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Constitutions and Modernity in Post-Colonial Afghanistan: Ethnolinguistic Nationalism and the Making of an Afghan Nation-State

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Abstract

In recent decades, the rule of law has not been commonly associated with Afghanistan. Instead, its politics have been more likely to be framed in terms of lawlessness and ungovernability. But this trope does not do justice to Afghanistan's longer history of statehood or experiences of constitution-making. Over the course of the twentieth century, Afghan leaders drafted seven constitutions (in 1923, 1931, 1964, 1976, 1980, 1987, and 1990). These constitutions represented leaders' attempts to assert their legitimacy and enforce their vision of an Afghan nation-state. This article sheds fresh light on Afghan elites' top-down framing of Afghan national identity through ethnolinguism, exploring the legalization of Pashto as both an official and national language in Afghanistan's constitutions. Reformers intended Pashto to transgress community, kinship, and regional boundaries and act as a source of unity (though one in which ethnolinguistic minorities had little say). Tracing Afghanistan's constitutional history from 1923–90, this article reveals language as a constitutional arena for debating Afghan modernity and identity. As such, this article integrates Afghanistan into legal histories of South Asia while emphasizing how Afghan constitutionalists engaged in the process of law-making as a means of expressing Afghanistan's own independence and ideas of modernity.

In the twentieth century, Afghan leaders, elites, and intellectuals, like their compatriots across the decolonizing world, wrestled with the meaning of modernity and envisioned different ways in which their states could embody a sense of national unity and identity. For many newly independent states, constitution-making offered an assertion of state legitimacy and a means of institutionalizing and structuring nationalism. Liberated from British imperial influences following the Third Anglo–Afghan War (1919), Afghans led in the field of postcolonial constitutionalism, developing their first constitution decades before many of their Afro-Asian neighbors gained independence. As Faiz Ahmed argues, the process

of adapting transnational Islamic legal networks to Afghanistan's national setting provided one means of asserting modernity.[1] Another, as this article reveals, was a turn to language. Pashto emerged as a contested, often problematic source of Afghan nationhood, one touted by a coterie of Afghan intellectuals and officials to define Afghanistan through shared language practices that prioritized the country's ethnic Pashtuns.

The relationship among language, nation, and law has been fraught in South Asia and beyond, and the era of decolonization saw widespread debates about the promises and pitfalls of choosing and legalizing "national" languages.[2] Pakistan, India, Sri Lanka, and Bangladesh wrestled with ethnolinguistic diversity and nationalisms, and negotiations about "national" languages (with cultural and identarian implications) versus "state" or "official" (administrative) languages proliferated.[3] Pakistan's state leaders, identifying Urdu as the language of *Muslim* South Asia, named it the national language, much to the frustration of various ethnic groups.[4] India, with its huge ethnolinguistic diversity, eschewed a named national language in the constitution, while making Hindi and English official languages, and subsequently tried to appease ethnolinguistic demands by creating linguistic states within the Indian union.[5] Neighboring South Asia, powerful elites in Turkey, Iran, and Malaysia also insisted on national language policies. Turkish and Iranian leaders deliberately

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[1] Faiz Ahmed, *Afghanistan Rising: Islamic Law and Statecraft between the Ottoman and British Empires* (Cambridge, MA: Harvard University Press, 2017).

[2] Key studies on the relationship between language and nationalism include Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983); Joshua A. Fishman, *Language and Nationalism: Two Integrative Essays* (Rowley: Newbury House, 1972); and Stephen May, *Language and Minority Rights: Ethnicity, Nationalism and the Politics of Language* (New York: Routledge, 2011). See also Rachel Leow, *Taming Babel: Language in the Making of Malaysia* (Cambridge: Cambridge University Press, 2016), introduction.

[3] On Afghanistan, see M. Alam Miran, "The Functions of National Languages in Afghanistan," Afghanistan Council of the Asia Society occasional paper 11 (1977); and Anthony Hyman, "Nationalism in Afghanistan," *International Journal of Middle East Studies* 34 (2002): 299–315.

[4] Alyssa Ayres, *Speaking Like a State: Language and Nationalism in Pakistan* (Cambridge: Cambridge University Press, 2009); Adeel Khan, "Ethnicity, Islam and National Identity in Pakistan," *South Asia* 22 (1999): 167–82; Tariq Rahman, *Language and Politics in Pakistan* (Karachi: Oxford University Press, 1996); and Philip Oldenberg, "'A Place Insufficiently Imagined': Language, Belief, and the Pakistan Crisis of 1971," *Journal of Asian Studies* 44 (1985): 711–33. On Bangladesh and Sri Lanka, see also Abul Fazl Haq, "Constitution-Making in Bangladesh," *Pacific Affairs* 46 (1973): 59–76; and Neil DeVotta, *Blowback: Linguistic Nationalism, Institutional Decay, and Ethnic Conflict in Sri Lanka* (Stanford: Stanford University Press, 2004), especially ch. 4 and 5.

[5] Hannah Lerner, *Making Constitutions in Deeply Divided Societies* (Cambridge: Cambridge University Press, 2011), 146–47; Paul R. Brass, *Language, Religion and Politics in North India* (Cambridge: Cambridge University Press, 1974); Joya Chatterji, *The Spoils of Partition: Bengal and India, 1947–1967* (Cambridge: Cambridge University Press, 2007), ch. 2; Lisa Mitchell, *Language, Emotion and Politics in South India: The Making of a Mother Tongue* (Bloomington: University of Indiana Press, 2009); Sumathi Ramaswamy, *Passions of the Tongue: Language Devotion in Tamil India, 1891–1970* (Berkeley: University of California Press, 1997); Benjamin B. Cohen, "Negotiating Differences: India's Language Policy," in *Social Difference and Constitutionalism in Pan-Asia*, ed. Susan H. Williams (Cambridge: Cambridge University Press, 2014), 27–52; and Uttara Shahani, "Language without a Land: Partition, Sindhi Refugees, and the Eighth Schedule of the Indian Constitution," *Asian Affairs* 53 (2022): 336–62.

ignored their countries' (ethno)linguistic minorities in identifying Turkish and Persian, respectively, as national *and* state languages and further seeking to purge these languages of foreign influences.[6] Institutions followed, such as Malaysia's *Dewan Bahasa dan Pustaka* (House of Language and Literature), meant to codify Malay as the new country's national tongue.[7]

Afghan elites were not immune from international debates about the nature of modern nationalism—both as they emerged in the "Muslim world" and through engagement with Western models[8]—and like their neighbors, they took part in local, regional, and global deliberations about the nature of citizenship and belonging in a world increasingly defined by nation-states.[9] This was modernity as a boundary-transgressing, claims-making force.[10] Afghan leaders, like other rulers, sought to differentiate their citizens and sovereignty, merging foreign models and local impetuses. As Harshan Kumarasingham has demonstrated, law- and constitution-making in the era of decolonization were often fundamentally transnational and reproductive, relying on the mobility of legal experts (and ideas) from former colonial metropoles and colonies alike.[11]

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[6] On Turkey, see Yilmaz Çolak, "Language Policy and Official Ideology in Early Republican Turkey," *Middle Eastern Studies* 40 (2004): 67–91; Ahmet İçduygu and B. Ali Soner, "Turkish Minority Rights Regime: Between Difference and Equality," *Middle Eastern Studies* 42 (2006): 447–68, at 459; Mesut Yegen, "'Prospective Turks' or 'Pseudo-Citizens:' Kurds in Turkey," *Middle East Journal* 63 (2009): 597–615; and Ceren Lord, *Religious Politics in Turkey: From the Birth of the Republic to the AKP* (Cambridge: Cambridge University Press, 2018), ch. 1. On Iran, see Marouf Cabi, "The Duality of 'Official' and 'Local' in Modern Iran: Historical and Intellectual Foundations," *Middle Eastern Studies* 57 (2021): 777–92; and Esmail Haddadian-Moghaddam and Reine Meylaerts, "What about Translation? Beyond 'Persianization' as the Language Policy in Iran," *Iranian Studies* 48 (2015): 851–70.

