginalization and isolation of other ethnic groups, especially the Hazaras (Bagheri Dolatabad, Bagheri, Nahaj, 2019: 97). Some scholars believe that based on *Pashtunwāli* tradition, the Taliban supported *bin Laden* and refused to hand him over to the United States (Georges 2017, 119).

The book of the *Emirate Islami*, which is the manifesto of the Taliban, mentioned that Afghans have been Muslims for generations and only accept Islamic laws (Haqqani 2022, 24). Haqqani distinguished between two types of customary traditions; Past customs and new traditions that have emerged during the presence of the international. In this book, society is required to pay serious attention to past traditions and eliminate new traditions (Ibid, 39). In the first category, Haqqani mentioned the habits and customs of Afghans, which are the same customs of *Pashtunwāli*: courage and action, willingness to fight, women being secretive, honouring religious scholars, hospitality, and following Abu Hanifa's jurisprudence (Ibid, 39- 40). He also stated that following other religious sects is considered shameful for Afghans (Ibid, 37). He also praised



Ahmad Shah Durrani, the founder of the Pashtun government in Afghanistan, and considered the title of father appropriate for him (Ibid, 190). In this way, *Pashtunwāli* has regained its historical prestige and history has prevailed in the struggle between history and development.

B) Diwbandīyya

Diwbandīyya is a branch of *Sunni Hanafi* Islam. Among the *Sunni* jurisprudence, *Hanafi* is known as rationalism and moderation; but two important developments have caused the Muslims of the Indian subcontinent to stay away from these features of the *Hanafi* branch. The first is the confrontation of Muslim identity with Hinduism, which led to the alienation and ex-communication of Hindus. The second was the colonial invasion of India, which, in addition to the first identity confrontation, caused another identity confrontation. In addition, the founder of this school, *Shah Waliullah Dehlavi*, had studied in the *Hejaz* and was influenced by the *Salafism* of this land (Shafaq Khawati 2020, 17-16).

Diwbandīyya has long been a fanatic of women and religious minorities, opposed all forms of hierarchy in the Muslim community and rejected the Shia (Rashid 2000, 88). The interpretation of Sharia by these schools is influenced by Pashtunwali (Ibid, 90). *Haqqani* states in his book about religious minorities that they should be prevented from entering the Taliban judiciary. He based his view on the same historical prejudice and pointed out that following Afghan *non-Hanafi* religions has been a disgrace and humiliation. According to *Haqqani*, in the history of Islamic states, the judiciary has always been a follower of the *Hanafi* branch (Haqqani 2022, 37-38). But with the influence of *Salafism*, their realm of prejudice has also increased. In the current beliefs of the *Deobandis*, the religion of jihad is known as the only way to fight against infidelity and polytheism, which in this regard is linked to Wahhabism and Salafism (Shafei, 2013). For the first time, the limitation of *jihad* was made by *Ibn Taymiyyah*. He cited a narration that considered jihad as the journey of Muslims (*Ibn Taymiyyah* N D, 157). Extensive financial support from the Saudi government for these schools, in addition to financial dependence, also creates intellectual dependence, and it is as if *Diwbandīyya* has also turned to political radicalism.

The Soviet invasion of Afghanistan led to the influx of Afghan refugees into Pakistan. A significant proportion of immigrants were educated in religious schools, which were under the *Deoband School*. *Jamiat Ulama*³ was not much noticed before the war in Afghanistan; But during the jihad, he was most active in the religious education

³ Jamiat Ulama Islam was founded in 1945 by *Maulana Shabir Ahmad Usmani*, before the partition of India, with the aim of fighting British colonialism. After partition, it was transferred to Pakistan and developed its activities during the *Jihad* in Afghanistan.



of Afghan immigrants in the states bordering Afghanistan (Rashid 2000, 89)⁴. *Haqqani* Academy of Sciences, with its harsh and extremist reading of Islamic law, was able to play a significant role in creating the "*Taliban Islamic Emirate*" in the Afghanistan Valley. *Haqqani*, the author of the book *Al-Amara al-Islamiyya*, also graduated from the same *Darul Uloom*, and most members of the Taliban cabinet are graduates of the school. Some of the teachers of this school have stated: "We are proud that we teach the Taliban" (Ibid, 92). The school supported *bin Laden's fatwa* in 1998. Using the principle of *jihad*, the fatwa argues that US aggression is the basis for the formation of armed resistance and that targeting American civilians and soldiers is mandatory for all Muslims.

