

Thoughts on Afghanistan's *Loya Jirga*: A Myth?

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1 Introduction

"The *Loya Jirga*: Pain Therapy for Our Nation". This headline used by the daily newspaper *Arman-i Milli* (25 June 2002, p. 2, my translation) captioned an article on the *loya jirga*'s role in Afghan history a few days after the 2002 *loya jirga*, or Grand Council, was held. Twelve years previously, captioning a similar article on the eve of the 1990 *loya jirga*, the newspaper *Anis* had written: "The *Loya Jirga*: Emergency Exit from the Fire of War for People and Homeland" (16 May 1990, p. 1, my translation). These are both rather striking headlines, but they nevertheless stand for a belief still widely held in Afghanistan today. Even a casual review of Afghan newspapers of the past forty years, like *Anis*, *Islah* and the *Kabul Times*, reveals that a similar rhetoric has been repeatedly used in the historical setting of most *loya jirgas*. Recent interviews with politicians and academics show that the above-mentioned messages have also reached their addressees.

Today, however, the institution has lost much of its supposed glamour of former days. Under certain circumstances, the constitutional institution of the *loya jirga* – the "highest manifestation of the will of the Afghan people" – brings together the *meshrano jirga* (Upper House) and the *wolusi jirga* (Lower House), the heads of the provincial and the district councils, the Cabinet and the members of the High Court (see the Constitution of Afghanistan, 2004, Chapter 2, Articles 110-115). What's more, its effectiveness as a political tool has also been questioned. In a distinguished historical survey, Christine Noelle-Karimi (2002) critically analyses its political role in 20th century Afghanistan. She argues that the *loya jirga* is a relatively young phenomenon, installed by the young centralised Afghan state at the beginning of the 20th century in order to bridge the "gap between state and tribe, between periphery and centre" (Noelle-Karimi 2002, p. 48). This scholar also points out that the *loya jirga* was primarily an instrument for investing Afghan governments with legitimacy, and that it has been efficient in times of political stability but not in times of crisis: "Historically, the *loya jirga* has shown itself to be a useful tool in the hands of well-established rulers, no more, no less" (Noelle-Karimi 2002, p. 48).

This draws attention to a discrepancy between the imagined role of the *loya jirga* as a resort in times of political crisis, which has been propagated by the Afghan state, and its *de facto* role as a constitutional and political instrument. It is precisely this discrepancy which gives rise to the questions of whether the *loya jirga* has a mythical character besides its actual political function and what its political surplus might be. When following up this question, there is a great temptation to compare the standard representation of the *loya jirga's* history as found in Afghan research literature, in the media and in public opinion with the alleged reality in order to show that the *loya jirga* is not a "panacea" (Noelle-Karimi 2002, p. 47).¹ Admittedly, if one was to regard it predominantly from the perspective of constitutional law or from a historical or a pragmatic perspective, the institution would lose a lot of its 'healing power' and its effectiveness would be questioned. But if one considers the *loya jirga* in terms of a political myth, then a number of new avenues of inquiry are opened that enable a new approach to its political role in 20th century Afghanistan to be taken.

Pursuing the questions of whether the *loya jirga* is a political myth and what its socio-political impact might be, this article aims at presenting some thoughts on the mythologisation of the *loya jirga* in Afghan society. It is based on material collected during a field trip to Kabul from September to November 2006.² In order to contextualise this material, I will analyse the *loya jirga* against the background of recent theories on myths. In doing so, the approach will be problem-centred: I will neither modify existing myth theories nor develop my own myth model. Rather, I intend to compare the main aspects of political myths, e.g. long-standing historical continuity and the connection to the founding myths, their role in political crises and their identity-building function, with characteristics of the *loya jirga* according to Afghan research literature, the media and public opinion in order to emphasise the mythical character of the *loya jirga*. Taking the fact into consideration that most modern myths have a heterogeneous character, I will also point out that the discourse on the *loya jirga* has never been homogeneous and that it has changed over recent decades and under the influence of different national ideologies.