[7] Leow, *Taming Babel*, ch. 5. For more contemporary efforts to homogenize language practice in Southeast Asia, see Mary P. Callahan, "Making Myanmars: Language, Territory, and Belonging in Post-Socialist Burma," in *Boundaries and Belonging: States and Societies in the Struggle to Shape Identities and Local Practices*, ed. Joel S. Migdal (Cambridge: Cambridge University Press, 2004), 99–120.

[8] On the idea of the "Muslim world," see Cemil Aydin, *The Idea of the Muslim World: A Global Intellectual History* (Cambridge, MA: Harvard University Press, 2017). This article recognizes that "Islam" (as well as "pan-Islam") meant different things to different Afghans, whether in terms of competing juridical schools or different lived experiences. I do not seek to flatten Islamic practice within Afghanistan. Nevertheless, given that scholars have paid more attention to ways in which Islamic laws have been embodied within the Afghan constitution, the question of Afghan Islamic modernity lies beyond the scope of this article. For a fruitful discussion of Islamic modernism, its relationship to the rule of law, and its impacts in Afghanistan, see the khitabkhana on Faiz Ahmed's *Afghanistan Rising* in *Comparative Studies of South Asia, Africa, and the Middle East* 41 (2021): 237–80. On some of the ways that Afghan intellectuals wrestled with Islamic modernism and its relationship to language, see Nile Green, "The Trans-Border Traffic of Afghan Modernism: Afghanistan and the Indian 'Urdusphere'," *Comparative Studies in Society and History* 53 (2011): 479–508.

[9] On some ways that debates about modernity emerged during the interwar years, see Stephen Kotkin, "Modern Times: The Soviet Union and the Interwar Conjunction," *Kritika: Explorations in Russian and Eurasian History* 2 (2001): 111–64.

[10] Frederick Cooper, *Colonialism in Question: Theory, Knowledge, History* (Berkeley: University of California Press, 2005), ch 5, especially at 146.

[11] Harshan Kumarasingham, "Written Differently: A Survey of Commonwealth History in the Age of Decolonisation," *International History Review* 46 (2018): 874–908.

Afghanistan offered an early example of constitutional transnationalism, as its first constitution was a joint product of Afghan, Indian, and Turkish jurists, which melded broadly held ideas about Hanafi jurisdiction with specific Afghan concerns.[12]

Despite brief mentions, the role of language has been largely excluded from histories of Afghan constitutionalism.[13] But the inclusion of articles establishing Pashto as a national and administrative language reveals aspirations and contradictions at the heart of the Afghan nation, as envisioned by a small but powerful set of Afghan elites. Not only that, but also the 1964 constitution, the first to include explicit language provisions, shows that framers of Afghanistan's constitution sat alongside those of other decolonizing states in linking language and a sense of nationhood.

Yet the decision to foreground Pashto was problematic, and ultimately largely failed. While constitutional articles focusing on Pashto language reflected a select few Afghans' *vision* of a transborder Pashtun nationalism as key to Afghan modernism, it did not reflect practical realities. Pashto-language usage remained regional and largely isolated from bureaucratic practice; moreover, elites who promoted Pashto themselves did not regularly speak or use Pashto. Nevertheless, Pashtun and Pashto nationalism came to be a defining feature of Afghanistan's policies and a way to assert Afghanistan's place in the regional and international order. But as demonstrated by the state's limited attempts to implement Pashto-language training and usage

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[12] Ahmed, *Afghanistan Rising*.

[13] Legal scholars have largely focused on Afghan constitutions' comparative successes and failures, public participation, and local resistance; questions of legal pluralism; and the heritage of the 2004 constitution. Nighat Mehroze Chishti, *Constitutional Development in Afghanistan* (Karachi: Royal Book Company, 1998); Said Amir Arjomand, "Constitutional Developments in Afghanistan: A Comparative and Historical Perspective," *Drake Law Review* 53 (2005): 943–62; Ebrahim Afsah, "Afghanistan: An Aborted Beginning," in *Constitutional Foundings in South Asia*, ed. Kevin YL Tan and Ridwanul Hoque (Oxford: Hart Publishing, 2021), 231–62; and Shamshad Pasarlay, "Rethinking Afghanistan's Longest-Lived Constitution: The 1931 Constitution through the Lens of Constitutional Endurance and Performance Literature," *Elon Law Review* 10 (2018): 283–308. On legal pluralism, see Amin Tarzi, "Islam and Constitutionalism in Afghanistan," *Journal of Persianate Studies* 5 (2012): 205–43; Palwasha L. Kakar and Julia Schiwal, "Lessons from the 1931 Constitution of Nadir Khan: Religious Inclusion and Reform," Afghan Peace Process Issues Paper, United States Institute of Peace (2021); Dawood I. Ahmed and Tom Ginsburg, "Constitutional Islamization and Human Rights: The Surprising Origin and Spread of Islamic Supremacy in Constitutions," *Virginia Journal of International Law* 54 (2014): 1–82; Esther Meininghaus, "Legal Pluralism in Afghanistan," ZEF Working Paper Series 72 (2007); and Nadjma Yassari and Mohammad Hamid Saboory, "Sharia and National Law in Afghanistan," in *Sharia Incorporated: A Comparative Overview of the Legal System of Twelve Muslim Countries in Past and Present* (Leiden: Leiden University Press, 2010), 273–318. On the 2004 constitution, see Barnett R. Rubin, "Crafting a Constitution for Afghanistan," *Journal of Democracy* 15 (2004): 5–19; Shamshad Pasarlay, "Constitutional Incrementalism in a Religiously Divided Society: A Case Study of Afghanistan," *Asian Journal of Comparative Law* 13 (2018): 255–81; J. Alexander Thier, "The Making of a Constitution in Afghanistan," *New York Law School Review* 51 (2006): 557–79; and Mehmet Nesip Ogun and Murat Aslan, "Theory and Practice of State Building in the Middle East: A Constitutional Perspective on Iraq and Afghanistan," *Journal of Applied Security Research* 8 (2013): 374–403.

across Afghanistan, it was the performance of Pashtun identity politics that particularly mattered.[14] The inclusion of Pashto in the Afghan constitution, then, was about laying claim to and presenting an ethnonational Afghan modernism, but the end result was to reveal the Afghan state as "simultaneously *a part* of society and *apart* from society."[15]

Despite its limited reach on the ground, the embedding of Pashto in Afghanistan's constitution remains significant, revealing that the ostensibly liberal constitutional decade of the 1960s was fundamentally uneven. The state sought to prioritize the interests and rights of certain (Pashtun and Pashto-speaking) Afghans over others. The constitution, as a document meant to embody Afghan nation-statehood and citizenship, asserted that at least in law, if not in practice, some Afghans, by virtue of their languages, were more Afghan than others. Thus, while we must recognize the performative nature of the Pashto language provisions in Afghanistan's 1964 constitution, we should also interrogate its potential consequences.

In this regard, the act of embedding Pashto in Afghanistan's constitution, and the publicity surrounding it, mattered just as much as actual implementation. The demand for Pashto was not meant to accommodate "tribal loyalties and customary laws."[16] Instead, it was intended to transgress community, kinship, and regional boundaries—including the Durand Line separating Afghanistan and Pakistan—and to reassert public claims eliding "Afghan" and "Pashtun" identity, problematizing Afghan multilingualism and multiculturalism. The desire to create an Afghan nationalism that paralleled developing ethnolinguistic nationalisms in other decolonizing states, and thus was easily legible to foreign observers, also drove Afghan statecraft and shaped how Afghanistan's constitutions strove to frame national culture and belonging. The question of language, its relationship to (ethno)nationalism, and the ambiguities of Afghan modernism provide a salient way to explore the spectacle of constitution creation, as well as the problematics of implementation.

In what follows, I explore the rise of ethnolinguistic nationalism in twentieth-century Afghanistan before taking a closer look at the 1964 constitution, its context, and its consequences.[17] This is an elite history, examining ways in which a certain milieu of Afghan intellectuals and elites, particularly around Kabul, Kandahar, and the eastern provinces politicized and publicized Pashto in domestic and international affairs, even as on-the-ground efforts to spread Pashto largely failed. I pay particular attention to state-driven publicity surrounding the 1964 constitution's promulgation to reflect on how Afghan elites framed the Pashto language debate as one of Afghan nationhood. To this end, I have drawn on sources from the Afghan state and its satellites to reflect on the performative nature of this new law, rather than engaging in

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[14] Timothy Nunan, *Humanitarian Invasion: Global Development in Cold War Afghanistan* (Cambridge: Cambridge University Press, 2016), 28.

