Afghanistan needs a revolution in administration; without it, there will be a revolution in blood. President Daud's various reforms are intended to give the country a government consistent with its Constitution.
In Part I of this Report, I discussed the first five steps: the coup d'état of July 17, 1973; Parcham (leftist-oriented supporters of the Republican regime) to the provinces; the establishment of a potential intellectual base; the search for security; and defusing the “Pushtunistan” issue with Pakistan. Steps six through nine consist of elections, a new constitution, legal changes, and shifts in both personnel and administrative structure. No one of them can insure stability, but each is a potentially significant contribution to a uniquely Afghan form of national government.

Step 6: Elections by Selections and the New Constitution

In January 1977, the Republic of Afghanistan held elections “in the traditional manner,” and the resulting Loya Jirgah (Great National Assembly) approved a constitution in sessions which lasted from January 31 to February 13. The government capitalized on the jirgah (Pashto for village council; usually called majlis in the north) system to elect the majority of the wakil (delegates). The jirgah functions as a conflict-solving, decision-making body, with decisions reached through popular acclamation, not the secret ballot.

Most Afghans (about 90%) are nonliterate farmers, herders, or combinations of the two, and many rural Afghans believe the secret ballot to be rather sneaky. A man can talk one way in public and vote another in private. Naturally, most of the literate urban elite look on the secret ballot as the epitome of political progress, the choice of the individual over that of the group.

But, the January elections were really selections by acclamation. The government screened all candidates, but an almost complete spectrum of political orientations was represented in the Loya Jirgah. The elections took place in the following manner. On specified days, candidates put themselves forward in each of the rural administrative districts and in the urban wards, a total of 219 constituencies. The people voted for their favorites with shows of hands and shouts, until the overwhelming majority of the crowd supported one candidate. Few women participated openly in the rural areas, but women played a prominent role in the cities. Four women were elected: one each from Kabul (the capital), Herat, Kunduz, and Khulm (Tashkurghan).

President Daoud had indicated that he wanted all political groupings to put up candidates, including the leftist Parcham and Shula-yi-Jawed. Such party-like (no political parties legally exist) groupings occur primarily in the larger urban centers. Few leftists participated, however, for most are unhappy about the Republic’s centrist course and they were afraid of future repercussions. Although the President told his subordinates to conduct the elections by acclamation as fairly as possible, most Kabulis could easily identify the government’s favorites.

Things went badly on the day of the elections, January 15. In Kabul, thousands of people paraded, and only one candidate ran from each of the three constituencies. As the parade marched past the President’s house, Daoud stepped outside his compound to watch, naturally causing no little consternation among his security personnel. People crowded around to touch him and to try to kiss his hand. He finally extricated himself from the crowd, and went inside his compound, livid with rage. It was not the people of Kabul on parade but off-duty policemen and soldiers, who, although wearing either Western or tribal civilian clothing, wore their military boots!

On January 18, the President issued the following announcement:

Overwhelming evidence has reached the Head of State that numerous irregularities occurred in the election of representatives to the Loya Jirgah in the following places: Kabul City, Mir Bacha Kot and Karabagh Districts, and in Parwan Province, with the exception of Kapisa and its districts. These irregularities have been confirmed by the Minister of the Interior. Therefore, the governors of Kabul and Parwan Provinces are dismissed. New elections shall be held in the places mentioned above under the supervision of the following commission: one member each from...
The American Universities Field Staff, Inc., founded in 1951, is a non-profit, membership corporation of American educational institutions. It employs a full-time staff of foreign area specialists who write from abroad and make periodic visits to member institutions. AUFS serves the public through its seminar programs, films, and wide-ranging publications on significant developments in foreign societies.

AUFS Reports are a continuing series on international affairs and major global issues of our time. Reports have for almost three decades reached a group of readers—both academic and non-academic—who find them a useful source of firsthand observation of political, economic, and social trends in foreign countries. Reports in the series are prepared by writers who are full-time Associates of the American Universities Field Staff and occasionally by persons on leave from the organizations and universities that are the Field Staff’s sponsors.

