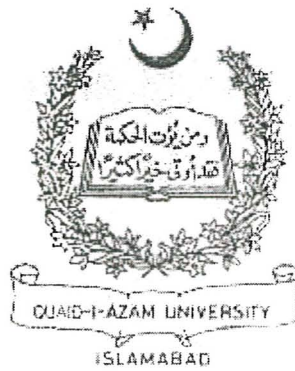


DISS  
ANT  
994  
C-1

Egalitarianism and Conflict Resolution among *Swatis* of District Batagram,  
N.W.F.P, Pakistan



By  
Mohammad Taieb

Department of Anthropology  
Quaid-i-Azam University, Islamabad, Pakistan  
2008

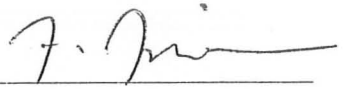
Quaid-i-Azam University, Islamabad  
(Department of Anthropology)

Final Approval of Thesis

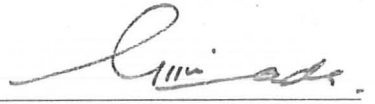
This is to certify that we have read the thesis submitted by Mr. Muhammad Taieb. It is our judgment that this thesis is of sufficient standard to warrant its acceptance by the Quaid -i- Azam University, Islamabad for the award of the Degree of "Doctor of Philosophy in Anthropology".

Committee:


1. Prof. Dr. Farooq Tanwir  
(External Examiner)

  
\_\_\_\_\_

2. Dr. Amir Zada Asad  
(External Examiner)

  
\_\_\_\_\_

3. Dr. M. Azam Chaudhry  
(Supervisor)

  
\_\_\_\_\_

4. Prof. Dr. Hafeez-ur-Rehman  
(Chairman)

  
\_\_\_\_\_



## ACKNOWLEDGEMENTS

I am thankful to Almighty Allah, the omnipotent and the omnipresent, for enabling me to complete this thesis. I am greatly thankful to my supervisor Dr. Muhammad Azam Chaudhary who always encouraged me for understanding various theoretical paradigms and collecting the latest possible relevant anthropological material to develop effective discourse in relation to my topic. He always remained critical, during the exercise of writing my thesis, of theoretical framework and was stressing for some thing new to be added to the literature of legal anthropology in the domain of conflict resolution. I highly appreciate his effort of providing me the relevant literature. He was extremely punctual regarding time schedule allocated for me. Long discussion with him for the clarity of concepts and various questions about the topic worked as stimulus. I always found him keen for doing things in a disciplined and proper way. He is Ph.D. from Germany and enjoys a good reputation. He delivers lectures in various Universities around the world. As a teacher he is a learned and cooperative person. He knows the skill of imparting knowledge in bits and pieces to let the listener absorb it well. His hard work and punctuality has a great part in the completion of my thesis for which I am grateful to him.

I also appreciate the cooperation of my teacher Mr. Tariq Mehmood who always spared time for me. He has in-depth knowledge in anthropological theories. His questions in relation to my thesis stimulated me to learn more and more from anthropological literature. His thoughtful discussion always enriched my ideas and gave me direction for further enhancement of my knowledge. I pay full tribute to him for his cooperation and the relevant literature he provided to me.

I acknowledge the administrative capabilities of the Chairman, Department of Anthropology, Dr. Hafeez-ur-Rehman Chaudahry. All matters related to administrative formalities were completed well in time. He certainly deserves the credit for starting research degree program at the department, which paved way for anthropological research in the country. Currently, this is the only department, which offers research degree in the field of anthropology. He takes interest to promote research activities in the country. Holding seminars and national conferences is a positive indicator in this direction.

I am also thankful of clerical staff of the department including Mohammad Rafiq, Gheyas Sayyid and particularly Khalid Tanveer that he was much disciplined man in terms of doing his job.

I am thankful to my key informants including Obedur Rehman, Fazli Wahab and Ihsan Ahmad and respondents at large who cooperated during my data collection in the field.

Last but not the least; I must appreciate the encouraging attitude of my wife and children who always motivated me to sit before the computer and to work on my thesis.

Mohammad Taieb

## ABSTRACT

This thesis is an attempt to understand the role of egalitarianism in the process and procedure of conflict resolution. Egalitarianism reflects social equality exist between the members of the tribe. In case of conflict, the offended party applies coercive self-help to maintain the notion of social equality. Beside the use of physical force the neutral third party also applies peaceful cultural means to resolve the conflict. However, egalitarianism or social equality is the prime cultural attribute. Hence, all cultural strategies including orderly and disorderly means of conflict resolution are designed and exercised in a way so as to restore the social position of offended party. This restoration of social position of offended party is actually the restoration of equilibrium exist between the segments of the tribe.

Although, I found the notion of equilibrium model helpful because conflict ultimately results into bringing about peace in the society. However, my argument is not delimited only to the function of conflict because conflict or feud is one strategy used by the offended party to restores the image of social position. The original focus of this study is to analyze the role of egalitarianism in conflict resolution, hence, all strategies for conflict resolution including the role of coercive self-help, mediation and arbitration are taken into account to look into their application for restoring the notion of social equality. The major emphasis is that all means of conflict resolution are designed and exercised in social reconstruction process to satisfy both parties i.e. offended and offender.

First chapter of the thesis introduces the topic in wider perspective. The research problem is stated and it is located in the overall theoretical framework. It also delineates the research objectives and highlights the significance of the study. The second chapter elaborates overall research methodology with a focus on case study method. Various techniques are utilized for data collection. Third chapter is particularly devoted to the detailed discussion of study area. Geographical and ethnological characteristics are explained in detail to clarify the physical layout of the area with the type of social and economic organization of the area. Fourth chapter delineates the system of favor and opposition in the study area. In this connection the process of fusion and fission of the tribal members is explained in relation to segmentary lineage system. In fifth chapter various causes of conflict are discussed in detail. Sixth chapter focuses on various means of social control, which are used for conflict resolution. Seventh chapter highlights different types of leaders and their sources of power and authority. Eighth chapter describes the role of leaders in conflict resolution. Chapter nine is the overall summary and conclusion of the thesis.

## LIST OF TABLES

Table 3.1 Distribution of Population by Age	58
Table 3.2 Distribution of Population in terms of Level of Literacy and Formal Education	60
Table 3.3 Frequency of Endogamy and Exogamy Types of Marriage	64
Table 3.4 Distribution of Population into Various Occupations	68
Table 3.5 Amount of Different Categories of Land	69
Table 3.6 Population of Livestock	69
Table 3.7 Number of Different Types of Servants	72

## LIST OF FIGURES

1.1	Structure of Nuclear Family	21
3.1	Regional Distribution of Sub-tribes and Sections of <i>Swati</i> in Batagram District	52
7.1	Classification of Different types of Leaders	144
7.2	Regional Distribution of Bloc Leaders ( <i>Khanan</i> ) and their Sub- Tribes	153

## LIST OF ILLUSTRATIONS

Map of Pakistan	41
Map of North West Frontier Province	42
Map of District Batagram	43
Map of Batagram Sub-Division	44

## TABLE OF CONTENTS

Acknowledgements	i
Abstract	iii
List of tables	v
List of figures	vi
List of illustrations	vii
<b>Chapters</b>	
<b>1. Introduction</b>	<b>1</b>
1.1 Statement of the Problem	7
1.2 Theoretical Framework	12
1.3 Research Objectives	26
1.4 Significance of the Study	27
<b>2. Methodology</b>	<b>29</b>
2.1 Selection of Topic and Locale	29
2.2 Case Study Method	31
2.3 Participant Observation	33
2.4 In-depth Interviews	34
2.5 Life History	36
2.6 Study of Genealogy	37
2.7 Key Informants	37
2.8 Socioeconomic Survey	38
2.9 Limitations of the Study	39
2.10 Research Ethics	40



<b>3.</b>	<b>Ecological and Ethnological Characteristics</b>	
	<b>Of Study Area</b>	45
<b>Section-I</b>	<b>Study Area in Larger Context</b>	45
3.1	Location	45
3.2	History	47
3.2.1	Origin of <i>Swati</i>	49
3.3	Regional Distribution of <i>Swati</i> ' Population	51
2.4	Social Groups	53
3.5	Formal Administrative and Justice System	55
<b>Section-II</b>	<b>Study Area in Specific Context</b>	57
3.6	<i>Dawarhkhani</i>	57
3.7	Populations and Language	58
3.8	Types of Houses, Dress and Food	58
3.9	Education, Health and Religion	59
3.10	Marriage, Birth, Family and Funeral Ceremonies	62
3.11	Occupation	67
3.12	Land, Agriculture and Livestock	68
3.13	Patron-client Relationship	69
3.14	<i>Hujra</i> (Men' House)	72
<b>4.</b>	<b>System of Favor and Opposition for the</b>	
	<b>Maintenance of Egalitarianism</b>	77
4.1	Swati' Egalitarianism	78
4.2	Pukhtun' Code of Life ( <i>Pukhtu</i> )	86

4.3	Segmentary Lineage System	95
4.4	Agnatic Rivalry and Marriage Alliances	99
<b>5.</b>	<b>Causes of Conflict</b>	<b>101</b>
5.1	Land as a Source of Conflict	102
5.1.1	Distribution of Inherited Land between the Heirs	105
5.1.2	Conflict over Forest Land and Trees	107
5.1.3	Conflict over Land Boundary	108
5.1.4	Sale and Purchase of Land	110
5.1.5	Trespassing the Agricultural Fields	111
5.2	Irrigation	112
5.3	Ravaging the Crops and Burning the Dry Grasses	113
5.4	Lacking of Strength Leads to Conflict	113
5.5	Woman as a Source of Conflict	114
5.6	Money Lending	118
5.7	Curse and Abuses as Cause of Conflict	119
5.8	Socioeconomic Survival and Conflict	119
<b>6.</b>	<b>Means of Social Control</b>	<b>124</b>
6.1	Self-help	125
6.2	Courts	126
6.3	Arbitration ( <i>Shariat</i> )	126
6.4	Submission ( <i>Nanawate</i> )	128
6.5	Seizing the bier ( <i>Kat Newel</i> )	128
6.6	Public Meeting ( <i>Jirgah</i> )	129

6.6.1	Go-between	133
6.6.2	Dyadic Negotiation	134
6.6.2.1	Compensation ( <i>Uzar</i> )	135
6.6.2.2	Blood money ( <i>Saz</i> )	135
6.6.2.3	Compensatory marriage of a girl ( <i>Swara</i> )	137
6.6.3	Truce ( <i>Rogha</i> )	138
<b>7.</b>	<b>Types of Leaders</b>	<b>142</b>
7.1	Enculturation of Leadership Qualities	144
7.2	Joint Families' Heads or Bloc Leaders ( <i>Khanan</i> )	149
7.3	Joint Families' Heads ( <i>Masharan</i> )	153
7.4	Religious Leaders	156
7.5	<i>Stanadar</i> in Pukhtun' Societies	157
7.6	History of Saints in Swati Society	159
7.7	Determinants of the Status of <i>Saydan</i> and <i>Miagan</i>	163
7.7.1	Land-ownership	163
7.7.2	Mediation and Piety	164
7.8	Emergence of Saint in Present <i>Swati</i> Society	166
7.9	Religious Scholars	168
7.9.1	<i>Saydan Mulyan</i>	168
7.9.2	<i>Miagan Mulyan</i>	169
7.9.3	<i>Swati Mulyan</i>	169
7.9.4	Immigrant <i>Mulyan</i>	170
7.9.5	Members of Occupational Castes and Tenants as <i>Mulyan</i>	171

<b>8.</b>	<b>Role of Leaders in Conflict Resolution</b>	173
8.1	Show or Exercise of Physical Force for Conflict Resolution	173
8.2	Bloc Leader	178
8.3	Complementary Opposition	180
8.4	The Jirgah of Saints for Conflict Resolution	181
8.5	Religious Scholars and Conflict Resolution	187
<b>9.</b>	<b>Conclusions</b>	195
	<b>Socioeconomic Survey</b>	201
	<b>Appendices</b>	205
	<b>Glossary</b>	212
	<b>References</b>	221

# CHAPTER-1

## INTRODUCTION

This chapter highlights the focus of the study i.e. conflict<sup>1</sup> resolution. Conflict occurs in all human societies and every society has its own mechanism to resolve them. Also more than one system exists for conflict resolution in every society because all societies are plural in composition and this pluralism reflects in their legal systems (Honigmann 1997: 903-904). Those different legal systems are exercised for conflict resolution. Conflicts and their resolution patterns has been a very important field of investigation for anthropologists. This study expresses the patterns of conflict resolution in the context of a given culture. Moreover, the chapter after discussing legal pluralism and a comparative glimpse of formal versus informal law states the research problem that how cultural patterns of conflict resolution are shaped to satisfy the disputing parties in the cultural context. The research problem is also located in a broader theoretical framework. Finally the chapter highlights the research objectives and significance of the study.

Conflict resolution is a broader field. Different anthropologists have found a number of legal systems, even within a given society, which are exercised for the resolution of conflicts. For example Evans-Pritchard (1940), Barth (1956), Lindholm (1996), Cohn (1965), Ahmad (1972), Ahmed (1980), Chaudhary (1999) and Rouland (1994) have studied different small-scale societies and have delineated various patterns of conflict resolution. Anthropologists have classified these methods of conflict resolution into a

---

<sup>1</sup> In this research the term conflict is used in a broader context. Conflict results into the emergence of feud and warfare. Hence, conflict, feud and warfare are interchangeably used.

number of categories i.e. avoiding conflicts, accepting other party's claim, coercion, bilateral negotiation, mediation, arbitration, and adjudication (see Levinson and Ember 1996). Anthropologists have noted that the people of a given society use different mechanisms for conflict resolution. In anthropological literature all such legal systems are broadly divided into formal and informal legal systems. Formal legal system is characterized by adjudication, which is controlled by the state. In adjudication the authority, often relies on the rules and regulations that govern similar cases and the nature of evidence and arguments and then pass on a judgment. Typically, one party wins and other party loses (Levinson and Ember 1996: 244).

Formal legal system is a characteristic feature of the modern state. Law is developed by a legislative body, interpreted by judiciary and implemented by the executive organ of a state. Nevertheless, state is not the only source of making obligatory norms. It is because there are other sites functions to generate norms, which exert social control (see Moore 2001). Hence, besides state regulated institutions for conflict resolution there are informal institutions, for conflict resolution, prevalent across the world in different shapes such as *Jirgah*<sup>2</sup> that exists in Afghanistan (Dupree 1980) and moot that works among Kpelle of Liberia (Gibbs 1997). The function of traditional institutions is characterized by mediation. A number of anthropologists (Gibbs 1963; Gulliver 1979; Nader 1969; Witty 1980) have discussed mediation in contrast to adjudication or some of them (Collier 1973; Koch 1974; Nader and Todd 1978) have discussed it in contrast to

---

<sup>2</sup> *Jirgah* (pl: *Jirgey*) denote two meaning i.e. a council of traditional as well as religious leaders who meet to manage for the resolution of a dispute and process of consultation.

dyadic process i.e. negotiation, coercion, avoidance. However, mediation “is a triadic mode of dispute settlement” (Greenhouse 1985: 90).

It is obvious from the above discussion that multiple systems for conflict resolution exist in every society across the world known as legal pluralism. Legal pluralism is generally defined as a situation in which two or more legal systems coexist in the same social field (Pospisil 1971; Griffiths 1986a; Moore 1986a).

It is in the same tradition that regional literature on conflict resolution in Indo-Pakistan has also portrayed the presence of multifarious systems that work for conflict resolution. All those systems are divided into formal court system and informal traditional system. Pakistan is also characterized by legal pluralism. Formal courts administer justice. In formal legal system, which is controlled by the state of Pakistan, the decision-makers (officially designated judges) are not necessarily known in person or aware of the cultural values of the members of disputing parties. Judges use a formal law, which is neutral to the cultural values of the people. Therefore, a case of dispute is not only analyzed in isolation from the disputants but also out of the cultural context, which is of greater regard for the disputants. Beside formal law traditional system also exists for conflict resolution.

Traditional systems of conflict resolution are not only found in different societies but they are also depicted as more effective in contrast to formal court system. For example, “in a courtroom hearing, the solution is, by and large, one which is imposed by the adjudicator. In the moot the solution is more consensual. It is, therefore, more likely to be accepted by both parties and hence more durable” (Gibbs 1997: 304).

In India, the dichotomy between formal and informal law has continuously received criticism from administrators, nationalists, and students (see Cohn 1959; Rudolph & Rudolph 1965; Moore 1985) in which they marked the British style law as unsuitable for India. It is because “in Indian conditions the whole elaborate machinery of English law, which Englishman tended to think so perfect, simply didn’t work and has been completely perverted” (Moon 1945: 22).

English law in India was mainly criticized for boosting a flood of wasteful litigation that encouraged perjury, corruption and exacerbated disputes by eroding traditional consensual method of dispute resolution. It is also termed as obscure and full of artificial technicalities (see Shore 1837; Dickinson 1853).

However, the advocates of formal court system present it as a real system of justice. According to them informal traditional system is redundant. For example Law Reform Commission of Pakistan (1967-70: 102) has turned the informal traditional system as primitive and has strongly disagreed to allow laymen, not familiar with modern law, to administer justice. However, in Federally Administered Tribal Area (hereafter FATA) of Pakistan- that runs under the Frontier Crimes Regulations (hereafter FCR) (see Ayub UN) allow the practice of *Jirgah* rules nullified by the Law Reform Commission of Pakistan. In Provincially Administered Tribal Area (hereafter PATA) of Pakistan, most of the conflicts, even the murder cases, are resolved by the local *Jirgah* (see Taieb 1991).

Hence, besides formal court system in Pakistan, informal traditional system is also effectively involved in the domain of conflict resolution. For example, *Jirgah* as an



informal institution for conflict resolution prevails in Pakistan in general and Batagram<sup>3</sup> in particular incorporates the essential ingredients of mediation. *Jirgah* normally resolves conflicts by seeking the consent of the conflicting parties for consensus development and thereafter *jirgah's* decision remains effective and sustainable. Mediators do not have the authority of lawmaking and imposition of their decisions but they use traditional customs as tool for conflict resolution. In the society under study the authority of resolving dispute rests with the disputants themselves because mediators cannot interfere for resolving the conflict without the permission of disputing parties.

Although in the society under study both formal and informal systems of conflict resolution are active but disputes are effectively resolved through traditional system. In contrast to court system, resolution of disputes through mediation is not only a unique feature of *Swati*<sup>4</sup> society but has also been noted by different anthropologists in different societies across the world (see Aubert 1963; 1966; 1967; 1969a; 1969b; and 1969c; Gulliver 1969; Starr 1969; Metzger 1960; Yngvesson 1970). These anthropologists hold that not only the traditional systems exist in different societies but also the solution to a conflict, developed through informal system, is more sustainable.

Therefore, it is generally observed that the formal court system, because of its nonconformity to the cultural values, is not effective among the people of North West Frontier Province (NWFP) of Pakistan and particularly the *Swati* of Batagram district. Formal court system, among *Swati*, is not effective because it is not a part of their culture,

---

<sup>3</sup> Batagram, which is the focal area of this study, is one the district of North-West Frontier Province of Pakistan (see chapter 3 for detail).

<sup>4</sup> *Swati* is a tribe inhabits district Batagram and Mansehra while Swat is a district in Malakand Division of N.W.F.P, Pakistan. People live in Swat belong to Yusufzai tribe of Pukhtun (see Chapter 3).

hence, alien to them. In the cultural framework the norm, which is greatly respected during conflict resolution, is the local perception of egalitarianism. According to court system conflicts are resolved by adjudication in which one party clearly “wins” and other party “loses”. The person who loses in the court always feels unhappy on losing the case. The person who wins the case feels triumphant because he gains. A court cannot satisfy two sides, it can only satisfy one side. The emphatic declaration of the formal court in favor of one party as a winner and the other party as a loser is against the spirit of social equality. Therefore, even after the court decision the disputing parties resort to the use of force again. However, making the *rogha*<sup>5</sup> satisfies all parties—there is no loser, and no gainer. No happy and unhappy—all are satisfied at the end.

*Swati* egalitarianism is ethnic oriented because all *Swati* are socially equal but the members of occupational castes and tenants- who are non-*Swati*- are not socially equal to *Swati*. In this research egalitarianism that exist among *Swati* is purely defined in terms of social equality. Social equality, which exists among the members of *Swati*, has its roots in the history. Those historical reasons have associated them together in the form of a tribe. Hence, it is a tribe not because of shared genealogy, which is only important below the level of sub-tribe, but because of their joint participation in the war organized for the conquest of present district Batagram and Mansehra. Those members are socially equal, who are connected with one of the *Swati* sub-tribes and possess the status of *Dotary*.<sup>6</sup> *Swati* is a pre-dominant group in district Batagram in terms of land-ownership as well as

---

<sup>5</sup> *Rogha* is a feminine while *Rogh* is a masculine word. The term carries various meanings i.e. it denotes improvement of a sick female or male, reconstruction of a broken thing and it also reflects a settlement of a dispute.

<sup>6</sup> *Dotary* is a man having the ownership right of inherited piece of land that was received by his ancestors as conqueror of the area.

numerical strength (see Chapter, 3). Although, social equality is a major part of the social structure but *Swati* members are economically unequal. It is because of the fact that the perception of social equality is related with the ability of retaliation. They are equal because any one of them normally can avenge if his rights are offended (see Chapter 3).

In contrast to formal court system, the traditional system as reflected above, originally stressed the importance of truce. Traditional system gives utmost importance to restore equilibrium of social equality disturbed by conflict. It is because of the fact that egalitarianism among *Swati* is a major cultural value around which traditional system operates in order to reach at agreement between the disputants. Although egalitarian societies are widely discussed by anthropologists (Woodburn 1982; Begler 1978), but the role of egalitarianism has not been exclusively taken as a major factor in the process and procedure of conflict resolution. Therefore, to know the role of egalitarianism in conflict resolution is a major research problem to be stated as below.

## 1.1 Statement of the Problem

This study focuses on the patterns of conflict resolution in the overall configuration of *Pukhtu*<sup>7</sup>. *Pukhtu* or *Pukhtunwali* is a code of life practiced by *Swati*. *Pukhtu* is deeply rooted in a sense of competition. The sense of competition actually regulates other levels found in the overall structure of *Pukhtu*. Other levels in descending order are *Azizwali* (equality), *Tabarwali* (cooperation), *Tarboorwali* (opposition), *Rorwali* (support), and *Plarwali* (parenthood) (see chapter 4). Each structural level of *Pukhtu* contains certain

---

<sup>7</sup> *Pukhtu* is a code of life and spoken language as well as a sense of competition for the achievement of culturally approved notion of prestige and honour.

number of individuals included at that level. The question here is to explain that how *Azizwali* play a role in conflict resolution. *Azizan*<sup>8</sup> (Sing: *Aziz*) consider it their prerogative to do *Pukhtu* to maintain their social position. Hence, *Pukhtu* in the larger context generate *Azizwali*. Although “conflict results from competition between at least two parties” (Sills 1968: 236), but in this case *Pukhtu* has been defined as a continuous struggle between *Azizan* for maintaining their social position. The struggle is explicit in every walk of life including conflict because conflict is also resolved in a way so as to restore the socially equal position of offended party. Hence, the objective of the maintenance of social equality is achieved through *Pukhtu*. Therefore, the exercise of *Pukhtu* is a means to an end and the end is the preservation of social equality. Although there are various levels of *Pukhtu*, at the overall structure of *Pukhtunwali*, but *Azizwali* is the crux in conformity to which other levels are implemented. The importance of social equality is clearly reflected in *Swati* social structure, which has its obvious role in conflict resolution.

Conflict emerges as a result of perceived superiority, which forces the offender to intrude in the lives and material assets of others. This type of intrusion is traditionally against the norm of egalitarianism. Hence, in defense the offended party resorts to *Pukhtu* by adopting traditional means to equally retaliate. When the use of physical force reaches the balance at both sides, the leadership starts to mediate or prepare the disputing parties for accepting mediation or arbitration. Doing *Pukhtu* is clearly reflected in *Pukhtu* language that translate ‘it is easy to speak *Pukhtu* but difficult to do it’. However, *Pukhtu*

---

<sup>8</sup> Members who are socially acknowledged as coequal are called *Azizan*.

is not always positive in the general sense. It is because through practice of *Pukhtu* the cousins try to prevent the political growth of agnates. For this purpose they create hurdles in the implementation of public welfare and development projects because they could increase the political influence of implementers.

It is clear from the above discourse that *Pukhtu* is aimed at maintaining and achieving egalitarianism. Egalitarianism has an important role in the prevention and resolution of conflict. It is because when there is no conflict the society is at equilibrium and the members are in the process to maintain their social position. Under the notion of social equality the members of the society because of the pressure of retaliation do not normally plunged themselves to a dispute. However, the state of equilibrium in terms of social position of members does not always smoothly function. The occurrence of a phenomenon, which is against the spirit of social equality, disturbs the order of equal social positioning of the members. Whenever the order of social equality is disturbed, the member concerned starts to restore the condition of social equality. Those actions, which are culturally against the spirit of egalitarianism, are the causes of conflict in *Swati* society. Hence, after a conflict the offended party on the one side tries for proportional retaliation in order to restore its social image of equality in relation to the rival party. On the other side, mediators also adopt peaceful traditional methods to gratify the cultural perception of egalitarianism and thereby satisfy the offended party to resolve the conflict.

Although, there are various causes of conflict studied by different anthropologists in different small-scale societies (see chapter 5) but the study has selected *zan*, *zar*, and *zamin* (woman, gold and land) as the basic causes of conflict. *Zan* means woman that depicts different relationships like sister and wife. Traditionally, brothers and husbands,

are responsible to take care of those relationships and they are abide-by for retaliation of any dishonoring act directed against their sisters and wives. Dishonoring actions against woman, which create conflict, are cursing by adult male and in extreme cases fornication and adultery. *Zar*'s, literal meaning is gold but it stands for cash money. Conflict over cash money normally arises when a person lends cash money and does not return it in stipulated time frame. *Zamin* is a term used for land including all types of land e.g. agricultural land, forestland and pastures etc. Conflicts over land are common in the study area. Immediate causes of conflicts over land are encroachment of land, distribution of inherited land between agnates, theft of trees from forest and trespassing agricultural fields.

Cultural ideas shape the worldview of *Swati*, therefore, the proprietorship of *zan*, *zar*, and *zamin* is culturally defined and the disputing parties use the notion of social equality to defend the ownership of those possessions by coercive self-help. Offence against the equality of a member creates conflict and the offended member tries to restore the condition by traditional means to prove that he is equal to others. Display of force, which is used as a balancing mechanism between parties involved in conflict, results into the acceptance of peaceful mediation or arbitration in order to avoid casualties at the both sides. In peaceful mechanism of conflict resolution the major strategy is again to restore sense of social equality of the offended members. Retaining of social equality is well reflected in a *Pukhtu* proverb "who today is disgraced, tomorrow will be lost" (Ahmed, 1976: 46). Social equality is maintained because if a man loses his social equality he may, in result, face social rebuke. He may not be able to participate in public meetings

because of the fear of *peghore*<sup>9</sup>. He is also not preferred for marriage alliances. These are the important functions that induce a man to sustain social position in terms of social equality in a broader frame of tribal membership.