2 Theoretical framework and source material

"Mythicality arises from the intricate, highly variable relationship between claims to validity, discursive ideological marking, and reception of the account by a particular audience in a particular historical context" (Flood, 1996, p. 7).³ Apart from being an

¹ The first use of this medical metaphor in the context of the *loya jirga* can be found in Noelle-Karimi (2002, p. 47): "For all its positive connotations, it is no panacea for the social and political evils that have befallen the country in recent years". My article is going to enhance this metaphor.

² This material can be divided into three categories: secondary Afghan literature, interviews, and primary sources such as Afghan print media, official publications from *loya jirgas*, etc.

³ In addition to Flood, this article also refers to publications on political myth by such researchers as Peter Tepe (2006), Johannes Hoffmann (2002), Jan-Holger Kirsch (1996) and Markus Küppers

essential analysis of political myth, Flood's theory is particularly interesting insofar as it allows us to identify and analyse the *loya jirga* as a myth in order to get access to its political and historical impact, yet without having to dismantle it. Consequently, this article will not treat political myths merely as false assertions. Rather, it regards them as a form of public discourse that might be seen as a mirror reflecting different ideological positions (see Flood, 1996, p. 13). While examining how to interpret or analyse the depiction of historical events within public discourse, the article will not challenge their historical authenticity. Instead, the problem of how political and historical events are defined in discourse and how meaning is ascribed to them will be expounded (see also Flood, 1996, pp. 8-9).

If one recalls that the *loya jirga* is a national institution and that its myth – as I shall attempt to show – might serve as an instrument for building a national identity, then Herfried Münkler's thinking ought to be taken into account here. In a relatively short but intriguing article that reflects on a pre-theory of political myth, he refers to the role of myths in the process of identity-building. In this context, he argues: "It is remarkable that almost all political communities [Gemeinwesen] have kept on relying on myths for the purpose of (their) self-representation [...]. Generally, it is a matter of investing the community that relies on [myths] with meaning and identity through them" (Münkler 1994, p. 21; my translation). Likewise, his view on the mythologisation of historical events, and particularly that of the founding events of communities, is particularly important in the historical context of the *loya jirga*.⁴ Following Münkler's line of thought, such events that are handed down through political myths are more than just ordinary historical events in time. These myths create meaning by drawing on past events and connecting them with the present, and even going beyond that with prospects for the future. Thus, those who conjure up a past event through a political myth are able to provide a guarantor for the future (Münkler, 1994, p. 21). In contrast, connecting a term with a meaningful historical event invests it with additional legitimacy. Also, regarding the extent to which myths are relevant in the process of building up political identity, Münkler states that it "depends remarkably on the size, the condition and the actual history of the communities that the addressees of political myths are to be persuaded to identify themselves with" (Münkler, 1994, p. 23; my translation). His assumption that this is particularly true for nations that have not completely succeeded in achieving state unity gains specific relevance concerning the difficult nation-building process in Afghanistan (see Münkler, 1994, p. 23).

This article acts on the assumption that intellectuals, politicians and scholars are especially inclined to conjure up a sense of national identity through political myths

(1993). In a broader sense, it also refers to the thoughts of Ernst Cassirer (see Cassirer, 2002), who made a "pioneering contribution to the study of political myth" (Flood, 1996, p. 257).

⁴ This is important if one considers that the *loya jirga* is often linked with the 'founding myth' of the Afghan nation, viz. the coronation of Ahmad Shah Durrani in 1747.

(see Münkler 1994, p. 25). In this context – and again following Flood – I neither claim to know the intentions of those who tell myths nor do I intend to judge the state of mind of those who appear to believe them (see Flood, 1996, p. 7).

With regard to the appropriate source material, one can refer to modern Afghan historiography that either explicitly or implicitly deals with the history of the *loya jirga*.⁵ This provides an insight into the current Afghan perspective on the *loya jirga*. If one attempts to trace the origins of a political myth, this is a useful starting point. Furthermore, the Western research literature on the *loya jirga*, which provides a more objective view from outside Afghanistan, also needs to be taken into consideration (e.g. Noelle-Karimi 2002, 2005).⁶

Another avenue of inquiry of similar importance is opened by reviewing selected newspapers from the 20th century, especially those which express a point of view close to the Afghan government's.⁷ In addition to further official documents like government resolutions and minutes taken at *loya jirgas*, one should also take the views of individuals into account since the addressees of a myth can also promote its renaissance (see Flood, 2002, p. 7). This can be achieved by conducting interviews, which have to try to capture the social, political and ethnic diversity of Afghan society.⁸