LOUIS DUPREE, who joined the AUFS in 1959, is an anthropologist who has specialized in the Indo-European language areas of the Middle East and Central Asia. Dr. Dupree’s interest in Asia was first kindled by his service in World War II as a merchant seaman and paratrooper. He visited Afghanistan in 1949 and again in 1950-51 for the American Museum of Natural History, and was in Iran in 1951 under the auspices of the University Museum of the University of Pennsylvania. He received his Ph.D. degree from Harvard in 1955. Dr. Dupree joined the faculty of the Air University in 1954, and in 1957 he accepted his appointment to Pennsylvania State University where concurrent with his Field Staff affiliation, he is Adjunct Professor. In 1973-74, he was a Fellow, American Council of Learned Societies at Kings College, Cambridge. His published works include Afghanistan, a new edition of G. Robertson’s Kafirs of the Hindu Kush, and Afghanistan in the Seventies (co-editor with Linette Albert), eleven monographs and numerous articles and reviews in such varied publications as American Anthropologist, The Nation, The Economist, Evergreen Review, and the Middle East Journal. He is based in Kabul to observe developments in Afghanistan, Pakistan, Bangladesh and Soviet Central Asia.

© 1978, American Universities Field Staff, Hanover, NH
the Prime Ministry, the Ministry of Justice, and the Ministry of the Interior. The representative from the Ministry of Justice will be chairman of the commission. The new elections will be held on January 26, 1977, and the commission will report the results directly to the Head of State (Jamhouri, January 19, 1977).

The new elections in Kabul lasted all day, and two of the three previously elected candidates were again elected; the third ultimately became an appointed delegate. But President Daoud had made his point, because several candidates did compete from each constituency, and elections in the "traditional manner" had triumphed.

To give the Loya Jirgah more balance (and to reward faithful followers of the President and friends of the cabinet), President Daoud appointed 130 additional wakil, including military officers, factory workers, small farmers, urban intellectuals, and women. Also included in the Loya Jirgah were the 16-man (no women) Cabinet, the Central Committee (mainly the more influential Cabinet members and several top military commanders), and the 20-person (including 5 Cabinet members and 2 women) Constitutional Consultive Commission (CCC). The CCC, appointed March 20, 1976, met frequently to discuss the new Constitution, which had been prepared by a team from the Ministries of Justice and Interior.

A crowd surrounds the car of President Mohammad Daoud as it approached the building where the Constitutional Loya Jirgah was being held (January 1977).

Delegates to the Constitutional Loya Jirgah (January 1977).

Constitutional Loya Jirgah Left to right: President Mohammad Daoud; Mohammad Naim (brother of President Daoud, his occasional Special Envoy); General Ghulam Haider Rasuli (Commander-in-Chief of the Army at the time; now Minister of National Defense); Abdul Qadir Nuristani (Minister of Interior); Sayyid Abdul'lah (Second Deputy Prime Minister and Minister of Finance; still Minister of Finance); partly visible, Mohammad Khan Jalal (Minister of Commerce).
Step Seven: The Constitution
The lively debates in the Loya Jirgah quickly indicated that the delegates would not simply rubber stamp the Constitution. Of the 131 articles in the draft Constitution, they amended 34 and wrote 6 new ones mainly defining and enhancing the role of the judiciary, and transferring police investigative powers to the Attorney General's Office.

Chapter 6 of the Constitution perpetuates the Loya Jirgah as the "paramount power of the will of the people." The Loya Jirgah will be convened only to perform specific functions, and the Meli Jirgah (a unicameral National Assembly), elected every four years in universal, secret balloting, will be responsible for passing the necessary legislation to make the Constitution function. Clearly, it is easier to write a constitution than to implement it.