The traditional legal system works to resolve conflict in the framework of egalitarianism. Therefore, the researcher has explained the phenomenon of egalitarianism in conflict resolution. For addressing the research problem more specifically the following hypotheses are formulated for the current study.

1. To offend the cultural notion of ownership of *zan, zar, zamin* lead to conflict
2. Offended members try to restore egalitarian position by equal retaliation
3. Mediators use orderly means to restore social image of offended party and thereby resolve a conflict

If a *Swati* member is found encroaching upon the land of a neighboring landowner the act of intruder is taken as the tacit indicator of the social inferiority of a man whose land is encroached. Therefore, the act of land encroachment is perceived as against the notion of social equality. Likewise a man is traditionally supposed to defend the *gherat*<sup>10</sup> (honour) of his family because conversely he will be labeled as *Begherata* (without honour), which is a derogatory term that indicates social inferiority. The members are expected to successfully defend their possessions. Therefore, any intrusion directed against the land, woman, and money of a man is strongly retaliated in order to keep social equality intact. The notion of egalitarianism is well reflected in a proverb, which means

---

<sup>9</sup> Literal meaning of *peghore* is the use of traditional terminology so as to provoke a member for retaliation.

<sup>10</sup> *Gherat* (antonym *Begherata*) translated as honour. Here it is used in the sense of self-integrity.

'if *aziz* is lying on a mat still one should not undervalue him.' Lying on a mat means a man who is economically very poor. The proverb depicts that a man may be economically poor but still socially equal to his fellow members. It is because the norm of social equality which motivates him to revenge if he is offended. There is another proverb, which means that 'an *aziz* may leave the village but cannot accept submission in the face of his opponent *aziz*'. Hence offence against the social equality of a *Swati* member creates conflict. Offence may take place as a result of woman, gold and land and even cursing. The individual perceived the action as if he was considered inferior. Therefore, vengeance ensues. Socially the preferred method is to resolve conflict by traditional means. It is because in traditional style of conflict resolution the disputing parties resort to coercive self-help and as a result of balancing opposition both the parties speak from the position of strength. After the opposition parties reach a balance in terms of the use of force, the third party then tries to redress the infringement of social status created by offence. Redressing of the social image is necessary to survive in the society. Whenever conflict is emerged the concerning social norm exert pressure to restore the equilibrium of the society. Maintenance of egalitarian position among *Swati*, as explained before, is socially important because it has certain functions. Hence, to explain the relationship of the perception of social equality and conflict resolution the following theoretical framework is used.

## 1.2 Theoretical Framework

Most of the anthropologists have studied one form of conflict i.e. warfare (Stein 1976). Anthropological literature generally supports the external conflict/internal cohesion



hypothesis (Lewis 1961; Murphy 1957; Eyde 1967; Young 1965). A number of anthropologists not only rectify the hypotheses but also argue that the need to obtain cohesion in a conflict-ridden society leads to external conflict via aggression (Vayda 1968). This study partially supports the hypothesis because it treats warfare as one of the cultural strategies that is used to restore the social image of the disputing parties or in other words equilibrium of the society. It is because there are other cultural strategies exercised to bring back the social image of disputants and hence equilibrium of the society. Consequently, this research originally focus upon the strategies used for conflict resolution in a way so as to restore the social position of individual or a group that is traumatized by conflict.

Two schools of thought could be distinguished in anthropological literature having divergent approaches on conflict resolution. On the one side Siegel and Beals (1960) have influenced one school of thought. They do not treat conflict in the framework of structure and function because they are primarily interested in the causes and not in the function of conflict. Hence, for them conflict is a result of cultural change. On the other side Gluckman (1955) and Turner (1957) have influenced another school of thought. They interpret patterns of social conflict as eufunctional for the maintenance of social systems. Theoretical position of Gluckman (1955) and Turner (1957) is that conflicts within and between smaller social units promote the solidarity of larger social units, therefore, they concentrate on conflict as an aspect of stable social systems.

As far my argument is concerned I am not interested to delimit myself only to the function of conflict. But, my argument is originally concerned with that social equality is the primary concern for individual as well as society at large. It is because that all,

members claim that they are socially equal. Therefore, any action, threatening the social equality of individual, leads to conflict. Various cultural strategies are used to restore the social image of equality. Hence, the overall process and procedure of the patterns of conflict resolution is determined by egalitarianism. Those patterns of conflict resolution are broadly divided into two categories i.e. disorderly and orderly means of conflict resolution. By any mean, the conflict is only possible to resolve when the notion of egalitarianism, which is disturbed by conflict, is restored. Therefore, egalitarianism is an inherent cultural value, which, in first instance provides an opportunity to the members to avoid conflict. However, when there is any conflict, it is resolved in a way so as to restore not only the notion of egalitarianism but also equilibrium of the society at large. Hence, it is the cultural traditions, which help in resolving conflicts effectively.

Anthropology of conflict mainly focuses on elements of warfare often to the exclusion or neglect of cultural procedures and tradition of peace. Hence, anthropological studies normally have focussed attention on the difference between conflict resolution forms that employ either 'adjudication' or, alternatively, 'mediation'. The difference between the two is precisely in the intended result of the successful application of the methods. Such differences have been noted in anthropological comparisons of conflict resolution techniques in many societies (Gulliver 1979; Lowy 1973; Nader 1969). For example, Kirsch (1971) has suggested that adjudication look to the past focusing on legal precedents and the maintenance of a system previously established, while mediation looks to the future, concentrating on the future co-existence of peaceful society. Felstiner (1975) related adjudication with coercive power and the application of norms. Mediation, on the other hand, deals with an intimate knowledge of the society in question:

“The mediator cannot rely primarily on rules but must construct an outcome in the light of the social and cultural context of the dispute, the full scope of the relations between the disputants and the perspectives from which they view the dispute” (p, 74).

Hence, Felstiner (1975: 77) concludes:

“Within any society on an institutional basis, we should expect to find less adjudication where... the coercive power which can be marshalled is weak, less mediation where shared experience is rare and less avoidance where avoidance costs are high”.

By ‘avoidance cost’, Felstiner means the costs in total social terms paid by those who leave a particular social setting rather than stay and go through a process to restore peace and membership in that unit. The difference in the goals of adjudication and mediation are illustrated as:

...an individual who resorts to the courts does not solve the problem of the group. Whatever the result of the court action, the need for mediation persists because reconciliation of the disputants continues to be considered important in maintaining the solidarity of the group... it is not surprising, then, that there is considerable resistance to the use of the courts” (Ayoub 1965: 13).

The inability of juristic model of conflict resolution to deal with social reconstruction can be further explained:

... spokesmen anticipating a third party with arbitration power had a good deal more difficulty in resolving differences between their respective constituencies’ positions than did spokesmen who expected a mediator. This ‘taking over’ frees the

representatives from the responsibility to compromise” (Breugh; Klimoski; Shapiro 1980: 45).

One of the important aspects of mediation highlighted by anthropologists is that the final settlement of conflict is held ceremoniously. For example, in his study, Gulliver (1973: 668) pointed out the significance of the ceremony of reconciliation, which involved drinking beer together with the former disputants.

In the egalitarian society of *Swati* it is more important to restore the social image publicly, particularly of the insulted disputants, to resolve a conflict. For this reason, after a successful application of the procedure of mediation, through traditional means, the event of conflict resolution at the final is ceremoniously celebrated so as to publicize the restoration of the social equality of the offended party.

Conflict theorists, however, emphasize on disintegration of society. According to them there is conflict of interest in all organizations and at all time and society is subject to social change. Hence, conflict theorist portray society as insatiable and dissension (Farganis 1996). Nevertheless, for the current study I have chosen the notion of equilibrium, as is used in structural-functionalism paradigm. It is because the empirical evidence suggests the importance of structure and function to explain the process of conflict resolution among *Swati*. Structural-functionalists view society as functionally integrated system that holds in equilibrium. It is obvious that structural functionalism portrays the social world as stable and harmonious. Structural functionalism is a theoretical approach to focusing on the structures of society and their functional significance for other structures. According to this approach society is made up of

different parts such as economy, education, family, religion, and legal system and each part has its own function. For example, the function of legal system is to preserve order and government is to make policy for society. Economy is to get resources and produce things. Religion can maintain social integration and keep society going on. Educational system is to teach people different knowledge and family performs an important function of socialization.

Apart from having different functions or different parts of society, they are interdependent on each other under the viewpoint of structural functionalism. This means that different parts of society depend on each other and work well together for the benefits of the whole social system. This means that each part performs its function smoothly and this approach states that sometimes there is disorder or disequilibrium in one part of society. However, there is a natural tendency for other parts of society to restore equilibrium. Furthermore, structural functionalists deem that value consensus and social control are the key mechanisms that allow society maintain its order and coherence. Value consensus means that people in society share the same value. For example, showing filial obedience and devotion for one's parents is an important virtue for children. This value controls people not to abandon their parent when they grow up. Children learn such norms and values of the society through process of socialization. In a successful socialization, the norms and values are internalized and become part of the children's conscious. As a result, people would serve the interests of the system as a whole when pursuing their own interests. Despite the fact that people learn certain values and norms during socialization, some people still do not conform to the society. For example, some deviant will do certain behaviors that attack the collective consciousness

shared by society. Therefore, social control is a second line of defense to keep people to behave in proper way in order to maintain the integrity of the system. Hence, value consensus and social control are the key mechanisms to maintain society's order and equilibrium. It is because that before conflict all institutions in the society work smoothly as if the society is in the state of equilibrium. Conflict disrupts the function of institutions particularly the family that results in disturbance of the disputing parties (see Carlie 2003). However, after disturbance the redressive mechanism and internal dynamics come into play to restore the previous condition because according to Gluckman (1977: 279) "equilibrium' is the tendency of a system to return after disturbance to its previous state".

However, a number of anthropologists (Leach 1977; Swartz; Turner; and Tuden 1966; Tuden 1969) have criticized equilibrium model presented by Gluckman. The critics of equilibrium model assert that Gluckman represented social system as stable and lacking the elements of dynamism. Furthermore, Leach pointed out that it has inherent epistemological deficiency by not reflecting the social dynamism, which is actually characterized by all kind of social systems. Leach's such assertion/critique has been explained and answered by Gluckman (1968). Gluckman gives references of various case studies and stressing that any social system is not inherently in the process of changes at all times. Rather the elements of social structure maintain equilibrium for a 'particular structural duration' and might change after some time as a result of certain internal and external forces. Gluckman further explains the point raised by Leach in his paper entitled 'the utility of the equilibrium model in the study of social change'. He argues that there might be certain disturbances in the overall social structure but the institutions orient themselves in a way that cause a new institutional balance and insuring a perfect

equilibrium and stability for another structural duration. In line with the notion of inherent potential of social system to get restored to the state of equilibrium after disturbance Gluckman (1955) has also explained feud as a process, which keeps order in the society. It is because of crosscutting alliances in the society, which results into the reunification of disputing parties instead of severing their relationships. Nader (1972) has also highlighted the function of feud as a balance maintaining institution. She further explains that, "The feud as an institution has often been described by ethnographers as an important mechanism of social control in societies which lack formal governmental institutions and officers" (ibid: 17-18).

It is obvious that the ingrained system of a society has the potential customary institutions, which restore the state of equilibrium after disturbance. In this connection I have studied various orderly institutions that function to bring peace back after a conflict. Beside orderly means feud has also been studied as an institution, which not only create cohesion among members in the face of external threat but also maintain check and balance and bring peace in the larger context. In the society under study all peace maintaining and peace back bringing institutions are regulated by cultural perception of egalitarianism. Hence, all peace-building efforts are made to satisfy the sense of social equality of disputing members. It is because conflict resolution in itself is not important until it is linked with social equality to provide a traditionally safe passage to the disputants and thereby saving their faces in the society.

Different anthropologists have also conducted researches over *Pukhtun* societies but having their major foci over to explain *Pukhtuns'* political system and patterns of their leadership. For example, Barth (1959) has used game theory model to explain the

process of fusion and fission among Yusuzai of Swat. Lindholm (1980) has presented an acephalous segmentary lineage model in which he has characterized three kinds of leadership among the Yusafzai of Swat. According to him three kind of leadership emerge in three different types-of situations. a) External threat results in the emergence of religious leadership b) during internal war for expansion people do organize in the leadership of a war leader c) and in quiescence situation people divide into opposite political blocs as a result of collateral agnatic rivalry. Ahmed (1980), has studied Muhmand Pukhtuns scattered along Durand line between Pakistan and Afghanistan, has applied structural-functionalist approach emphasizing that equilibrium between the segments is achieved by balance opposition between them. He explains, "I would like to postulate that Mohmands in the ideal-type model conform to the description of a tribal society in equilibrium" (Ahmed 1980: 24).

Although a number of anthropologists have studied *Pukhtun* societies but none of them has specifically addressed the issue of conflict resolution in *Pukhtun* societies. Nonetheless, Barth (1965) has admitted the importance of asserting social equality, by the mediator, during conflict resolution. Ahmed (1980) has depicted that one of the functions of *Pukhtunwali* is to ensure equality among all members.

This study attempts to explain the phenomena of conflict resolution and its major emphasize is to explain that competition (*Pukhtu*) generates equality (*azizwali*). *Swati* is a segmentary society of territorial groups and segments at various level of tribal structure maintain equilibrium by complementary opposition. Opposition between the segments exists in order to maintain social equality or egalitarianism. Social equality is the defining quality of *Pukhtu* (*Pukhtuwali*). It is because of the fact that *Pukhtu* generates from the



sense of competition, which is aimed at attaining social equality. Hence, after a conflict the institution of egalitarianism functions as a redressive mechanism to restore the situation to previous condition. Therefore, in the present research, equilibrium model is used for the elaboration of relationship between egalitarianism and conflict resolution.

Joint family is the smallest unit of the tribe; therefore, its structural analysis will help to understand family in equilibrium, emergence of conflict that disrupts the equilibrium and restoration to previous state. Family is one of the social institutions, which has its own structure. Structure of the family is integrated because of the social status, role and social expectation assigned to various relationships in the structure of the family. Possessor of each relationship contributes to the maintenance of the family. For example nuclear family is composed of husband, his wife and their children. There are eight statuses in the nuclear family i.e. husband, wife, father, mother, son, brother, daughter, sister and six dyadic relationships including husband-wife, father-son, father-daughter, mother-son, mother-daughter and brother-sister and two triadic relationships including father-mother-son and father-mother-daughter as depicted in the following diagram.

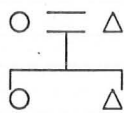


Figure: 1.1 Structure of Nuclear Family

Although nuclear family is a smaller unit of the larger society but all type of activities occurs in it. In economic domain father is traditionally responsible to earn

livelihood and provide food and other basic needs to the family members. Mother is traditionally responsible for domestic chores. When children are grownup, every one of them is expected to contribute to the maintenance of the family by living within the boundaries of traditional framework. Family is also a political unit and in this capacity political alliances are made to the benefit of family.

In *Swati* society almost all people live in joint families<sup>11</sup>. It is a common observation that in joint families all members contribute to the maintenance of the whole family even if some of the members are dormant. It does not mean that at family level there is a complete harmony but there are minor disputes and jealousies between brothers, between mother-in-law and her daughters-in-law, between brothers' sisters and brothers' wives, and between brothers' wives etc. However, the effects of those minor disputes and jealousies are delimited by cultural traditions to the maintenance of patrilineal family. Any disagreement between brothers is resolved by the interference of father and mother by asserting equality that there is no difference among them as they are the children of one father and have the same blood, therefore, they need to be united because their fight will make them weaker. Likewise, in case of dispute outside the lineage, a number of joint families combine to defend lineage members; lineages combine to defend the whole tribe. Complementary opposition ensures solidarity, cohesion, and integrity at various level of tribal structure. It is evident that members of the society at various levels contribute to the maintenance of family, lineage and tribal structure. At every level, social equality is asserted that all members are same and one, therefore, must be united to defend their interests against threats. Similarly, all institutions contribute and serve to

---

<sup>11</sup> Joint family includes parents their unmarried sons, daughters, married sons their wives and children.

make the whole society functioning because all institutions are integrated; therefore, they are in the state of equilibrium. Conflict may create disturbance to the state of equilibrium. However, those disturbances are removed by traditional means and system is restored to the position of equilibrium again. For example, Fortes (1940) explains the inherent tendency of a social system towards the state of equilibrium after disturbance. He further elaborates that:

“At every level of Tale social organization ... the tendency towards an equilibrium is apparent. ... This does not mean that Tale society was ever stagnant. Tension is implicit in the equilibrium. ... But conflict could never develop to the point of bringing about complete disintegration. The homogeneity of Tale culture, the undifferentiated economic system, the territorial stability of the population, the network of kinship ties, the ramifications of clanship, and especially the mystical doctrines and ritual practices determining the native conception of the common good – all these are factors, restricting conflict and promoting restoration of equilibrium”(Fortes 1940: 271).

It is clear that structure of the society is composed of institutions, like parts of the system, which function to run the society smoothly. But, equilibrium of a society does not mean that society is stagnant but any innovation is slowly and gradually absorbed towards the achievement of new equilibrium. Hence, despite the contribution of institutional network to the maintenance of social structure, as reflected above, conflicts do occur in every human society but are resolved by the potential institutions found within the society.

*Swati* society is no exception and conflicts do occur on the basis of *zan*, *zar*, and *zamin*, between families, lineages, and sub-tribes. Conflict creates disturbance in the

social structure, therefore, balancing mechanism assert pressure to restore it to the previous form. Egalitarianism plays an important role in removing the disturbance to bring peace in the society because it is a major crux of *Swati* society, which regulates ordering of social relationships as well as the process and procedure of conflict resolution. Hence, custom on the one hand exacerbates conflict but conflicting custom on the other hand pacify the conflicting situation. This dual role of customary allegiances is also noted by Gluckman (1955: 1) that:

“...men quarrel in terms of certain of their customary allegiances, but are restrained from violence through other conflicting allegiances which are also enjoined on them by custom. The result is that conflicts in one set of relationships, over a wider range of society or through a longer period of time, lead to the re-establishment of social cohesion. Conflicts are a part of social life and custom appears to exacerbate these conflicts, but in doing so custom also restrains the conflict from destroying the wider social order”.

It is customarily binding on a man to retaliate if another man offends. However, under the notion of social equality the offended man does not consider himself as weaker or inferior but retaliate in equal proportion. As a result of balance opposition the intruder is finally brought to accept mediation of neutral third party. Therefore, conflict does not result in total disintegration but by traditional means the disturbing situation is finally restored and redressed to the state of equilibrium.

The function of conflict, in the society under study, is its contribution to the maintenance of egalitarianism. The function of conflict could be divided into two stages i.e. pre-conflict and post-conflict. Under peaceful circumstances people do try to avoid

conflict for to protect themselves from the dreadful consequences of feud because of the notion of *azizwali* there is a strong tradition of revenge. In post-conflict period the disputing parties normally resort to the use of physical force in order to ensure their equality to one-another. Normally, when they become tired of the use of physical force the parties then symbolically express their willingness for accepting mediation. In mediation the mediators use traditional methods to resolve the conflict in such a way so as to satisfy the parties' perception of *Azizwali*. Hence, in *Swati* society blood feuds function as social institution to maintain social equality and thereby peace in the society. It is because under the notion of social equality; the balance opposition, fear of prolonged blood feud and strong notion of revenge induce the members towards peaceful settlement of dispute. Despite this realization the member proud of his perceived superiority and upper hand may offend and ridicule the social equality of his equal which results in long blood feud spread over the years but finally come to an end through peaceful patterns of dispute settlement.

It is obvious that under structural functionalists' vision of society, each part of society performs its functions smoothly and each of them is interdependent on one another. They work well together for the benefits of the whole social system. Although disorder sometimes occurs in one part of society, the other part of society will help bring back equilibrium. Value consensus and social control maintain social order and coherence of a society. Therefore, this approach portrays society as stable, balanced, equilibrium and harmony (see Carlie 2003).

### 1.3 Research Objectives

Keeping in mind the role of informal institutions in the domain of conflict resolution, the following research objectives are formulated to achieve.

1. To know the role of coercive self-help in maintaining social equality
2. To know the role of traditional leaders in conflict resolution
3. To know the role of religious leaders in conflict resolution

The first objective is aimed at investigating about the exercise of physical force as an integral part of the claim of asserting social equality. For example, in case any member is harmed in the first instance he would resort to the use of physical force instead of looking for peaceful mechanism to deal with the situation. It is because, if he could not powerfully retaliate, his gallantry in the society might be questioned and that is against the spirit of social equality. Offended party if looking for peace or not operating physical retaliation is considered, as weaker, which is a stigma.

Traditional leaders are acceptable as mediators because of their social standing. The role of a leader is found very clear in show of force and organization of his followers for self-help in order to cope with a conflict emerges within his own section. It is because of the fact that the role of a leader is not accepted as mediator if the conflict occurs between his closer blood relatives. Firstly, in such circumstances, according to the tradition, the leader is supposed to take active part, in order to support those who are relatively closer on genealogical tree, in the exercise of physical force. Secondly, the leader is not accepted, as a mediator because relatively distant blood relatives do not trust him as a

neutral mediator. Nevertheless, the role of a leader as an effective mediator was noted in resolving conflicts between the members placed beyond the level of section and above at the tribal structure. Neutrality is expected from mediator and arbitrator, therefore, members relatively closer on genealogical structure to one of the disputing parties cannot function as effective mediator (see Chapter 7 & 8).

The religious leaders perform as mediator or arbitrator under the given situation. It is because a religious leader mediates to develop consensus of the disputing parties. He also arbitrates when the disputing parties submit their case to be decided according to the Islamic Jurisprudence (see Chapter 7 & 8).

#### **1.4 Significance of the Study**

This study is significant in two ways. Firstly, it is a contribution to ethnographic literature because no such ethnographic detail of the people of respective area is previously available. Secondly, it is a contribution to the literature of legal anthropology in terms of understanding the relationship of egalitarianism with conflict resolution. In this research the notion of egalitarianism is treated in a way as it is locally perceived and not the way it ought to be.

Furthermore, this study can generate a debate over the efficacy of informal system in conflict resolution. It can also help the policy makers to reconsider the domain of conflict resolution and create a proper place for informal traditional system in making it a contributory part of formal state system of social control.

The whole of the research design is summarized in the following figure.

Causes	Effects
Intruding <i>Zan, Zar, Zamin</i>	Conflict
Conflict	Disruption of Social Equilibrium
Disruption of Social equilibrium	Turmoil of Egalitarianism
Turmoil of Egalitarianism	Activation of <i>Pukhtu</i>
Activation of <i>Pukhtu</i>	Restoration of Social Equality
Restoration of Social Equality	Conflict Resolution



## CHAPTER-2

### METHODOLOGY

This chapter basically deals with the overall methodology adopted for research. Research process only begins when our curiosity is aroused. A simple observation may serve as a stimulus to begin the research process. In this case the differential performance of formal court and informal traditional systems in conflict resolution was a main motivating force for the selection of the topic. The locale of the study was already clear because the observation was about the patterns of conflict resolution in district Batagram. However, it is not a comparative study because after preliminary findings I finally decided to focus only on traditional system of conflict resolution. A case study method was adopted which is hereby justified in this chapter. Methodology for the selection of cases, selection of respondents, and tools of data collection is also discussed here in this chapter. The chapter also delineates limitations of the study.

#### **2.1 Selection of Topic and Locale**

I hold a background in social anthropology. I studied a number of small-scale societies and was motivated by the fact of inevitability of the occurrence of conflicts in all human societies. As a matter of fact, those conflicts emerge as a result of different causes. There is also diversity, in terms of different mechanisms, which are used for conflict resolution. This diversity was a major force behind the selection of the topic related to conflict resolution. An additional factor to the diversity of mechanisms in the domain of conflict resolution was the relative inefficiency of formal court system in conflict resolution,

which was depicted by different anthropologists in their researches on the Sub-continent. The researcher was, therefore, inquisitive to study the traditional system of conflict resolution in order to find out its major strength, which increases its efficacy.

This basic interest for research was followed by the fact to select such an area for research where traditional system was working as an effective system for conflict resolution. The researcher conducted a pilot survey of district Batagram, NWFP, Pakistan as if it was fulfilling the criteria. It was found as a result of pilot survey that it was not the formal court but it was the traditional mechanism, which was effective in the domain of conflict resolution. The traditional system was found working in parallel to that of formal court system. Hence, on the basis of this assumption the researcher decided to study only the traditional system of conflict resolution. However, the selection of a researchable topic was of primary importance. Therefore, the researcher after finalizing the broader domain of conflict resolution selected a particular topic for research by applying the procedure of narrowing and focusing the topic in order to make it feasible and manageable. Hence, in the current research the relationship of egalitarianism with conflict resolution is specifically explored and explained.

Although, the population of *Swati* is spread over in the whole district of Batagram and I collected case studies from different groups but for intensive study the researcher has selected one section of *Swati* tribe for current research. Further detail of study area is given in chapter 3.

## 2.2 Case Study Method

The focus of the study was to understand the patterns of conflict-resolution. The process and procedure of conflict resolution could be better understood in the natural setting, hence, qualitative research design was found best to apply. The overall methodology is inductive because various cases of disputes are analyzed in detail and then are generalized for the whole tribe. Those conflicts are taken into account, which emerge on the bases of *zan*, *zar* and *zamin*. The case study method was used for data collection through participant observation. The original focus of the study is *Swati*, which is a larger tribe and is spread over the whole district of Batagram. Therefore, for the purpose of intensive study one of the groups, *Dawarh Khani*, from *Swati* tribe is ethnographically studied in detail. However, the researcher also spent time with other groups of *Swati* tribe as well. Hence, the researcher selected relevant cases from different groups, with desirable detail, for analysis. The cases were classified on the following basis:

- a) the cases in which the disputants demonstrated show of force
- b) the cases in which one of the disputants was killed and vengeance ensued
- c) the cases decided by *Khan* through mediation
- d) the cases decided by *Stanadar* through mediation
- e) the cases decided by *Aalim*<sup>12</sup> through arbitration.

---

<sup>12</sup> *Aalim* (its plural is differently spelled i.e. Olama or Ulama) is a man expert in Islamic Jurisprudence.

The case study method was selected for data collection because “this method has a long standing affiliation with the legal anthropology where it came to be known as the most appropriate instrument for reaching at the ‘real law’ of a society” (Chaudhary 1999: 30). Furthermore, the nature of topic itself required uncovering in-depth information reflective of all possible dimensions of the issue, which was possible by intensive case study method (see Ali 2005). Case study is highly lauded in this respect in the field of research (see Black and Champion 1976; Burgess 1988; Creswell 1994). It is said to be a microscopic study looking at the phenomenon from very close (Hakim 1989). Besides, it is characterized by flexibility in terms of utilizing different data collection methods, such as in-depth interview, questionnaire, observation and statistical techniques (Punch 1998) and also unearthing any related dimension related with the issue (Black and Champion 1976). Moreover, “the focus of case study may be a single individual as the life history approach or it may be a set of actors engaged in a sequence of activities either over a restricted or over an extended period of time” (Mitchell 1983: 191). Gulliver (1969a: 13) has explicitly proclaimed the importance of case study method in anthropological research that “In saying this, I say nothing new. As long ago as 1942, Hoebel rightly declared that anthropologists must reach their ‘generalizations from particulars which are, cases, and more cases’”.