[15] Joel S. Migdal, "Mental Maps and Virtual Checkpoints: Struggles to Construct and Maintain State and Social Boundaries," in *Boundaries and Belonging*, 18.

[16] Afsah, "Afghanistan," 256.

[17] Dari copies of the constitution are maintained by the Afghanistan Center at Kabul University http://law.acku.edu.af/fa/search/site/?f%5B0%5D=im_field_classification%3A336 (September 15, 2021). I have also cited English-language translations for ease of reference.

local debates about histories of Pashto and its cultural and political significance.[18] While this article does not have the scope or sources to reflect on the ways in which local Afghans responded to state endeavors, or the ways in which Pashto language debates were discussed in vernacular presses or circles, I briefly draw on existing scholarship to highlight practical constraints: this was a top-down process that did not account for administrative realities or Afghanistan's historic diversity.

The Emergence of Pashto Nationalism

The history of language within Afghanistan is rich. Persian (known also as Farsi and Dari, described subsequently) was Afghanistan's chief administrative and political language for centuries, while Pashto had a long literary tradition in South Asia, with extant texts from the sixteenth century.[19] Pashto speaking became affiliated with "Afghan" identity in South Asia by at least the fifteenth century, leading to subsequent centuries in which being "Afghan" was often synonymous with being Pashtun.[20] Yet a tension became increasingly apparent in Afghanistan in the early twentieth century. Not only did numerous ethnolinguistic communities live in what became Afghanistan,[21] but in the early twentieth century, state leaders increasingly sought to reconcile the label

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[18] For an overview of some of the key texts written in Pashto and Persian about the history of Pashto for the period under scrutiny, see Nile Green, "Introduction: A History of Afghan Historiography," in *Afghan History through Afghan Eyes*, ed. Nile Green (London: Hurst & Co., 2015), 23–40; and Senzil Nawid, "Writing National History: Afghan Historiography in the Twentieth Century," in ibid., 185–210.

[19] Thomas Wide, "Demarcating Pashto: Cross-Border Pashto Literature and the Afghan State, 1880–1930," in *Afghanistan in Ink: Literature between Diaspora and Nation*, ed. Nile Green and Nushin Arbabzadah (New York: Columbia University Press, 2013), 93; Harold F. Schiffman and Brian Spooner, "Afghan Languages in a Larger Context of Central and South Asia," in *Language Policy and Language Conflict in Afghanistan and Its Neighbors*, ed. Harold F. Schiffman and Brian Spooner (Leiden: Brill, 2012), 8; James Caron, "Ambiguities of Orality and Literacy, Territory and Border Crossings: Public Activism and Pashto Literature in Afghanistan, 1930–2010," in *Afghanistan in Ink*, 113–40; Walter Hakala, "Locating 'Pashto' in Afghanistan: A Survey of Secondary Sources," in *Language Policy and Language Conflict*, 53–88; Mikhail Pelevin, "The Beginnings of Pashto Narrative Prose," *Iran and the Caucasus* 21 (2017): 132–49; and Nile Green, "Introduction: The Frontiers of the Persianate World (ca. 800–1900)," in *The Persianate World*, ed. Nile Green (Berkeley: University of California Press, 20119), 38.

[20] Green, "Introduction: A History of Afghan Historiography," 6. In reality, demarcations between Pashto speakers and non-speakers and between Pashtuns and non-Pashtuns are far more complicated. See Robert D. Crews and Amin Tarzi, "Introduction," in *The Taliban and the Crisis of Afghanistan*, ed. Robert D. Crews and Amin Tarzi (Cambridge, MA: Harvard University Press, 2008), 21; and Shah Mahmoud Hanifi, "A History of Linguistic Boundary Crossing Within and Around Pashto," in *Beyond Swat: History, Society, and Economic along the Afghanistan-Pakistan Frontier*, ed. Benjamin D. Hopkins and Magnus Marsden (New York: Columbia University Press, 2013), 63–75. Likewise, "ethnicity" is a complicated category in Afghanistan that does not always accurately describe specific collectivities of people within Afghanistan. See Robert L. Canfield, "Ethnic, Regional, and Sectarian Alignments in Afghanistan," in *The State, Religion, and Ethnic Politics: Afghanistan, Iran, and Pakistan*, ed. Ali Banuazizi and Myron Weiner (Syracuse: Syracuse University Press, 1986), 75–103.

[21] See Louis Dupree, *Afghanistan* (Princeton: Princeton University Press, 1980), ch. 7.

"Afghan" and its Pashtun connotations with embodying all those living within the state's geographical perimeter. The 1923 constitution made no mention of language or ethnicity but confirmed that "all persons residing *in* the Kingdom of Afghanistan … are considered to be subjects of Afghanistan."[22] This foregrounded, in state leaders' perspective, the primacy of a shared locational history in determining citizenship and national belonging.

Yet this framing sidestepped the concomitant efforts of some Afghan elites and intellectuals to affirm a cultural, not just territorial, Afghan nationalism. This approach was embodied in the writings of Mahmud Tarzi, a leading reformer during the reign of Habibullah (1901–19) and father-in-law to Amanullah (1919–29). Tarzi exhorted Afghan readers of the need for national unity and a shared love of homeland (*watan*).[23] He also advocated learning Pashto, describing Persian as Afghanistan's official language but Pashto as its "national" one, declaring, "A nation will not survive without its language and a language will not survive without its literature."[24] Amanullah and his supporters followed in Tarzi's footsteps. The king, while not a Pashto speaker himself,[25] supported new Pashto societies and institutions, particularly around Kandahar, using Pashto-language literary publications to legitimate the Afghan state.[26]

Ethnolinguistic nationalism proved a source of continuity during and after the downfall of Amanullah and the rise of the Musahiban dynasty under Nadir Shah (1929–33).[27] Nadir Shah's government, as well as ambitious Afghan intellectuals around Kabul and the eastern provinces, expanded upon many of Amanullah's initiatives. The king established the *Anjoman-i-Adabi* (Literary Society) to promote Persian and, more specifically, Pashto language and literature, alongside Afghan culture. This eventually led to *Da Paxto Tolana* (Pashto Academy), "an official linguistic academy, inaugurating an ambitious programme of research into Pashto linguistics and literary history."[28] Nadir Shah and his successors co-opted Pashto-speaking intellectuals, who

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[22] Constitution of Afghanistan, April 9, 1923, with annotated appendix of January 28, 1923. English translation by M.A. Ansari. Emphasis added.

[23] Robert D. Crews, *Afghan Modern: The History of a Global Nation* (Cambridge, MA: Harvard University Press, 2015), 117. See also Vartan Gregorian, "Mahmud Tarzi and Saraj-ol-Akhbar: Ideology of Nationalism and Modernization in Afghanistan," *Middle East Journal* 21 (1967): 345–68; and Senzil Nawid, "The State, the Clergy, and British Imperial Policy in Afghanistan during the 19th and Early 20th Centuries," *International Journal of Middle East Studies* 29 (1997): 581–605.

[24] Senzil Nawid, "Language Policy in Afghanistan: Linguistic Diversity and National Unity," in *Language Policy and Language Conflict in Afghanistan*, 34.

[25] Tariq Rahman, "The Pashto Language and Identity-formation in Pakistan," *Contemporary South Asia* 4 (1995): 151–70, at155.

[26] Wide, "Demarcating Pashto," 107–8.

[27] On this political transition, see Senzil K. Nawid, *Religious Response to Social Change in Afghanistan, 1919–29* (Costa Mesca, CA: Mazda Publishers, 1999); Leon B. Poullada, *Reform and Rebellion in Afghanistan, 1919-1929* (Ithaca: Cornell University Press, 1973); and Vartan Gregorian, *The Emergence of Modern Afghanistan: Politics of Reform and Modernization, 1880-1946* (Stanford: Stanford University Press, 1969), ch. 9–11.