The Loya Jirgah, in session, will consist of the elected Meli Jirgah, the President, his Cabinet, the Central Council (shura markazi) of the Hezbe Enqelab-i-Meli (the National Revolutionary Party),3 the High Council of the Army,4 the Supreme Court,5 and an additional five to eight representatives from each province, depending on the relative population of each. Also, the President is to appoint 30 members-at-large to insure that all shades of opinion will be heard—as well as to reward people for services rendered.

The Constitution also includes provision for the following:

1. A mixed, guided (regulated, not controlled) economy (Articles 17, 18), but with most natural resources and basic industries being nationalized (Article 13);


3. A strong central government. It raises the possibility of administrative reforms which could revolutionize the current provincial system (Article 26);

4. Equal rights for men and women (Article 27);

5. No search or arrest without warrant "except in the circumstances and procedures specified by law" (Article 36);

6. Freedom of thought and expression (Article 38);

7. Right of peaceful assembly (Article 39);

8. The Supreme Court as a power equal (theoretically) to the executive and legislative branches (Articles 101, 102);

9. Emergency powers for the president to abrogate certain human rights articles in the event of war or other states of emergency (Article 114). The Constitution cannot be amended, however, during a proclaimed state of emergency (Article 120);

10. An Interim Period until November 22, 1979, when the first, elected Meli Jirgah must meet.

At the end of the Constitutional Loya Jirgah, Mohammad Daoud, to no one's surprise, was elected to a six-year term as the first president of the Republic of Afghanistan, that is through the Interim Period and three years thereafter (Article 133). Another president will then be elected by convening a Loya Jirgah (Article 76). The Constitution sets no limit on the number of consecutive terms a president may serve. A successor president will serve for one year before the nation holds another election for the Meli Jirgah.

Step Eight: New Laws and New Directions
Continuously and contrapuntally, the Daoud regime has promulgated laws designed to implement its ideals. The publication of each law causes the literati to pause and mull over its contents and discuss its implications.

Since my Note on Afghanistan 7974 about 20 new laws have been promulgated. (A list of the more significant is found in Appendix A. Those listed in the 1974 Note are not repeated.) Among them, there appear to be five key areas: Land Reform; Graduated Land Tax Law; Penal Code; Civil Law; Civil Service Law.

The Land Reform Law,7 announced July 26, 1975, came at just the right moment to divert public attention from the Panjsher Insurgency. Ultra-socialists have condemned the law for not going far enough; naturally, those owning land feel the law went too far. In fact, because the Land Reform Law has not set overly ambitious targets, it may have a better chance of success.

In my view, the ceiling set for land holdings appears reasonable and realistic. Article 2 of Chapter 2 states:

1. No one is permitted to hold land beyond the following ceilings:
   a. Yearly double-cropped, irrigated land: 100 jerib (20 hectares).
   b. Orchards: 100 jerib.
   d. Dry farmed land: 200 jerib (40 hectares)

(1 jerib = approximately .5 acre; 5 jerib = 1 hectare.)

Owners were given one year to adjust before implementation of the law. Two patterns emerged. First, since the law permitted owners to retain only those lands on which taxes had been paid, many who had paid taxes faithfully for years (and a few did exist!) sold lands immediately to those tenants who could afford to buy. In northern and central Afghanistan, loyal military and civil servants received government land grants during the nineteenth and early twentieth centuries, often at the expense of the indigenous populations. In some cases, therefore, the
descendants of the original owners, reduced to tenancy on their own lands, were able to repurchase the lands from the usurpers. Second, lands over the maximum ceilings were transferred laterally to kin for a nominal fee, so that much land remained in the hands of a joint or extended family. Overall, then, although some redistribution did occur, people were only moderately affected.

Article XXV, if it is ever implemented, could prove to be one of the more important in the Land Reform Law for it requires the Agricultural Development Bank "to study the credit needs of deserving persons" and come up with effective credit facilities.

To accompany the Land Reform Law, the Afghan government promulgated the Graduated Land Tax Law just as the Land Reform Law went into effect. During the intervening year, the Land Reform Organization (a semi-independent office in the Prime Ministry) trained cadres to introduce land taxes in various provinces. It is much too early to assess the effectiveness of their efforts.