C) Wahhabism

Ibn Taymiyyah considered the first three centuries of Islam to be the ideal age for Muslims and tried to refer to the rest of the times as this golden age. His views and ideas were revived in the eighteenth century, and *Muhammad Ibn Abd al-Wahhab* in the Arab world and *Shah Wali al-Dehlavi* in the Indian subcontinent spread his views and ideas. What was important for both of them was the removal of Islamic societies from the manifestations of polytheism and the establishment of a pure Islamic government, which was achieved by returning to the *Salaf Saleh* tradition. The establishment of the Saudi royal government was based on the idea of *Muhammad Ibn Abdul Wahab*.

The Saudi government uses the sanctity of Muslim holy places; That is, *Mecca* and *Medina* are considered the position of leadership for themselves in the world of Islam. This position led to the spread of Wahhabi thought in the territory of Islamic *Ummah*. Two important events in 1979 promoted Saudi Arabia's position among Muslims: First, it was *Sadat's* Camp David peace that weakened Egypt's position among Muslim and Arab nations. The second was the Soviet invasion of Afghanistan, which provided the basis for Saudi leadership in the Islamic world.

The Soviet invasion of Afghanistan provided an opportunity for Saudi Arabia to project. Not only Saudi Arabia, but a significant part of the Arab states sent their politicized radical elements to this war in order to protect themselves from them inside their countries, and also to the people of the Muslim states with the support of the *Mujahedeen* of Afghanistan. Show yourself. Thus, Afghanistan's *jihad* against the Soviet Union is the basis of many radical currents in the *Sunni* world. The support of the West and the Arab world for these currents at that time attracted the attention of the Islamic countries to these currents (see: Cooley 2002, 42). As a result, *jihad* in Afghanistan provided a link between extremists, who came together with *Wahhabi*

⁴ There were only 900 *madrasae* (schools) in 1971, but at the end of Zial Haq's rule (1988), it increased to 8000 *madrasae* (Rashid 2000, 89).



Salafism and the *Egyptian Brotherhood* with the support of Western and Arab governments.

The Taliban consider themselves *Hanafi*, claiming that they are not *Wahhabis*. But the fact is that the roots of all extremist currents today go back to *Salafism*; which reached such a state by combining the views of *Ibn Taymiyyah*, *Muhammad ibn Abd al-Wahhab*, and *Sayyid Qutb* in a process of time. As a preacher of this idea, *Abdullah Azzam* went to Pakistan to support *jihad* during the Soviet invasion and propagated this extremist ideology among the *Diwbandīyya* schools and the ranks of the *Mujahedeen*. This movement called the *Salafi* and *jihadist* movements believe that in order to start *jihad*, one must conquer territory to be the starting point for global *jihad*. Based on this idea, in 1996, many fundamentalists from around the world gathered in Afghanistan for Taliban global jihad; More than 35,000 atmospheric fighters from 43 countries (Gasper 2001; Rashid 2000, 130) *Haqqani* has resorted to various reasons for banning women from co-education. One of these arguments is the fatwa of Ibn Baz (*Haqqani* 2022, 274).

D) Al-Ikhwān al-Muslimūn (Muslim brothers)

Muslims' confrontation with modernity and the invasion of the colonial powers into the Islamic lands raised questions and, as a result, answers for them. Meanwhile, *Sayed Jamal Uddin Afghani* proposed the idea of returning to himself. From his and his followers' ideas and thoughts, an organization called *Al-Ikhwān al-Muslimūn* emerged in 1928. This group was not political at first; but the events of the 1950s in the Arab world politicized it.