3 The historical continuity of the *loya jirga*

Among other points, one characteristic of political myths is their close and long-standing relation with the respective national history. They serve as a link between different time horizons and derive prospects for the future from a shared past. This way they establish continuity between the past and present (see Kirsch, 1998, p. 112 and Münkler, 1994, p. 21). It is precisely this aspect which takes on particular significance in the analysis of Afghan historiography and interviews with Afghan politicians or academics regarding the history of the *loya jirga*. According to them, and according to general perceptions, the *loya jirga* is a century-old tradition, which goes back to time immemorial: "Afghan Loya Jirga, called constituent assembly in other countries, as a democratic institution has existed in our society for centuries to consider the important national issues and will continue to do so in future" (Abdul-

⁵ There is a wide range of literature regarding the *loya jirga* one could refer to. See, for example, Fayzad (1989); Mihraban (1982); Mujahid (2002); and Ghubar (1999).

⁶ In addition, an article by Hanifi (2004) should be mentioned here, and a comprehensive compilation of material on *loya jirgas* can be found in Yunas (1997). Furthermore, a wide range of articles have been written by Afghan authors in Western languages. Cf. Reshtia (1988) and Wardak (2002), for instance.

⁷ The newspapers *Anis*, *Islah* and the *Kabul Times* should particularly be taken into account. Since Afghan print media are not easy to obtain in Germany, the comprehensive archives of the Public Library and the Academy of Sciences in Kabul lend themselves to this purpose.

⁸ The author was able to conduct about 25 interviews on the history and political role of the *loya jirga* in Afghanistan in autumn 2006.

lah Mehraban, 1982b, p. 53). The verifiability of this historical continuity has been widely neglected, however. The fact that we do not know of any source which mentions the term "*loya jirga*" and dates back to before 1923 (cf. Aman-i Afghan, 12 March 1923, pp. 11-12) is normally disregarded.⁹

We can find major assemblies under the label of "*loya jirga*" at the important milestones of Afghan history: during the liberation from Safavid rule in 1709; in 1747, which is often considered the founding year of the Afghan nation; in 1964 when the new constitution was adopted; and finally in the course of the so-called "Bonn Process".¹⁰ Most Afghan interviewees who considered the *loya jirga* a national symbol consequently connected its history to their own perception of the history of the Afghan nation. In an interview, Sayyed Amin Mojahed¹¹ once said the following about the first national *loya jirga*, for instance: "A *jirga* becomes a *loya jirga* if it includes representatives from all over Afghanistan. [...] At that time [1709] there was a national personality named Mir Wais who convoked the first historical *loya jirga* in Kandahar attended by Pashtuns, Tajiks, Hazaras, Uzbeks, Chahar-Aimaq [...] in order to liberate the country from the Safavids" (personal interview in Kabul on 15 November 2006; my own translation).

While political systems and ideologies have come and gone, the *loya jirga* has been considered an element of continuity in the political history of Afghanistan. Although often dismissed as illegitimate, this myth was particularly fuelled by the governments of Najibullah and Babrak Karmal; the newspaper *Anis* cleared the way for these major political events with its propaganda weeks before the *loya jirgas* of 1985, 1987, 1989 and 1990 took place. It published comprehensive articles with headlines such as "The Deep Historical Roots of Jirgas" (*Anis*, 16 August 1985, p. 3; my translation), which aimed at putting the respective *loya jirga* in line with historical assemblies of the past two and a half centuries. We can find this strategy of historical embedding in earlier and later decades as well.

4 Providing political solutions through the *loya jirga*

One function of political myths is to simplify complex political circumstances (via their instrumentalisation) and to offer supposedly simple solutions. This power of the myth often becomes apparent in seemingly hopeless situations (see Küppers, 1993, p. 28). The citation at the beginning of this article, which represents the *loya jirga* as a kind of domestic medicine that the Afghan nation has to swallow in order

⁹ Noelle-Karimi mentions that "the first *loya jirga* took place in 1915" (2002, p. 42), but since she does not state any historical evidence for the use of the label in 1915, I personally consider Amanullah's 1923 *loya jirga* as the first case in which the term was used.