One of the more important promulgated laws is the Penal Code (Qanun-i-Jaza), the first serious attempt since the time of King Amanullah (1919-1929) to identify and define the elements of secular law. The code, with its 2 volumes, 8 sections, 523 articles, and about 150 printed pages, was approved by the cabinet on September 21, 1976. The code covers a myriad of subjects, from the unauthorized wearing of medals (Article 299) and the fraudulent claiming of foreign academic degrees (Article 300), to murder (Articles 395-401), pederasty (Article 427), fraud (Article 469), and bribery (Articles 254-267).

Conservative religious leaders at first cheered when they read Article I: "This Law regulates Ta'zeeri crimes and penalties. Those committing crimes of Hodod, Qassass and Diat shall be punished according to the Hanafi Code of Islam." As they read on, however, the religious leaders realized that the Penal Code is primarily a secular document, which defines crimes, criminals, and punishments in such a way that the qazi (judge) can no longer (in theory, at least) impose arbitrary punishments on individuals accused of crimes. The first step has been taken toward creating a government based on law, not simply on the whims of those in the judiciary. Chapter I, Article 4 (1), for example, states that "Innocence is the original state. The accused shall be considered innocent as long as he is not deemed guilty by a final verdict in a competent court. (2) Any punishment which is an insult to human dignity is not permissible."

In Chapter 18, under "Crimes Against Religion," Article 347 explicitly condemns religious discrimination:

The following persons shall be sentenced to medium imprisonment and/or a cash fine of not less than 12,000 nor more than 60,000 afghanis: a. A person who forcefully and with aversion disturbs or stops the conduct of religious rituals or rites of any religion; b. A person who destroys or damages the permitted places of worship where religious rituals of one of the religions are conducted, or destroys or damages any other sign or symbols respected by the followers of any religion.

Even the welfare of pets and domesticated beasts of burden is considered in Article 510: (1)"A person torturing or mistreating a domesticated animal or pet shall be sentenced to short imprisonment not exceeding three months, or shall be fined an amount not exceeding 3,000 afghanis."

Despite the government's sincere attempts to grapple with all aspects of secular law, the sophisticated, literate, Western-oriented Kabuli elite greeted the Penal Code with derision, primarily because of its gestures toward religious conservatives, mainly in reference to such items as drinking and gambling. Article 349 states bluntly: "A person who uses alcoholic or narcotic substances shall be sentenced to imprisonment of three to six months or a cash fine of three to six thousand afghans or both punishments, unless otherwise stipulated by law." (The last phrase gives a ray of hope to all those Afghans who appreciate the finer things in life.) Article 351 prohibits places "for the use of alcoholic or narcotic substances."

Although the Penal Code has been in effect for more than a year, the above articles are more violated than observed. Nightly diplomatic parties ply Afghans of all walks of life with free booze and most Kabul restaurants catering to upper- and middle-class Afghans still serve a variety of alcoholic drinks.

Article 352 logically insists on arrest and punishment for public drunkenness ("a person...in a drunken state as to have lost his mind"), but something is lacking between the sentiments expressed in the overly generalized Articles 349 and 351 and their implementation. Sooner or later, clarification will be necessary.

Article 353 prohibits gambling houses and public gambling, but says nothing about gambling in private homes, where the mania for gambling for high stakes is widespread.

Some Kabulis derided Article 242, which provides for "medium imprisonment" if someone insults the President in public, and "long imprisonment" if the President is present when the insult takes place. Most nations have libel laws of one sort or another to protect heads of state from undue abuse, and Article 242 simply follows the pattern.

Of greater importance for the ultimate integration of the various ethnolinguistic groups into an Afghan nation-state are Articles 233 and 245. Article 233: (1) "A person who invites or instigates people to discriminate or factionalism (religious,
tribal, or linguistic) shall be sentenced in the light of circumstances to imprisonment of not more than two years. (2) If the invitation or instigation mentioned in the paragraph above produces results, or is accompanied by threats or force, the person committing it shall be sentenced to long imprisonment of not more than seven years."