[28] Caron, "Ambiguities of Orality," 117. See also James Caron, "Reading the Power of Printed Orality in Afghanistan: Popular Pashto Literature as Historical Evidence and Public Intervention," *Journal of Social History* 45 (2011): 172–94.

participated in *musha'ira*, poetic exchanges, to present and praise the ruling family and their government. State-backed intellectuals sought to rewrite the history of Pashto, and nationalist historians like 'Abd al-Hayy Habibi claimed to discover new manuscripts proving that Pashto literature in south-eastern Afghanistan predated Persian.[29] Major newspapers also began to publish articles regularly in Pashto, while literary magazines such as *Pashto* were allowed to print despite strict government oversight of the press.[30]

Afghan intellectuals and elites stood alongside nation-state crafters across the world in wrestling with issues of national cohesion and identity.[31] Afghan elites paid close attention to and drew on practices in other modernizing countries, especially Turkey, and indeed, the formation of the Pashto Academy coincided with and paralleled republican Turkey's effort to formalize its language policies, including the establishment of the Turkish Language Society.[32] More locally, it mirrored efforts by Pashtuns in colonial India, headed by the noted reformer, Abdul Ghaffar Khan, to use Pashto as a local identity-marker and a source of anti-colonial cohesion.[33] Given the long-term significance of migration for Pashtun populations,[34] ideas about Pashto and Pashtun identity easily transgressed the fluid Indo-Afghan frontier.[35]

In this regard, attempts by some Afghan elites and the ruling family to define Afghanistan in terms of an ethnolinguistic nationalism were unsurprising, and the choice to focus on Pashto as an indigenous language and one affiliated with a large Pashtun community (including the ruling dynasty) was even less so. Nadir Shah, his successor Zahir Shah (1933–73), their kinsmen, and many government advisors saw Pashtun nationalism as a tool to assert their legitimacy, and "In order to consolidate their monopoly on power and to mobilize people around their internal and external policies in a changing world, the Musahiban rulers transformed Pashtun nationalism into a collective national ideology."[36] They also pitted proponents of Pashto- and Persian-language culture against each other, distracting them and undermining their ability to

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[29] Green, "Introduction: A History of Afghan Historiography," 37.

[30] Caron, "Ambiguities of Orality," 122; Nawid, "Language Policy in Afghanistan," 36; Faridullah Bezhan, "Nationalism, not Islam: The 'Awaken Youth' Party and Pashtun Nationalism," in *Afghanistan's Islam: From Conversion to the Taliban*, ed. Nile Green (Berkeley: University of California Press, 2017), 175.

[31] Crews, *Afghan Modern*, 71.

[32] Çolak, "Language Policy and Official Ideology." Scholars have recognized how Afghan reformers took inspiration from Turkish modernizers across the twentieth century. See Ahmed, *Afghanistan Rising*; Crews, *Afghan Modern*; and Zeynep Tuba Sungur, "Early Modern State Formation in Afghanistan in Relation to Pashtun Tribalism," *Studies in Ethnicity and Nationalism* 16 (2016): 437–55, at 446.

[33] Rahman, "The Pashto Language," 156.

[34] Shah Mahmoud Hanifi, "The Pashtun Counter-narrative," *Middle East Critique* 25 (2016): 385–400, at 389–94.

[35] James M. Caron, "Cultural Histories of Pashtun Nationalism, Public Participation, and Social Inequality in Monarchic Afghanistan, 1905–1960" (unpublished PhD diss., University of Pennsylvania, 2009), especially 153–57.

[36] Bezhan, "Nationalism, not Islam," 174.

threaten the royal family's rule.[37] In a particular irony, the dynasty overwhelmingly spoke Persian.[38] A turn to Pashtun nationalism did not translate into royal Pashto practices.

Pashtun ethnolinguistic nationalism manifested in several ways. The government declared Pashto the official language of Afghanistan in 1936, attempting to force Pashto-language schooling across Afghanistan. The government mandated that all civil servants and military officials learn Pashto. Meanwhile, the titles of some journals and publications were switched to Pashto (although much content remained in Persian) to further express the state's backing for Pashto and its implicit Afghan-ness.[39] As Prime Minister Hashim Khan told a reporter in 1937, "Our legends and our poems will be understood by everyone. We shall draw from them a pride in our culture of the past which will unite us."[40]

In the aftermath of the Second World War, as the Afghan government experimented with political liberalization, a nationalist party, *Wish Zalmiyan* (Awakened Youth Party [AYP]), was formed with tacit government support. The AYP's manifesto included "making efforts to unite the Pashtuns," "removing difference among all ethnic groups of the great Pashtun land or Afghanistan," and "making every effort to revive and make Pashto a scientific language and writing and publishing in it and teaching it to all people of the country."[41] AYP members focused particularly on Pashto, rather than on other facets of Pashtun culture, to unite all Pashtuns (and all Afghans) across community, familial, tribal, or regional divisions, demonstrating modernist ambitions: "Pashto symbolically mediated between the authoritative traditions and notions associated with Pashtun heritage and those who, across a broad area, maintained a sense of Pashtunness and participation in the larger 'imagined community'."[42]

The AYP's focus on linguistic nationalism within Afghanistan coincided with shifting regional dynamics and the 1947 independence of Pakistan and India. Partition sparked a decades-long feud between Afghanistan and Pakistan. Afghan state leaders demanded self-determination for ethnic Pashtuns (and Baluch) residing on the Pakistani side of the Durand Line—the creation of "Pashtunistan"—while Pakistani leaders rejected Afghan interference in what they deemed internal affairs. In Pakistani elites' endeavors to assert Pakistan's identity as a Muslim state, they brutally quashed political movements that suggested alternative meanings to Pakistani citizenship. This prominently included banning Ghaffar Khan's Khudai Khidmatgar, a political

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37. Caron, "Cultural Histories of Pashtun Nationalism," 173.

38. M. Jamil Hanifi, "Vending Distorted Afghanistan through Patriotic 'Anthropology'," *Critique of Anthropology* 31 (2011): 256–70, at 265; and Nile Green, "Introduction: Afghan Literature between Diaspora and Nation," in *Afghanistan in Ink*, 18.

39. Nawid, "Language Policy in Afghanistan," 36–37; Bezhan, "Nationalism, not Islam," 179.

40. Cited in Nazif Shahrani, "State Building and Social Fragmentation in Afghanistan: A Historical Perspective," in *The State, Religion, and Ethnic Politics*, 56; and Gregorian, *The Emergence of Modern Afghanistan*, 345–53.

41. Cited in Bezhan, "Nationalism, not Islam," 169.

42. Ibid., 174, 178.

organization that had advocated Pashtun self-sufficiency and Pashto-language education.[43]

Afghan leaders sought to use Pashtunistan to bolster their foreign and domestic relations, often leading to a blurring of the two. Pashtun self-determination was a key focus of Afghan representatives at the United Nations and a source of ongoing discussions with foreign dignitaries, although in both cases, the Afghan perspective rarely met with support.[44] Within Afghanistan, Pashtunistan created backing for the ruling family among communities and intellectuals who favored Pashtun nationalism (although divides remained between factions who saw Pashtunistan as an independent state and those seeking the integration of Pakistan's Pashtun areas into Afghanistan). However, it alienated many other ethnic groups within Afghanistan, as well as Afghan elites who feared the potential implications of a rupture in regional relations (particularly in the era of a global Cold War) and community and religious leaders who saw Pashtun nationalism as a threat to their own standing.[45] Given a renewed crackdown on political dissent after Mohammad Daoud Khan, the king's cousin, became prime minister, spaces for questioning state-sanctioned support for Pashtunistan dwindled. Even as party activities and freedom of the press were again repressed, Daoud pressed many former members of the AYP into the service of the state, and Pashtun nationalism remained a potent issue.[46]

Pashtunistan was a defining issue for Daoud's tenure as prime minister (1952–63), even as Pashto-language policies had little tangible impact. Recognizing the failures of earlier government policy mandating Pashto in a political and intellectual milieu where officials and elites overwhelmingly used Persian—including members of the Musahiban dynasty—the government reverted to a policy of bilingualism in running the state. Outside of Pashto-speaking areas, teaching reverted to Persian, although Pashto-language study was still required.[47]

Nevertheless, in an era when many states in the region debated the relationship between language and nationalism, Pashto remained intimately tied to the project of Pashtun nationalism, particularly Pashtunistan, and some Pashto reforms stuck. The annual government of Afghanistan yearbook and almanac switched its title from Persian to Pashto in 1954 (from *Salnamah-i Afghanistan* to *Da Afghanistan kalanay*), and its reports focused heavily on Pashtunistan. Pashto-language broadcasts and press reports increased as a means of reaching

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[43] See Mukulika Banerjee, *The Pathan Unarmed: Opposition and Memory in the North West Frontier* (Oxford: James Currey, 2000); Robert Nichols, "Reclaiming the Past: The *Tarawikh-i Hafiz Rahmat Khani* and Pashtun Historiography," in *Afghan History through Afghan Eyes*, 211–34.