Regarding the scope of case studies in social research Giddings is of the view that:

“The range of case study in the societal domain is as wide as human interests, its continuity is as prolonged as human history. The case under investigation may be one human individual only or only an episode in his life; or it might conceivably be a nation or an empire, or an epoch of history” (1924: 644).

The purpose of case study is “to reveal the properties of the class to which the instance being studied belongs” (Guba and Lincoln 1981: 371). Hence, in the light of its importance in the field of understanding the law of the society a case study method was applied. Different cases were studied in detail. Analysis of all such cases show similar tendency of the importance of social reconstruction in the process and procedure of conflict resolution.

### **2.3 Participant Observation**

Among various other research methods, full participation in the daily activities of the target population was the best method to collect reliable and valid data for the purpose of analysis. It is because participant observation is honored as a way of studying the phenomenon in a natural setting (Patton 1990) and also not relying on the willingness of the observed persons to report events (Lin 1976). Participant observation is the central element of ethnographic approach. Hence, I extensively traveled in the district and spent considerable amount of time with different sub-tribes of *Swati*. During participation I attended a number of public meetings discussing and resolving various conflicts. To understand the nature of conflict in minute detail I made individual as well as focus group interviews. Those interviews helped me to cross check the information about the case. This was the main reason of participant observations to explore the real cultural strategies, which are adopted for conflict resolution.

The use of participant observation as a method of data collection is also appreciated by a number of anthropologists. For example, according to Mair (1972: 28) participant observation is one of the distinguishing features in anthropological research in order to

collect primary data for analysis. According to Marshall and Rossman (1990: 35) “Participant observation is a special form of observation and demands first hand involvement in the social world chosen for study”.

The researcher is a permanent resident of district Batagram so much familiar with the causes of conflicts and the mechanism of conflict resolution. Since long time, as a part of the society, I observed the process and procedure of conflict resolution. Hence, the systematic fieldwork for my Ph.D. between September 2003 and May 2005 was a tiny part of the larger experience. In addition to fieldwork, the researcher had been a witness to the causes of conflicts and their resolution. But as a precautionary measure I never exposed myself as anthropologist but my participation in the activities relating to conflict and conflict resolution was a matter of routine affairs as a member of the society.

## **2.4 In-depth Interviews**

The use of interview is selected due to its inherent potential for providing in-depth information relating to the issue (Jovchelovitch and Bauer 2000). It is considered as the method, which empower the respondents to respond openly to the questions (Brenner 1981). Hence, it gives a chance to the researcher to know the local perception about the issue from interviewee. In-depth interview is like a conversation, therefore, it is a useful way to get large amount of data quickly. Hence, in relation to its very nature of flexibility and depth, it is preferred over questionnaire. Questionnaire is criticized for producing superficial information and also restricting respondents to the pre-determined options in the schedule (Stroh 2000). Hence, the suitability of interview method for the current research motivated me to apply it for data collection. Another reason for favoring this

technique was the fact that most of the ordinary members of the community were illiterate and unable to fill in questionnaire by themselves.

Total seventy in-depth interviews were conducted with different categories of people because “in-depth interview is a data collection technique relied on quite extensively by qualitative researchers. It is often described as conversation with a purpose” (Kahn and Cannel 1951: 73). To collect the depth information, the only kind of interview, which was suitable, was the open ended in-depth interview. Unstructured or open-ended interviews were adopted due to their innumerable merits one of them is they are flexible (Cohen and Manion 1989: 313).

To get access to the real world of information, the researcher employed both individual and group interviews. Seventy in-depth interviews were distributed in a way that forty individual in-depth interviews were organized with neutral people. The purpose of individual interviews was to provide open space of expression to those respondents who were either scared of expressing themselves openly in the presence of others or felt hesitation. Cronin (2001) also holds that individual interviews produce more in-depth information because it gives the respondents the opportunity to vent their emotions and feelings without any fear of others. The need of individual interviews was realized due to the sensitive nature of conflicts going on between the members of the community.

In addition to the in-depth individual interviews, twenty interviews were also administered with *Jirgah* members and ten focus group interviews were conducted with the members of disputing parties. Focus group consists of no more than about six or eight people brought together for a couple of hours to help explain a particular topic of interest

(Krueger 1988; Stewart and Shamdasani 1990). During focus group interview most of the informations were provided by the leaders of the disputing parties, however, they were assisted by other members whenever required. The reason behind their adoption was to crosscheck individual responses noted in the individual interviews. As far as the sequence of different types of interview is concerned there is no such strict rule to follow (see Morgan 2003). However, I first conducted individual interviews that were followed by interviews with *Jirgah* members and finally focus group interviews were conducted with the members of disputing parties. Interviews were conducted with different categories of respondents in order to get more elaborate and reliable information (see Bryman 2001).

## **2.5 Life History**

Life histories of local leaders were also important for the present research to learn about the growth of a man to the position of leadership. In relation to the issue concerned the role of leaders was quite significant in conflict resolution, hence, there was a direct relation between leaders and conflict resolution. Life history method identifies the factors, which help a man become a leader and effective participant in conflict resolution. According to Dolard (1935) life history is a deliberate attempt to define the growth of a person in a cultural milieu and to make theoretical sense of it. Furthermore, Edgerton and Langness (1974) laud the importance of life history because it is particularly useful for giving the reader an insider's view of a culture. In this research ten life histories were studied in detail. However, the total detail of life histories is avoided and the information is utilized to understand the emergence of leader in the face of collateral rivalry and on the basis of personal attributes.



## 2.6 Study of Genealogy

The study of genealogy was uniquely important for the current research. It determines the place of an individual in a kinship network because during coercive self-help the people resort to support the member closer in terms of genealogy. Hence, favor and opposition is determined on the basis that who is related to whom as it also highlighted by Hicks and Gwynne (1996: 76) that:

“Genealogies are essential to the study of descent and marriage. Genealogical research involves tracing the genealogical links between individuals to discover who is related to whom and in what way. When written records are not available genealogical data are limited by what present day members of a community can remember”.

In the current research, beside overall structure of the tribe, four genealogies were studied in detail, which determine the criteria of favor and opposition during warfare.

## 2.7 Key Informants

In order to collect reliable and correct data, the role of key informants could not be ignored. Because, key informants are those on whom the ethnographer relies more heavily. Key informants, according to Hicks and Gwynne:

“They may be 'key' because they have specialized knowledge, or just because they know more than others or while not especially knowledgeable themselves, they may be politically powerful and thus able to help the ethnographer obtain information from those who might otherwise be reluctant to share it. Or they may be popular characters at the center of social activities or networks of gossip and hence in constant touch with

others. Most ethnographers try to assemble a mix of informants, both casual and key” (1996: 74).

In the current study I selected three key-informants. They were knowledgeable of the local customs and traditions and also had formal education. The information provided by them was more helpful in reaching to the actual state of affairs, in respect of various cases of disputes.

## **2.8 Socioeconomic Survey**

I also collected information through socioeconomic survey to know about the economic assets of the sampled population. This survey also unfolds the priorities of the people for making marriage alliances. It is because in the development of marriage alliances beside ethnic consideration the party is evaluated in terms of potentials for physical help during warfare. Marshall and Rossman (1989: 84) have noted the relevance of survey method that “there are some definite advantages of surveys when the goals of researcher require obtaining quantitative data on a certain problem or population. Furthermore Hicks and Gwynne have lauded the importance of survey that “surveys are especially useful tools for ethnographers, since much ethnographic fieldwork includes collecting statistical information on events or opinions” (1996: 75). Through survey I also collected information about literary and various other social facilities available to the sampled population.

## 2.9 Limitations of the Study

The study is limited geographically to specific area, which is district Batagram. It is also limited ethnologically to a social group that is *Swati*. *Swati* is a major social group in the district. Therefore, the findings of the study have limited application to the members of *Swati* tribe. The present research is delimited to the analysis of indigenous perception of egalitarianism and its relationship with designing the mode of conflict resolution. The scope of the topic is limited to *Swati*. However, the notion of egalitarianism is also equally important in the domain of conflict resolution in other social groups in the district. Hence, the role of restoring egalitarianism is significant and could be seen in each social group independently. Other social groups in the district Batagram are *Saydan* (sing: *Sayed*), *Miangan* (sing: *Mian*), *Mulyan* (sing: *Mula*), landless *Gujars* and members of occupational castes. The members of each group are socially equal between them.

*Swati* as a social group is defined in terms of social equality, which is determined on the basis of historical facts. The major factors that contributed in establishing social equality were participation in the war of conquest and receiving share in the conquered land. *Stanadar*<sup>13</sup> (*Saydan* and *Miagan*) and *Swatis* had participated in the war and therefore, both are taken as equals in terms of land-ownership. However, in the domain of social behaviors, there are areas in which both *Stanadar* and *Swati* are separately evaluated (see Chapter 3). The major reason of difference, in terms of social behavior, between *Stanadar* and *Swati* is rooted in the history of Islam e.g. *Saydan* do not give their daughters and sisters in marriage to non-*Saydan* (see Chapter 7).

---

<sup>13</sup> *Stanadar* are those people whose social status is determined on the basis of their attachment with Islam (see Chapter 7).

## 2.10 Research Ethics

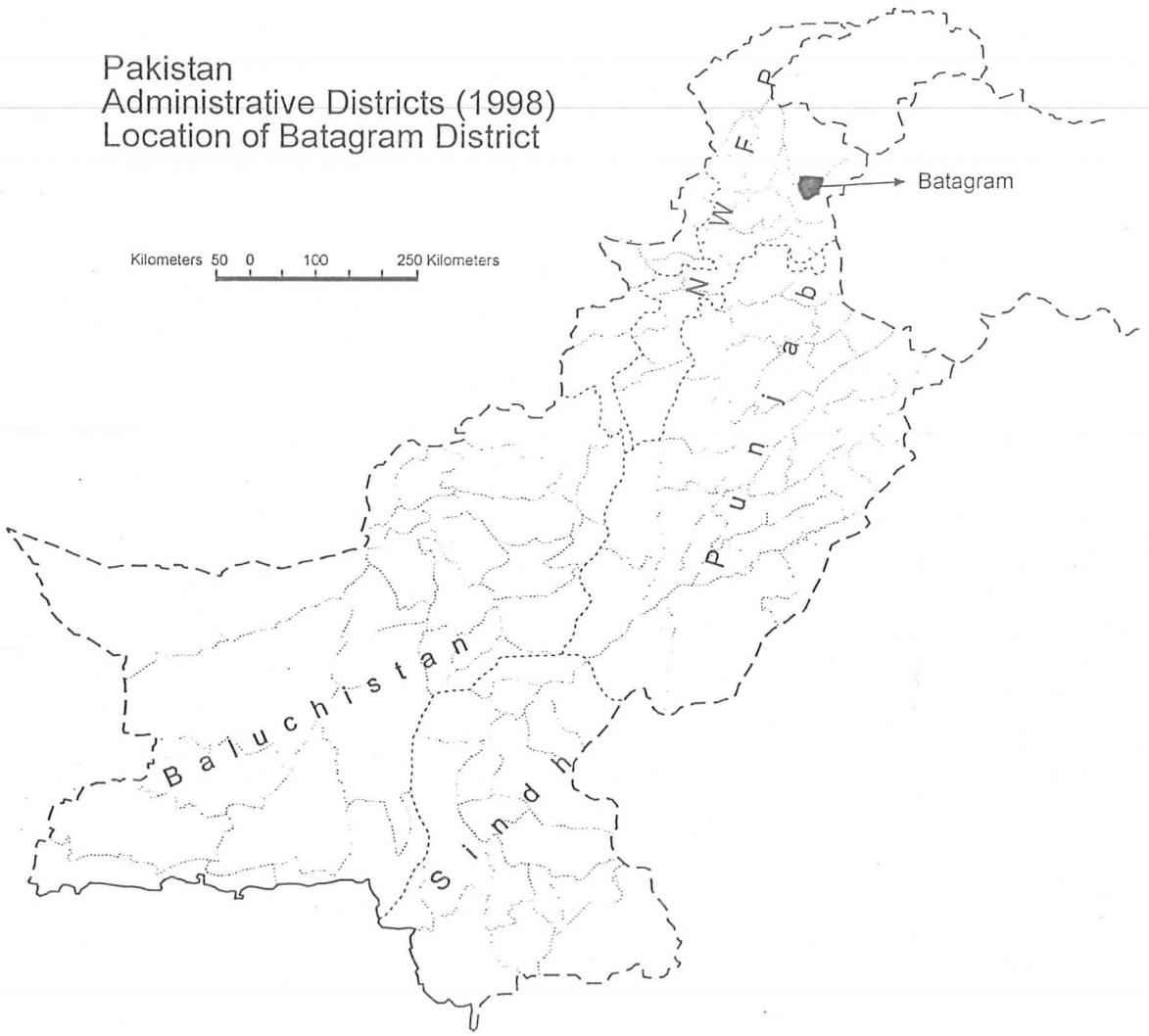
During my fieldwork I was greatly sensitive to conform to research ethics. It is because a responsible researcher is always considerate and does nothing to injure, harm, or disturb the subjects of research. He keeps data collected on individuals and groups confidential. Records the information accurately and reports the findings of the research in a public manner. Ethics, according to Davidson and Lunt (2003: 143), is 'about safety, respect, comfort, dignity and confidentiality'. Hence, prior to interviewing, the respondents were informed about the research aims and also assured of anonymity and privacy in providing the information (Punch, 2000; Rossi, Freeman and Lipsey, 1999).

In the initial days of my fieldwork the neutral people in particular were reluctant to provide information about different conflicts specifically involving murders. However, I was able to win the trust of those interviewees in few days on the assertion that not only the information collected from them but their names would also be kept confidential.

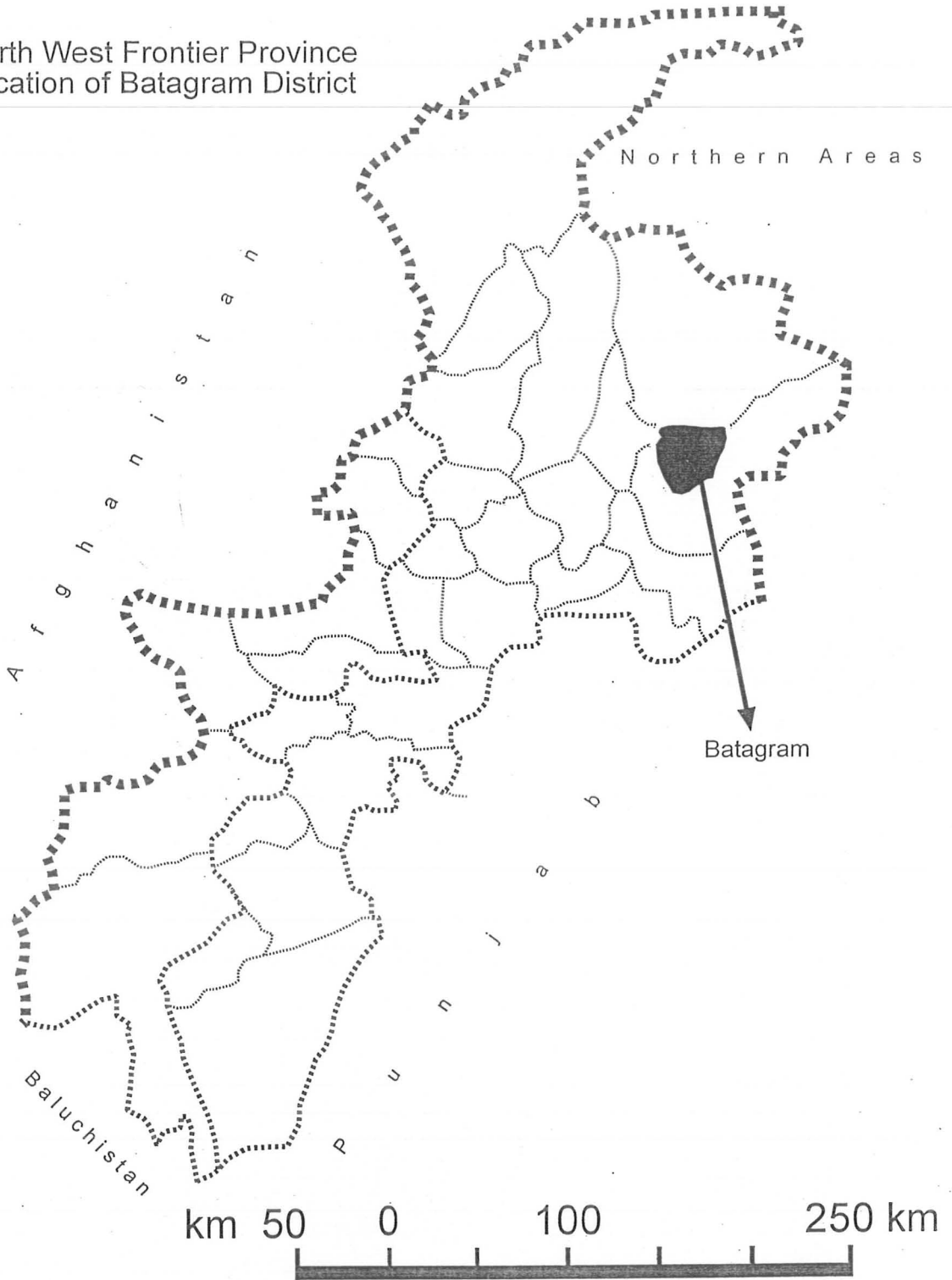
I gave considerable importance to build the trust of disputing members. It is because; they were scared of as if the information would be provided to the rival parties. In the outset the *Jirgah* members were also hesitant to provide information about their mediation in different cases. However, I built their confidence in me as a local member as well as interested in knowing the reasons of the efficacy of informal system in conflict resolution.

Pakistan  
Administrative Districts (1998)  
Location of Batagram District

Kilometers 50 0 100 250 Kilometers

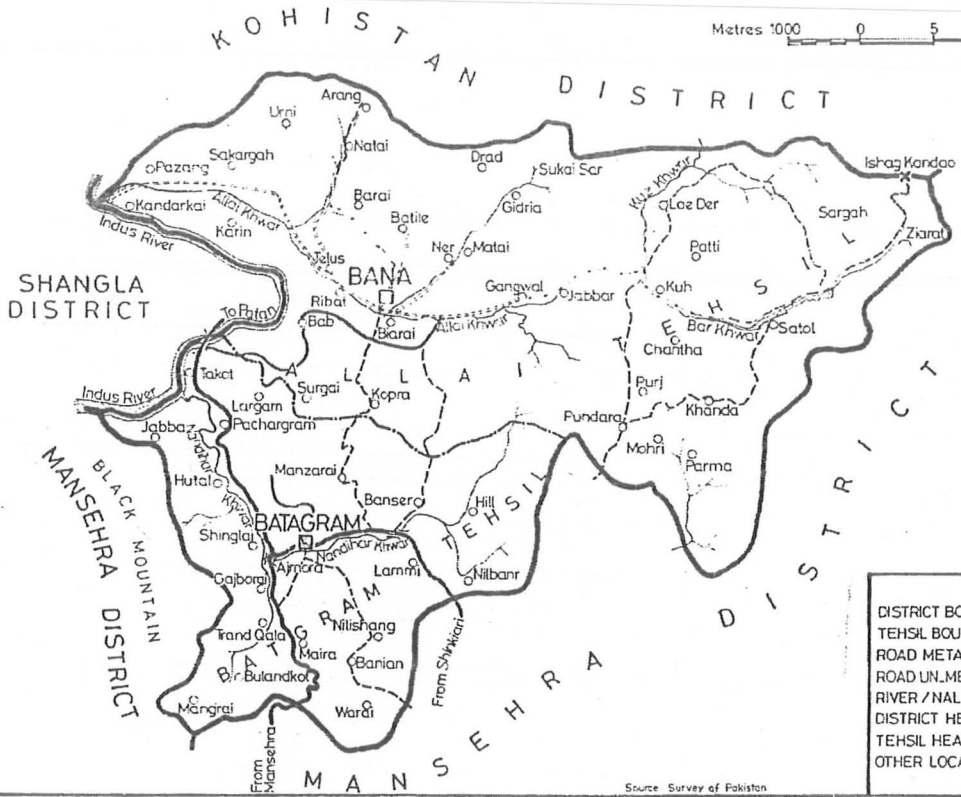


North West Frontier Province  
Location of Batagram District



# BATAGRAM DISTRICT

Metres 1000 0 5 10 15 Kilometres

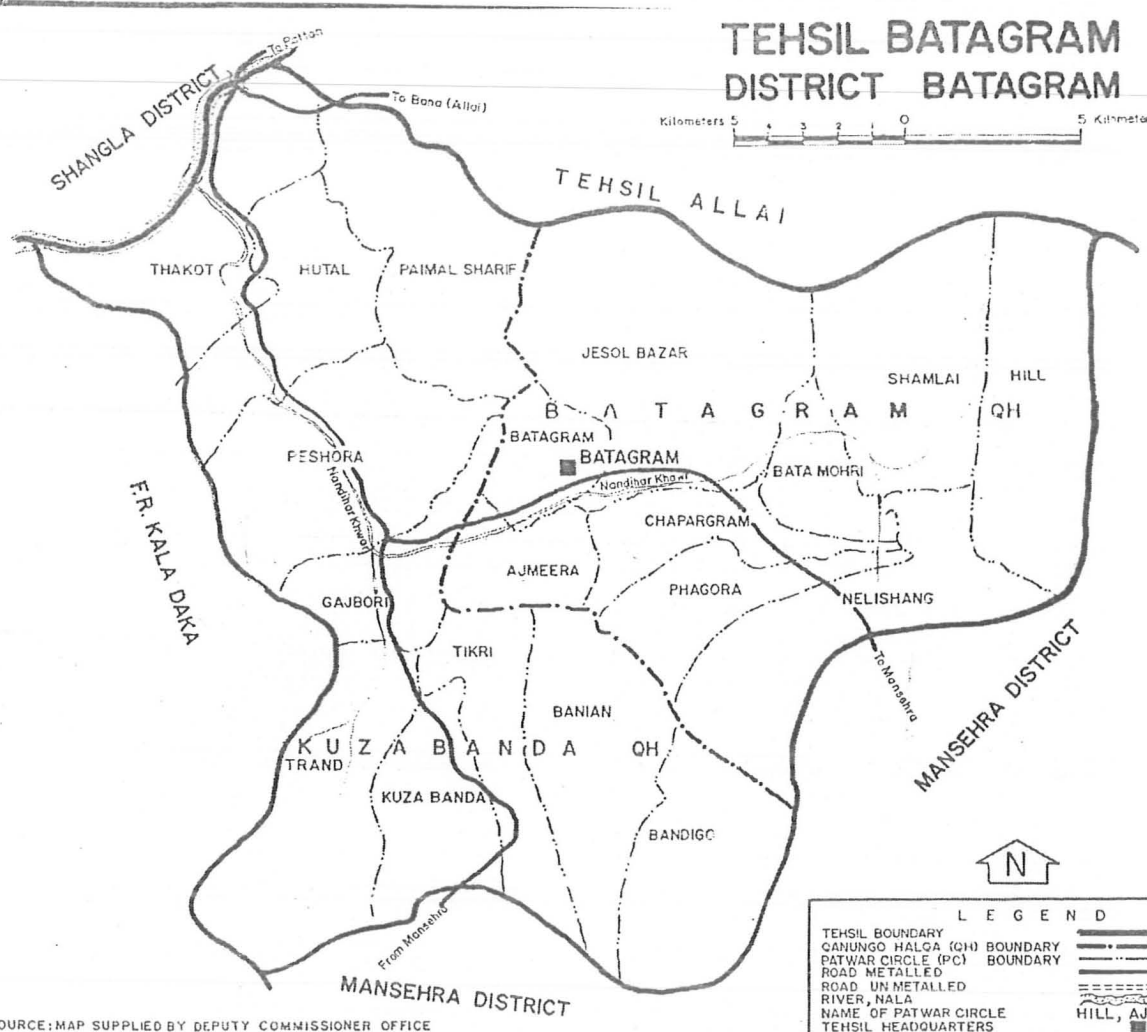


LEGEND	
DISTRICT BOUNDARY	—————
TEHSIL BOUNDARY	-----
ROAD METALLED	—————
ROAD UN-METALLED/TRACK	-----
RIVER / NALA	~~~~~
DISTRICT HEADQUARTERS	■
TEHSIL HEADQUARTERS	□
OTHER LOCALITIES	○

Source: Survey of Pakistan

Nojam Nazir Bharti

# TEHSIL BATAGRAM DISTRICT BATAGRAM



LEGEND	
TEHSIL BOUNDARY	—————
CANUNGO HALGA (QH) BOUNDARY	—————
PATWAR CIRCLE (PC) BOUNDARY	—————
ROAD METALLED	—————
ROAD UNMETALLED	—————
RIVER, NALA	~~~~~
NAME OF PATWAR CIRCLE	HILL, AJMEERA
TEHSIL HEADQUARTERS	■

SOURCE: MAP SUPPLIED BY DEPUTY COMMISSIONER OFFICE



## CHAPTER-3

# ECOLOGICAL AND ETHNOLOGICAL CHARACTERISTICS OF STUDY AREA

The social structure of any society reflects the worldview of its people. This in turn is related to its physical as well as social environment. Farganis (1993: 2) noted that: "Laws, customs, and form of government are not natural phenomena, but are shaped by the surrounding conditions under which a particular people have to live". Similarly Day (1979: 3) remarked that: "the physical setting, its characteristics and arrangement, both suggest and inhibit behavior". Keeping this significance of social and physical environment in view the chapter is focused to discuss geographical as well as ethnological characteristics of the area. The study area is situated in Batagram that is one of the districts of North-West Frontier Province (hereafter N.W.F.P) of Pakistan. This chapter is divided into two sections. Section 1 introduces the whole district in the larger context while section 2 is focused on one of the groups of Swati tribe for intensive ethnographic detail.

### **Section-1 Study Area in the Larger Context**

#### **3.1 Location**

Batagram is the capital town of the district situated on the main Silk Highway, which connects Islamabad with Peking. Geographically, Batagram district is located at latitude 34°-33' to 34°-58' and longitude 72°-51' to 73°-29' surrounded by Kohistan district to the,

north, Mansehra district to the east, Kala Dhaka (Provincially Administered Tribal Area) to the southwest and Shangla district of Malakand division to the west. The district is comprised of two sub-divisions including Batagram and Allai.

Before accession to Pakistan in 1949 this area had a tribal status (*Yaghi*<sup>14</sup>). The people had retained their independence by stiff resistance to the British rule. However, after the emergence of Pakistan in 1947 the present sub-divisions Batagram and Allai were merged into Pakistan in 1949 and 1971 respectively. Land settlement was carried out in areas of Batagram district in 1966-67 and in Allai in 1976-77. Before attaining the status of a district, Batagram was administratively a sub-division of Mansehra district up to 1.7.1993. Batagram was declared as an independent district on 1.7.1993 with Batagram and Allai as its two sub-divisions. However, for the purpose of allocation of government jobs, the North West Frontier Province is distributed into four zones. According to such zonal distribution Batagram is a part of Malakand Division and falls in zone 3.