¹⁰ In his famous book on the history of the *loya jirga*, Mihraban mentions 13 assemblies labeled as '*loya jirga*' from 1709 until 1981 (see Mihraban 1982, p. 1).

¹¹ Sayyed Amin Mojahed is the author of the book "Negahi be *loya jirga*-i *iztirari*" [A Look at Emergency *Loya Jirga*] and was a member of the Special Independent Commission for the Convening of the Emergency *Loya Jirga*.

to solve its problems, is a representative example. This very aspect is particularly obvious in public discourse on the political role of the *loya jirga*. As has become apparent in discussions with members of Afghan society ranging from publicists and university lecturers to senators and members of the *wolusi jirga*, this discourse has registered deeply with the Afghan public: "In times when the Afghan state is unable to solve its problems by itself, it can fall back on the people and call for a *loya jirga*", said Senator Safia Sadiqi in a personal interview with me in Kabul (20 November 2006). Consequently, it has adopted the character of an all-encompassing truth, not that of a hypothesis which can be argued against; indeed, questioning the efficiency of the institution itself or its historical foundations is often perceived as an affront. In the public depiction and reception, the *loya jirga* is often considered to be the one genuine Afghan way of resolving the country's problems:

The Loya Jirga is a great national tradition of our country and has roots in the history of our ancient land. People or governments have referred to a Loya Jirga whenever they were faced with problems. This national tradition does not belong to any one tribe or region of the country. It belongs to our brave nation as a whole (Amin Kharoti, lecturer at the Faculty of Law and Political Sciences, in an interview with the newspaper *Kabul Weekly*, 6 June 2002, p. 2).

What's more, it has mostly appeared in Afghan historiography at times when the preservation of the Afghan state was at stake. This might be one reason why the Afghan constitution provides for the *loya jirga* in the event of national emergencies (see the Constitution of Afghanistan, 2004, Chapter 2, Articles 110-115).

In addition to its historical embeddedness, the *loya jirga*'s imagined cultural link to tribal traditions also plays a decisive role. As a national variant of the local *jirga*, it carries the tribal culture into the apparatus of the state. According to widespread opinion, it is also able to deploy its power as a local problem-solving mechanism on a national level.¹² Summarising this popular perception, Ali Wardak states:

This, in turn, is expected to lead gradually to the creation of a culture of tolerance, accommodation and of the rule of law – a culture that the *loya jirga* as an institution is able to provide; it is a culture with which the practitioners of the centuries-old institutions of *maraka* and *qawmi jirga* are not unfamiliar (Wardak, 2002, p. 101).

But shouldn't the *loya jirga* be considered separately from its local equivalent because of its development in the 20th century and particularly its formalisation in the 1964 constitution? Doesn't it have very little in common with the tribal *jirga* since its assimilation by the state apparatus? This process of disengagement from its cultural roots has not been accomplished yet in the historical and political consciousness of the majority of the Afghan and especially the Pashtun population. Thus, most Afghan governments were able to avail themselves of its myth and to develop it further, in particular as a last resort in times of severe political crisis – cf. Najibullah at the 1990 *loya jirga*: "The present Loya Jirga held at a crucial moment

¹² In this context, see also the historical analysis of the *jirga* by Noelle-Karimi (2005, p. 193).

will go down in the history of our beloved homeland. Let this *Loya Jirga* be identified with the notions of National Reconciliation, national unity and peace and tranquillity in Afghanistan" (*Loya Jirgah: documents*, 1990, p. 31). The convocation of a *loya jirga* did not only appear to be attractive for inner-Afghan parties either. During the 1980s and 1990s, for example, such steps were also proposed by the exiled king and exiles affiliated to him, as well as by Western experts on Afghanistan and the UN, as a political option to solve the dilemma of civil war (see Rubin, 1995, p. 195).