Article 245: "A person who, by public means, encourages intra- and inter-tribal feuds shall be sentenced to short imprisonment of not less than three months or a cash fine of not less than 3,000 nor more than 12,000 afghanis."

It may be possible to implement Article 233, but the feud is still part of the way of life among many rural communities in Afghanistan, and is an important safety valve to inhibit potentially disruptive in-group tension.

The Penal Code (Qānūn-i-Jazā) is not to be confused with the Civil Code (Qānūn-i-Madanī), based on the Islamic Shariat (Code of Law) and certain customary laws. The four-volume (over 2,000 articles) Civil Code covers the entire field of social justice, including marriage, divorce, inheritance, contracts, real estate, mortgages, movable and immovable property, etc. The Civil Code, which represents a synthesis of various widely dispersed legal systems, represents a giant step forward in introducing systematic law in Afghanistan. In addition, Afghan interpretations of the Hanafi Shariat tend to be quite liberal. For example, under the Civil Code, women now have equal rights with men in instituting divorce cases. Naturally, the more conservative Muslim leaders still resist these interpretations.

One other legal development deserves particular attention. Family Courts were first introduced in Kabul in 1974 and in 1975 in Herat. These experiments proved so successful that the government established others in Kandahar and Kunduz. The tribunal courts (incidentally, one court in Kabul has a woman judge, a graduate of the Kabul University Law Faculty) consider all cases concerning such family problems as forced marriages (illegal under Article 517 of the Penal Code, but still common), arranged marriages between families but protested by one or both of the featured players, elopement, mistreatment of children, divorces. The courts try to induce settlement without recourse to legal action, but if either or both sides are adamant, the family court judges render decisions according to the Islamic Shariat (Code of Law), but still common), arranged marriages between families but already turn its back on Western models, Afghanistan is utilizing its own traditional patterns—the jirgah and Loya Jirgah—to lay the groundwork for a government based more on the group (or groups, regional, ethnonlinguistic) than the individual.

The President had several options. Immediately after the promulgation of the Constitution and his election, he dissolved the Central Committee, dismissed his Cabinet, and ordered the deputy ministers to run the ministries until further notice.

When President Daoud announced his "new" Cabinet on March 19, it turned out to be largely the "old" Cabinet (Appendix B). Only 4 new faces were included in the total of 18, as a result of the Ministry of Education's bifurcation into a Ministry of Higher Education and Ministry of Education. Both appointees are accomplished men in the field of education. Professor Dr. Ghulam Sediq Mohibi, a Ph.D. in Nuclear Physics from Moscow University and an Honorary Doctor of Humane Letters from the University of Nebraska-Omaha, formerly served as Rector of Kabul University. Professor Dr. Mohammad Ibrahim Seraj, who was appointed Minister of Education, was a Minister of Public Health from 1969 to 1972.

The former Minister of Education, Professor Dr. Abdul Kayyum Wardak moved to the Ministry of Tribal Affairs. The Minister of Tribal Affairs, Faiz Mohammad, was named Ambassador to Indonesia in May 1977. (The Ministry of Tribal Affairs seems to be a stepping stone [up or down?] to an ambassadorship, for the same thing happened to the first Republican Minister of Tribal Affairs, Engineer Pacha Gul Waftada (Ambassador to Bulgaria until recently and now Ambassador to Libya).
The third new face was General Ghulam Hader Rasuli, Minister of National Defense, a post previously held by the President. General Rasuli had replaced General Abdul Karim Mustaghni as Commander-in-Chief of the Army in early January 1976. General Mustaghni now serves as Ambassador to Poland.

The new Minister of Justice, and fourth new face, is Professor Wafiullah Samayee, formerly Deputy Minister of Education, and one of the more active and articulate participants on the Constitutional Consultative Commission and in the Loya Jirga.

Most of the technocrat ministers (i.e., those most directly engaged in development programs) remained, to the disappointment of many other qualified technocrats, "bi-chawki, bi-motor" ("without a chair, without a car," referring to high positions in government).