Sayyid Qutb believed that the call of Islam was made in order to enslave and alienate the people from the rule of kings and rulers and to bring them under the rule of God (*sayyid Qutb* 1979, 46). It is not possible to move people towards such a society simply by expressing religion (propaganda); because the establishment of this new monotheistic society requires the elimination of the ignorant order and organizations that have dominated the people. Accordingly, *jihad* is carried out for this purpose (*Ibid*, 56). According to *Sayed Qutb*, *jihad* is not the defence of the land; as any government seems, *jihad* is the process of liberating nations from ungodly rule. Hence it is not limited to a specific land (*Ibid*, 59). *Sayyid Qutb* believes that peace in Islam alone is not original; That is, peace is not the main goal of society; rather, peace is important in divine sovereignty and departure from human sovereignty (*Ibid*, 66). Opposite to this divine call is ignorance, which, despite its diversity, refers to societies in which man is dominated by man (*Ibid*, 47).

Sayed Qutb's thought entered Afghanistan in the seventies in two ways;

First, the students of religious sciences who were acquainted with this idea in Egypt, after leaving for Kabul, began to propagate the idea of *Sayyid Qutb* at Kabul University. At this time, the left current; *The People's Democratic Party of Afghanistan* was also



active in this university. People like *Mohammad Niazi*, *Burhanuddin Rabbani*, who was educated in Egypt and was a professor at Kabul University, formed the *Muslim youth group*. The Soviet Union's military invasion of Afghanistan led the population to act as a recruiting center against the Soviet occupation. Many members of the Taliban; Like *Mullah Omar*, the leader of this group was the *Mujahedeen* of the 1970s against the Soviets, who had previously embraced *Sayed Qutb's* jihadist ideology (Tanin 2005, 134-136).

Secondly, a radical form of the Brotherhood thinking was incited by the Afghan Arabs who took part in the Afghan *jihad*. The two ideologies of fundamentalist Islam, namely *Wahhabism* in Saudi Arabia and the Muslim Brotherhood in Egypt, were united. Muslims following these two extremist ideas came together with US support in the *Hindu Kush* Mountains of Afghanistan (Abdul Samad, 2011: 75). *Abdullah Azzam*, a professor of theology at Riyadh University representing both schools of thought, was transferred to Pakistan at the time of the *jihad*. He played a significant role in the development of *Salafi-Brotherhood* thought among the *Mujāhidīn*. In addition, *Bin Laden* was influenced by the thought of *Sayyid Qutb* and *Ayman al-Zawahiri* was a student of *Sayyid Qutb*. After leaving for *jihad* in the tribal areas of Pakistan and Afghanistan, they were favored by the *Pashtuns* and with this wide connection, they spread their extremist ideas (Shafaq Khawati 2020, 19).

The Taliban, based on *Sayyid Qutb's* view, consider *jihad* to be the cause of eliminating infidels, the dignity of believers, repelling evil and corruption, and, as a result, establishing an Islamic system. The withdrawal of US troops from Afghanistan is considered a step in the *jihad*. Since then, the establishment of the Islamic State and the implementation of Islamic law in Afghanistan has been considered the goal of *jihad* (Haqqani 2022, 18). This is the maximum view of jihad that Ibn *Taymiyyah* first proposed and then theorized by *Sayyid Qutb* as the most important strategy of struggle in response to modernism and colonialism.

Taliban's goals in establishing the Islamic Emirate

State-building based on prejudice is xenophobic. Most of the Taliban's theoretical foundations emphasize alienation. Atheists and those who do not believe in the existence of God are the first circles of this zeal. Followers of religions other than Islam, including Christianity, Judaism, Buddhism, etc., are in the second circle of this alienation. Islamic sects such as Shiites are the third link in this zeal. Women, as human beings who participate in politics and have rights, are the fourth link in this alienation. If *non-Pashtun* ethnicities want a share of power, they are in the next circle of alienation. For the Taliban, in accordance with the ideology and ideology of the Taliban, two very important goals are considered: the formation of an *Islamic caliphate* and the complete monopoly of power.



A) The formation of the Islamic Caliphate

In the Taliban state-building, the formation of an *Islamic caliphate* is considered an important goal. The caliphate that existed in the past Islamic states, with the difference that: First, in most of the history of Muslims, the position of *caliphate* belonged to sultans and military commanders, and they had minimal or maximum connections with religious communities. Influenced by Iranian aggression, the Taliban are seeking to establish a *caliphate* in which power is held by religiously educated religious scholars. So is the current Taliban cabinet. Second, in all institutions, laws and regulations, the traditional and petrified reading of the Taliban should be based on religion. *Samangani*⁵, a spokesman for the Taliban in Afghanistan's neighbouring countries, described us as "our" territory and explained that our *Amir al-Mu'minin* is the *Amir al-Mu'minin* of the whole world.