5 The *loya jirga* as a symbol of integration and identity

Regarding the *loya jirga*, the integrative, mobilising and identity-creating functions of political myths (see e.g. Münkler, 1988, pp. 66-7 and Münkler, 1994) seem to be particularly important. This is certainly also due to its assumed historical and cultural depth, which assists its depiction as a representative assembly of the Afghan people. This depth makes it almost impossible to question the institution without concurrently casting doubt on the foundations of the Afghan nation. In particular, its conjunction with the founding myth of the Afghan nation, the coronation of Ahmad Shah Durrani in 1747, gives it a semblance of legitimacy. Although there is no historical evidence for the use of the term *loya jirga* or *jirga* for grand Afghan assemblies before 1923, Afghan historians still try to project the term into the past. Referring to this, Noelle-Karimi mentions that the

[...] terminology employed in this context is also of interest. While the modern Afghan authors consistently use the word *jirga* for the tribal assembly of 1747, it is called *majlis-i mushawirat*, a consultative meeting, in the *Tarrikh-i sultani*. [...] Another term used for the meeting of 1747 is *diwan-i ahmadshahi*, which would also imply the creation of a consultative assembly (Noelle-Karimi, 2002, p. 40).

By taking recourse to this founding myth, the *loya jirga* symbolises the unification of the Afghan people and becomes an allegory for the nation's unity. According to widespread public opinion, the *loya jirga* will be able to ensure this unity in the future, just as it established it in the past. It therefore symbolises the common identity of the Afghan people, which is so often questioned, and represents the will of the people in its entirety.

Furthermore, the *loya jirga* not only brings the peoples of Afghanistan together, but it also acts as a link between the state and society. If the state is unable to resolve political or social problems, it can fall back on the concept of the *loya jirga* in order to manufacture the semblance of a nationwide consensus. Thus it becomes a representative platform of national will in a horizontal as well as in a vertical line. Habibullah Rafi', a member of the Academy of Sciences in Kabul, once said in an interview that despite its modern embodiment the *loya jirga* still had a traditional function. Using a classic image of the local *jirga*, he explained its function as "a place where the representatives of the people sit together with the representatives of the state and make decisions on several issues" (personal interview with Habibullah

Rafi' in Kabul, 30 September 2006; my translation). The answer to the question of how it can develop this integrative power, for instance through a representative composition of the assembly, has certainly varied throughout its history. While its achievement of unifying all the social classes was eulogised during the 1985 *loya jirga*, the democratic aspect was emphasised during the emergency *loya jirga* held in 2002. And while the *loya jirgas* under Amanullah Khan symbolise the attempt to integrate the tribal authorities in the decision-making process of the young Afghan central state, the 1964 *loya jirga* stands for a democratic approach which involves the *people* in the political decision-making process. Thus, what has been understood by representation within different political currents over the last few decades of Afghan history can be determined by regarding the composition and the rhetorical accompaniment of each *loya jirga* since the 1920s. The *loya jirgas* staged in exile in Quetta and Peshawar are no exception to this.

6 Heterogeneity of the *loya jirga* concept

Afghan interviewees have often distinguished between legitimate and illegitimate *loya jirgas*. So it may seem obvious to look for a prototype of the *loya jirga* in order to address the question of other *loya jirgas*' authenticity. However, this search is bound to fail, considering that the so-called "new myths" – and here the *loya jirga* in its recent form is seen as such – mostly have a heterogeneous character. They are no longer supported by a universal society, but articulate themselves mostly within social, political and ethnic groups (see Hoffmann 2002, p. 172). Although one might point out the process of mythologisation of a term, phenomenon or event, this does not explain the form or the role of its myth in different parts of a society. Consequently, the superficial homogeneity of the *loya jirga* concept actually proves to be very heterogeneous. The *loya jirga* concept, and in particular the associations to which it gives rise, offers room for interpretation; everybody can discover their own political visions in it as soon as they adapt the idea to their own ideological criteria. Today, the *loya jirgas* under Amanullah, Zaher Shah or Najibullah may be remembered in a positive way, depending on the respective political viewpoint. However, the emphasis on certain *loya jirgas* leads to others being neglected; in the eyes of those who perceive the 1981 *loya jirga* held in exile in Quetta as a milestone of Afghan resistance, a legitimate *loya jirga* did not take place under Babrak Karmal or Najibullah. During an interview, Mohammad Omar Barakzay¹³ fully negated the legitimacy of the *loya jirgas* during the 1980s, for instance. In a comprehensive historical portrayal of the *loya jirga*, he completely omitted these as if they had never taken place at all (personal interview in Kabul, 28 November 2006). In a similar manner, Nasrollah Stanikzay, a lecturer at the Faculty of Law at Kabul University, divided the *loya jirgas* of the 20th century into three categories: "the 'real'