[44] On Afghans at the United Nations, see Elisabeth Leake, "States, Nations, and Self-Determination: Afghanistan and Decolonization at the United Nations," *Journal of Global History* 17 (2022): 272–91. On Pashtunistan in Afghan foreign affairs, see Nunan, *Humanitarian Invasion*, ch. 1; and Elisabeth Leake, *The Defiant Border: The Afghan-Pakistan Borderlands in the Era of Decolonization* (New York: Cambridge University Press, 2017).

[45] See Faridullah Bezhan, "The Pashtunistan Issue and Politics in Afghanistan, 1947–1952," *Middle East Journal* 68 (2014): 197–209.

[46] Caron, "Ambiguities of Orality," 128–29.

[47] Nawid, "Language Policy in Afghanistan," 37.

Pashtuns on either side of the border.[48] In government radio programs, broadcasters drew direct correlations between Pashto, Pashtun identity, and national belonging, lamenting, for example, "O Pukhtuns, why do you hate Pushto and how do you tolerate the foreign flag over your country? If there is a foreign flag forever over your country, how on earth would you call yourself a Pukhtun?"[49]

Pashto and the 1964 Constitution

Ironically, Daoud's demand for Pashtun self-determination helped lead to his ousting in 1963. Enflamed tensions with Pakistan over Pashtunistan led his government to close the Afghan–Pakistan border and its trade routes in 1961. After two disastrous years of economic blockade, Daoud was impelled to resign, and Zahir Shah assumed power, announcing the establishment of a new Afghan constitution. He initially tasked a small group of government ministers with revising the 1931 constitution, but they ultimately drafted a new one, with input from constitutional experts from France, Egypt, and India.[50] Notable features included articles preventing members of the ruling family from participating in politics (seen by many as an attempt to restrict Daoud and his supporters from returning to power), its articulation of constitutional monarchism, and the processes that legalized the constitution. The constitution was publicly debated and voted upon by a 455-member *loya jirga* (national assembly) in September 1964.[51]

The constitution's drafters included an article indicating that Pashto and Persian would be Afghanistan's two main languages, a point that caused controversy throughout the ratification process. Even with Daoud gone, many supporters of Pashtun nationalism remained in positions of power, and their influence was felt in the constitutional advisory commission tasked with the initial review. The commission was composed of Afghan elites and reformers of long standing, such as Abdul Majid Zabuli, the former minister of the economy, renowned entrepreneur, and founder of the Afghan National Bank. Zabuli had previously fallen in and out of favor with the royal family, due to his influence and political ambitions, and, while not Pashtun himself, he had enduring ties with various Pashtun nationalists, having also advocated a more robust Afghan national consciousness and a strong central state.[52] He had played a significant role in the founding of the AYP and worked with Daoud in January 1950 to establish the *Itihadiya-i-Azadi-i-Pashtunistan* (Union for Freedom of Pashtunistan) before being sidelined from government.[53]

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[48] Ibid., 38.

[49] United States Embassy, Karachi, to Department of State, Dispatch 360, November 15, 1955, US National Archives, RG 84, UD 3063, Box 8.

[50] Sayed Qassem Rishtya, *Afghanistan: The Making of the 1964 Constitution*, trans. Leila Rishtya Enayat-Seraj (Lausanne: Publi-Libris SA, 2005), 12–13.

[51] Tarzi, "Islam and Constitutionalism," 219.

[52] Caron, "Cultural Histories of Pashtun Nationalism," 179–80.

[53] Bezhan, "Nationalism, not Islam," 175; and Hafizullah Emadi, *Dynamics of Political Development in Afghanistan: The British, Russian, and American Invasions* (New York: Palgrave Macmillan, 2010), 58.

As a member of the constitutional advisory commission, according to Sayed Qassem Rishtya, one of the constitution's drafters and a government minister, Zabuli coalesced a faction to demand a more prominent place for Pashto. This group insisted that the constitution give clear preference to Pashto over Persian to reflect Pashto's Afghan heritage and history. In the eyes of Pashtun nationalists, Pashtuns had created the state of Afghanistan; for modernizers like Zabuli, Pashto provided a potential source of Afghan unity (particularly against a backdrop of Iranian insistence, over past decades, that Persian was a specifically Iranian national language).[54] The inclusion of such a mandate also would manifest the ostensible power of the Afghan center (Kabul under the royal family and its elite allies) and its intentions to take charge of Afghan nation-statehood. An Uzbek member of the commission reportedly stormed out of proceedings in protest, and Rishtya recalled, "dissension over this matter visibly strained the atmosphere of the meeting for a few days."[55]

While some compromise occurred, Pashto-language advocates ultimately won this challenge. The draft of article three debated in the *loya jirga* stated that Afghanistan's "official languages [*zabunha-i-rasmī*] are Pakhtu and Dari," with Pashto noticeably listed first.[56] The constitution also called Afghan Persian "Dari," indicating the "language of the court," rather than "Farsi," which signified the "language of Fars" (a province in southern Iran), intentionally de-nationalizing Afghan Persian from any Iranian roots and indicating its administrative purposes.[57] Finally, the advisory commission added article thirty-five, making the Afghan state responsible for strengthening and developing the "national" language (*zabun-i-millī*) of Pashto.[58] Rishtya observed, "The insertion of the word 'national', in the opinion of the Drafting Committee, was indeed a blatant deviation from the main principles of the new constitutional regime. But, sadly, lacking cooperation from both within and outside the Committee as well as public support, we tried in vain to prevent this development within the means at our disposal."[59] In a subsequent press conference, Prime Minister Muhammad Yusuf justified the articles by arguing that Pashto had always been Afghanistan's national language.[60]

In advance of the *loya jirga*, the draft constitution was published in Pashto, Dari, English, and French, and when the national assembly convened, article three caused immediate controversy. According to Louis Dupree's contemporaneous report, "Immediately after the Secretary read this Article, Uzbeks,

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[54] Green, "Introduction: Afghan Literature between Diaspora and Nation," 10–12.

[55] Rishtya, *Afghanistan*, 42; and Nawid, "Language Policy in Afghanistan," 40.

[56] Qanun asasi Afganistan (1964) http://law.acku.edu.af/sites/default/files/acku_risalah_knf2050_qaaf29_1343_n12_dari_title1.pdf (August 30, 2022); and "Chapters on State and Sovereign: Draft of the Constitution of Afghanistan," *Kabul Times*, August 3, 1964, 2.

[57] Brian Spooner, "Persian, Farsi, Dari, Tajiki: Language Names and Language Policies," in *Language Policy and Language Conflict*, 99; Nawid, "Language Policy in Afghanistan," 40; and Green, "Introduction: Afghan Literature between Diaspora and Nation," 18–20.

[58] Qanun asasi Afganistan (1964); "Individual Liberties; Parliament: Draft of the Constitution of Afghanistan," *Kabul Times*, August 4, 1964, 2.

[59] Rishtya, *Afghanistan*, 45.

[60] Nawid, "Language Policy in Afghanistan," 40.