Waheed Abdullah, Deputy Minister of Foreign Affairs (almost de facto Foreign Minister) became de jure Minister of State for Foreign Affairs. Dr. Abdul Majid, Minister of Justice and the symbolic link with the past (he was first a minister in 1950), became Minister of State, more honorary and ceremonial than active.

His Cabinet appointed, President Daoud then began a series of shake-ups and shifts in various ministries. Inevitably, some people were happy with the changes, some disgruntled. On June 8, the Foreign Ministry announced 36 promotions and transfers. The following list, though not inclusive, gives an idea of the extent of the movement. The Ministry of the Interior announced a new Deputy Minister, Ghulam Naqsband Doshi (former governor of Bamiyan Province), and appointed 10 provincial governors: 3 were simply shifted to other provinces, 7 were new appointees. All had served in the government before in different capacities. The President's use of competent personnel who have been idle since the founding of the Republic signaled that "rehabilitation" was under way.

Five additional provincial governors were announced on June 15. Thus, within a week, 15 of Afghanistan's 27 provinces received new governors. The Ministry of Finance announced two new appointments on June 8: Abdul Hakim Hamidi became President of the Pashtany Tejerati Bank (the commercial bank), and Abdul Sameh became President of Revenue, an important position which needed an incorruptible hand.

Other appointments followed in the latter half of 1977; such as the shura markazi (Central Political Committee), responsible for the political development of the Hezbe-Enqelab-i-Moli (National Revolutionary Party) and for preparing the nation for its first elections under the Constitution before November 22, 1979. In his pre-Jeshtn speech on July 16, 1977, President Daoud announced approval of the Charter of the National Revolutionary Party.

Despite these changes, and some streamlining of bureaucratic procedures, the single most important "fact" for Afghanistan's future remained one over which President Daoud had no absolute control: the Army, still the determining force until the changes Daoud introduced became genuinely institutionalized. If Afghanistan does not have a legitimate revolution in administration, it will have a revolution in blood.

Eine Kleine Problem Musik
(With apologies to Wolfgang)

The four-year-old Republic of Afghanistan is neither without problems nor critics and, although no freedom of the press exists, freedom of the mouth does. In addition, the Shab Namah (Evening History) still appear periodically and surreptitiously, a total of about 20 issues since July 1973. These clandestine papers represent extreme right (religion) and left points of view, attacking the regime, its personalities, its policies and programs, or lack of them.

Absence of a free press hampers effective two-way communication between the concerned literati and the government. Fears that a free press might be used to subvert the masses overestimates the fifth estate's impact on a largely non-literate society. As it is, rumors run rampant, as damaging, perhaps, as a free press. Naturally, the government must devise a press law that would discourage the publication of libelous statements and wild, unsubstantiated claims, but it needs to give the intelligentsia platforms from which it can argue for or against various programs and their implementation.

One of the reasons the government fears a free press is the debate about what some charge are policies of "cultural genocide." The government indeed is attempting to play down differences among the several ethnolinguistic minorities (i.e., Tajik, Uzbak, Turkoman, Qizibash, Hazara, Aimak, Baluch, Brahui, Nuristani, Kirghiz), non-Pushtun groups which constitute about one-half the population. Many of the actual actions are petty, but their symbolic effect is nonetheless significant.

For example, Adab, the literary journal published by the Faculty of Letters of Kabul University, refuses to let authors mention "Uzbak," even when referring to specific Uzbak folktales. Also, many literate Afghans have dropped their last names, often tribal, ethnolinguistic, or regional in connotation in accord with the "We are all Afghans" campaign. (It is thus often difficult to recognize people from news announcements alone. For example, many Ahmad Alis exist, and when an Ahmad Ali is appointed Ambassador to Japan, we all ask: Which Ahmad Ali? When we finally find out it is Ahmad Ali, formerly called Popal, we know.)