¹³ He played a decisive role in the convocation of the *loya jirga* in exile in Quetta and is now a judge at the High Court.

loya jirgas before the communist era, the 'fake' *loya jirgas* during the communist era and a 'mixed form' after Bonn" (personal interview in Kabul, 22 November 2006; my translation). Naturally, exponents of other ideologies see this differently. Abdullah Mehraban, who considers the Founding Congress of the National Fatherland Front in 1981 to be a *loya jirga* as well, said: "Loya Jirgah in Afghanistan has always been convened during the period of a crisis" and later on he added: "The meeting of the Founding Congress of the National Fatherland Front as a Great National Jirgah is a historic event of high significance in the contemporary history of Afghanistan" (Mihraban, 1982b, pp. 53 and 55). The rich diversity of the institution also becomes obvious through the analysis of some of the attributes assigned to it. Sometimes it was depicted as democratic and sometimes as Islamic. It was mostly considered historic or curative, but it was always Afghan, unifying and national. At the same time, it is sometimes qualified as superfluous or as an instrument of hegemony (see Hanifi 2004).

Kazem Ahang, a lecturer at the University of Kabul, advanced his opinion on this in one of my interviews. He said that there was no true or untrue *loya jirga* and that it is just a concept. Everything bearing the label *loya jirga* has to be accepted as such. He went on to say that if one *loya jirga* is defamed as a 'fake' *loya jirga*, as happened in a famous Afghan book concerning the *loya jirgas* in the 1980s [see Fayz-zad, 1989], then all *loya jirgas* have to be called 'fake'. After all, all governments have used this label, subordinated it under their ideologies, and adapted it to these. In the light of this, he added, wouldn't the emergency *loya jirga* be a fake *loya jirga* as well? (personal interview with Kazem Ahang in Kabul, 28 November 2006).

7 Conclusion

Recalling the recurring medical metaphors in public discourse on the political role of the *loya jirga* (e.g. "pain therapy", "no panacea") and following this imagery, one can certainly not consider it as a remedy in terms of scientific medicine. Perhaps one should rather view it as a kind of alternative medicine. This becomes more obvious if one regards the differentiation between *evidence-based* and *belief-based medicine*.

As a political institution, the *loya jirga* clearly has some weaknesses and the *loya jirgas* of the past could be criticised with respect to their composition or decision-making processes. Nevertheless, it is a fact that the *loya jirga* is a common thread which runs through the entire modern history of Afghanistan, be it in written or oral records. Therefore, neither the institution itself nor its actual embodiments really matter. In fact, it is its myth or rather the label "*loya jirga*" which makes it a meaningful instrument of Afghan politics. The prevalent belief in its deep-rootedness in Afghan culture and history as well as the mutability of the myth give power to the instrument and to those who adopt it. Where modern institutions may be rejected, the *loya jirga* has the advantage of not just being assessed in terms of the decisions it makes, but also of being backed by a general faith in the institution itself. This was

also one of the reasons for the UN's search for an equivalent of the Afghan *loya jirga*, which would have the potential to establish a consensus across all parts of society in the course of the reorganisation of the Iraqi state after the US-led intervention (personal interview with Eckard Schiewek (UNAMA) in Kabul, 13 November 2006).¹⁴

The term 'myth' is often considered to be a pejorative word. But if we refer again to Herfried Münkler, who argues that myths are an indispensable element of political integration and that no state can exist without at least one myth, then the positive aspects or even the necessity of a mythologisation of the *loya jirga* become obvious (Münkler, 1988, pp. 66-7). Developing this proposition further, one can say that myths might promote the specific identity of a nation and that the *loya jirga* is one of those myths which might be able to create a national identity in Afghanistan.

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¹⁴ Regarding the constitution-making process in Iraq, see also Benomar (2004).

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