The district is comprised of lofty mountains as well as fertile plain areas existing in Deshan, Tekrai, Nandhiarh, Batamorhai, Bana and Rashang valleys. There are high mountains, which are ramified into various spurs and hills of lesser height run in various directions. The mountains are full of lush green forests. Forests are mostly private property of people but government keep strict watch over deforestation. The people have developed terraces over there in the hills, where they grow vegetables, maize, and wheat as a major part of their livelihood.

---

<sup>14</sup> *Yaghi* is a term that is used for such a tribal area, which is not ruled by any formal government.

Climate of Batagram district is moderate in summer and severe cold in winter. Upper parts of the district particularly Shamlai, Bilandkot, and Kiarai of sub-division Batagram and Sorghai, Rashang, Gangwal, Bateela, Pashto, and Batangai of sub-division Allai receive heavy snowfall. Chorh pasture is snowbound and remains inaccessible for eight months in a year. Ajjarh people normally keep goats and sheep. They usually shift to Chorh pasture during summer and stay there to the end of hot season where they graze their flocks of livestock. During their stay in Chorh pasture they normally collect medicinal plants that they sell to the local people on the way of their return. Summer rains usually starts in June and continues for about three months. The hottest month is *pashakaal*<sup>15</sup> July. During *undek-sundek*<sup>16</sup> (moon-soon) the temperature considerably comes down and weather becomes humid. The period from September to November is usually dry and this is the period when the visibility is clear. At higher altitude of the district snowfall starts in the month of October, which stay there up to March. April and May are the ideal in terms of pleasant weather.

### 3.2 History

According to traditional story the Yusufzai drove out Swati from Qandhar in Afghanistan. The Swati came to settle in Peshawar and Hashtnagar. The Yusufzai followed and drove them out from Peshawar and Hashtnagar as well. Consequently, the Swati came to get settled in Swat. The Yusufzai followed them and initially got some parts of lower Swat with their consensus. However, with the passage of time the Yusufzai

---

<sup>15</sup> There is a local proverb about the month of *pashakaal* that means that 'a year is comprised of 12 months of which *pashakaal* is the worst'.

<sup>16</sup> *Undek-sundek*, according to local perception is a type of continuous wind from north to south *undek* and then from south to north *sundek* at the end of winter season.

started skirmishes with Swati. The skirmishes continued for about twelve years. The Swati were divided in two tribes i.e. Gabarai and Mamyalai. Gabarai inhabited the upper Swat and Mamyalai the lower Swat. During the warfare with Yusufzai the Gabarai did not help the Mamyalai.

During the twelve years of skirmishes the Yusufzai were not able to conquer the Swati. The Yusufzai decided to know the causes of failure. Therefore, the notables of Yusufzai went to a pious man and asked the cause of their failure. The pious man told them that there was also a pious man among Swati who was a potter by profession. He further told that Yusufzai normally get dominance in the morning times while the potter remains busy in making pottery. However, in afternoon prayers the appeal of the potter to God in favor of Swati converts the dominance of Yusufzai into defeat. The pious man told a plan for success and said that the Yusufzai on the one hand must ban the transportation of salt to Swati area. On the other hand the Yusufzai transport salt by donkeys and keep it in the safe-custody of the pious potter man living in the territory of Swati. The Yusufzai did so. When the Swati felt the deficiency of salt they demanded the potter to give them salt. However, the potter refused to give it because doing the same was a sin. The Swati got the salt by force thereby annoyed the potter. The potter shifted to the village, in lower Swat, owned by the Yusufzai. Now the Yusufzai were successful in their attack and defeated the Mamyalai as well as Gabarai. After defeat the Swati shifted to Kanrha Ghorband in the east of Swat. From where they attacked the present district Batagram and Mansehra under the leadership of Sayyid Jalal Baba, Akhund Salaak and Mian Nazar and conquered it.

Although, the above traditional story could be heard from any aged member of Swati tribe but it does not tell much about the origin of Swati. It is because the origin of Swati is blurred and even the available literature does not clearly connect and place them with any major groups of people scattered around in N.W.F.P and Central Asia.

### 3.2.1 Origin of *Swati*

There are contradictory views about the origin of Swati. The views of different writers and sources can be classified into three categories. One view about the origin of Swati is that they are Tajiks (Akhtar 2002). Second view reflects heterogeneous origin of Swati. According to Hazara Gazetteer (1883: 73) the Swati are not Afghans. Hazara Gazetteer further disclose:

“At the beginning of the eighteenth century a Saiad named Jalal Baba, collected a heterogeneous following in the Swat valley West of the Indus, and, evicting the Turks, appropriated the country now held by the Cis-Indus Swathis” (1883: 21).

Ridgeway describes the history of Swati as follows:

“This tribe claims to be *Pathans*, and descendants of the people who inhabited Swat and Buner before the *Yusufzai* invasion. It is more probable that they are descended partly from the ancient Indian tribe, the *Gandhari*, one of the divisions of the *Pactyan* nation, who were settled in Swat and Buner, and were later driven out of them by the *Yusufzai* into Hazara, and partly from a heterogeneous number of tribes who migrated from Swat at the beginning of the seventeenth century under the leadership of Sayad Jalal Baba, and ousted the tribes of Turk and Hazara extraction who had settled there after the invasions of Sabuktigin and Tamerlane. A part of their number possibly included the

*Shilmanis*, another tribe of Indian extraction, who came from the Takht-i-Suleman direction, and were driven from the Peshawar valley into the northern hills by the *Yusafzai*” (1983: 242).

The writers of third view connect Swati with Pukhtun. Ahmed expresses his views regarding the history of Swati in the following words:

“In India ethnic invasions have usually tended to assume a north to south pattern; however Hazara was subjected to invasions both from the south and the north. But the last and most important ethnic invasion into Mansehra came from directly in the west from Swat where the high and silent Black Mountains usually prevented any such adventures on any scale. Thus during Mughal times in the seventeenth century the Swatis, under Sultan Pakhal, swarmed into Mansehra: Pakhli got its name from the Sultan and Mansehra its present peoples. There is a mention of ‘Pakhli Sarkar’ in ‘Abu Fazl’s ‘Ain-i- Akbari’.

In the eighteenth century Sayyid Jalal Baba led another Swati wave into Mansehra; he is a much venerated figure and is buried in the Bhogarmang valley” (1973: 19).

According to Ahmed (1973: 8) “Most of the people of Mansehra still plaintively call themselves Swatis and trace their descent across the Indus via Thakot to Swat”. Ahmed further explains:

“The only Pathan zone east of the Indus is in Hazara. (...) The Pathan here is as straight-spined as whole, and as atavistically Islamic as across the river. (...) The people of Mansehra are distinct ethnically from the rest of Hazara. They are a fresher stock of Pathan: Pushtu speaking (and in other cases bilingual with Hindko) and identify with the mainstream of Pathan culture. They are long-nosed and fair-coloured.

(...) Swatis and species of Swatis lie spread across the face of Mansehra. Like Pathans elsewhere they are even-tempered and enjoy a good joke. Like Muslims everywhere, especially rural Muslims, their visual spectrum registers only primary colours. Black or white and no half-tones. Friend or foe, love or hate” (1973: 47).

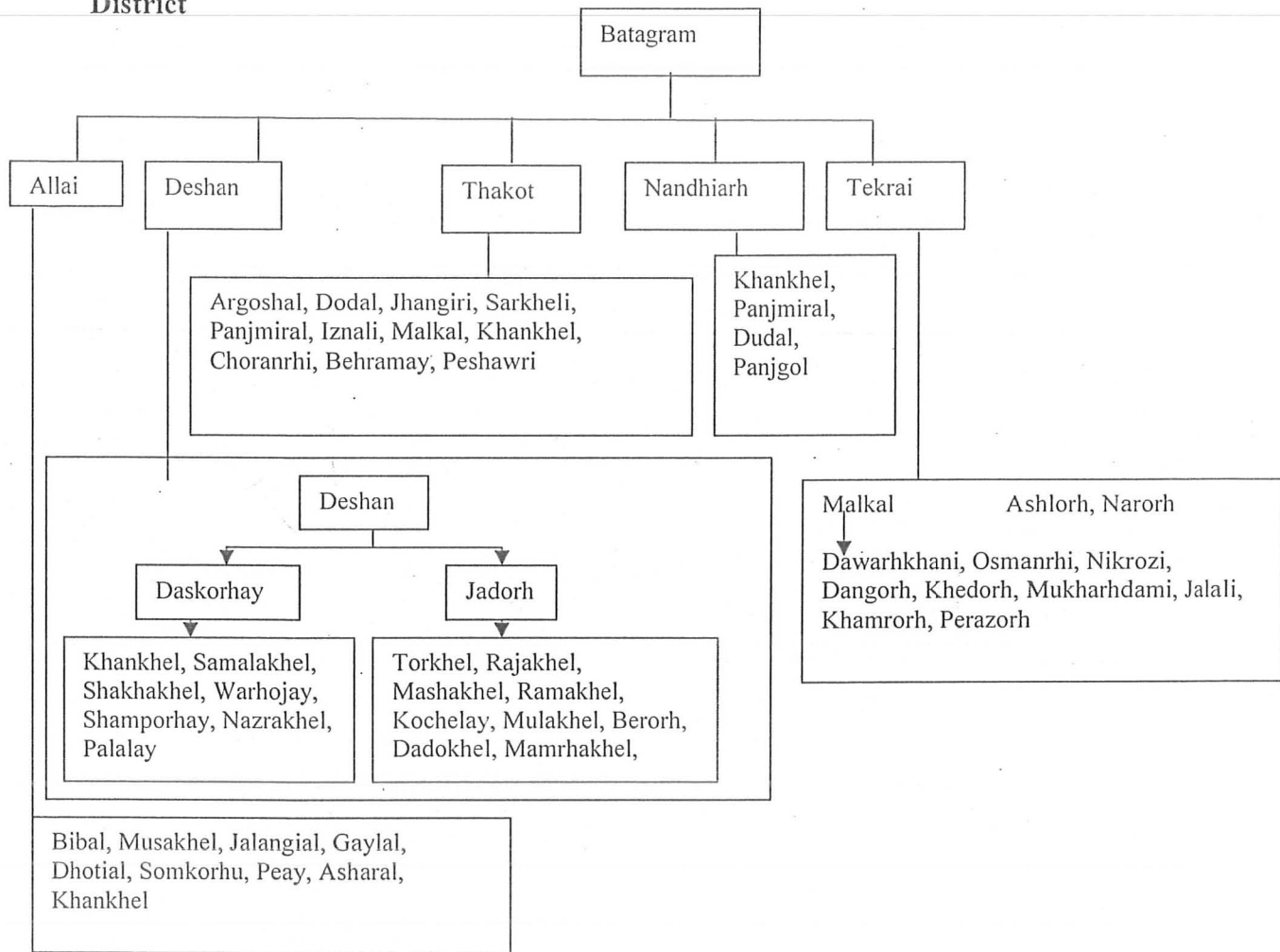
Although, there are contradictory views about the origin of Swati but in the light of the above discussion the researcher as a result of Ahmed assertion has treated the Swati of the study area as part of Pukhtun population. This is because of the fact that they are akin in terms of physical features, culture, language and temperament to that of Pukhtun population at large.

### **3.3 Regional Distribution of Swati' Population**

The whole of Batagram district is divided into five different geographical regions. Those regions are Allai, Deshan, Thakot, Nandhiarh, Tekrai (including Kuza Banda and Bara Banda). Various sub-tribes and sections of Swati population who dominate those regions are given in the following diagram:

Figure: 3.1 Regional Distributions of Sub-tribes and Sections of *Swati* in Batagram

District



Source: Author's Own Survey

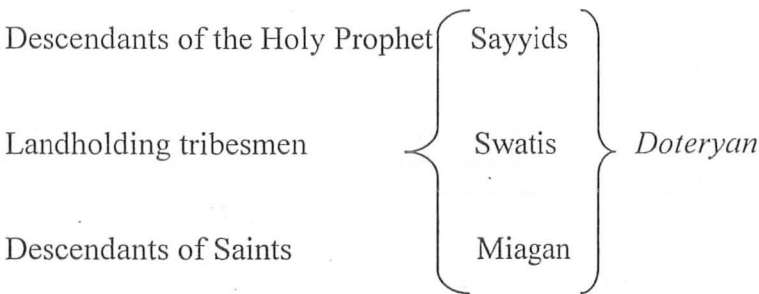
Each region is further sub-divided into villages. Likewise the branches of Swatis as given in the diagram are ramified into sub-sections. The members of sub-sections are relatively closer on genealogical tree are allotted land adjacent to one another. Saints kept the buffer zone, situated between the lands of sub-tribes, for themselves. It is because the Saints are traditionally expected to prevent conflict between the sub-tribes, which may arise on account of land boundary.



### 3.4 Social Groups

The population in Batagram is divided into different social strata. The social stratification is determined on the basis of land-ownership, ethnicity, and occupation. Swati are inherited landowners, hence they are socially superior. Sayyids and Miagan are superior because of two reasons that they are inherited landowners as well as belong to the descent of Holy Prophet and holy men respectively. The classification of people on the basis of occupation bears the characteristics of caste. It is because membership in a particular caste is determined by birth. Although the system of castes is not synonymous to that of caste system found in India because it is not as much rigid as is found among Hindus of India (see Tyler 1973).

According to informants various occupational castes exist in district Batagram. Those specific occupations are the domain of occupational caste members to deal with. None of the Swati would like to adopt any of such occupations. During my survey I found the following social stratification in the district.



Yusufzai

Pukhtuns Infiltrated from Kala Dhaka and Buner

Priest

Mula

Smith

Inger

Potter

Kulal

Agricultural laborers

Gujars

Barber

Gulabi

*Doteryan* are superior to the rest of the castes because they are the economic as well as political patrons. Yusufzai are the Pukhtuns infiltrated from the adjacent tribal area Kala Dhaka and district Buner of Malakand Division. Most of them have purchased land here in the district Batagram. Some of them also work as tenants and priests. *Mula* is such a type of status, which is achieved by the members of different social groups; therefore, variation in terms of social status of *mula* is connected with the type of ethnic groups he belongs to. Smith, potter and barber provide their specialized services to the *doteryan*. Gujars normally work as agricultural laborers in the capacity of *dehqan*, *kandari*, or *nokar* (see item 3.13). The members belong to occupational castes who have earned cash money from Middle East have purchased land and have their personal dwelling. They are still placed in the lower strata.

The superiority and inferiority between social strata is clearly expressed in marriages. The female members of superior castes are not allowed to marry with the man of lower caste. However, the male of higher castes can marry with a female of lower castes. The Sayyids population is a particular category in terms of getting marriage because a male Sayyid can marry with non-Sayyid girl but a Sayyid girl is not allowed to marry with a non-Sayyid male.

### 3.5 Formal Administrative and Justice System

The formal court in district Batagram is a part of administrative division of courts in Pakistan. Chaudhary has described the division of courts in Pakistan as follows:

“The whole country is administratively divided into provinces and each province is subdivided into divisions. A division has districts subdivided into *tehsils*. Each *tehsil* is divided into *qanungo* circles, a *qanungo* circle into *patwar* circles and a *patwar* circle, into *mauzaz* (revenue estates). At the *tehsil* level comes the *thana* (police station) and each *thana* covers many villages. The *thana* is the lowest unit of the official system of justice administration” (1999: 121).

The administrative setup of Batagram is just like any other settled district of the country. District of Batagram is divided into two sub-divisions i.e. Batagram and Allai. The Deputy Coordination Officer (DCO) stationed at Batagram town supervises the activities of all departments in the district. His major concern is the maintenance of law and order situation in the district. It is because, he functions as District Magistrate also. He also looks after the land records as the District Collector. He is in-charge of district record room and district treasury. Two Assistant Coordinating Officers (ACOs) one each in sub-division Batagram and one in Allai assist him. The Assistant Coordinators decide revenue and criminal cases of a certain nature at the level of each sub-division. They also look after the law and order situation. Each sub-division has a revenue set-up of a *Tehsildar* and *Naieb Tehsildar* who have a number of *Gardawars* and each *Gardawar* looks after the work of several *Patwaries* of his *Gardawar* circle. The *Patwaries* are to maintain and update the land record of their *Halqa* (defined territory).

In Batagram the judicial system is based on the Criminal Procedure and the Civil Procedure Codes as in most of the country. The District and Session Judge assisted by a Senior Civil Judge both are stationed at Batagram and hear cases of civil and criminal nature. In criminal cases a public prosecutor contests the cases on behalf of the state. Appeals from the Session Court are heard at the High Court Bench at Abbottabad. For under-trial prisoners a judicial lock-up is available at Batagram.

However, the region being tribal in nature still holds the traditions of *jirgah* system and many serious issues are mostly resolved by sittings of the elders of the area. Those cases instituted in the court are finally settled by the *jirgah* because *Jirgah*, which works according to the traditions of the people, is capable to reach at consensual solution of the dispute. Hence, it is discussed in detail in the forth-coming chapters that the decisions of the formal court are not as much sustainable as that of the settlement proposed by the local *jirgah*.

District Police Officer (DPO) heads the Police department. He supervises and controls the police force in maintaining law and order situation in the district. He is also responsible to supervise the process of investigation of cases of criminal nature. Two sub-divisional Police Officers one each in sub-division Batagram and Allai assist the DPO. There are six Police Stations, three Police Posts and two Patrolling Posts, which cover the whole district. The Police department has a wireless communication system, which is extended to all the police stations and police vehicles.

Police force of district Batagram is also assisted by three platoons of Frontier Constabulary (FC). Two platoons are stationed at Batagram and one at Allai. At Banna in

Allai sub-division there is a small fortress of the FC where one of the FC platoons is permanently stationed. However, FC is a separate establishment and its Headquartered is at Oghi (see District Census Report 1999).

## **Section II: Study Area in Specific Context**

Swati is a larger tribe that has occupied two districts i.e. Batagram and Mansehra. This research is delimited only to district Batagram. However, the total population of Swatis in district Batagram was not intensively studied, therefore for intensive study the researcher has selected a group of people for intensive study i.e. *Dawarhkhani*. The detail of the group is given as under.

### **3.6 *Dawarhkhani***

*Dawarhkhani* is a part of sub-tribe Malkal (see Figure 3.1). They have inherited the title of Khan from their ancestor Dawarh (see appendix 5). Dawarh was a Malkal and ambitious for controlling more and more land and thereby power and influence as well. According to informant he used physical power as well as tactics to control land. He was successful in controlling considerable amount of land and hence was popularized as Khan. His descendants are therefore known as *Dawarhkhani*. The land, which was forcefully occupied by Dawarh, was evenly distributed among his heirs. Hence, all the lineages and families belong to *Dawarkhani* were equal in terms of landownership. However, with the passage of time some of them sold-away their land and by now hardly posses a personal house and ten Kanals of land.

### 3.7 Populations and Language

Mother tongue of *Dawarhkhani* is Pukhtu. Their total population is 1107 including 537 males and 570 females. They are inhabited in four major regions including Kuza-Banda, Bara Banda, Maira and Chatu, which are further divided into small villages. They are inhabited in 102 houses of which 68 houses are Pakka<sup>17</sup> and 34 are Katcha<sup>18</sup>. The distribution of population in terms of age is given in the following table.

**Table 3.1**

Distribution of Population by Age

Age	0-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	Total
Male	119	142	109	50	65	21	21	10	537
Female	114	144	141	98	38	15	17	03	570

Source: Researcher's own Survey

### 3.8 Types of Houses, Dress and Food

Most of the houses are *Pakka*. The house is normally comprises of a number of rooms, bathrooms, lavatories, veranda and a kitchen which is normally *Katacha*. During hot season a movable hearth is fixed outside the kitchen, but within the premises of boundary wall in an open space, for cooking.

<sup>17</sup> *Pakka* stand for cemented houses

<sup>18</sup> *Katcha* are those houses which are made of clay and stones

Male members of the society normally wear *shalwar* and *qamees* (baggy trousers and long full sleeves shirt) and wear turban on head. *Chadar* (napkin), woolen waistcoat and woolen made cap are commonly worn in winter. Females also wear *shalwar qamees* and specially designed *chadar*. *Shalwar*, *qamees* and *chadar* of male and female are obviously different in terms of colors. The males wear *shalwar qamees* made of plain cloth of light colors while female wear *shalwar qamees* made of printed cloth with flowers and designs.

Fried wheat bread is mostly used in breakfast. Maize bread prepared in oven or wheat bread is commonly taken along with dairy products i.e. yoghurt, sour milk or milk. A variety of cooked vegetables, meat, and pulses are also used in lunch. Boiled rice is normally served in dinner with yoghurt or milk. Meat curry is also used to mix with boiled rice and take it in dinner. It is a commonly observed practice that guests are served with chicken and rice along with dairy products.

### **3.9 Education, Health and Religion**

According to informant there was a time that formal education was not a priority of the people. For female formal education was considered as traditionally bad. However, with the passage of time and increase in number of formal schools the trend is changing and the number of school going children is tremendously increased. In case of male high priority is given to formal education. There are 19 Girls Primary Schools, 15 Boys Primary Schools, 1 Middle School for girls and 3 high schools for boys in the study area. It is due to the unavailability of high schools for girls that they could get education up to Middle only. The

overall picture of literacy level in relation to availability of schools is given in the following table.

**Table 3.2**

Distribution of Population in terms of Level of Literacy and Formal Education

Below 4 years	Literacy level	Illiterate	1-5	6-8	9-10	11-12	13-14	15-16	Any Other	Total
46	Male	84	114	63	97	84	30	11	08	537
44	Female	198	113	79	88	39	06	03	00	570

Source: Researcher's Own Survey

It is evident from the above table that literacy level among males is relatively higher than females. Level of education is low among females in higher classes. This situation is particularly evident in above secondary level because of the lack of formal schools for females.

There is one Rural Health Center (RHC), one Basic Health Unit (BHU) and two Dispensaries in the whole of study area. Health facilities are not adequate in relation to quantity of population. Therefore, most of the patients have to travel a long distance to Batagram town for attaining health facilities.

*Dawarhkhani* are *sunni*<sup>19</sup> Muslims and belong to *Deobandi*<sup>20</sup> school of thought. They are mostly punctual in their prayers five times a day, and are regular in observing fast during the month of Ramazan. The pilgrimage of the *Haj* is also very common among

<sup>19</sup> Sunni is a sect among Muslims. They are said to be the followers of Quran and actions of the Prophet Muhammad (Peace be Upon Him).

<sup>20</sup> *Deobandi* is a school of thought originated from an Islamic school at Deoband, India.



those who could afford it. They also give *Zakat* (compulsory alms given by the rich Muslims i.e. two and half percent of the net income) to the poor. The celebration of *Eids* occupies a prominent place. *Warhokay Akhtar*<sup>21</sup> (*Eidul-Fitar*) is celebrated at the breaking of the fast on the first day of *Shawal* just after the conclusion of the month of *Ramazan*. *Loway Akhtar*<sup>22</sup> *Eidul-Azha* is celebrated on the 10<sup>th</sup> of *Zelhaj*. On the Bigger *Eid* each family offers, in accordance with the rituals, a cow, oxen, in which the poor have a share. On both occasions people wear newly sewed clothes in order to take part in a solemn prayer with *Khutba* (public sermon) in the morning. After *Eids'* prayer they congratulate one another. At village level, people eat food from every house. The young boys play a traditional game. This game of its unique kind is played between the boys of adjacent villages. The young fight with stones by slingshots. They normally wearing turban to avoid serious head-injuries. However, it is frequent that a number of fighters are injured during this game. This is a sort of training for young ones to develop martial characteristics. Currently this game is becoming less popular and going out of tradition. Both *Eids* are also important in the domain of conflict resolution. It is because on *Eid* day after *Sahar* Prayer (prayer observe before the sun rises) the villagers sit in the mosque to listen to the speech delivered by the priest. The priest highlights the importance of peace, brotherhood, unity, and cooperation in the light of Islamic teachings. In case if there are some members who are at no talking terms, because of petty issues, are forced to embrace and forget the rival feelings for one another. After eating lunch the people at regional level visit their respective bloc leader and congratulate the *Eid*. The people who are attached with religious leaders also visit them for *Eid* congratulation.

---

<sup>21</sup> *Warhokay* means little; therefore, in local language *Eidul Fitar* is called as Little *Eid*.

<sup>22</sup> *Lway* means bigger; therefore, in local language *Eidul Azha* is called as Bigger *Eid*.

### 3.10 Marriage, Birth, Family, and Funeral Ceremonies

On account of strict segregation of the sexes, parents usually arrange marriages. The prospective bride and bridegroom have no explicit part in the negotiations; however, under Islamic injunction the female in particular is asked for agreement over the marriage before formal *nikah*<sup>23</sup>. At betrothal *nikah* (wedding) is conducted by the priest after the afternoon prayer. Betrothal ceremony is held normally at the mosque of girl's village. During *nikah* amount of *mahar* (bride wealth) is settled. After the amount of *mahar* is settled the priest formally recites Arabic words and then confirm from the representatives of the male and female the acceptance of betrothal in return of stipulated amount of *mahar*. At the end the priest pray for the long life of the couple. Now the participants are served with sweet and tea. The betrothal is held ceremoniously which is the solemnization of forthcoming marriage and normally within two years the bride departed for groom's house. Between the period of engagement and departure the girl does not appear before her fiancé and his close relatives including his parents and brothers. After engagement the boy visits the girl family for *salaam* (greetings) and takes along precious gifts for his in-laws. Gift exchange also occurs during *Warhokay Akhtar* and *Loway Akhtar*, *shauqadar* (15<sup>th</sup> of the Islamic month of *Shaban*) and *kakote* (10<sup>th</sup> of the Islamic month of *Muharram*). It is considered highly improper for a young man or woman to take the initiative in the matter of his/ her marriage. A well-bred boy is expected to abide by the decisions of his parents in the matter of his marriage. It is therefore rare that a marriage once fixed by the parents breaks up. Average age for female marriage is

---

<sup>23</sup> *Nikah* is an Islamic way to publicly announce the legitimacy of marriage and declare a couple husband and wife.

between 18 and 20 while it is 22 to 24 for males. After the date is fixed for the departure of bridegroom, both the parties invite guests for lunch. The guests of bridegroom are called *manjian* and the guests of groom are called *janjian*. Subsequent to the departure of bride to groom's house another *nikah* is arranged that is conducted by priest normally after night prayers in the mosque of groom's village. It is actually the compliance to the *nikah* already conducted at betrothal.

The importance of blood relationship is followed by the importance of affinal relations. The fusion and fission of the members, during a conflict, is greatly influenced by marital relations. Blood relation is the important relation to be supported during a conflict. However, if the closer blood relatives fall in conflict the rest of the members within a lineage allied for support on the basis of affinal relationship. If distant affinal relative falls in conflict with whom the blood relation is insignificant the marriage alliances are the preferred one for support.