Various types of folk art too are threatened by overzealous attempts at modernization. The government requires all taxis to be painted a drab black and white, so that the public can easily recognize them. So far, so good, but the campaign has been extended to include the many colorful motor rickshaws, which form a large part of the taxi force. The
reason given is that gaudily painted rickshaws tend to distract drivers, and, therefore, may cause accidents. The campaign even extends to the famous painted lorries. After initial compliance, however, more and more rickshaws have recently appeared with designs on their back cover not painted but cut from plastic in a modern adaptation of a folk art form.

In Conclusion: *Paucis Verbis*

Just as the success or failure of the 1963-1973 attempt to create a constitutional monarchy depended largely on what the former king did or did not do, so the new Republic's success and survival depended on President Mohammad Daoud. The path described in this two-part Report could have produced a form of representative government in which power and responsibility were more widely shared. But the course of change is always strewn with pitfalls and uncertainties.

As President Daoud himself said during his July 16, 1977 *Jeshn* speech: "As I have said on several occasions, the progress of a country cannot be achieved by a certain number of persons. On the contrary, to accomplish this task requires everyone in the country, wherever and whatsoever position they may be, to strive, as is necessary and fitting for a patriot, for the progress of the country."

(February 1978)

[Part II concludes the series]
1. Actually, *jirgah* is a Mongolian term, adopted first by Dari and then by Pashto speakers about a thousand years ago.


3. The one party initially permitted, but the Constitution allows for others when political "maturity" (undefined) is reached. Two articles refer to an eventual multiparty system: Articles 40 and 130. Mention of the "one party" appears to imply the party's existence before the 1973 coup.

4. The military is still the ultimate base of power.

5. The judiciary is pointedly independent of the executive and legislative branches, especially after several amendments and new articles: Chapter 9 and Articles 126 and 135.


7. For a less than adequate English translation, see *The Kabul Times*, August 23, 1975.


10. *Ta'zeeri* are crimes without fixed punishment: *Hododare* crimes with fixed punishment such as theft, adultery, drinking alcohol, and dacoity (highway robbery); *Qassas* is premeditated murder; and *Diat* is killing a person accidentally, manslaughter.

11. Articles 97-111 define six types of punishment: execution (by hanging); continued imprisonment (12-20 years); long imprisonment (5-15 years); medium imprisonment (1-5 years); short imprisonment (24 hours to 1 year); cash punishment (a fine), sometimes combined with one of the preceding.

12. Former Pakistan Prime Minister Z.A. Bhutto also tried to appease conservative elements in his country by forcing laws banning alcohol and gambling through his one-party Parliament in May 1977. Pakistanis are still laughing.


14. In February 1975, in another attempt to improve the condition of women, the Cabinet approved maternity leaves for those employed in government: 30 days before delivery, 20 days after. In December 1975, women were banned from night-time jobs in factories, harassment by male workers being given as the reason.

15. An adequate pay scale might also help motivate civil servants to do their jobs without *bakhsheesh*. Not that all civil servants are corrupt, but, traditionally, the *bakhsheesh* paid to lower- and middle-range civil servants simply supplements their meager salaries. In fact, the government tacitly accepts the system, which enables it to maintain the low salary scale. Vigorous collection of back taxes and increased direct taxation has filled the government coffers recently, and agitation for pay increases may follow.

16. This continued dependence on long-time supporters of Daoud caused many in Afghanistan to question the sincerity of the government's reform program. They accused those in power of creating the form, but ignoring—or inhibiting—the function. Such rampant nepotism could conceivably backfire.

17. Samad Ghaus, President of Political Affairs, became Deputy Minister of Foreign Affairs.

18. The old province of Kunar, which the Republic had initially incorporated in Nangrahar Province, was reconstituted on June 8, 1977. Kapisa Province, which was made a part of Parwan, is not likely to resume separate status. The decision on Kunar seems to have been justified as recognition of the unique character of Nuristan, which constitutes most of the province. For a provincial map, see my Afghanistan, Princeton, 1973, p. 153, and on Nuristan, "Nuristan: 'The Land of Light' Seen Darkly" [LD-6-'71], AUFS Reports, South Asia Series, Vol. XV, No. 6, 1971.