The *Emirate* and *Caliphate* are not two independent political models; *Islamic Emirate* is a small part or territory of the *Islamic Caliphate*. In the vast empires of the past in the form of the *Islamic Caliphate*, the Emirate existed. These empires consisted of small emirates, and the emirates defined a specific emirate territory. Today, because the *Islamic Caliphate* has been abolished and its revival requires the preparation of mindsets and the conquest of vast lands, the ground for its realization has not yet been prepared. *Islamic Emirate* of Taliban is in fact a small emirate of that mental realm that tries to provide the basis for the formation and objectification of the *Islamic Caliphate* in the world through *jihād* (Hörsani 2019).

B) Ethnic monopoly of power

The background of the Taliban is *Pashtun*. Apart from religious goals, they also have ethnic goals, and part of their social prestige among the tribes goes back to their ethnic extremism. Extremist ethnicity is popular among *Pashtun* elites. The monopoly of power is the common denominator between most *Pashtun* political actors, including the royal, republican, and fundamentalist ones. *Ghulam Mohammad Farhad*⁶, a member of parliament during the constitutional monarchy, defended the exclusive legitimacy of the *Pashto* language (Farhang 1988, 492). During the Republic, *Mohammad Ashraf Ghani*⁷ handed over all government powers to a three-member team, all of whom were *Pashtun*. The share of *Pashtun* in the first and second cabinets of the Taliban is more than ninety per cent. *Mullah Niazi* had announced to the *Shiites* through the loudspeakers of a

⁵ Inamullah Samangani, a member of the Uzbek origin of the Taliban group, who is one of the Taliban's spokespersons, said the above words in an interview with Tolo local TV.

⁶ The leader of the Afghan Nation Party, who was a radical nationalist, and most of the Pashtun political elites follow his radical views.

⁷ The last president of Afghanistan who fled to the United Arab Emirates on August 15, 2021.



mosque in the city of *Mazar-e-Sharif*: You must either become *Sunni* or leave Afghanistan or you will all be killed (Kholousi; Binesh; Ansarey 2011, 297).

Thus, from an ethnic point of view, what matters is that the Taliban define an ethnic mission for themselves. They also strongly believe that the *Pashtuns* are the main owners of Afghanistan. This proprietary view of the state territory is rooted in conquest and *jihad*; in the sense that *Pashtuns* conquered Afghanistan and eventually own the land. They are the only ones who can determine who or who rules. On this basis, they believe that we have taken over this land by force of the sword, and since we have conquered this land, we have the authority to do so, and we decide who can live in this society and what their rights will be.

2. THE STRUCTURE OF THE ISLAMIC EMIRATE

Taliban Islamic Emirate is a reconstruction of the simple governments of the classical Islamic era. In this type of government, society is divided into two ruling classes and the subjects. Participation in government and participation in the structure of such a government belongs to the ruling class. People are not defined as citizens, and obedience to government orders is considered their most important duty. In the absence of popular legitimacy and their participation, there has been a structure from the past that consists mainly of three spectrums; it includes the rulers, scholars and companions of the court and the office. In such a government, there is no separation of powers, accountability to the people, the right of the people to legislate, and institutions that represent the will of the people, such as parliament, and women are excluded from participating in politics.

A) Amir al-Mu'minin

This title first appeared during the reign of the second *caliph*. *Amir al-Mu'minin* is in charge of the people who are Muslims (*Mumen*) (Haqqani 2022, 52). From a historical perspective, allegiance to rulers has taken many forms. The popular method is allegiance, in which a group of people first consults to appoint a caliph or emir. They are among those who have conditions such as; they have the maturity, intellect, masculinity, justice, commitment to Islam and belief in a righteous predecessor, they choose one as the caliph. While explaining these conditions, Haqqani has provided several reasons for the incompetence of women in the position of community leader (Ibid, 80-82). They choose one of the four conditions: maturity, intellect, commitment to Islam and belief in a righteous predecessor as the *caliph*. What is important is to pay attention to the fact that the general public is obliged, based on allegiance, to obey the *Amir al-Mu'minin* (Māwardī, N D: 23-24). Taliban spokesmen in televised debates have repeatedly referred to the allegiance of the *ulema* to the legitimacy of their government.