Hazaras, Aimaks, Baluchis, Turkomans, Kirghiz, Wakhi, Nuristanis, etc., clamored to be heard. All wanted some sort of amendment to recognize the existence of other languages in Afghanistan." However, "an attempt to introduce the article with 'From among the national languages of Afghanistan' failed, because the Loya Jirgah reasoned that only one national language can exist."[61] Compromise was finally reached with a revision: "From among the languages of Afghanistan, Pashto and Dari shall be the official languages." "The purpose of the changed wording," reported the state-aligned *Kabul Times*, "was to recognize the existence of the other language [sic] in nation."[62]

While opponents of the article won an acknowledgment of Afghanistan's fundamental multilingualism, they failed to divorce Pashto from official rhetoric about the Afghan nation. This was further demonstrated as debate moved straight from articles three to thirty-five. Again, some delegates "objected to the term *zabun-i-milli* (national language) with reference to Pashto," but the article was unanimously approved. Dupree reported, "A nation should have a national language, argue the Advisory Commission ... and since Afghanistan, Pushtuns, and Pashto readily link together in the minds of outsiders, Pashto was the logical choice, in spite of the fact that Persian (or Dari) has long served as the lingua franca in Afghanistan."[63]

This observation raises the question of whom this article was intended for: was it for foreign audiences, to demonstrate that Afghanistan adhered to current debates about modern nationalism? Or was it intended to have domestic impacts? In practice, the multilingualism of the constitutional discussions highlighted the difficulties facing Afghan state leaders in spreading usage of Pashto. Throughout *loya jirga* debates, participants could voice their opinions "in either Persian or Pashto," yet "seldom did the Secretary bother—or, indeed, have time—to translate one into the other," ensuring that "some, though not many, of the delegates missed part of the discussions."[64] Nevertheless, further activities demonstrated that the *loya jirga*'s organizers clearly saw a link between language and ethnic nationalism and between Afghanistan's domestic and regional affairs. The assembly concluded with a resolution reaffirming Afghan support for Pashtunistan,[65] while noticeably, the language controversy was almost entirely ignored in the 1964 government yearbook. Instead, state observations on Pashto and Pashtunness in the constitutional debates focused on *loya jirga* support for the "people of Pashtunistan."[66]

The inclusion of language provisions in the 1964 constitution demonstrated the ambitions of some politically powerful Afghan elites to root Afghan nationalism in ethnolinguism. This was a form of modern nationalism that could sit alongside alternative iterations of Afghan modernity, whether framed through

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[61] Louis Dupree, "Constitutional Development and Cultural Change Part III: The 1964 Afghan Constitution (Articles 1-56)," *American Universities Field Staff Reports* (September 1965), 11.

[62] "His Majesty Opens Loya Jirga to Ratify Afghan Constitution," *Kabul Times*, September 10, 1964, 1. See also "The King Pushes through His Reforms in Afghanistan," *The Times*, September 11, 1964, 10.

[63] Dupree, "Constitutional Development," 12.

[64] Ibid., 8.

[65] Dupree, *Afghanistan*, 585.

[66] *Da Afghanistan kalanay* (Kabul: Government of Afghanistan, 1964), 55–70.

religion or territoriality, and was highly legible to regional and international audiences. It was clear that the Afghan government was intent on selling this vision of Afghan nationalism both at home and abroad. In the run up to the debates, an editorial in the semiofficial daily, *Islah*, declared, "Today, when we are endeavouring to develop our culture and bring it to light it is necessary that the Pakhtu language should also be given impetus to develop more."[67]

But the extent to which the government meant to act on these new policies remained unclear. That the constitution was made readily available in multiple languages and the Afghan English-language press publicized language reforms indicated that this was an aspect of the constitution that Afghan state leaders wanted to highlight to both domestic and foreign audiences. At a time when relations with Pakistan were relatively peaceful (Afghanistan stayed neutral during the 1965 Indo–Pakistan war, despite Indian pleas), it provided a reminder that Afghan elites around the king still supported a form of Afghan nationhood heavily interconnected with transborder Pashtun nationalism. Indeed, the London *Times*'s correspondent pointed to the government's "need to promote the status of Pushtu" in the constitution to satisfy the "Pushtu-speaking tribes of Pakistan … desirous of becoming part of Afghanistan."[68] In this instance, much as Afghan officials' demands around Pashtunistan blurred Afghanistan's territorial boundaries, so too did the installation of Pashto as Afghanistan's "national" language muddle the lines of citizenship: where did non-Pashto speakers fit in?

Problems of Implementation

Writing Pashto and Dari into the basic principles of the Afghan constitution and asserting Pashto as Afghanistan's national language, the 1964 framers created an aspirational, foundational text ostensibly meant not only to outline Afghanistan's laws and governing structures but also to assert a clearer definition of Afghan nationhood. However, a fundamental mismatch became immediately apparent between the stated aspirations of Zahir Shah's government and the polyglot realities of Afghanistan. Even while state performances of Pashtun nationalism continued to take place, "Pashto-ization" largely failed to extend beyond educational and cultural reforms. Despite the constitution's implications—that Pashto would become universal to reflect its national character—in practice, this was not the case.

Following the constitution's ratification, the Afghan state made only limited efforts to back up the new language policy, rather than engaging in widespread political reform. Support for Pashtunistan continued prominently in the pages of the government almanacs, notably in Pashto-language articles interspersed in an increasingly bilingual yearbook; titles of officials also were given in Pashto, rather than in Dari. Multilingual education was extended, with

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[67] Cited in "Press at a Glance," *Kabul Times*, July 30, 1964, 2.
[68] "The King Pushes through his Reforms in Afghanistan," *The Times*, September 11, 1964, 10.

Pashto added to the curriculum in Persian-speaking regions from the fourth grade onwards.[69] *Islah* and *Anis*, another state-run paper, carried pieces on various means for developing Pashto across Afghanistan, including suggestions for compiling and producing pocket-sized dictionaries, philological research to "find and record some of the old words and the relation with the Pakhtu with other existing and dead languages," and incentives for Pashto-language books and translations.[70] By December 1964, the Ministry of Education had formed a committee to develop Pashto, while the requirement that Dari-speaking civil servants learn Pashto was reinstated.[71]

The spread of Pashto, according to government reporting, was left largely to the Ministry of Information and Culture, in collaboration with the Pashto Academy. In 1965, Minister Mohammad Usma Seddiqi pledged that his department would translate the Quran into Dari and Pashto and explore linking the Pashto Academy to Kabul University.[72] In 1966, the ministry further established a department for "the general management of the popularization and strengthening of the development of the Pashto language."[73] This department, working with the Pashto Academy, appeared to largely focus on translation and publishing. A 1971 report pointed to the publication of works by the renowned poet, Khushal Khattak, other Pashto poetry collections, and the biographies of famous Pashto poets; development of a Pashto-Persian and a Pashto-Russian dictionary; and the expansion of Pashto holdings at various libraries. Other activities, mirroring national policies undertaken in countries like Iran and Turkey, also focused on Pashto-izing Afghan language and institutions. At least 100 English words were translated into Pashto, while numerous schools and institutions were given new historical names written in Pashto. That same year, the Ministry of Information and Culture reported that 100% of the ministry's schools used written Pashto, while 50% of its affairs were "carried out in the national language."[74] It also revealed a series of general recommendations for further developing Pashto, although these remained in the realm of education, translation, and publishing. While these steps revealed government interest in Pashto culture and literacy, they certainly did not represent sweeping reforms that would make Pashto a truly national language.

Afghanistan's bureaucratic realms remained overwhelmingly Persianate, or required expertise in languages other than Pashto. Afghanistan's legal system was a case in point. The practice of law in Afghanistan was fundamentally polyglot. Jurists training in Kabul University's faculty in Islamic law were taught in English and Arabic and used Persian and Arabic texts; those in the faculty of law and political science were lectured in Persian and studied mostly

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[69] *Da Afghanistan kalanay* (Kabul: Government of Afghanistan, 1964), 74–79, 286–344.

[70] Both cited in "Press at a Glance," *Kabul Times*, November 19, 1964, 2.

[71] "Committee to Develop Pakhtu Language Meets," *Kabul Times*, December 24, 1964, 1; and Nawid, "Language Policy in Afghanistan," 41.

[72] *Da Afghanistan kalanay* (Kabul: Government of Afghanistan, 1965), 156, 213.

[73] *Da Afghanistan kalanay* (Kabul: Government of Afghanistan, 1966), 156.

[74] *Da Afghanistan kalanay* (Kabul: Government of Afghanistan, 1971), 180.

European textbooks.[75] Pashto-language classes were offered in the latter faculty, but many law students focused on foreign languages to pursue international fellowships and education. To this end, the Ministry of Justice established a foreign-language training center in 1964.[76] While legal reforms in the 1960s sought to make statutory enactments available in "vernacular language"—whether this meant Persian or Pashto (or both) was unclear—this was not obviously acted upon.[77] Afghanistan's new statutory laws were not made available throughout the country, and as late as 2001 neither the Ministry of Justice nor Kabul University held complete sets of Afghanistan's regulations and statutory laws.[78] As such, for at least one milieu of educated Afghans, Pashto competed with numerous other language requirements. The polyglot realities of Afghan legal culture stood in stark contrast to the state's declared focus on Pashto-ization, revealing tensions between Afghan law as defined in the constitution and Afghan law as practiced across the state.