Lineage endogamy is preferred however marriage alliances are also developed outside one's own lineage except with *Gujars* and members of occupational castes including barbers, blacksmith, cobbler, leatherworkers and musicians. 170 marriages were studied out of which 153 are lineage endogamy. The local tradition regards marriage as a sacrament and it is originally life-long because no separation is thought of. Although divorce and remarriage are legally permissible, neither is widely practiced. Wives are extremely sincere and faithful to their husbands and share their husbands' adversity gladly, never thinking of separation. The word *zantalaq* (a man who has divorced his wife) is the greatest insult because divorce is culturally ridiculous and *zantalaq* is a derogatory term. It is why not a single case of divorce was recorded among

the whole of sampled population. Though polygyny is culturally acceptable but without genuine reason it is socially criticized. The second marriage is socially recognized exception when the first wife has no children. Remarriage in case of husband's death is particularly difficult for female when she has children, as she prefers to devote herself to procreate her children. This devotion to children is known as *kwanton*. During *kwanton* the major supporters for widow are either the members of husband's family or her parent's family. The following table depicts that overwhelming majority of marriages are held within *Dawarhkhani*. The rest of the 13 marriages are held between *Dawarhkhani* males and female of different Swatis' groups including Deshan, Dodal, Ashlorh, Narorh and Jhangiri while 4 *Dawarhkhani* males have got marriage with Yusufzai females.

**Table 3.3**

Frequency of Endogamy and Exogamy Types of Marriages

Husband Qoum	Wife Qoum	Number of Marriages
Dawarh Khani	Dawarh Khani	153
Dewarh Khani	Deshan	07
Dawarh Khani	Dodal	01
Dawarh Khani	Ashlorh	01
Dawarh Khani	Narorh	02
Dawarh Khani	Jhangiri	02
Dawarh Khani	<i>Yusufzai</i>	04
Total Number of Marriages		170

The birth of a son is a joyful occasion while that of girl is not so well received particularly when a man already has more than one daughter. There is a great rejoicing in the village when a male baby, particularly the first one or after more than one sister, born to parents. At the birth of a male child the near relatives are informed and this information is known as *zaeray* and the amount in the form of cash or kind given to the informant is also known as *zaeray*. Subsequent to the birth of a child it is a tradition to repeat the words of the call of prayer (*baang*) into the child's ears. A name is usually given to a child on the seventh day. Names are normally Islamic nature of Arabic derivation. Newly born baby for the first few months of its birth is wrapped up in a piece of cloth from neck to toe. The tied up child is unable to move its hand and feet freely. A thick silken or cotton cord is wrapped round and round its body, making the movement of its limbs next to impossible. On the seventh day or later after the birth of a child *aqiqa*<sup>24</sup> is performed. At the same time alms are distributed in the form of a quantity of silver or gold equal to the weight of the infant's hair, which is customarily removed. Another important ceremony connected with a male child is the *sunat* (circumcision). On this occasion all the invited male and female relatives come with different types of gifts for a male baby and the guest are served with sumptuous feast.

Joint family system is one of the important feature in which married sons live together with their families under the parental roof and are subject to parental authority.

---

<sup>24</sup> *Aqiqa* is an Islamic tradition in which two sheep or two goats in case of male child and one sheep or one goat in case of female child are sacrificed and their flesh is either given to the poor or it is cooked with rice and is served to the invited relatives and local villagers.

The patriarch controls the finances of the group, giving the sons allowances out of their earnings. However, the father manages the expenditure of sons busy in education. The matriarch is the autocrat of the home to whom the daughters-in-law and grandchildren are subject. The joint family function smoothly and the petty issues between brothers are pressed by the parents for unity against collateral agnates. Nevertheless, this smoothness of family system is break once the brothers' male children are grown up and whispering starts for the division of inherited land. Subsequent to the division of the inherited land the brothers' once living together now live in independent houses along with their children.

The death of a person is considered a great loss to the family. Men and women from all over the area are assembled in the house of bereaved family for *doa* (blessing). *Janaza* (funeral prayers) normally held after *zuhur* (afternoon) prayer. So long as the corpse is lying in the room or in the courtyard, the customary lamentations called *vier*<sup>25</sup> go on. The women group themselves round the corpse and weep in unison, while some of them read the Holy Quran. The close relatives of the deceased, such as sisters, slap their faces or tear their hair. These gestures continue with increasing vehemence for a few hours until they finally desist from exhaustion. By this time their faces have become swollen from repeated slapping, their eyes are bloodshot, and their hair hangs in wild locks. The dead body is then washed and dressed in a winding sheet of cotton, and placed on a bed and covered with clean sheets. This is the final moment of expressing emotions and excitements and one can listen to noise of crying when corpse is picked up and is carried to the burial ground. The relative and friends follow, but women take no important part in

---

<sup>25</sup> *Vier* is a type of weeping particularly expressed at the death of a near-relative.

the funeral procession. The *jinaza* prayer is normally held at a graveyard and the body is then lowered into the grave, which is always dug north and south and is a chamber fashioned so as to permit the body to lie on the right side, with face pointing to Mecca. Now the grave is refilled with the soil after which *talqeen*<sup>26</sup> is conducted. For three days the villagers serve meals and regularly visit the bereaved family to show sympathy and offer *doa* (prayers). The importance of deceased member is significant in conflict resolution. If the member of opposite party seizes the cot of corpse to seek pardon he is traditionally excused and even the serious conflict is thus finished (see item 6.5).

### 3.11 Occupation

There is no much diversity in terms of occupation because of simple economy. Farming is the basic of overall economic system and hence most of the people are attached with it. However, it is not compulsory that the men who are attached with farming do farming activities by their own because in most of cases they only manage farming activities through their servants. Farming alone cannot subsist; therefore, people resort to other sources of income also. In the whole area there are 24 water mills and 30 shops owned by the members of *Dawarhkhani*. Majority of the women are doing domestic chores. The following table shows the distribution of working population in terms of their occupation.

---

<sup>26</sup> *Talqeen* is a type of prayer recited by two men, one standing at the north and other at the south of grave.

**Table 3.4**

Distribution of Population into Various Occupations

Occupation	Farming	Domestic Chores	Abroad	Government Servant	Business	Any Other
Male	120	00	40	90	40	14
Female	00	287	00	40	00	07

Source: Researcher's Own Survey

**3.12 Land, Agriculture and Livestock**

It is discussed above that most of the men are attached with farming but due to little amount of land per family the agricultural production alone cannot adequately fulfill all the requirements of people. Therefore, for cash income they resort to other sources of income. Total population of *Dawarhkhani* is 1107 and number of households are 102; hence, average population per household is 10. Total amount of arable land including rain fed and irrigated is 20348 Kanals. Average amount of land per household is 199 Kanals. Most of the households are producing plenty of wheat, maize and rice. Therefore, majority of the population do not purchase food grain from market. Ownership of land has a key role in the organization of people and keeping them settled at one place. Land is being considered the sign of identity, pride and honor. Land-ownership is a source of solidarity among the members of *Dawarhkhani*. Agricultural produces play a major role in the economy of the people. Major varieties of crops grown by the people are wheat, maize and rice. People also grow a variety of vegetables and trees of different fruits. The use of modern agricultural technology has positive impact over per acre production. One



*kanal* of land produces 5 mound of wheat, which was previously producing 2 mounds. The following table shows average amount of different categories of land available to the 102 households.

**Table 3.5** Amount of Different Categories of Land

Type of Land	Rain-fed	Irrigated	Orchard	Forest
Amount of Land in Kanals	14023	6325	356	5983
Average Amount of Land Per-House	137	62	03	58

Source: Researcher's Own Survey

The introduction of modern technology in the field of agriculture has reduced the importance of keeping bulls for traction however cows, buffaloes, and goats are kept by the people for dairy products in order to meet the needs of nutrition. According to the socio-economic survey the population of livestock is as follows:

**Table 3.6**

Population of Livestock

Types	Buffaloes	Cows	Goats
Numbers	107	31	28

Source: Researcher's Own Survey

### 3.13 Patron-Client Relationship

Land is the nucleus around which a local management system is developed. In the local management system at village level the landowners are the important people who serve as patrons for their dependants. The local management system based on land tenure has

generated various economic relationships among people. Economically dependant tenants are considered as a source of power because those tenants provide physical support to his patron during a battle. In this domain the people can be classified as follows:

**Doteryan:** *Dawarhkhani* are *Doteryan*, but in most cases *doteryan* are not self-cultivators. They grant occupation rights for specified or unspecified time to tenants, who support themselves on an agreed share of the total crop. The relationship depend upon the type of contract exist between landowners and their tenants.

**Serimar:** They are the members who are bestowed land by the *Doteryan* in return to their services. According to the informants there were three types of *serai* i.e. a piece of land awarded to a Khan for political services to his tribesmen, a piece of land granted to priest for religious services, and a piece of land rewarded to the member of occupational castes (blacksmith, barber). The occupants have inherited some of the *serai* as private property and some of the *serai* were returned to the landowners.

**Bayachi:** A landless man who has purchased a piece of land in return of cash money is called *bayachi*.

**Ghanachi:** A man who has the right of land use for indefinite period of time. *Ghanachi* pays a fixed amount of money to land owner, which is refundable to *ghanachi* at the termination of contract. However, Islamic leaders discourage this type of contract. According to them it is un-Islamic. As a result of their preaching the numbers of such contract holders are reduced through time.

**Brakha-khor:** He is a sharecropper. His share in the crop depends on the type of contract with the landowner. In the contract of 50% share the *brakha-khor* is to do all labor work including land leveling, traction, sowing, hoeing, reaping, threshing, winnowing etc. The landowner only supplies fertilizers. At the end both get 50% of the crop and dry grasses.

**Qalang:** He is a leaseholder. The leaseholder pays rent in cash to the landowner on yearly basis. At the end of a year the landowner may refresh the lease contract for another year or may finish it. In case of renewal the landowner may increase the amount of rent.

**Dehqan:** He is a type of tenant who cultivates land in return for accommodation facility and share in produce. *Dehqan* put in physical labor while the landowner affords the expenditures for fertilizers.

**Nokar:** A landowner allots a piece of land to a *nokar* in return for his service as a guard. Traditionally *nokar*, put on a rifle, accompanies his landlord during participating in public meetings, religious ceremonies, marriage festivals, and funeral processions.

**Ghoba:** He is a type of tenant who looks after the buffalo of his landlord. In return the landowner gives him a piece of land or daily food.

**Kandari:** Land which is situated at a distant place; the landowner develops a house over there. A tenant is kept in the house that cultivate land for a stipulated amount of crop.

*Sheikh Mali Motai*: According to an informant a piece of land (*motai*) had to be given to the bereaved family of a man who had been killed in a tribal war. However, this tradition is no more in practice after the area is merged with Pakistan.

It is obvious from the above discussion that Dehqan, Kandari, Nokar and Ghoba are in particular economically depend on their patron. The role of those dependants is very important during a conflict involving the use of physical force. Hence more the dependants more powerful a landowner will be. The following table point out the average number of dependants hold by the 102 households of *Dawarhkhani*.

**Table 3.7**

Number of different types of servants

Nokar	Dehqan	Kandary	Ghoba
44	19	495	10

Source: Researcher's Own Survey

It is clear from the above table that most of the land is situated away from the residence of landowners; hence, the number of *Kandary* is greater than other dependants. It is also apparent that the tradition of keeping *Ghoba* is weakened.

### 3.14 *HUJRA* (Men' House)

Every village has a *hujra* where the male members meet daily, discuss local issues, and spend some time together. It is a commonplace that is used as a guesthouse as well. *Chelum* (water pipe) has been a unique part of the *hujra*, which is prepared by the elders of the *hujra* and all smoke on their turn. The young spent nights in *hujra* and arrange

music programs or dishes. It is an important part of *Pukhtuns* culture, which is changing with the passage of time. It is because of the fact that people prefer to develop personal guesthouses. However, *hujra* is still politically important for landowners where they make discussions with their subjects particularly on the topic of land management. Independent *hujra* is a sign of independent political identity. Therefore, beside personal guesthouses within the premises of home, *hujra* is maintained, as a common guesthouse, for political purposes.

*Hujra* is an explicit indicator showing the independent political status of the owner. *Hujra* is the central place of socio-political activities. Public meetings for conflict resolution are held in *Hujra*. If the group of brothers, who live in joint family, owns the *hujra* they are then responsible for its maintenance. However, in the major work of maintenance including plastering the walls with clay and white wash, all people living in the village participate. While the owner of the *hujra* participate in the work as well as provide food to all participants. Food is supplied from the house of the *hujra's* owner for the guests who visit the *hujra*. Jointly owned *hujra* is maintained by communal labor. All people live in the village participate in communal works whereas the landowners besides participating in communal labor also supply food to all workingmen on turn basis. The owner (s) are responsible to supply bed, cots, and pillows in the *hujra*. Barth has discussed *hujra* among Swat Pukhtuns in detail with the emphasis of its political significance. Those parts are quoted here, about *hujra*, which are applicable to the *hujra* in Batagram district.

Where it exists the men's house plays a very large part in the daily life of all men; it is at one and the same time club house, dormitory, guest house, and place for ritual and

feasting. (...) Some features of the physical appearance are more or less stereotyped. Usually wall ten to fifteen feet high surrounded a central open courtyard; rooms form one or two sides of the square, with the roof, supported on elaborately carved pillars, extending forwards to form a veranda. Access is by one, or sometimes two or three carved, stone or metal-studded gates, which can be closed and bolted. The house is thus easily defended. Where it lies on a hill, one of the four outer walls is often dispensed with, so that the rooms and the courtyard face the open side and give a view of the lower valley. (...) Membership of the men's house is limited to adult males. Children of both sexes may enter, but they must keep quiet and out of the way, and are usually chased away if they appear in numbers. (...) The men's house is open to all male visitors who choose to enter. (...) The extent to which the men's house is used as a male dormitory varies greatly. Unmarried men tend to sleep there more than married men, and men of the Pakhtun caste more than men of other caste (Barth 1965: 52-56).

*Hujra* is a place of social interaction and where the leaders exhibit their generosity. Meetings regarding important socio-political matters are held in the *hujra*. *Hujra* is normally situated on the shared land of the closer agnates.

From the history of the given population it is clear that social stratification and distribution of natural resources between various strata is a result of a historical process. The conquerors occupied the land and distributed it between them. Hence, they achieved a higher economic status. Land was the only source of livelihood; therefore, a continuous struggle could be seen between the landowner groups for acquisition of more and more land. This pressure of the scarcity of resources is a major force in ordering of sociopolitical relations of the given population.

It is evident from the ecological characteristics of the area that agricultural land is limited in relation to the proportion of population. Other natural resources including forests are also limited. Poor trade and lacking the facilities of education, health and communication aggravate the tension among people for the control of scarce resource, which is land. This ecological stress has great impact over the development of sociopolitical system aims at the protection of meager natural resources because "human beings, social institutions and related value systems have shaped as well as been shaped by physical environments" (Pirages 1983: 244). Blood relations and affinal ties are utilized through segmentary lineage system for offence and defense. The overall offence and defense could be clearly seen in the domain of conflicts emerge as a result of dispute over land. Since, land is economically important source of livelihood. It is also socially important as a mark of identity and for membership in the tribe.

It is also evident from the above discussion that in segmentary lineages the members are order in such a way that the relationship between members is influenced by limited supply of environmental resources. Hence, at one level they are combating for land while at another level they fight as unified group to face threat to their land from outside. To cope with a conflict the disputing parties need numerical strength. The numerical strength is provided from three sources i.e. blood relatives, affinal relatives, and tenants. Blood relation is a primary source of strengthening one's position in a conflict. Affinal relation is the second important source as a fighting force. Hence, marriage alliances are of great significance and are developed with those whom could be of help during conflict. The third source of power is number of tenants for which extra land is required to support the tenants for their livelihood. Hence, land is basic to the

emergence of conflict but there are also other important reasons for the emergence of conflict that are discussed in detail in the forth-coming chapter.



## CHAPTER-4

### SYSTEM OF FAVOR AND OPPOSITION FOR THE MAINTENANCE OF EGALITARIANISM

Major focus of this chapter is to delineate the traditional system of favor and opposition that is practiced within cultural framework for the maintenance of egalitarianism. Egalitarianism is the prime cultural value, which plays a pivotal role in shaping the overall social structure of the society. Hence, I firstly explain the notion of egalitarianism as is found in the society under study and then would focus on the system of favor and opposition.

There is no society across the world, which is purely egalitarian because the minimal criteria of social stratification (i.e. sex, age and personal attributes) are found in all societies. Hence, a question arises that what type of society would be called an egalitarian? I argue that instead of idealizing the notion of egalitarianism it should be understood in relative sense as it is taken and explained in different societies. It is because of the fact that idealizing the notion of egalitarianism would mean the deliberate attempt of the people of a given society to bring physically and organizationally weaker groups at par with the physically and organizationally stronger groups. However, this is difficult without the stronger will or the interference of a powerful external force to compel the people to treat the weaker people at par. In the current research the concept of egalitarianism is explained through empirical evidences collected in the field. Anthropological literature is replete of discussions about egalitarian societies that depict

various indicators of egalitarianism. For example, hunting and gathering societies are depicted as egalitarian because the members of those societies have equal access to economic resources, political decision-making and prestige. However, questions are posed about women in those societies regarding their sociopolitical and economic status. Here egalitarianism is understood in relation to the type of power structure people live in. It is because that power distribution in a society determines the definition of egalitarianism. Who is powerful and what are the sources of powerfulness to a greater extent constitute the framework of egalitarianism.

#### **4.1 Swati' Egalitarianism**

Before focussing upon Swati' egalitarianism it is pertinent to discuss the notion of egalitarian societies in wider perspective. There are two major views about egalitarian societies in anthropological literature i.e. "no society is "classless," or unstratified" (Davis and Moore 1944: 242). It is because of the fact that according to Sahlins (1961: 1) analysis "the universally employed minimal stratification criteria are those of "age, sex, and personal characteristics" which exist in every society around the world. However, the anthropologists holding second view ignore the minimal criteria of social stratification based on sex, age and personal characteristics and treat such societies as egalitarian that are not stratified beyond minimal criteria (see Sahlins 1961). Fried (1967: 33-79) has given various interpretations of egalitarian societies. According to him, "an egalitarian society is one in which there are as many positions of prestige in any given age-sex grade as there are persons capable of filling them". Or, "as many positions of valued status as there are individuals capable of filling them" or "as many people of paramount prestige

as can display the qualities necessary”. About the last definition of egalitarian society, mentioned above, Flanagan (1989: 246) has noted that Fried has “deleted the important limiting characteristics of age and sex” and “there is little concern with what these qualities are or how a person comes to possess them. The reader is not reminded that approximately half the population is excluded from ever participating and that a large percentage of the remainder will simply have to wait their turn. The focus is on the ideal characteristics of role – not on its performance”. Some of the anthropologists are of the view that there is no such society, across the world, as egalitarian in its real sense. For example Sahlins (1961: 1) consider that “theoretically, an egalitarian society would be one in which every individual is of equal status, a society in which no one outranks anyone. But even the most primitive societies could not be described as egalitarian in this sense”. Sahlins (1958: 2) however, suggests that lacking truly egalitarian societies one could place all societies as egalitarian, which are stratified on the basis of merely age, sex, and personal characteristics. Therefore, the societies which differentiate people on the basis of age, sex and personal characteristics will be taken as egalitarian. The societies characterized by un-centralized political system are described as egalitarian because those are such societies “in which there are no sharp divisions of rank, status, and wealth” (Fortes and Evans-Pritchard 1940: 5). In such societies “distinctions of rank and status are of minor significance” (ibid: 9). Flanagan (1989: 246) is of the view about societies practicing un-centralized political system that “lacking the defining characteristics of hierarchical societies, these societies are “egalitarian” by default”. In the light of evolutionary perspective different anthropologists have classified societies into four categories i.e. band, tribe, chiefdom, and state (see Eisenstadt 1959; Fried 1967;

Service 1978). According to Service (1978: 4) band level societies are “intensely egalitarian with respect to the relations of its various segments (families, residential groups, lineages) to each other”. “Service thus avoids consideration of interpersonal relations and confines his discussion to the “structural” level” (Flanagan 1989: 246). In anthropological literature, “foragers represent the egalitarian ideal by their collective ownership of the means of production, reciprocal right of access to resources, lack of emphasis on accumulation, generalized reciprocity within the camp, access to all of the “forces of production,” and their restriction of individual ownership to possession of tools” (Leacock: 1982: 8-9). Lacking the exercise of authority over one another is a sign of egalitarianism that was found in Bari society, which is composed of “numerous autonomous communal living groups each comprised of autonomous hearth groups made up in turn of autonomous individuals”. (Buenaventura-Posso and Brown 1980: 124). “Adults do not exercise authority over one another” (ibid: 111). “Neither give nor take orders” (ibid: 116). Making decision on the basis of consensus has been described as a feature of egalitarian societies as it is found that “the Eskimo head of household could not make binding decisions even in his own household (Fried 1967: 84). A number of anthropologists have reflected egalitarian economy as one of the fundamental features of egalitarian societies because “at the heart of an egalitarian society is a fundamentally egalitarian economy” (Fried 1967: 35), based on principle of reciprocity (Wiessner 1982; Woodburn 1982). Control of productive, as well as, reproductive resources (Chowning 1987; Macintyre 1987) enhances female power (Flanagan 1989). Sharing of food and sharing of power seem to go hand in hand (Lee 1982: 55). “Collective hunting, as we find among Mbuti net hunters” (Flanagan 1989: 250) “involves both men and women and

sometimes children and is unrelated to differences in physical size or geographic range” (Dahlberg 1981: 11). Woodburn (1982: 432) has differentiated hunting and gathering societies between two types. Whose economies are based on immediate return and whose economies are based on delayed return. According to him those societies with immediate-return systems are “assertively egalitarian”(p, 431). Immediate return systems, such as the! Kung, Mbuti, Batek, and Hazda, lack control over the factors of production and such inequality-producing strategies as food storage. All place a strong emphasis on sharing and negatively sanction personal accumulation. By disengaging people from property, these systems militate against the creation of dependency (Flanagan 1989: 250). Layton (1986) has however, pointed out some problems with the delayed-return category of Woodburn (1982). It is because of the fact that Eskimo society is an egalitarian, despite of the fact that it has a complex technology, including food storage (Layton 1986: 19).

Turnbull (1983: 26) is of the view that among Mbuti, social equality is taught in early age of children socialization. Sanday (1981) has highlighted the reflection of egalitarianism in Balinese *seka* in which, decisions are made by the consensus of the members. Feminists, according to Collier and Yanagisako (1987: 36) are “presently the most active proponents of the concept of egalitarian society. Not only do they believe that such societies once existed, but they consider the concept of most effective rhetorical strategy for establishing that biology is not destiny”. “In the hunting band, women are more sought after as companions than [as] reproducers” (Meillassoux 1981: 75; Turnbull 1962: 206). Buenaventura-Posso and Brown (1980) and Sanday (1981) have highlighted the role of man and woman as complementary in their work. “On balance, the evidence shows a relatively equal role in society for the two sexes, and the! Kung data certainly do

not support a view of women in 'the state of nature' as oppressed or dominated by men or as subject to sexual exploitation at the hands of males" (Lee 1979: 454). "Certain tasks are done by females, others by males, some by both sexes, some by children and others by the entire group" (Buenaventura-Posso and Brown 1980: 118). But no tasks are more important than others (ibid: 119).

It is demonstrated above that there is disagreement among anthropologists in connection of egalitarian societies. However, *Swati* society is not purely egalitarian because beyond minimal criteria for social stratification i.e. age, sex and personal characteristics there are marked differences in terms of economic statuses as well. However, according to the tribesmen perception all people identified as *Swati* are socially equal. It is because egalitarianism is a mindset, which is used to explain social equality, exists between *Swati*. The members do not use authoritative expression against one another. At the heart of the people perception of egalitarianism is the power of retaliation. It is because of the fact that various lineages are distributed in the area in such a way that each one occupies a particular territory. Land-ownership works as a supportive mechanism for the lineage members to join together to face external threat. Hence, almost proportional numerical strength enables the groups to maintain status quo. In the society under study, the people are interdependent and even a man is exclusively depended on the support of his lineage members for his political influence, which has its significance in conflict resolution. Therefore, the status of individual is not evaluated in individual capacity but it is evaluated in relation to the group he belongs to. In individual capacity a man may hold strong personal characteristics but is ineffective without having the power of retaliation and revenge, which is possible through numerical strength.

A number of facts can be sequenced that reflects egalitarianism among *Swati*. For example, just in the early stage the children are enculturated with the notion of egalitarianism. Mother plays pivotal role in this connection. She taught her male children not to disgrace his family by using submissive and diffident words during conversation with equals, instead pose you with pride and audacity. They use the language of blow for blow and injury for injury. Wear clean clothes and behave with cheer up mood. The male children are trained to avoid laughing and make mockery of their equals. The youth are expected not to offend but in case of any brawl they should revenge each and every slap by themselves. When there is fight between the youth below the age of 15 the elder do not interfere but the women use to mobilize the uninformed youth staying at the village to reach the site of combat to participate in fight in favor of their closer blood relatives. However, in case of imbalance of numerical strength the neutral people, normally tenants or members of occupational castes, interfere to pacify the fighters. Any of the youth found lazy is evoked against his equal.

Man and woman are differentiated because of biologically inherent difference between them and the difference is applied in the domain of division of labor. Both sexes are adjusted in terms of potential they have for different types of labor, nevertheless, their activities are not mutually contradictory or against one another. If a man can pressurizes a woman (in case if she is) for not being efficient in her field of activities, in response, the woman can also ashamed the man (in case if he is) for not being active in his own domain of performance. As for as the nonparticipation of women in political activities is concerned is a matter of division of labor and ingrained system of relative prestige for man and woman. If, a woman does not participate in political activities in the society

under study, it justifies that the achievement of political status is undesirable for woman, in respect to the system of prestige of this society. For example, the current government of Pakistan allocated a quota for women participation in formal election at national as well as down to the union council level. However, this quota was not effectively implemented because of cultural factors. Hence, in the society under study most of the women seats in district election went vacant. Nevertheless, some of the *Swati* landowners encouraged the participation of their tenants' wives in the formal election because participation in the formal election for their own wives (also for women themselves) was against the rule of cultural modesty.

Man and woman in the given society are so intimately tied with one another that the behavior of mother, sister, and wife influence the status of son, brother, husband and vice-versa. Those women are of high prestige that are not involved in out-door activities and they spent most of the time inside the boundaries of their houses. The efforts of both man and woman in a family aimed at to contribute to the maintenance of family structure and bring prestige to their family through the effective performance of their expected roles.

Under the system of division of labor, it is the male who is responsible to take decisions in the traditional framework of conflict resolution. Although, woman is invisible on the social places where men meet to resolve conflicts but women views are considerably included which are spoken by their men in the public meetings. "Women do not participate in *jirgas*, although they may be influential behind the public arena" (Southwold-Llewellyn 2006: 638).



As far as the factor of age is concerned, it has its significance in the establishment of social control that seniors exert over juniors in daily life, for the purpose to bring behavior of juniors in conformity to traditional culture. However, mere seniority does not guarantee the political influence of a man in formal decision-making and conflict resolution. It is because of the fact that for formal decision-making and conflict resolution a man establishes his status on the basis of his personal characteristics require for mediation and arbitration. A man within a lineage becomes influential on the basis of his personal qualities but this relative influence of a man does not indicate any inequality in the society. It is because of the fact that the influence of a man is not inheritable. Therefore, it is not necessary that the inactive descendants of influential could maintain political influence and political power. Hence, political influence resultantly may shift to another family in the next generation.