The fundamentalists accept this institution with the same traditional approach of the past. Any ruling and order of the *Amir al-Mu'minin* are placed after the order of God or the Prophet, and he is introduced to the people as the guardian of the matter mentioned in the Qur'an.

B) Leadership Council

The Leadership Council or the Assembly of Elders and Nobles, or in other words, some jurists, *Ejmae Ahle hal va aqd*, is another institution that is considered in the structure of the *Islamic Emirate*. This council has an important function in terms of legitimizing the government. Special allegiance belongs to the members of this council. The members of the council appoint a person to the position of emir, caliph or leader. This council has a one-sided function: to ensure the legitimacy of the government. In fact, the council did not play a founding role in the government but justified the determination of those in power. Accordingly, the philosophy of such institutions has not been to prevent tyranny; Rather, it was important to create a government and accept it by the people (Moheq 2019).

Haqqani in addition to three general conditions; Puberty, intellect and being a man have set three special conditions. These conditions are: having justice, being a scholar of religious knowledge and knowledge of the interests of the *ummah*, and finally the ability to make decisions (Haqqani 2022, 146). He reiterated that women do not have such a right in the election of the head of state and that women should refrain from any participation in governance (Ibid, 148-152).

C) Cabinet

In his book, *Haqqani* does not mention the current order in the division of government departments. He went to the reconstruction of the past and organized the administrative division of the government based on the ministries and provinces (Ibid,170-175). He noted that among the ministries, the three Ministries of Defense, Education and Economy are important. (Ibid,177-182).

In the Taliban government, the cabinet is under the control of the Prime Minister, who has two deputies. After the presidency and his deputies, the Ministry of Defense, the Ministry of Interior, the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Enjoining the Good and Forbidding the Evil, and the Ministry of Justice are important and influential ministries. The Taliban's cabinet is highly ethnic, and all posts in one cabinet have been given to *Pashtuns*.



D) Judicial system

The Taliban do not accept the separation of powers, the Taliban judge is chosen by the group's leader. *Sharia* law is the source of Taliban courts' rulings and rulings. *Haqqani* has banned employers from other religions from entering the judiciary (Ibid, 2022: 37). Thus, the Taliban judicial system has three major differences from other judicial systems; First, the level of legal and pre-trial violence in the Taliban government is very high. Secondly, the basis of judgment is only the *Shari'a* laws. Third, it belongs to a religious sect and openly and systematically prevents others from entering.

E) Legislation

The Taliban are very strict about popular legislation. The Taliban do not recognize parliament as the legislature. According to the Taliban, the legislation belongs to God. Accordingly, the opinion of the common people is as invalid as it is in today's parliaments. *Haqqani* is not satisfied with this and has rejected the republic of the system because it is based on the will of the majority (Ibid, 237-241).

3. RESULT

The Taliban's Islamic provocation stems from the political upheavals that took place in the Middle East and South Asia in the 1970s. This group has historical interests; it does not reflect modern governments and modern ideas about governance. Forming a government based on nervousness, as *Ibn Khaldūn* explained, represents the Taliban's way of building a state. Taliban are poor in terms of producing political thought and do not have a coherent theory of state-building. State-building based on prejudice refers to ethnic origins, cultural contexts, and political-economic connections. Accordingly, in the Taliban government, as the ethnic origin, the *Pashtun* governor plays a decisive role. Taliban belong religiously to the *Deobandi School*, which has gradually adapted to political and radical developments. Both *Salaḥī* and *Ikhwan*'s tendencies have added to the Taliban's fanaticism and extremism. In line with such fanatical principles, they have created a government that emphasizes alienation and prohibition. In accordance with their historical interests, they have reconstructed a simple image of the structure of classical Islamic governments in the form of the Islamic Emirate. In this simple reconstruction, the separation of powers, the representation of the people, the party system, and the institutions related to civil rights and human rights have been abolished.



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