The success of other state efforts to Pashto-ize were limited at best, although they accompanied initiatives clearly intended to further strengthen the central government. The 1964 constitution restructured the state's administrative and electoral units, creating twenty-eight smaller provinces and subdistricts (*wuluswali*). These not only divided non-Pashtun-majority regions like Hazarajat, Turkestan, and Qataghan but also created "a more favourable administrative structure for the allocation of developmental resources and an electoral environment favouring the Pashtuns."[79] In a nod to Pashto, the names of local geographies were switched from local dialects.

In Afghanistan's northern and central provinces, reportedly "almost all leading officials [were] Pashto-speaking Afghans from Kabul, Kandahar, and the Eastern Province."[80] While for these officials Pashto was "the language of authority that the government, several times, tried to impose on the local employees," disconnect persisted. Many locals spoke Persian, although their local dialects additionally differed from "the urban Dari of the officials."[81] This did not, however, halt other performative acts of Pashtun nationalism. In fieldwork in Tashqurghan (in northern Balkh province) in 1966, anthropologist Pierre Centlivres witnessed the local official *jashn* (Afghan national independence) celebrations. He later wrote, "The performance and its Pashtun symbols hark back to what was then regarded as the Pashtun essence of the

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[75] M.G. Weinbaum, "Legal Elites in Afghan Society," *International Journal of Middle East Studies* 12 (1980): 43–44. See also Mohammad Hashim Kamali, *Law in Afghanistan: A Study of the Constitutions, Matrimonial Law and the Judiciary* (Leiden: Brill, 1985).

[76] Dupree, *Afghanistan*, 581.

[77] Kamali, *Law in Afghanistan*, 206.

[78] Martin Lau, "An Introduction to Afghanistan's Legal System," *Yearbook of Islamic and Middle Eastern Law Online* 8 (2001): 29.

[79] Nazif Shahrani, "Centre-Periphery Relations in Afghanistan," in *Local Politics in Afghanistan: A Century of Intervention in the Social Order*, ed. Conrad Schetter (London: Hurst & Co., 2013), 29.

[80] Micheline Centlivres-Demont and Pierre Centlivres, "The State, Intermediaries and 'Licit' Corruption: Local Politics in Northern Afghanistan in the Sixties and Seventies," in *Local Politics in Afghanistan*, 113.

[81] Ibid., 118.

nation, and attempted to identify Pashtun culture with Afghan national culture. The *atan* dance [a Pashtun warrior dance], the recitation in Pashto, the *kandahari* dress of the little girl, the band from Jalalabad, were the expressions of this endeavour."[82] These *jashn* celebrations epitomized the performative nature of this state-led Pashtun and Pashto nationalism: a moment of vivid celebration rather than a long-term administrative effort to implement change.

The Afghan state's limited attempts to nationalize Pashto clearly did not match the stated ideals of the new constitution, but they nevertheless point to a key issue. While the reign of Zahir Shah and the constitutional decade of the 1960s have often been framed as a period of liberalization and more representative politics,[83] aspects of the constitution itself—particularly the language question—reveal a more restrictive element. The constitution offered a narrow view of who was Afghan, using language as a key identifier. Even while it stated that "Afghan" would apply to "all those individuals who possess the citizenship of the State of Afghanistan in accordance with the provisions of the law," articles three and thirty-five brought into question the place of non-Pashto speakers or non-Pashtuns.[84] The constitution implied hierarchies of Afghanness, based at least partly on language. This, in turn, showed that the liberalization of the 1960s was a fundamentally uneven process, one that had the potential to constrict the rights and opportunities of some Afghans. Even while the constitution clearly came up against the bureaucratic, political, and social realities of a multicultural, multilingual Afghanistan—and Pashto was never implemented as a national language—the inclusion of a language provision revealed that a certain milieu of Afghan elites sought to read Afghan nationhood through the lens of linguistic nationalism. In turn, it fed into enduring questions about the relationship between Afghan and Pashtun nationalism and internal ethnic power hierarchies in ways that have helped complicate broader narratives about Afghan history.[85] In this regard, the language provision remains significant despite its failed implementation.

Pashto in Later Twentieth-Century Constitutions

The 1964 constitution set a precedent within Afghanistan. Subsequent Afghan constitutions also dealt with the question of linguistic nationalism, even if this meant rejecting the linkage outright. A coup in 1973 suddenly swept Mohammad Daoud Khan back into power. Daoud almost immediately abolished the 1964 constitution and instead declared Afghanistan a republic. He only appointed a new constitutional drafting commission in March 1976, and it did not go before a convened *loya jirga* until January 1977. Even then, he tasked the *loya jirga* with passing, not debating, the document, which it approved on February 14, 1977.[86]

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82 Ibid., 116.
83 See Dupree, *Afghanistan*, ch. 24; and Emadi, *Dynamics of Political Development*, 66–79.
84 Qanun asasi afganistan (1964).
85 See Hanifi, "Pashtun Counter-Narrative."
86 Tarzi, "Islam and Constitutionalism," 224.

While the constitution was an ambitious, wide-ranging document,[87] it retained an article (number twenty-three, one of seven articles on the state) replicating the old article three: "From amongst the languages of Afghanistan, Pashtu and Dari shall be the official languages."[88] In the days following the constitution's promulgation, the *Kabul Times* ran an editorial declaring, "The Constitution is so authored as to eliminate factors which are seen as divisive, and causing cleavages among the public. Afghanistan is predominantly a Pashtu and Dari speaking country and the Constitution of the Republic, unlike the past, accords equal status to both. This provision will promote bilingualism in a decisive manner."[89] While this acknowledged the importance of both Pashto and Persian, it again disregarded the use of other languages across Afghanistan. Daoud further limited radio broadcasts in local dialects and abolished many of the rights granted to non-Pashto and non-Dari speakers.[90]

The broader ramifications of Afghanistan's 1977 constitution are difficult to gauge, as little more than a year after its confirmation, Daoud was overthrown and killed in the April 1978 coup that brought the People's Democratic Party of Afghanistan (PDPA) to power. The PDPA aspired to its own revolution in Afghanistan, drawing on the teachings of Marx and Lenin. To this end, the PDPA's leaders rejected the idea of a national identity based on language or ethnicity. In the party's political platform, written in 1965, the PDPA pledged "to develop the languages and the cultures of the various people and tribes of the country and the national cultural heritage of Afghanistan," not just Persian or Pashto.[91]

The PDPA used the Soviet model of drawing together different ethnolinguistic "nationalities," rather than enforcing a singular (ethno)nationalism. It promised to promote Uzbek, Turkmen, Baloch, and Nuristani as official state languages alongside Pashto and Dari, support publications and schooling in these languages, and increase representation for all nationalities in state organs.[92] This focus on multilingualism persisted across party schisms and

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[87] The 1977 constitution offers a case study in socialist constitution-making, as well as the potential tensions and elisions between socialism and authoritarianism, which cannot be explored here (Kamali, *Law in Afghanistan*, 55–57). For broader parallels, see Ngoc Son Bui, *Constitutional Change in the Contemporary Socialist World* (Oxford: Oxford University Press, 2020); and Tom Ginsburg and Alberto Simpser, eds., *Constitutions in Authoritarian Regimes* (Cambridge: Cambridge University Press, 2014).

[88] "The Constitution of the Republican State of Afghanistan (English translation, part II)," *Kabul Times*, March 6, 1977, 1. The 1977 constitution was only officially published in Pashto and Dari, although the *Kabul Times* ran an English translation across several issues in March 1977.

[89] "Power to the People," *Kabul Times*, February 26, 1977, 2.

[90] Shahrani, "Centre-Periphery Relations," 63; and Centlivres-Demont and Centlivres, "State, Intermediaries and 'Licit' Corruption," 128.

[91] Anthony Arnold, *Afghanistan's Two-Party Communism: Parcham and Khalq* (Stanford: Hoover Institution Press, 1983), Appendix A.