It is obvious that *Swati* egalitarianism does not reflect equal access of the members to economic resources or political decision-making. But egalitarianism for *Swati* is the power of retaliation. The members of different lineages are socially equal because any one of them can retaliate if offended. However, this egalitarianism is delimited to *Swati* only because their servicemen and dependants are not treated at par with *Swati*.

The notion of egalitarianism as discussed above is maintained and restored if threatened by the exercise of *Pukhtu*. Hence it is important to highlight the detail of *Pukhtu* at this point.

## 4.2 Pukhtun' Code of Life (*Pukhtu*)

The behaviour of *Swati* is regulated in the framework of the *Pukhtun* code of life called *Pukhtu* (*Pukhtunwali*). Different anthropologists have defined *Pukhtunwali* by relating it to various cultural traits. For example, according to Lindholm (1996: 196) *Pukhtunwali* “revolves primarily around generosity, hospitality, courage, the obligation to take revenge, and other warrior virtues”. The salient features of *Pukhtunwali* among the Pukhtuns of Afghanistan as discussed by Durpee are:

“Major themes are *melmastia* (being a genial host; giving lavish parties), *mehrmāpalineh* (hospitality to guests), *nanawti* (the right of asylum, and the obligatory acceptance of truce offer), *badal* (blood revenge), *tureh* (“sword,” i.e., bravery), *merānah* (manhood; chivalry), *‘isteqamat* (persistence; constancy), *sabat* (steadfastness), *imandari* (righteousness), *ghayrat* (defense of property and honor), *namus* (defense of the honor of women)” (1980: 126).

Anthropologists have measured *Pukhtunwali* in relation to numerous features of *Pukhtun* culture including generosity, hospitality, courage, bravery, manhood, honor, revenge, refuge, asylum, constancy, steadfastness, and righteousness. But *Pukhtunwali* is more than that what has been already addressed by the anthropologists. It is because the code of *Pukhtu* is generated from the sense of competition in order to win the characteristic features, which are socially accepted and being considered essential for the effective and honorable survival in the society. However, some of the characteristic features are more important to be retained. For *Swati Pukhtu* is a sense of competition. The aim of competition is to accomplish all those things, which are socially approved.

The main purpose of competition is to ensure survival with dignity. For which the notion of making independent sociopolitical decisions is found very important. Hence, leadership is a crux of the whole scenario that provides a base for establishing autonomy and independent political identity. For this purpose it is considered as the aim of every joint family to have at least one of the members as a leader (*Mashar*). It is preferred to have a leader in joint family because trust in relation to securing sociopolitical and economic interests exists between real brothers. However, this trust that exists between real brothers lasts up to the time when their male children become adult. The adult children of real brothers are paternal cousins between them; hence, from the time when inherited land is divided among the heirs, they start to strive for the establishment of independent identity in opposition to their male patrilineal cousins.

*Pukhtunwali* is practiced among *Swati* with an ethnic zeal. Therefore, it is expressed at various levels of the tribal segments. Different levels are as follows:

1. *Plarwali*: *Plar* means father and *plarwali* depicts a system of fatherhood between father and his sons.
2. *Rorwali*: *Ror* means brother and *rorwali* represents a system of cooperation among brothers.
3. *Tarburwali*: *Tarbur* means father brother's son and *tarburwali* delineate system of opposition among paternal cousins.
4. *Tabarwali*: *Tabar* means lineage members and *tabarwali* is a cultural system of support among lineage members.

5. *Azizwali: Aziz* (Pl: *Azizan*). All tribal members are *Azizan* because *Azizwali* is a system representing social equality, which the members of Swati tribe claim.
6. *Puktu* or *Pukhtunwali*: Code of conduct for Pukhtuns based on competition.

*Plarwali* is a system of parenthood that exists between father and his sons. This system originates in a family and the members are attached to one another through high social expectations. The family is primarily an independent autonomous unit. All activities within a family are regulated by the senior agnate. Senior male member of the family plays a determining role in the process of decision-making. In this patriarchal society male member of the family is traditionally supposed to use his optimum energy to support his dependants including wife and children. Among the children the boy is given special importance. It is because the society by its very nature is patrilineal and father's sociopolitical position and his material assets are inherited through male line. A female after her marriage shifts to husband's family because of patterns of patrilocal residence. According to Islamic principles daughters are entitled to receive their respective share in inheritance. However, among *Swati* it is normally not given because according to Nichlos (2001: 5) that, "Religious injunctions often had little influence on specific customs such as inheritance exclusively by male heirs". Females are not given or the females do not demand their share in inherited property because of particular cultural adjustment. According to local perception the ownership of economic assets and its protection need muscle power. Female are relatively weaker in terms of physical strength. Therefore, in independent capacity they cannot manage the use of economic assets. The female is,

traditionally dependent on her father. When father becomes older or dies the responsibility shifts to brothers. Although after marriage female shifts to her husband's family but she always keeps a strong attachment with her father and brothers. Although after marriage she is traditionally depend on her husband. But that dependency, on husband, is less reliable as compared to dependency on father and brothers for socioeconomic protection. It is because the husband can divorce his wife. In such cases of divorce the only source of protection for a girl is her father or brother's house. In the society where members are organized patrilineally the father's house is very important for a girl. The girl, therefore, does not like to loose the ultimate source of protection for a little share of inherited land.

The parents normally arrange marriages for their children. The sons after marriage live with their parents in a joint family. The father of married sons heads the joint family. When children are born to married sons, those children particularly the males one are given hard training to prepare them for survival in the competitive society. They are inculcated strong values of cooperation among brothers so as to make them a cohesive and stronger group in opposition to paternal cousins. They are always taught by the mother to remain united against their cousins. The reason for this sort of training is very simple. The mother does not want her children to be dominated by their cousins. It is because in the long run they are rivals for their respective share in the inherited land. Therefore, if the children are subjugated from the beginning they would not be able to oppose their cousins when they are grown up. However, the overall unity of cousins is also asserted in order to train them for facing any external threat, hence, at the same time the groups of cousins are also taught to remain united against outsider.

In joint families most of the mothers are seen squabbling in defense of their children. If the grandfather and grandmother were found more sympathetic and lovely for the one set of grandchildren, it would be more teasing and heart burning for the mother of the rest of the children. The mother of married sons remains jealous with her daughter-in-law as a result of the division of her son's loyalty between her and his wife. She normally does favoritism in terms of dealing with the daughters-in-law. Daughters-in-law are also found competing for winning the favour of their mother-in-law. When the children of married sons are grown up so the group of cousins is ready for opposing in a joint family. Exchange of hot words mostly happens among the mothers in response to the fighting of children. In those types of fights the grandmother plays a determining role in keeping peace. She normally shuns the married sons (her own sons) from direct confrontation. It is because the direct confrontation of brothers may lead to a serious fight. Therefore, it is always prevented at every cost. The mother seriously notices the interference of her married sons (brothers) in children's fight. She condemns this action of brothers, as they would not be able to compete with their cousins if they were interfering in petty issues. Traditionally, the brothers are expected to keep unity among them. However, the life of a joint family through time becomes tense. This tension normally leads to the division of inherited property. Once the inherited property is divided among the heirs a new competition between cousins start, which is defended by the cooperation of brothers.

A code of *Pukhtu* for brothers is called *rorwali*. Traditionally brothers are supposed to show cooperation and should not fall in any dispute. In case there is any situation when there is an exchange of hot words that is pressed because internal opposition could make them weaker against their opponent cousins and outsiders. However, opposition among

stepbrothers is not uncommon. It is because they are the heirs of joint inherited property for which they are usually jealous. The stepbrother tries to develop independent connections with traditional political bloc in order to get political as well as armed support in time of emergency from wider framework of political network. Despite the jealousy found on account of the inherited property cohesion between the stepbrothers is realized against paternal cousins and other outsiders.

Cooperation between brothers, in terms of cohesion, remains exemplary in order to impress their opposition (see Barth 1965). They jointly manage their economic resources, cash income and eat from the same kitchen. It is because the joint hand could guarantee defense against external threats. However, during this period of amicable relations the wives of brothers exchanging hot words in order to assert the importance of sociopolitical and economic role that play by their respective husbands. This period of cooperation remains lasted to the time when the children particularly male grow up. In the joint family of brothers now there is a group of cousins who will now and then oppose one another. The opposition of cousins led to the distribution of inherited property.

*Tarborwali* is a code of paternal cousins. *Tarbor* (Pl: *Tarboran*), which are commonly known as *tra zamen* are patrilineal cousins. The social code for them is based on opposition. The code of *Tarborwali* is dominated by the value of opposition. They are opposing one another for two reasons. (a) The cousins are the heirs of inherited property. They have to express and maintain their sociopolitical image by creating an impression that none of them is weaker. Hence, traditionally they are stronger opponents; therefore, cousins normally try to avoid land-boarder clashes (b) the second important reason to oppose the cousins is to establish independent political identity. It is because if one of the

cousins could not oppose the opposing cousins, the earlier could lose not only his independent political identity but also his status as independent decision-maker in the village affairs. In the longer run this type of opposition divides the cousins into two opposing political blocs.

During the division of inherited land the greed for getting more and best part of land could worsen the situation between cousins. The situation of tension can convert into an open fight. However, this situation of tension is normally handled by the local Priest to prevent it from converting into war. Whenever, the tension is created among the cousins, the support is received from their *Tabar* (lineage-Pl: *Tabarey*). The members of a *Tabar* are divided, for supporting the quarrelling cousins, on the basis of affinal relations to side with one or the other because in terms of blood relation the members of one *Tabar* are equally important. The affinal relatives within a *Tabar* are reached well armed in support of their affines if the situation converts into a war. The situation of division of inherited property is however remains very tense. Once the land is divided the situation is restored to normal condition of traditional opposition.

The cousins are genealogically closer to one another and therefore cohere in opposition to threat from distant agnates. Opposition is the core idea upon which *Tarboorwali* rests. This sort of opposition is complementary and is considered essential for cousin groups to remain in balance. During the time of peace the rival cousin groups try to win the loyalty of opposing political blocs. Since, in the same bloc their incompatible interests cannot be protected.



Independent political identity is intimately related with independent *Hujra*. Therefore, each of the cousin groups tries to establish their own *Hujra*. In exclusively separate *Hujra* the owner can show generosity. He can invite the members of his own political bloc. He serves hospitality in order to increase his influence. The people always remain alert for the situation of conflict to be tackled. These attitudes of alertness do not let any individual towards isolation. Because, a person who lives in isolation shall have little influence and resultantly will not be able to mobilize effective support at the time of conflict. Everybody, therefore, tries to the best of his ability to be sociable and participate in activities of *gham* and *khadi* (sorrow and happiness). Sparing time for *gham* and *khadi* has no economic worth. But it is socially utmost important.

The fourth level of *Pukhtunwali* is *Tabarwali*. *Tabar* means a lineage normally comprised of five generations. The relationship within the members of a *Tabar* relatively remains peaceful. The members of a *Tabar* get united against the threat from other *Tabar*. In case a member falls in conflict with a member connected with other *Tabar* are defended by the members of their respective *Tabarey*. This is happened when the conflict occurs between different *Tabarey*. The members of a *Tabar* are traditionally required to support one another. It is during the situation when two cousin groups plan war against one another on account of their inherited land distribution. To show a force, the groups invite affines from within the *Tabar*.

Two or more than two lineages combine to make a group known as *Azizan*. The code practiced by the group of *Azizan* is called *Azizwali*. *Azizan* are preferred for marriage alliances. The opposing cousin groups of a *Tabar* normally develop marriage alliances with opposing cousin groups of another *Tabar* within a larger group of *Azizan*. The major,

function of *Azizan* is to get united against any external threat. For example, there was a dispute on account of the ownership of forest between Miagan and Deshan. All *Azizan* as a sub-tribe of Deshan were united to participate in the war against Miagan. *Azizwali* basically indicate the notion of social equality exist among *Azizan*. Any action repugnant to social equality is retaliated to restore the condition of social equality.

*Pukhtunwali* encompassing, all codes including *Plarwali*, *Rorwali*, *Tarborwali*, *Tabarwali*, and *Azizwali*. Hence, it is to fulfill social expectation by father, cooperation by brothers, opposition by cousins, support by lineage members, and regards for social equality by the tribal members. *Pukhtu* 'is done' in order to maintain and realize the traditional notion of social equality. Hence, in case if the notion of social equality of a member is injured by conflict is restored by traditional means so as to pacify the offended member.

It is obvious from the above discussion that *Pukhtu* asserts independence and autonomy within the framework of egalitarianism. This objective is achieved through a system of favor and opposition. Favor and opposition is relative and expressed at various level of tribal structure as depicted above. For example, *Plarwali*, *Rorwali*, *Tarborwali*, *Tabarwali*, and *Azizwali* all are representing the system of favor and opposition, which is used, to achieve culturally approved values. System of favor and opposition is frequently used in order to tackle with conflicts, which are often violent. Notwithstanding, *Pukhtu* in the broader perspective is not always healthy. It is also exercised merely to retain one's political dominance and therefore preventing the opposition from the implementation of welfare projects by which the opposition may increase their political influence.

### 4.3 Segmentary Lineage System

A characteristic feature of *Swati* sociopolitical organization is segmentary lineages. According to the tradition of segmentation the basic principle is to support, in a dispute, those members closer on genealogical structure. Closer blood relatives are supported against distant ones. This segmentation gives birth to a specific type of socioeconomic and political relationships. Those patterns of relationships shape a code of conduct called *Pukhtunwali*. The society of *Swati* is one of the segmentary societies. Segmentary political structure is applicable to understand the criterion of fusion and fission among the members of *Swati* tribe. Segmentary lineage system is also shared by the members of other societies across the world (see Eickelman 1998; Evans-Pritchard 1949; Lindholm 1982; Sahlins 1961; Gellner 1969; Montagne 1973; Barth 1959; Barth 1981; Salzman 1978a; Anderson 1997; Hart 1985). The model of segmentary political action is also important to understand the political structure of Arabs as the fusion and fission of kinsmen at various level of genealogical structure is evident in an Arab's proverb and noted by Kottak (1975: 146) that: "I and my brother against my paternal cousin. I, my brother and my cousin against all Arabs. I, my brother, my cousin and all Arabs against the entire world". The model of segmentary politics is equally applicable to understand the political structure of the *Pukhtun* of Afghanistan in which genealogy is of utmost importance. For example, Dupree (1980: 183) has noted that, "The system involves genealogy of real or assumed ancestry, and the blood aspect permeates the entire fabric, for even the blood-feud is inherited". In his study Noorzoy (1988: 41) has pointed out that, "The Afghan tribesmen will get unite in order to cope with the external threat for example against the expansion of former Soviet Union into Afghanistan all tribal

segments joined in the defense of Islam and the old way of life". Hence, in segmentary political structure numerical strength of male members play a significant role in power structure. Therefore, male children are greatly preferred. Likewise, among *Swati*, leadership emerges and functions within kinship-based organizations. Leadership is exclusively the domain of male members; therefore, they need to produce more male children. Male children are a source of power as Dupree (1980: 192) has noticed in Afghanistan. "Kinship, however, still substitutes for government in most areas, and social, economic, and political reciprocal rights and obligations function effectively within the extended family". Therefore, Dupree (1980: 181) has further explained that, "In rural areas, large families (especially the numbers of males) are desirable for economic (more hands to work in the fields or tend the flocks) and political (the more warriors, the more power) reasons".

Complementary opposition exists among *Swati* because the rival members at one level are supporters at another level. Therefore, the organization of members is relative to situation. The situation within the kinship network expands from an individual to sub-tribe and vice versa. For example, the conflict between father and his sons is their internal issue because the outsiders are traditionally not allowed to interfere and the parties themselves resolve the conflict (see Moore 1985). However, among *Swati*, if there is an external threat to a sub-tribe the members are traditionally expected to organize in order to cope with that threat. Though, this principle of unification against threat is clearly visible in the domain of dispute. It is because, during peaceful circumstances for the establishment of independent sociopolitical identity, the patrilineages are divided on the basis of collateral agnatic rivalry (*Tarborwali*) into opposite groups. Those opposite

groups support one of the opposite political blocs. Fixation in a political bloc is relatively permanent. However, through time population increased and a given patrilineage, which was fixed in a political bloc has been divided into opposite groups. Between the resultant opposite groups, one would stay in the same political bloc while the second would support the bloc, which was once in opposition. This shift of loyalties occurs because of conflicting interests of the patrilineages, which cannot be fulfilled staying in one political bloc (see Barth 1965). On the basis of collateral agnatic rivalry the agnates normally affiliate themselves in opposite political blocs. This process successively continues into the future because two agnatic groups become four and so on (see Lindholm 1996). Cousin is enemy because he is a shareholder in the inherited land and is a threat in terms of encroachment of land border but he is a friend and supporter because all cousins have shared interests in terms of defense against external threat.

Classification of genealogical connections on the basis of 'close and distant' plays important role in the organization of members belonging to *Swati*. The organization of lineage members occurs in reaction to a situation and state of affairs is always relative. The members get organized on the basis of affinal relations to cope with the situation emerging within the closer agnates. However, the lineage members get organized on the basis of consanguinal relations in order to cope with distant agnates. In the segmentary society of *Swati* the major source of power for a leader is the numerical strength, comprises of lineage members. Therefore, a leader who emerges on the basis of his personal attribute must be genealogically connected to one of the *Swati* lineage because his personal attributes are only effective within a kinship network.

The efficiency of a leader is evaluated on the basis of his role played in the organization of the lineage members to cope with threats. Leader uses segmentary lineage system as a cultural strategy for the organization of lineage members. The members are organized for show of force as well as whenever the situation demands the members also participate in gunfights. The lineage leaders are traditionally not the peace makers but active supporters. The society of *Swati* is a segmentary type. Organization of people at various level of genealogical structure reflects sustainable links. It is culturally approved for the members to die for the protection of the interests of one another. This cooperative affiliation can be referred to as organization of lineage members for survival. Nevertheless, it is obligatory to help those closer in genealogy. Therefore, the members are associated at one level would be in opposition at another levels in relation to the matter of interest concerned. The *Masharan* who emerge on the basis of their personal attributes are expected to organize the members at various level of genealogical structure for self-help. Because, in serious cases as that of land dispute the preferential cultural strategy is show force and self-help, which is often violent.

Traditional principles of segmentation have great significance in determining the role of traditional leaders in the domain of conflict. It is because those leaders who are genealogically closer to disputing parties are not expected to play the role for peace making through peaceful mechanism. It is because under the principle of segmentation it is binding upon the members to participate and strengthen the exercise of force, which the disputing parties use against one another. In the society under study favor and opposition occur in the light of principle of segmentation, which is particularly important in the domain of conflict between two parties. However, the principle of segmentary

lineage system is ineffective to understand the process of establishing and maintaining independent sociopolitical identity. It is because for self-assertion and independent sociopolitical identity the agnates divide on the basis of collateral agnatic rivalry (*Tarborwali*) to support different traditional political blocs. Notwithstanding, in the current research segmentary lineage system importantly contributed to understand the emergence of conflict and patterns of conflict resolution. It is because in the segmentary sociopolitical structure of *Swati* closer agnates are expected to physically help in the feud. Hence, at the time of crises when there is any conflict the decision of favor and opposition is made on the basis of genealogical structure but in peaceful circumstances closer agnates compete for their autonomy in political decision-making process. To effectively contend with closer agnates they carefully develop marriage alliances so as to increase the number of their supporters.

#### **4.4 Agnatic Rivalry and Marriage Alliances**

In segmentary type of socio-political structure, marriage alliances are of great importance. It is because before the development of marriage alliance both parties evaluate one another in terms of militant potentials. Powerful affines could be of physical help during suspected conflict; therefore, powerful families are preferred for marriage alliances. Collateral agnatic rivalry plays important role in the pattern of development of marriage alliances. Collateral agnatic rivals of one group develop marriages with parallel agnatic rivals of another group. Within the lineage, organization of members is dependent to the distance, between the members, on genealogical tree. However, when the disputant parties have similar importance in terms of genealogical links, the decision of support is

made on the basis of affinal relations. The present case study highlights the effect of collateral agnatic rivalry on the development of marriage alliances. The collateral agnates in one village prefer to develop marriage alliances with opposite collaterals in other village. For example, on the one hand the sons of Bhader Khan, Naeem Shah and Bilader Khan are collateral agnates. They are the residents of Bhader Khan Dherai. On the other hand the sons of Bhader Khan, Ayub Khan and Ali Gohar are collateral agnates. They are the residents of Sarkhelai Banda. The daughter of Bhader Khan of Bhader Khan Dherai is married to the son of Bhader Khan of Sarkhelai Banda. Shamim Khan the son of Naeem Shah is married to the grand daughter of Ayub Khan. The grand daughter of Bilader Khan (daughter of Purdil Khan) is married to Yusuf Khan the son of Ali Gohar. Therefore, there are parallel marriage alliances between collateral agnatic rivals. It is because an affinal relation is the second important criterion for getting support in the time of crisis among closer agnates.

Despite the importance of affinal ties in a given situation the blood relationship is still considered very important which provides a base for the organization of lineage members. Therefore, there are a number of proverbs, which symbolize the importance of blood relations. For example '*obâ pâ dang nâ byalegi*' (Tair 1975: 19) (blood relatives cannot be separated from one another). '*Bada rora pâ bad zai pākara*' (ibid: 38) (a brother might be rival but it is he that would support in the time of crisis). '*Las chi mat shi no gharhi la razi*' (finally the blood relatives would take care of).

It is obvious that *Pukhtu* in terms of favor and opposition is constructed around the principle of segmentary lineage system that is regulated by complementary opposition. *Pukhtu* is a sense of competition, which is utilized to retain *Azizwali*.



## CHAPTER-5

### CAUSES OF CNFLICT

The purpose of this chapter is to highlight the causes of conflict. Conflicts stem from opposite desires or aims to achieve by an individual or group of individuals. The causes of conflict are found in the culture. However, culture to a larger extent is determined by physical environment. Hence, scarcity of resources could be seen as a motivational force behind a conflict. It is under the inherent need for survival that man fight with other man for the control of scarce resources. However, for the legitimacy of a conflict he looks for supports from culture. Hence, the causes for conflict are defined by a given culture. It is because “war is a *cultural* phenomenon, that it is a form of institutionalized behaviour given definition by consensus, and that the definition varies from society to society” (Goldschmidt; Foster; Rubinstein; Silverberg 1986: 12). Theoretically, it is important to note, about the society under study, that every action violating the norm of *azizwali* results in the emergence of conflict. However, in the current research I have delimited myself for the detail discussion of conflicts that are emerged as a result of land. Nevertheless, other causes e.g. woman and money are also taken into account.

Woman, gold, and land are the observable indicators of source of conflict. It is because those causative factors of conflicts are deeply rooted in socio-economic survival of man. Greater importance is given to land as a cause of conflict. Since, land disputes are normally resolved through public meetings. Conflict over the honour and chastity of woman is resolved at family level. Conflict involving illegitimate sexual intercourse

between a male and a female is resolved by the near blood relatives including father and brothers. Traditionally, it is the father or brothers who normally kill accused of adultery and fornication.

In terms of level conflicts are differently classified. For example, “inter-group conflicts and intra-group conflicts” (Robert 1979: 49). However, in the current research those conflicts are mainly taken into account, which are emerged between the members of *Swati* tribe i.e. between collateral agnates, lineages, sub-sections, sections and sub-tribes.

## **5.1 Land as a Source of Conflict**

According to District Census Report of Batagram (1999) the total population of the district is 307 thousand, the total agricultural land is 61,340 acres and household size is 6.6. Therefore, total numbers of households are 46515. Each household almost gets 1.31 acres of cultivated land. This amount of land per household is quite insufficient to meet the needs of the total population. It is because of this scarcity as well as cultural importance that land is one of the major causes of conflict among the people. Culturally it is a sign of pride, symbol of honour and matter of respect. To a greater extent it is the ownership of land that determines the status of a person in social fabric. *Dotary* is the highest social status in the study area. It is share of inherited land that identifies the status of a person as belong to a recognized sub-tribe of *Swati*. Some of the non-*Swati* who participated in the war of conquest had also received share in land and attained the position of *dotary*, while those *Swati* who did not participated in the war of conquest lost their membership as member of *Swati* tribe. Similarly any member of the *Swati*

community who had sold his *dotar* (hereditary land) had lost his membership. However, selling the land is traditionally considered as bad. Selling the land is equally considered as bad among Swat Pukhtuns as Barth has noticed.

“Land is a scarce resource in Swat and there are always eager prospective buyers; consequently the price, in cases of outright sale, is extremely high. But people hesitate to sell real property, since this is tantamount to renouncing all claims to high status” (1965: 75).

The importance of land is clearly evident from a local proverb that translates that ‘if a human being becomes sick the people slaughter animals for his recovery. But, when land become sick then human beings are slaughter over it’. The ownership of land not only makes the owner independent in terms of food, shelter but also in decision-making particularly in the domain of politics. *Dotaryan* have strong relationship with land. This strong relationship of *doteryan* with land made them permanently settled at one place. They visit far away areas and even abroad for earning cash income but return to their homes with time intervals. The permanent settlement prevents them to permanently shift or migrates to urban areas. Therefore, the social organization of *doteryan* is stronger as compared to the social organization of landless people. The landless people are taken as socially inferior because they are not permanently settled. They are usually depending on others and remain mobile.

All *doteryan* are socially equal because all of them are landowners and their ancestors allegedly participated in the war of conquest. However, the people who bought land later on are not traditionally equal to those who got land as conqueror. The

cattle enter other field may lead to squabble. If, unsupervised cattle are found frequently trespassing others fields. the field owner may take away the cattle to his home and the action may result in serious conflict between the cattle owner and the field's owner. Hence, squabbles over trespassing are frequently occurred. For example, in the sub-tribe Panjghol the two opponents groups were at no talking terms. Once the cattle of one group did trespassed the paddy field of another, which resulted in gunfight and three men were killed from the group of cattle owners.

## 5.2 Irrigation

Paddy crops are extensively irrigated. The water required for irrigation reach the fields through water channels. If a person tries to divert the water to his own fields without prior permission of the man for whom the water is due, may lead to conflict. Those people who are enemies may harm one another by diverting water, which may intensify the enmity. Agriculture plays a vital role in the economy of the people. Irrigation water is important for the normal growth of crops particularly rice. Water for irrigation is drawn from natural stream. However, the supply of water is not abundant. Hence, the shortage of water is one of the causes of conflict in the study area. Barth has noticed similar type of conflicts over right to irrigation among Swat Pukhtuns.

“Conflicts over the boarder of fields, rights to irrigation water and damage to crops inevitably arise between neighbors, while conflicts over rights to land, inheritance and division at periodic re-allotments must arise between collateral agnates” (1965: 108).

It is evident from the above quotation that conflict over right to irrigation water also emerged in other Pukhtun societies.

significance of immovable property in a social system is also explained by Gluckman that:

“My hypothesis is that immovable property and chattels have different functions in the maintenance, through time, of a social system as an organized pattern of relations. Immoveable property provides fix position, which endure through the passing of generations, through quarrels, and even through invasions and revolutions, and many social relationships are stabilized about these positions” (1965: 116).

The worth of land ownership in terms of socio-political status is asserted by Barth that: “furthermore, full citizenship is vested only in members of the landowning Pakhtun caste, and these serve as political patrons for all members of the lower castes” (1965: 3).