19. A play on the eleventh century A.D. *Shah Namah* (History of the Kings) of Firdausi.


APPENDIX A
Principal Laws Promulgated, 1974-1977

Law on Tax on Consumer Goods (June 1974)
Law of Government enterprises (August 1974)
Cooperatives Law (November 1974)
Laws of Chambers of Commerce and Industry (December 1974)
Insurance (Nationalization) Law (December 1974)
Law of Money and Banking (Nationalization) (December 1974)
Law of Statistics and Data (July 1975) - consolidates Central Statistical Office
Land Reform Law (August 1975)
Graduated Land Tax Law (August 1976)
Civil Law
Penal Code (October 1976)
Generic Names (Drugs and Medicines) Law (May 1977)
Civil Services Law (June 1977)


APPENDIX B
Cabinets: 1973-1977

Daoud's First Republican Cabinet
(August 1973 - March 1977)
Prime Minister: Mohammad Daoud
Deputy Prime Ministers:
First: Dr. Mohammad Hasan Sharq
Second: Sayyid Abdul'Ilah
National Defense: Prime Minister
Foreign Affairs: Prime Minister
Interior: Faiz Mohammad Abdul Qadir Nuristani
Commerce: Mohammad Khan Jalalar
Finance: Sayyid Abdul'Ilah
Planning: Ali Ahmad Khoram
Justice: Dr. Abdul Majid
Information and Culture:
Prof. Dr. Abdurrahim Nevin
Education: Dr. Nehmatullah Pazhwak
Prof. Abdul Kayeum Wardak
Public Health: Prof. Dr. Nazar M. Iskandar
Prof. Dr. Abdullah Omar
Public Works: Ghausuddin Faeq
Mines and Industries:
Prof. Abdul Kayeum Wardak
Eng. Abdul Tawab Asefi
Ag. and Irrigation: Jilani Bakhtari
Azizullah Wasefi
Water and Power:
Eng. Juma Mohammad Mohammadi
Communications: Eng. Abdul Hamid Mohtar
Eng. Abdul Karim Attayee
Frontier Affairs: Eng. Pacha Gul Wafada
Faiz Mohammad
Minister of State: none
Daoud's Second Cabinet
(March 19, 1977-)

President: Mohammad Daoud
Vice Presidents: none appointed
Gen. Ghulam Haider Rasuli
Abdul Qadir Nuristani
Mohammad Khan Jalalar
Sayyid Abdul'lllah
Ali Ahmad Khorarn
Prof. Wafiullah Samayee
Prof. Dr. Abdurrahim Nevin
Prof. Dr. Mohammad Ibrahim Seraj
Higher Education: Prof. Ghulam Sediq Mohebi
Prof. Dr. Abdullah Omar
Ghausuddin Faeq
Eng. Abdul Tawab Asefi
Azizullah Wasefi
Eng. Juma Mohammad Mohammadi
Eng. Abdul Karim Attayee
Prof. Abdul Kayeum Wardak
Dr. Abdul Majid
Waheed Abdullah

Minister of State for Foreign Affairs: Waheed Abdullah


3. Sayyid Abdul'lllah appointed Second Deputy Prime Minister on September 28, 1975, remained Minister of Finance.

4. Foreign affairs handled by Deputy Minister, Waheed Abdullah, also Secretary of the Cabinet.

5. Appointed September 27, 1975; Faiz Mohammad to Frontier Affairs.


7. Appointed May 15, 1974; Prime Minister held folio until this date.


10. Appointed September 27, 1975; Wardak shifted to Education.


12. Appointed September 15, 1976; a new ministry founded this date.

13. Attayee appointed September 27, 1975; Mohtat fired by Central Committee April 22, 1974.

14. Appointed September 27, 1975; Waftada sent as Ambassador to Bulgaria in March 1974; now Ambassador to Libya.


17. Formerly Rector of Kabul University.