[92] Kamali, *Law in Afghanistan*, 74–75; and Terry Martin, *The Affirmative Action Empire: Nations and Nationalism in the Soviet Union, 1923–1939* (Ithaca: Cornell University Press, 2001). Some commentators also saw this as a potential attempt to further reduce the use of Dari, although not necessarily to increase use of Pashto (Eden Naby, "The Ethnic Factor in Soviet-Afghan Relations," *Asian Survey* 20 [1980]: 237–56).

coups and counter-coups,[93] and the 1980 "Fundamental Principles of the Democratic Republic of Afghanistan," published mere months after the Soviet invasion and serving as the de facto constitution until 1987, made the same ethnolinguistic allowances. It declared that all laws and decrees of the Revolutionary Council would be published in Pashto and Dari but "could also be printed in other languages of the peoples of Afghanistan" (article forty). Legal proceedings and courts could use Pashto, Dari, or "the local majority language" (article fifty-seven).[94] The 1987 Constitution of the Republic of Afghanistan, created to make up for the shortcomings of earlier PDPA rule and to boost nationwide support for Mohammad Najibullah, who came to power (with Soviet backing) that same year, adopted the same position. Article eight specified that "Pashtu and Dari are official languages among the national languages of the country," while article fourteen assured the state's backing for preserving and developing the languages and cultures "of all nationalities, clans and tribes."[95]

On the question of ethnolinguism, the 1980 and 1987 constitutions more closely mirrored the realities of Afghan society and politics, in which numerous languages and dialects were spoken and past efforts to spread learning and use of Pashto had largely failed. But because these constitutions were propagated by unpopular regimes amid a brutal civil war, which itself exacerbated old and created new sociopolitical divisions across Afghanistan, they had little chance of either success or implementation. These two constitutions, however, signaled a shift in the ways that Afghan leaders and elites framed and understood the question of Afghan nationalism and nationhood. During the 1990s, questions of language, ethnicity, and nationalism remained ambiguous as civil war ravaged the country. While some observers initially reported a fall in Pashto usage in government-controlled media after 1992, others observed that Pashto became affiliated in many people's minds with the Taliban and its transborder Pashtun supporters, many of whom spoke Pashto or Urdu, although the Taliban never articulated an official language policy.[96] By the 1990s, state rhetoric, at least, had moved away from Pashto as a means of cementing national unity, signaling the end of an era in which leaders and elites sought the answer to Afghan modernity in linguistic nationalism.

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[93] For a more detailed history of the rise of the PDPA, the Soviet invasion of Afghanistan, and the accompanying civil war, see Elisabeth Leake, *Afghan Crucible: The Soviet Invasion and the Making of Modern Afghanistan* (Oxford: Oxford University Press, 2022).

[94] "The Fundamental Principles of the Democratic Republic of Afghanistan," April 21, 1980. The Afghan Ministry of Information and Culture published an unofficial English translation of the 1980 Fundamental Principles. I have not been able to ascertain whether it was made available in languages beyond Pashto and Dari.

[95] Constitution of the Republic of Afghanistan, November 30, 1987. Whether the constitution was made available in languages beyond Pashto and Dari is unclear. These articles also were replicated in the 1990 constitution.

[96] Hakala, "Locating 'Pashto'," 82–84; Nawid, "Language Policy in Afghanistan," 48–49; and Anwar-ul-Haq Ahady, "The Decline of the Pashtuns in Afghanistan," *Asian Survey* 35 (1995): 624.

Conclusion

The identification of Pashto as an official language in Afghanistan's 1964 constitution demonstrated that Afghan elites engaged with many different notions of modernity and modern statehood. They paid attention not only to debates about Islamic modernism and its role in Afghanistan's legal codes and social and political practices, but also to more secular aspects of nation-building, revealing parallels with other decolonizing states, which sought modernities deriving from "the boundary crossing struggle over the conceptual and moral bases of political and social power."[97] As Shah Mahmoud Hanifi argues, Afghan independence created "newly internationally fashioned rulers obsessed over the cultural accoutrements and technical possibilities of modernity,"[98] who looked to both Western and non-Western models of nation-statehood. In the mid-twentieth century, Afghan elites sat alongside decolonizers in the region and internationally who sought to implement national language policies to assert their political independence and cultural uniqueness. In this light, rather than an outlying "failed state,"[99] Afghanistan fit within the broader pantheon of evolving post-independence nation-states.

But while other states chose languages that were already widely spoken, or actively undertook widespread administrative steps to embed their chosen languages, Afghanistan did not match rhetoric and policy. While the 1964 constitution asserted that Pashto was Afghanistan's national language, elites did not back this up in practice. Instead, the constitution's language provision was a claim to one form of secular modernity, one meant for both international and domestic audiences at a time when the Afghan ruling family stubbornly supported the cause of Pashtun nationalism in its foreign policy. Even while Persian remained Afghanistan's language of governance, the 1964 constitution's language provision nevertheless served to contribute to ambiguities about the relationship between Pashtun nationalism, on the one hand, and Afghanistan's fundamental multiculturalism and multilingualism, on the other. In turn, the language provision also demonstrated the more conservative elements driving Afghanistan's constitutional decade and how certain definitions of the nation were exclusionary.

In the aftermath of the 2001 United States-led NATO invasion, Afghanistan's 2004 constitution, while drawing largely on precedents from the 1964 constitution, took its positions on questions of ethnolinguism from the PDPA. Article sixteen declared, "From amongst Pashto, Dari, Uzbeki, Turkmani, Baluchi, Pachaie, Nuristani, Pamiri and other languages in the country, Pashto and Dari shall be the official languages of the state." In regions where the majority spoke neither Pashto nor Dari, a third official language would be used and "regulated by law," while the government pledged "to foster and develop all languages of Afghanistan." Article thirty-five explicitly outlawed the "formation

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[97] Cooper, *Colonialism in Question*, 149.

[98] Shah Mahoud Hanifi, "Local Experiences of Imperial Cultures," *Comparative Studies of South Asia, Africa and the Middle East* 41 (2021): 243–49, at 244.

[99] See the paradigmatic Barnett Rubin, *The Fragmentation of Afghanistan: State Formation and Collapse in the International System* (New Haven: Yale University Press, 1995).

and operation of a party on the basis of tribalism, parochialism, *language*," and religious sectarianism.[100]

In this regard, the 2004 constitution rejected the idea that an Afghan nation could be constructed around the dominance of a single ethnolinguistic community. Afghanistan, the constitution's framers implied, would need to find a different source of national identity. The decision to embrace Afghanistan's multilingualism, however, was overturned by the Taliban when it swept back into power in August 2021. Reports emerged of the Taliban stripping Uzbek of its national language status and even restricting the use of Persian in favor of Pashto. As such, Afghanistan is potentially entering a new era of more radical linguistic nationalism, given the Taliban's strong preference for Pashto and historical roots in Pashtun nationalist movements.[101] As questions about Afghanistan's political future persist, how the Taliban will define Afghan modernity, and what role language might play, remains to be seen. But importantly, Afghanistan's past demonstrates that Afghan reformers have wrestled with many notions of modern nation-statehood and belonging in ways that do not rely on traditionalist or tribal stereotypes. This dynamism reveals the opportunities, not just limitations, that constitution-making can continue to embody.

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[100] Constitution of the Islamic Republic of Afghanistan, January 26, 2004. Afghan Ministry of Foreign Affairs https://www.mfa.gov.af/constitution/preamble.html (July 28, 2021). Emphasis added.

[101] "Taliban Removes Uzbek from Official Language Status," Asian News International (ANI), September 20, 2021 https://www.aninews.in/news/world/asia/taliban-removes-uzbek-from-official-language-status20210920065221/ (September 6, 2022); "Taliban Abolishes Persian Language from Supreme Court Bill," ANI, April 23, 2022 https://www.aninews.in/news/world/asia/taliban-abolishes-persian-language-from-supeme-court-bill20220423170132/ (September 6, 2022); and "Afghanistan Dispatches: 'The Taliban Are Using Only Pashtu Language in Their Official Communications," Jurist Legal News & Commentary, October 18, 2021 https://www.jurist.org/news/2021/10/afghanistan-dispatches-the-taliban-are-using-only-pashtu-language-in-their-official-communications/ (September 6, 2021).