In addition to be a landowner the social status of a man is determined on the basis of his genealogical connection to one of the *Swati* sub-tribe. The underlie logic of land-ownership and genealogical link with any of the sub-tribe is connected with survival. It is because land makes a man economically independent while the support of numerical strength ensures to effectively face the adverse circumstances against enemy. The support of numerical strength in such a society where conflict over land is of utmost importance is seriously desirable for offence and defense. It is why land ownership and belonging to a *Swati* descent group are not mutually exclusive. Barth (1965) has noticed the same type of correlation between land-ownership and descent group. He further explains that:

“Every unit of land is thought of as a ‘share’, a portion of larger estate held by a descent group of Pakhtuns. This estate is referred to as *daftar*; individual’s *daftar* is his

inherited share of it as a member of the descent group. There is thus a direct connexion between the descent organization and right to land” (1965: 65).

It is evident from the above discussion that land is important for economic independence. However, due to scarcity of land most of the conflict arise in the society due to land. Hence, the following types of conflicts are noted that arise as a result of disputes over land in *Swati* society.

### 5.1.1 Distribution of Inherited Land Between the Heirs

The sons inherit their father’s land, which is equally distributed between them. The father could however grant *pagrhai*<sup>27</sup> to one of his sons, in return of his services for his joint family. The daughters traditionally do not demand their share in land. Distribution of inherited land among collateral agnates is a time of acute tension and danger. During the division of land the heirs are suspicious of the unjust allotment of land. Therefore, all the brothers are grouped together against their cousins in order to get their due share. In case the heirs are real brothers among themselves they enjoy equal social status. Principally every male inheritor is to get share in inherited land. Nevertheless, the weaker brother remains suspicious of the intention of stronger one for snatching more land and number of houses built for the tenants. In this case the stronger one is that who has a number of young sons for support in a situation of coercive self-help, which is often violent. However, the situation is not merely decided on the basis of greater number of sons. For example, if the only son of a weaker brother has leadership qualities and could organize

---

<sup>27</sup> Literal meaning of *pagrhai* is turban. However, this term is also stand for a piece of land that is specifically granted by a father to one of his sons. *Pagrhai* is granted to a son for his leadership services he has performed for his joint family. This land is not subject to distribution.

rest of the affinal relatives in his own lineage, he can balance the situation. This is actually a show of force and the supporters of rival parties' approach at the men houses in order to participate in an anticipated gunfight. If the weaker rival could successfully resist through a same show of force the situation become balance. Hence, third party particularly priest of the village interfere and organize a meeting between the rivals. This way the issue of land distribution can be peacefully resolved. Barth has vividly explained the similar type of situation among Swat Pukhtuns:

“An encroachment of a man’s rights, or an obvious threat to them, usually leads to the mobilization of group of his allies. ...Invariably, this involves the massing of men in a show of force, since only through such concentration are the blocs able to act.... The mobilization of local sections of both blocs in opposition by a show of force, leading to a concentration of members of each in an excitable, heavily armed group, may, as in the first example, lead to actual armed conflict. But the purpose of the operation is the mobilization itself, as a preliminary not to battle but to negotiation from a position of strength” (1965: 119-120).

Lindholm has also noted the same type of conflict over the inherited land in Swat:

“The enmity between patrilateral parallel cousins drives from their claims to the land of their common grandfather. Their properties are adjacent, and each may try to push the holdings of the other back by trickery or force. As an example, two *tarbur* had neighboring plots. The cousin whose field was more distant from the village walked to his field on an ancient pathway which verged on the plot of his *tarbur*. There was a simmering dispute over the right to his narrow path which ended in gun fight and the death of one of the men’s sons” (1996: 50).

It is evident from the above detail that land is the major root cause of conflict among Pukhtun. *Swati* is no exception and distribution of inherited land normally becomes a bone of contention. However, the distribution of land among agnates is regulated by the notion of social equality and every group is ready to snatch its due share if it is undermined. The actual source of conflict during land inheritance is the differential attitude of groups. If one of the groups as a result of its numerical strength perceived itself superior and challenge the others the later will retaliate in order to prove them as equal to earlier.

### **5.1.2 Conflict over Forest Land and Trees**

The forest and pastureland is normally communal property of the agnates. From the communal forest the members are allowed to collect fuel wood and even cut trees, when needed. For example, if any of the members plan to construct a house may cut trees for his personal use in the construction of a house. However, if the trees are cut in large numbers for sale the money received from the sale is divided among the owner in equal proportion.

Communally owned private forests are not properly managed because it is common property and nobody takes interest in plantation. However, the owners jealously protect naturally grown pine trees or trees planted by the Forest Department. A watchman is kept for this purpose and he receives for his services in kind. Nevertheless, those people having no trees of their own are allowed to take fuel woods from the forests. The fuel woods are dry tumbled branches of pine trees or shrubs. But they are not allowed to



cut trees. In case anybody was found guilty of cutting tree the watchman might impose penalty and the minimum penalty is to take away wood of him and the sickle.

For example, the following case study tells us about the conflict emerge as a result of illegal cutting of trees from a privately owned forest. There is a big jungle owned by Panjghol, which is one of the *Swati* sub-tribes. Another member belongs to one of the other *Swati* tribes was reportedly found cutting tree from that forest. Some of the members of Panjghol yelled at him to stop cutting tree. On refusal he was hit with gunfire and he got injured. In response the elder brother of injured man consulted his lineage members to retaliate the injury. However, the religious leaders advised that the better was to keep quiet, as his brother was principally a wrongdoer.

### **5.1.3 Conflict over Land Boundary**

Every landowner remains very conscious of his land boundaries. The minute violation of land boundary may lead to a serious fight. Landowner normally obsessed with fear that his land boundary might not be encroached by the adjoining landowner. Therefore, the landowner frequently visits his land to check the boundaries even if the owner is not self-cultivator.

The land is registered with the government and the revenue department has the detailed map, which depicts minute detail in terms of ownership. Despite the registration of land with government encroachment occurs which led to serious fights. If the adjoining landowners were equally powerful there would be lesser chance of boundary encroachment. The encroachment of land boundary is taken serious for two reasons. Firstly, the land is an important source of livelihood, therefore, if a little encroachment

was not noticed well in time the rival might capture a lot. Secondly, the owner of land is considered as weaker if he did not properly resist the encroachment of land. Therefore, in response to socio-economic survival a little encroachment of land is strongly resisted and the victim might resort to the use of physical force and the violence ensues.

The landowners and their descendants take interests in knowing about their land boundaries. Any member who does not take care or show disinterest in the knowledge of land boundaries is considered as *begherata* (without honour). Barth has truly noted the same situation in Swat.

“Where there has been permanent settlement, a stronger landlord generally attempts to encroach on the land of his weaker neighbor by the slow but steady technique of ploughing the boarder between the fields.... The strategic advantage of this technique is that there is no critical moment in its execution when dramatic counteraction is precipitated. Pathan landowners exercise constant vigilance against it” (1965: 75).

Similar encroachment at land border, as noted above, also occurs among *Swati*. For example, there was a squabble on account of land border between two adjacent landowners belong to the sub-tribe Khankhel. The squabble was soon converted into one to one fight and Buserh attacked so strongly that the opposite man namely Faqir was killed. After killing Buserh shifted to tribal area in order to get safe from the attack of enemy. However, later on the traditional leaders made a settlement in return for blood money.

#### 5.1.4 Sale and Purchase of Land

Traditionally it is laughable to sell land until for very good reason. Selling the land is ridiculous for two reasons. Firstly, land is a permanent source of livelihood, symbol of pride, sign of identity. Secondly, it is traditionally not acceptable to allow the landless people to buy land and amalgamate with the inherited landowners.

One could imagine the importance of land by the belief I found among *Swati* that land is generally considered as mother. Any body found whipping at land is asked to stop because land is the mother of humankind. Hence, as a result of greater socio-economic importance of land its sale is discouraged. The sale of land particularly results in conflict if it is common property. Therefore, none of the owner could sell the land without the consensus of all. It is also against the norms to sell the land without letting the adjoining landowners known of the transaction, particularly when the adjoining landowners are relatives. Therefore, when all the owners are agreed to sell a portion of land the first priority according to the traditions would be to ask the kin or neighboring landowner for purchase. Barth has noted the same tradition among Kohistani community:

“Immoveable property (land, houses) is not freely disposable. Although, with permanent settlement, persons own particular fields and plots of land, their right to alienate this land is limited – the Islamic first rights of close kin, and of neighbors, are recognized. Thus, before selling to a non-lineage member, the permission of the lineage is required, and before the sale of land to an outsider is valid, it must approved by the village council” (1956: 44).

It is clear from the above expression of tradition that if any body plan to sell his land and the kin or neighboring landowner could afford and is interested, the land would be sold to him. Otherwise it is sold to anybody that is interested to purchase. However, if the adjoining landowner was not informed, he might become annoyed by the act, he then normally institutes *haqq-e-shufaah* (right of preemption). *Haqq-e-shufaah* is instituted for two purposes. Firstly, that the adjoining landowner is really interested to purchase the land. Secondly, to intimidate the purchaser to pay some money to the adjoining landowner to prevent him of instituting *haqq-e-shufaah*. Institution of *haqq-e-shufaah* is relative to the social position of the purchaser. The adjoining landowner does not institute *haqq-e-shufaah* if the purchaser is a powerful and influential person.

*Haqq-e-shufaah* leads to conflict among three parties i.e. the seller, the buyer and the party who institutes *haqq-e-shufaah*. A man who wants to purchase the land and among the neighboring landowners nobody has an objection over that transaction the land could be easily transferred to the purchaser. However, a man whose land is situated at a distance, hence cannot institute right of preemption, has objection over that business may likely to convince one of the adjoining landowners to give him power of attorney for *haqq-e-shufaah*. It is actually a plan to intimidate the purchaser for some money.

### **5.1.5 Trespassing the Agricultural Fields**

Trespassing the field by livestock result in conflict between the parties. It is normally the children between the age of 9 to 15 who take cattle for grazing to the pasture or for watering. Controlled grazing is preferred and the children are trained to take care of the cattle by preventing them of trespassing agricultural fields. However, if somebody's

cattle enter other field may lead to squabble. If, unsupervised cattle are found frequently trespassing others fields, the field owner may take away the cattle to his home and the action may result in serious conflict between the cattle owner and the field's owner. Hence, squabbles over trespassing are frequently occurred. For example, in the sub-tribe Panjghol the two opponents groups were at no talking terms. Once the cattle of one group did trespassed the paddy field of another, which resulted in gunfight and three men were killed from the group of cattle owners.

## 5.2 Irrigation

Paddy crops are extensively irrigated. The water required for irrigation reach the fields through water channels. If a person tries to divert the water to his own fields without prior permission of the man for whom the water is due, may lead to conflict. Those people who are enemies may harm one another by diverting water, which may intensify the enmity. Agriculture plays a vital role in the economy of the people. Irrigation water is important for the normal growth of crops particularly rice. Water for irrigation is drawn from natural stream. However, the supply of water is not abundant. Hence, the shortage of water is one of the causes of conflict in the study area. Barth has noticed similar type of conflicts over right to irrigation among Swat Pukhtuns.

“Conflicts over the boarder of fields, rights to irrigation water and damage to crops inevitably arise between neighbors, while conflicts over rights to land, inheritance and division at periodic re-allotments must arise between collateral agnates” (1965: 108).

It is evident from the above quotation that conflict over right to irrigation water also emerged in other Pukhtun societies.

### **5.3 Ravaging the Crops and Burning the Dry Grasses**

The people who are not in good terms with one another try to harm by using every possible mean. For example, they destroy the immature crops of the enemy. It normally destroyed during night so as not to be caught red handed. This is particularly happened to destroy the paddy seedling. They also harm their enemy by burning dry grasses. Dry grass is basically fodder for livestock, which is stored to be used during the winter season. Subsistence crops and livestock play important role in the livelihood of people. Therefore, damage to crops and dry grasses lead to serious confrontation particularly when the culprits are exactly identified. Stealing of livestock is also another reason for conflict.

### **5.4 Lacking of Strength Leads to Conflict**

The people who are dependants, tenants and members of occupational castes, do live under the political influence of their patrons. However, a change happened because of economic opportunities in the Gulf countries. The landless people and members of occupational castes who could earn cash money from abroad have bought small pieces of land and have constructed their own personal houses. Therefore, member from amongst the dependents who have constructed his own house and has bought a little bit land is in conflict with old adjoining landowner. Since, the construction of personal house and purchase of land is the tacit indicators towards the independence of the owner. The independence of new landowner is something nuisance for the old landowner. It is because his independence is not fully recognized; therefore, the old landowner attempts to bring the new small landowner under his political influence. Therefore, the

powerlessness of such new landowner becomes a reason of conflict. Four different situations could create under such circumstances. Firstly, if the new landowner could strongly resist and establish his entity, the old landowner would stop teasing him. Secondly, if the new landowner could not resist he may accept to live under the political influence of the old landowner, instead of functioning as an independent decision-maker in the domain of politics. Thirdly, the new landowner may resell his assets to such a stronger and powerful man who could be a threat for the adjoining old landowner. Fourthly, if the land was bought from a stronger landowner it may be resold to him. This type of relationship between the stronger and the weaker is depicted in the research of Lindholm (1996: 20) that “In Pukhtun thought, there are only two types of individual—the weak and the strong. The strong survive, take power, and gain prestige; the weak are controlled and dominated by the strong”.

I have studied a number of cases involving landless people who have earned money from Gulf Countries. They have invested the money in the purchase of land and construction of personal houses. In terms of consequences those cases are classified into three categories. First category is of those people who have accepted political influence of the stronger landowners. Second category is comprised of those who retaliated every slap of old landowners and live autonomously. Third category is of those people who have resold their land to old landowners and have left the place.

## **5.5 Woman as a Source of Conflict**

Among *Swati* the social status of woman is relatively subservient as compared to man particularly in the domain of decision-making. The reason lies in the type of culture

people live in. Competition for attaining high socio-political status is very tough because it involves the use of physical force. It is normal that for the maintenance of social status people resort to the use of force. Therefore, it is significantly important to note that natural resources are jealously guarded by the use of physical force, which is not possible for women. Hence, women directly cannot compete for their autonomous socio-political status. The social status of women is therefore attached with a man upon whom she depends as daughter, sister, wife, and mother. Attitude based on differentiation towards male and female starts just after birth. Because in the study area birth of a male baby is the occasion of congratulations while the birth of a female is the occasion of condolences. Lindholm has noted the same attitude towards the birth of male and female babies in Swat as she further explains:

“When a baby is born, it is the occasion for either congratulations or condolences—the former if the child is a boy, the latter if a girl. Sons rather than daughters are desired since the family land passes down through the male line only, and the political strength of the family depends on its men; a family with many sons will be more powerful than one with few because, though rivals individually for their father’s land, the sons will unite against others whenever necessary. This property of the segmentary lineage system is nicely described in the famous Middle Eastern saying: ‘I against my brothers; my brothers and I against our cousins; my brothers, cousins, and I against the world’ (1996: 18).

This favoritism for male could be seen overall. The mother gives the best possible food to male. Lindholm in her study on the Pukhtuns of Swat has noted the same patterns of behavior toward male and female children. She explains her findings that “boys, of



course, begin the favoured sex, tend to have a somewhat easier time of it in the home than girls, and while a girl will be punished for striking her brother, a boy may hit his sister with impunity” (1996: 23-24).

In the *Swati* society practicing hypergamy relatively increases the social status of woman but generally her social status is measured against the status of her patrilineals. Lindholm has noted that “because men and women alike are early instructed in the pride of their own patriline, there is an automatic hostility built in to the marriage relation, for each partner considers his own patriline superior to the other’s”. (1996: 18).

The female depends on male members. The male member defends the dependant position of woman. The woman is expected to function within the cultural framework of norms and traditions. However, in a joint family there is continuously squabble among the wives of brothers on account of defending the superiority of their respective patriline. They are also found accusing one another for *kodey* (magic). The lethargy, irritation, frustration and depression are often referred to as a result of magical spell. The ideal wife is one who is submissive and docile. It is a normal routine that a wife would praise in support of her patriline while the husband would admire his own. “The violence and strife which characterize the marriage relations is the result of the constant battle between two equally proud and determined opponents to achieve power over the other and avoid being dominated and controlled” (Lindholm 1996: 19).

The most important norm for a woman is to prevent herself from illicit sexual relationship because it led to serious conflict. According to the traditions the man and woman if found in illicit sexual relationship are killed by their respective patrilineals

(father and brothers). Ahmed has noted the same tradition in Muhmand society. He describes the tradition in the following words:

“The chastity and good name of a woman are the most sensitive points of honour in Pukhtun society. Genealogical violation of a woman’s honour is tantamount to classificatory incest in a society related on the tribal charter. Socially a woman’s acts reflect her husband’s status and honour. The male Pukhtun is most vulnerable through the behaviour of the women of his house. It is important to underline that the only killing in society that does not invoke the laws of revenge is when a man and a woman believed to have had an illicit liaison. They are then said to be *tor*, the colour black and opposite to that depicting purity, white (*spin*)” (1980: 202).

As woman is not an independent decision-maker; therefore, she cannot marry according to her own wish. The parents and elder brothers arrange the marriage for a girl as well as for boy. After arrange marriage of a girl the post marital conflict can arise e.g. if the girl was beaten by the husband and broken hers’ any of the bone. This serious injury is taken as violence and it leads to serious conflict between the girl parents and the boy. After getting injured the girl normally shift to her parents home. Reconciliation is made after a long process of mediation through neutral third party that is often comprised of relatives. However, during my fieldwork no such event happened which I could note.

Traditionally the father or brother (s) would kill a girl if she is found in illegitimate sex or extra-marital sexual relationship. The father or brother (s) would also kill the boy found in illegitimate sex. The informants told me few of such stories from the past but during the fieldwork I noted no such case of execution on the basis of illegal sex.

## 5.6 Money Lending

If, some body would not return the borrowed money within the stipulated time it may lead to a conflict. In case money is not returned for a long time, the man who lent money may seize something as *botha*<sup>28</sup>. However, the culture of given society is very flexible in the domain of lending money. This attitude is very much depicted in a proverb, which says 'no body has killed a borrower'.

Lending money is a common practice in village life. Lending and borrowing money is a part of local system, which is very effective. It is basically interest free loan. The villagers not always have cash money in hand; hence, monthly salaried workers purchase the items of daily use from grocer shops and pay the money at the end of every month. However, the farmers after harvesting the crops pay money to the grocer. Some of the farmers during winter season migrate to different cities in Pakistan in order to work as daily wagers. It is because during winter there is no work to do in the agricultural fields. Cash money earned during winter is utilized to pay debt of grocers.

In joint families it is a common practice between brothers that one brother stay in village to take care of the family and land. The rest of the brothers normally go abroad. They return to village after one or two yeas for three to six months. From abroad they send money either to their father or elder brother to manage routine activities. Major part of cash income is consumed for purchasing items of daily use. However, it depends upon

---

<sup>28</sup> *Botha* is the seizure of any thing of economic value belonging to the man who had borrowed money. It is only returned when the borrowed money is recovered. *Botha* creates high social pressure over the borrower to return borrowed money because in cultural context it is considered as ridiculous.

the amount of money saved. For example, those members who work abroad could save greater amount of cash money. Hence, it is utilized for the purchase of agricultural land as well as commercial plots in Batagram town.

### **5.7 Curse and Abuses as Cause of Conflict**

Cursing and abusing come under ridiculing behaviour, which some time leads to serious conflict. For example, it was the month of Ramazan. A man belong to one of the sub-tribe of *Swati* entered a shop to buy a watermelon. The shopkeeper was also a member of the same sub-tribe. The customer asked for a watermelon. The seller replied in aggressive mode telling him to wait for his turn. The buyer did consider the aggressive mode as insulting and cursed the seller and threatened him for dreadful consequences and went home. The seller closed his shop in the evening and was going to home. The opponent was waiting for the shopkeeper. As soon as he saw the shopkeeper on the way to his home at once fired and killed the shopkeeper. A cross firing was started between the two families and a number of people were injured and killed from both sides.

### **5.8 Socioeconomic Survival and Conflict**

*Peghore* plays an important role in the regulation of people's behaviour of the given society. Literally *pegghore* means to use a derogatory terms for a man to provoke him for an action. Those derogatory terms are *begherata* (without honour), *dallah* (coward) *beizatta* (without honour). Those terms are very hurtful for a man except when these are used in gossip and fun. Therefore, every one tries to take action before those ridiculing

terms are used for him. Those terms are particularly troublesome when someone uses as a result of hostility. The use of those derogatory terms is seriously taken when addressed by a man who is *Aziz*. However, the use of derogatory terms creates social control at family level. Hence, forces the members to live in conformity to the traditional patterns of behaviour so as avoid listening ridiculing terms from their elders.

Deep analysis of the use of derogatory terms to provoke a man for action has an intimate relationship with survival. The man normally takes action if there is any threat to his ownership. But if some one was found reluctant is however provoked through *peghore* to take action. There are a number of things in relation to which the members are provoked by *peghore* to take action. One of these things is land. It is because land is one of the important means playing an important role in the subsistence economy. Therefore, the basic motivating force for taking care of land is a matter of economic survival. Culturally, land is a symbol of pride and increases one's social status. A man who could not retain the ownership of land is considered as weaker and he lost the status to be effective participant in decision-making regarding village affairs. Therefore, it is a matter of socio-political survival to be alert in retaining the control of land. Every member is expected to strongly retaliate in return to the encroachment of his land.

The second thing upon which social control system forces the individual to strongly react is insult to any of his closer agnate. It is because numerical strength is a source of power. Therefore, if anybody insults a man, the closer agnates are socially expected to take revenge. The action of revenge increases cohesion among the agnates. Avenging the insult of agnates means winning the loyalties of one another. Anybody could face the adverse circumstances in his life. But he is traditionally supported by

closer agnates. Showing *gherat* (boldness), in order to avenge his agnates, is a reciprocal system. Hence, every member is embedded in the network of reciprocity. The closer members support one another in taking revenge.

The third factor for which *gherat* is provoked related with the honor of woman. Woman is dependent upon man. Therefore, traditionally the man is responsible to retaliate any physical assault against her. He is also responsible to preserve the chastity of woman. Therefore, according to the social structure of society it is a matter of social survival to take care of woman. In case of failure a man will not be able to participate in public meetings as a result of fearing *peghore*.

Fourthly, it is the responsibility of landowner to ensure social security of his dependents. A patron will get revenge if other Aziz insulted his tenant. It is something related with political survival. It is because numerical strength of tenants is one of the sources of political authority. Furthermore, if any body who could not take care of his tenants the tenants would consequently shift to another place.

Keiser has highlighted the term *izzat* as perceived among Kohistanis of Thull in the following way:

(...) "*izzat* depends on personal accomplishments and defines the men of worth in community; it fluctuates with an individual's fortune. One measures *izzat* by the *adab* ('respect') accorded by others. Wealth, education, piety, and elected position all merit respect and thus confer *izzat*" (1991: 53).

Barth has explained the significance of *izzat* with that of leadership and political authority:

“Thus the intangible factor of prestige or reputation becomes a major source of authority, an important means by which a political pretender rallies supporters. The qualities are evaluated in terms of the polar opposites *izat* honour, and *sharm*—shame... Honour, in this sense, is thus a matter of major concern to political pretenders—as indeed to every self-respecting man—and conflicts in defence of honour become tests of a man’s honour is thus as important as a threat to his possession of land. Pathans express this in terms of a ‘pure case’—the defense of the honour of wives and sisters; hence the proverbial reference to women as a source of conflict. Actually any insult, any action or condition which ‘shames’ a Pathan, requires him to defend his honour, if he is not to suffer permanent loss of respect and status” (1965: 81-82).

A thorough analysis of *izzat* and *gherat* reveal that those are the concepts motivating a man for effective socio-political and economic survival. Therefore, any action, which can be a threat to the socio-political or economic survival of a man, he would in response manage to cope with the threat. There are facts related with the concept of *izzat*. The overall cultural environment shapes those facts. The *Swati* landowner is expected to be brave in order to face his enemies. He must be able to speak well before public meetings in order to defend his interests. He must be generous in order to increase his sphere of influence. He must be able to command and preserve the honour of his sisters and wife. He is expected to be caring for his dependent tenants. He is expected to respect the religion and the people associated with it. Those are the ideal facts related with the concept of *izzat* and make the man *izzatmen* (man of honour).

A number of causes are enlisted above which could result into the emergence of conflict. However, those causes are not uniquely found in *Swati* society but they could be

found in any human society across the world. Nevertheless, how the causes of conflict are perceived and taken by the people of a given society is important to understand. For example, in the given case causes of conflict are associated with the perception of social status of a man. The use of a simple derogatory term or a curse could result in the emergence of a conflict. It is not because that derogation or cursing inflicts upon serious damages but it is a matter of social survival. According to local perception ignoring the rival for his cursing could encourage him for doing more.

It is also important to note that any of the causes that result in conflict could be resolved peacefully. However, in the current case the offended party considers it against the tradition of equality. Hence, in response the offended party would manage to retaliate and equally inflict damages upon the offender. Hence, the causes mentioned above are evaluated that whether or not a particular action was done to undermine the offended party. It leads to the development of a conflict if the action was perceived as a deliberate attempt considering the opposite as weaker. However, the mechanism, which is exercised to resolve conflict, is discussed in the next chapter.



## CHAPTER-6

### MEANS OF SOCIAL CONTROL

A number of causes are responsible for conflict in a human society. However, human beings have created various strategies to prevent the society from total collapse. Hence, this chapter is basically focusing upon the means of social control found in the given society. In this connection norms and laws are the major means of social control, which help the society run smoothly. It is because; “Norms and laws protect the social order, without which societies could no exist. Still, they are often ignored or violated, and the result may be conflict—the disruption of the social order” (Hicks and Gwynne 1996: 303).

Moreover, human beings have created orderly and disorderly means to prevent the society from disruption. “Orderly methods of social control include dispute-resolving councils and committees; sanctions, either positive or negative, diffused or organized; courts; and divination. (...) Disorderly methods of social control include feuds and wars: world wars, regional wars, and smaller-scale, intraregional conflicts” (Hicks and Gwynne 1996: 315).

In this research the means of social control are classified in terms of their application. Those, which are applied by parities themselves and those, which are exercised by neutral third party. For example, self-help, litigation through court, arbitration, submission, and seizing the bier are the means of social control which are

applied by the disputing parties themselves. While the other means involving mediation is applied by neutral third party including traditional leaders or religious leaders.

## 6.1 Self-help

*Swati* of Batagram are hotheaded and normally resort to force for resolving a dispute. In the outset of a dispute between two segments of *Swati*, the parties normally do not listen to the peacemakers carefully. Nevertheless, the third party meets the disputants now and then in order to explore the intentions of the parties towards settlement. The peacemakers also express the situation that let the parties check one another power (*zor*<sup>29</sup>). It is only when the combating parties would become exhausted they would be ready to listen to the peacemakers. The peacemakers are very tactful and closely watch the situation. When the peacemakers realize that the disputants are now depleted only then they interfere. The major indicator, which conveys the message of the disputants to the public that the parties are ready for settlement, is the informal discussion in which the disputants shrewdly express their desire for settlement. Now the time is matured for the interference of peacemakers. While in case of serious conflict over woman and land the first priority is the exercise of physical force but according to the researcher's investigation none of the conflict is resolved by force. However, through the exercise of physical force the parties realize the military balance exists between them. Both the parties accept the strength of one another and understand that none of the party could be subjugated by force. Therefore, both the parties speak from the position of strength to accept the third party's

---

<sup>29</sup> Literal meaning of the term *zor* is physical power. In the broader sense it depicts the power of a man in terms of numerical strength (including blood relatives, affinal relatives, and tenants), amount of landholdings, cash money.

solution, which is developed in conformity to the cultural traditions. Consequently, the disorderly mean of conflict resolution shapes the form of orderly mean, which is *jirgah*.

## 6.2 Courts

The formal court is also seemingly the orderly means of conflict resolution. Formal court is fully functioning in district Batagram as in any other district of Pakistan. However, the *Swati* use the court to inflict financial damages and disdain the enemy. The court decisions are not whole-heartedly accepted. It is because the procedure of court is not in conformity to the social value of *Swati* i.e. social equality. The opposition takes the decision of the court in a way that as if the party won the game. Conversely none of the rival parties agree to let the opposite party win. Hence, court decision mostly results into further violence between the rival parties. For example, in a longstanding dispute between collateral agnates three people were killed and three were injured. The last murder and injury was a result of the decision of the Supreme Court of Pakistan. The Supreme Court retained the death penalty of the member of one of the agnatic groups who was jailed. As soon as the news spread in the village the father of prisoner rushed towards the *hujra* of his enemy and opened fire on them in which one of the enemies was injured. In reaction the men from *hujra* also opened fire and the attacker was killed. The dispute was later on resolved by the interference of religious leaders (see Chapter 8).

## 6.3 Arbitration (*Shariat*)

Arbitration differs from mediation because of its very nature of ruling through Islamic jurisprudence. Dispute settlement on the basis of Islamic law is inherent to *Swati* society

because all of them are Muslims by religion. Islamic arbitration is deeply rooted in the history of Islam. With the beginning of the Islamic State, Muhammad became a political and religious leader of the community that includes both Muslims and non-Muslims. Because arbitration was commanded by the Holy Quran in economic, religious, social, and political dimensions, Muhammad extensively used his arbitrator role in dispute among Muslims. As an inter-religious arbitrator, he intervened in disputes between nations, and religions by using their divine laws. One example is that the adultery incident between a married Jewish man and woman. After the hearing of the case, Muhammad asked some Jewish rabbis about the Jewish law on this matter. Because the Jewish law ruled for their stoning to death, Muhammad sentenced them stoned for the fulfillment of their law (Moussalli, 1997: 53).

*Shariat* is Islamic jurisprudence and the agreement of disputants to decide an issue according to the Islamic jurisprudence is also called *shariat*. If, through the middleman the disputants are agreed to decide the issue according to *shariat* the case is submitted to a popular and learned religious scholar (*Alem*) for arbitration. The *Alem* himself determines the date for *shariat*. The disputant parties in advance accept publicly the binding nature of decision formulated by the *Alem*. The *Alem* is only supposed to study the case in detail and proclaim his decision in the light of *shariat*. He is little concerned with the implementation of his decision because traditionally the disputing parties themselves are responsible to abide by the decision. A man who is found regularly violating the decision becomes unreliable. The *Alem* for arbitration does not accept the case of a devious. This is a sort of social pressure, which prevents a person to accept the decision made according to *shariat*.

#### 6.4 Submission (*Nanawate*)

*Nanawate* is a traditional method of conflict resolution applied by the offender party themselves. *Nanawate* means entrance to the home of an opponent. When between the disputing parties one of the disputants, a wrong doer, realizes that he was guilty he then entered to the home of opponent in order to seek apology. Normally the men entered the house of the opponent to express their guilt. In extreme and serious issues, women holding the Holy Quran on their head, enter the house of the opponents to express guilt on the part of their men. Traditionally, the parties who enter the home of the opponent as *nanawate* are respected and are usually pardoned. Consequently, the enmity ceases to exist. All *Swati* claim to be equal; therefore, seeking the pardon by the co-equal is almost honoured in order to prevent further loss and damage. The tradition of *nanawate* is also found in other Pukhtun areas. "From the verb 'to go in' and an extension of *melmastia*. It is evoked when an enemy 'goes in' to sue for peace, usually with the Holy Koran in hand. The act implies supplication and must be honoured by showing reciprocal magnanimity" (Ahmed 1980: 90).

#### 6.5 Seizing the Bier (*Kat Newel*)

Seizing the bier is also a traditional method of conflict resolution exercised by the offender party. Through this method a party who is tired of keeping the enmity continued adopt this method to resolve the conflict. When a member of offended party died of natural death. The time when the corpse is going to be shifted to graveyard for burial; the members of tired party all of a sudden enter the house, hold the bier upon which the corpse is placed with proclamation that the corpse would not be allowed for burial until

they were pardoned. This is a very provocative scene, which develops tremendous amount of social pressures for pardon. It is because hundred of people attending the funeral ceremony are witnessing the situation. The strong tradition is to pardon the party who had hold the bier. For example, the murder case between two groups of *Rajakhel* was settled through the tradition of *kat newel*.

## 6.6 Public Meeting (*Jirgah*)

It is a public meeting organized for various purposes to find out solution to a given situation. However, there is no formal membership of *jirgah*. Ahmed defines *Jirgah*:

“Assembly of elders who are called to decide specific issues and whose decisions are binding on parties in conflict. (...) The *Jirgah* regulates life through decisions ranging from the location of a mosque to the settling of conflict within sub-sections, to large issues such as regulating foreign relations with other tribes and even conveying decisions of the tribe to government” (1980: 90).

“A *jirga* is an egalitarian body composed of all men concerned with a specific issue, plus other individuals who are respected for their skills in negotiation and reconciliation” (Southwold-Llewellyn 2006: 638). The term *jirgah* is used in its broadest sense for consultation. Moreover, this term is also expressed for various levels of consultations. For example, the meeting on an issue among father and his sons, brothers, and paternal cousins is named as *de kor jirgah* (domestic meeting). If the issue is related with lineage members it is called *de tabarwalai jirgah* (meeting of lineage members). Likewise if the issue is related with the section members of a sub-tribe the *jirgah* is known as *de azizwalai jirgah*. However, the meeting of a sub-tribe is known by the name of the sub-

tribe. For example, the meeting of a sub-tribe Malkal is called (*de Malkalu Jirgah*). The participation of members in the *jirgah* depends on the situation concerned. The *jirgey*, which are convened at various level of genealogical structure, has ethnic orientations. While the *jirgah* regarding the matters of *gham khadi* (sorrow and happiness) at village level in which all people irrespective of their ethnic belonging can participate is called *de keley jirgah* (meeting of villagers).

The *jirgah* is classified on the basis of function. The basic purpose of the *jirgah* is to discuss the issue so as to reach a consensus between the members. It also means to share responsibilities among the concerned members. If a member has not been invited to a *jirgah* he may refuse to accept the decision or any other responsibility so arises. It is also considered outrageous if the concerned member was not invited because it is the tacit impression that he has been underestimated. *Jirgah* is normally organizes to plan an activity, to chalk out the strategy of offence and defense against enemy. It also organizes to resolve a conflict. Barth has described the functioning of *jirgah* among the Pukhtuns of Swat:

“In every community of whatever size there is, therefore, a public assembly of all the Pakhtun landowners. Only the men who hold *dafdar* may speak in this assembly; they are the only full citizens of the community and act as the political patrons of their followers and those who reside on their land. ...The purpose of debates is to explore the possibilities of agreement and arrive at compromises. The implementation of any agreement reached remains the responsibility of individuals, or large corporate groups, in self-help” (1965: 67).

Here the role of *Jirgah* is discussed in a specific domain, which is conflict resolution. Hence, among *Swati Jirgah* is an informal institution playing the role of neutral third party and it has no formal authority of implementing its decisions. However, once the disputants authorize the *jirgah* the compliance of decisions are then bindings upon the parties. Since, the disputants know the importance of the *jirgah's* honorable solution to the issue in order to save face. Hart has noticed the same function of *Jirgah* among Afridis:

“The Afridi have always evidently had a tendency to regard *jirgah* decisions as binding and therefore to obey them, for they are very intelligent and level-headed men, for the most part, who realize that the *jirgah*, with its at least semi-institutionalized enforcement agencies, is the one and only source of law and order in the Tribal Areas” (1985: 70).

Traditionally the elder members are supposed to participate in the *Jirgah*. However, a younger member could participate if he himself is the head of his joint family or leader of the lineage. Hart has noted the same tradition, which he has described in the following words:

(...) “An elderly and respected spokesman, a *mashar* as opposed to a *kashar* or “young hothead”, is always selected in advance by the participants in order to officiate at any *jirga*. Nobody can refuse to attend a *jirga*, for if he does, a *lakhkar* or raiding or war party is formed at once to descend on his house and burn it. Contending parties to any dispute sit apart from each other but near the main body of the *jirga* in order to explain their grievances. When each side has done so, the *jirga* then appoints some ten to twenty of its members as arbiters, and when they come to an agreement, the number of



arbiters is then generally reduced to four or five. They now inform the *jirga* of their decision; and this decision is final” (1985: 70-71).

The conflict resolved by the *Jirgah* is called *rogha*. Literally *rogha* means reconstruction or restoration. The process and procedure is aimed at to restore the social equality damaged by the offence from a party. *Rogha* is the permanent solution to the conflict. Hart has observed the same notion of *rogha*, which he has described, in the following words:

“The truce itself is known as *tiga* (lit., “stone”) and is effected in any area contested by the two hostile factions, whereas *rogha* or *rugha* is a settlement of any kind and conceived as permanent, as opposed to the more realistic *tiga*, which is normally regarded as temporary. A *pir* or local cleric may be present at the settlement, but decision-making is always by the *jirga*. The *jirga* arranges the *tiga* and then appoints a neutral but strong individual as *damin* (or *zamin*), again, to see that the truce is kept” (1985: 72).

Social pressure help in implementation of third party decisions developed by a delegation of elders (*Jirgah*) for a range of issues from marital problems to family feuds. The process of mediation by *Jirgah* has three important components i.e. go-between, dyadic negotiations, and peace making (*rogha*). The delegation, usually involves a high status and prestige members, has a power and authority for the mediation process. The influential and neutral local notables people are normally known to all people in the area for their honesty, decency, generosity, and piousness. The size of *Jirgah* depends on the nature of case itself. The more difficult and important the case, the bigger the *Jirgah* size is. The delegation members are preferably selected from people who have previous

experience of resolving the similar cases. The mediation process takes place in neutral setting such as *hujra* and in a control open forum.

### 6.6.1 Go-between

After a conflict a number of people visit the disputant parties and ask the concerned parties for *rogha*. The agreement of the disputing parties on a particular person, as mediator is the first step towards conflict resolution. Once the disputing parties select a particular person for *rogha*, he is allowed to organize *jirgah* for conflict resolution. First, the delegation of elders attempts to collect information about the extent of the dispute nature. As a fact-finding function, they first go to the home of the victim or injured party or the eldest person involved in the dispute. They then move to the home of the opposing party to listen and ask questions about the conflict issues. Following the fact-finding stage, they review the evidence and the history of the disputants and their families. In this part, many techniques and mechanisms are employed to force the disputing parties to accept third party role for conflict resolution. For example, the elders may exclude certain parties from the process. impose sanctions and positive incentives toward one party or both revert the religious and traditional values and norms such as shame, public embarrassment, and guilt. Most importantly, the utilization of rituals has a powerful effect in the process. For example, the delegation of the elders refuse to drink the offered tea, refuse to leave the mediation setting until their request has been honored, the threat of the loosing face if the delegation plan is not accepted. But the success of the mediation is based on the necessity and desirability of preserving and restoring ongoing relations in the community.

### 6.6.2 Dyadic Negotiation

For conflict resolution the major strategy adopted by the *jirgah* is to develop consensus of the disputing parties. According to a key informant 'we don't impose our decision but we develop consensus between disputants'. In the given society those members who work for the conflict resolution are greatly respected because resolving the conflicts has significant social value. Therefore, because of social value of conflict resolution there is competition for involving oneself in the process of conflict resolution. Social respect of member increases that has the skill of resolving conflicts successfully. However, the peacemaker should be a neutral third party (*dremgharhay*). It is because the closer agnates are expected to be active supporters. Closer agnates support in self-help, which is often violent. The role of closer agnates as peacemaker is not appreciated.

The mediator starts separate meetings with the disputing parties in order to know their views. In murder cases usually this process starts only after the killings are equal at both sides. However, for exceeding number of injured members, the mediator may persuade the concerned party for accepting compensation. The leaders of disputing parties normally put forward the conditions for *rogha*. The role of the mediator is to evaluate those conditions in accordance to the norms of the society. A hotheaded person may advance very tough conditions for *rogha* but the mediator through a series of discussions tries to bring him down to the norms of the society. It is because according to a proverb '*de kely oza de nerka ma oza*' (Tair 1975: 247) (you may leave the village but do not violate the norms). The mediator may suspend the efforts for *rogha* if the tough conditions are not withdrawn. However, after a series of meetings if the mediator was successful to develop a consensus between the disputants on certain conditions the

mediator then fix a date in consultation with the disputants. For the specific day the disputing parties invite their relative particularly the closer agnates to participate in the last meeting organized for *rogha*. However, during the negotiation various cultural options are elaborated between the negotiating parties for resolving the issues. Those cultural options are outlined as below.

#### **6.6.2.1 Compensation (*Uzar*)**

*Uzar* is a relative term and applied in relation to the gravity of a conflict. Ahmed (1980: 405) translates the term *Uzar* as compensation. Among *Swati* the application of *Uzar* is not limited to compensation in the form of material shape only. *Uzar* has social value by which aggrieved person is compensated in order to restore his social equality. In murder cases the compensation may be in the shape of money (*Saz*) and *Swara*. In non-serious conflict it may be simple regrets by the *Jirgah* on behalf of the offender.

#### **6.6.2.2 Blood Money (*Saz*)**

Normally, the closer blood relatives of the slain are responsible to get revenge of the murder. However, occasionally the *Jirgah* might come out with successful ideas to convince the aggrieved family for truce in return for blood money. This can be achieved as a result of the apologetic gestures of the offensive party communicated to the *Jirgah* member(s). *Jirgah* member(s) then hold meetings with the aggrieved family in order to convey apology on behalf of the offensive party. The members of aggrieved family hold their own *Jirgah* and in case of consensus among them over the acceptance of blood money subsequently deliver the attorney to the *Jirgah* to make a truce. For example, they may say, 'we accept that our case will be in your hands, and it is on your conscious.' This

way the disputants throw the whole burden on mediators, hence, mediators remain very careful in listening to the parties. It is because one forgotten word, one simple mistake, one forgotten item in the process of *rogħa* may result to spoil the whole process. Therefore, *rogħa* must be set up on the very solid foundation, step by step, with no misunderstanding. The *Jirgah* then organize final round of meetings with the concerned parties. Finally, both the parties are brought face to face, in which the members of *Jirgah* offer exceeding amount of money to the aggrieved family as *Saz* on behalf of the offensive party. The offer of very high amount of money is a sign of respect. The leading member of the aggrieved family knows the fact, underlie the offer of exceeding amount of money. Therefore, the leading member of aggrieved family picks up the amount of money, which is accordance to the norms of *Saz*. Consequently, the priest concludes the *rogħa* of both the parties with *Doa* (prayers) and a food is served to the participants. Barth has noted the same norm of revenge and compensation in a Kohistani community:

(...) “The killing of a person (apart from purely accidental killing) when one has no pre-established right to do so, gives the relatives of the deceased the right to blood revenge, subsidiarily compensatory payment. (...) Revenge is directed mainly towards the murderer himself. Only if he can not be reached is it directed against one of his close agnatic relatives, primarily the senior man of his close family – a father, brother, or father’s brother.

The right—and responsibility—to revenge devolves on the closest agnatic male relative of the deceased, in the order son—father or brother—father’s brother. More distant agnatic relatives have the right only if no closer relative exists, i.e. the right to revenge is passes in the same manner as inherited property, and the nearer relatives exclude the

more distant. (...) The close relative may forego their right to revenge and seek a settlement by compensation. The amount of compensation is stipulated by the village council, or a mediator; an important element is usually the giving of a woman in marriage from the family of the killer to a relative of the deceased” (1956: 45-46).

### 6.6.2.3 Compensatory Marriage of a Girl (*Swara*)

Literal meaning of *Swara*, which is a feminine word, is “one coming on a horse, fem” (Barth 1965: 96). However, customarily *Swara* represents the physical movement of a female with pride and the use of her authoritative language. *Swara* reflects the behaviour of a female who does not care for others since she is by custom superior to others. Her superior status is derived from the fact that her marriage to one of the members of opposition prevented further conflict and hence destruction of the disputant parties. The masculine term of *Swara* is *Sowr*. The term *Sowr* is generally used, not for a specific type of marriage, but for a man who behaves as arrogant and he does not care for others (particularly within the members of his sub-section) because of his perceived superiority.

*Swara* is one of the culturally significant and effective mechanisms of conflict resolution. Since, blood relation is very important, therefore, the marriage of one's daughter or sister as *Swara* is considered as a great loss for the first party whereas it is at the same time a great gain for the second party. The opposition realizes the importance of *Swara*. Hence, agreement over *Swara* results in the resolution of conflict even of a serious nature. *Swara* is relative to the gravity of conflict but this type of marriage is not customarily fixed for the resolution of specific type of conflicts. *Swara* is an effective mechanism of conflict resolution because the children born to *Swara* become an integral

part of the patrilineage and at the same time has strong social relations with their maternal uncles as well.

*Swara* is determined as mode of conflict resolution by the *Jirgah* only after both the parties confers upon the *Wak* (attorney) to the *Jirgah* of doing so. Although, *Swara* is an effective cultural strategy for conflict resolution but it is avoided to a greater extent because of cultural norms. According to the norms the payment of compensation either in the form of money, apology or *Swara* reflects the weaker position of the actor. Therefore, the mediators select these peaceful cultural strategies by convincing the offended party in order to save their face in the society because the offended party does not initiate for resolving the conflict for compensation. It is because for offended party the preferred way is proportional retaliation. Therefore, *Swara* is considered as ridiculous for the patrilineage of the girl that accepts the delivery of greater compensation in the shape of *Swara*.

### 6.6.3 Truce (Rogha)

The roots of *rogha* are very old in *Swati* society. It is still valid. Although, formal civil law exist in *Swati* society but in addition to court system the traditional means of reconciliation are applied. It is practiced to establish peace between families—between villages—and between people in general, so that all of the consequences of the quarrels and feuds will be eliminated totally, and life can go back to its natural course.

*Rogha* is the last component of the mediation process. *Rogha* is usually used in the violent and important cases such as family feud and murder. The aim of the *rogha* is to re-establish peace between the families, villages and people in general. Because of the

importance of the cases, the process of the *rogha* is more elaborate than the mediation itself. First of all, the size of the *Jirgah* is bigger than the other cases. It is also based on forgiveness, reutilization, and symbolization.

According to the *Swati* tradition, the family has the right to revenge. However, the third party (*dremgherhay* Pl: *dremgherhey*<sup>30</sup>) intervention aims to restore the honor of the victim's family. If there is an agreement between the parties, there is a ritual process that is the pillar of the *rogha*. The agreement should be announced in public place and openly. The killer goes toward the offended family members and shakes their hands one by one. A notable or respected man makes a speech about the importance of forgiveness and religious values. Then, all parties-the parties in the conflict and the mediators- put a knot on the decision resulted in *rogha*. The term knot (*Ghota*) is said in spoken words that represent that both parties will tightly follow the agreement.

In this meeting the speakers exclusively stress the importance of *rogha*. At the end the disputants embraced and the witnesses congratulate them. The process of mediation ends at the *Hujra* of the offended party to announce the restoration of its honor publicly. The offended party arranges sumptuous food to be served to the participants. The final event of the meeting is the long prayers by the priest for peace and tranquility.

The ritualistic and ceremonial side of the reconciliation shows the importance of forgiveness and reconciliation as well as the restoration of societal unity. The value of peace making (*rogha*) is symbolic which reflects the public demonstration of

---

<sup>30</sup> *Dremgherhay* is a neutral man. He participates to resolve the conflict between disputing parties. However, it is important for *dremgherhay* to be traditional or religious leader.



reconciliation and forgiveness that help the disappearance of hard feelings and revenge. Its impact is pragmatic that helps in restoring the social relations. The rituals help the one party to express his acknowledgement through the embracing opponents, the eating of a common meal.

In the light of above discussion it is evident that there are a numbers of sources, which generate conflicts in a *Swati* society. The major sources among those are *zan*, *zar*, and *zamin*. The *Swati* use orderly and disorderly means for the resolution of those conflicts. However, the orderly mean of conflict resolution, which is *Jirgah*, is more effective in terms of reaching at *rogħa* because it use indigenous methods of restoring the perception of social equality of the offended party.

Although, *Swati* are not equal in terms of economic status but they have a strong sense of social equality, which stimulates for the regulation of their social activities in the framework of egalitarianism. Sense of social equality generates competition that forces the members to maintain the status of social equality and restore it when it is threatened. Causes of conflicts and patterns of conflict resolution can only be understood to put them in the frame of egalitarianism. It is because of the fact that action directed against one's object is not only retaliated but the action in larger context is interpreted, as the defender is taken as lower. The defender, therefore, strongly retaliate to restore the condition of equality and remove the stigma of lowliness. The cultural notion of equality force the individuals for retaliation which itself create a strong barrier against the eruption of feuds. However, if any of the members takes an action against his equal member violating the cultural value of egalitarianism create conflict, which is resolved in order to restore the condition of equality. Egalitarianism has two roles in relation to conflict. One it plays

before the occurrence of actual conflict that it prevents the people from entering into conflict because the rival will take revenge and a long blood feud may ensue. Secondly, the institution of egalitarianism forces to resolve the conflict through traditional methods so as to restore the social position of offended group. Traditional as well as religious leaders resolve conflicts by exercising traditional methods (see chapter 8).

## CHAPTER-7

### TYPES OF LEADERS

The major purpose of this chapter is to highlight different types of leaders found in the society. Originally there are two types of leaders i.e. traditional and religious. It is the difference in the sources of leadership that distinguish both types of leaders. The prestige of traditional leaders is apparently connected with their status as hereditary landowners as well as numerical strength. Numerical strength, which supports the leader in maintaining his status, is his closer agnates, lineage members or tenants. However, the status of religious leader is very complex. It is because the status of religious leader is a variable. He can be inherited landowner, descendant of Holy Prophet or a holy man having the support of lineage members and tenants, and have religious knowledge. Nevertheless, there are religious leaders whose only source of leadership is their expertise in Islamic knowledge. Hence, in terms of influence the religious leaders are differentiated. Nevertheless, the common thing among them is their mild behavior. Therefore, for religious leaders the origin of influence is their neutrality, piousness, and religious knowledge.

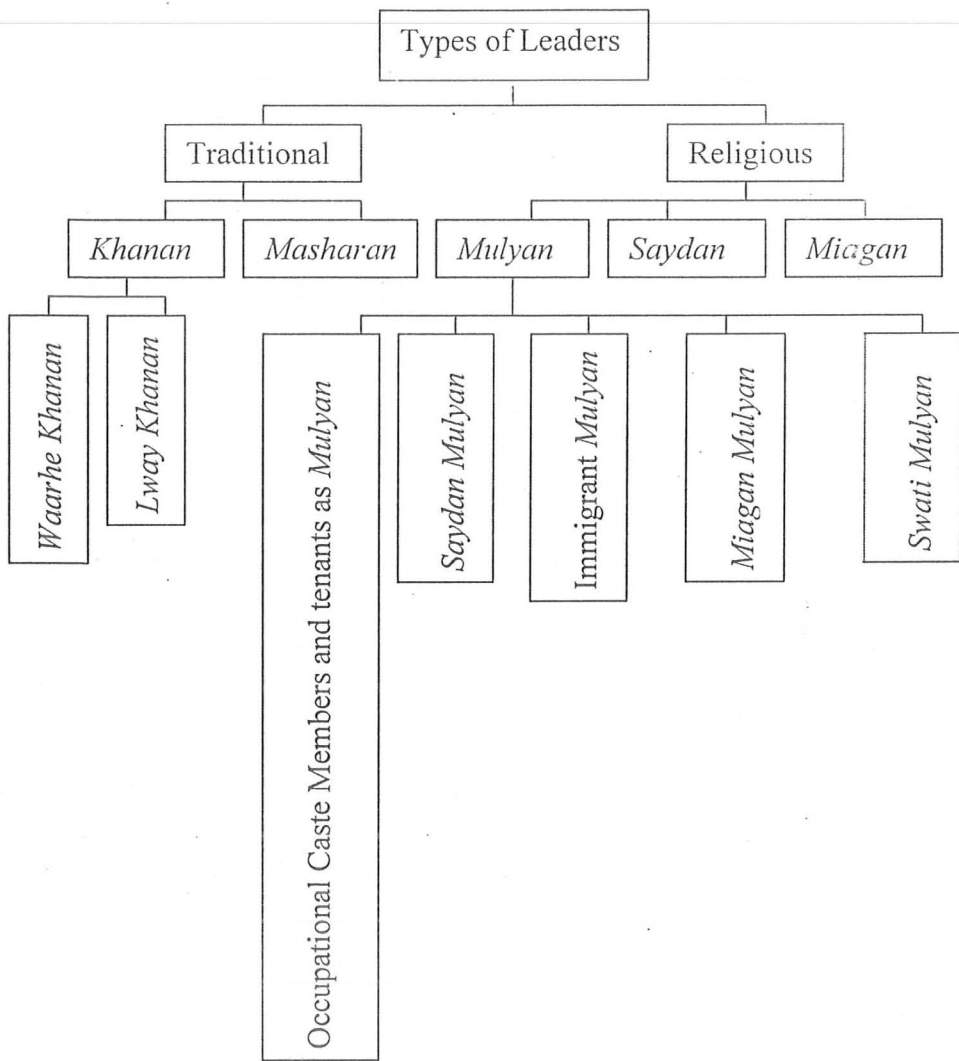
The traditional as well as religious leaders are not formal office holders but they provide a form of leadership in the domain of mediation and arbitration, which is acceptable to the people in peace building. It is because “persons who exercise effective leadership are not necessarily those who occupy political OFFICE or positions of authority” (Seymour-Smith 1986: 165). Conflict resolution is a cultural phenomenon reflecting the prestige of persons who resolve it. Therefore, leaders take great interest in

conflict resolution. However, the leaders merely use their expertise for conflict resolution and could in no way exercise coercive power for conflict resolution. Power is the capacity to control the behavior of others (Galbraith 1983). This capacity leaders express through their ability of motivation and skills displayed in the procedure of conflict resolution.

Traditional leaders are further divided into two types i.e. *Khan* (Pl: *Khanan* and *Mashar* (Pl: *Masharan*). The role of traditional leaders in conflict resolution can only be understood in relation to the social structure of the society. It is a tribal segmentary type of society in which the socio-political behaviors of the people are regulated by a code called *Pukhtu*. According to *Pukhtu* the leaders are expected by the closer blood relatives to physically contribute in the exercise of physical force because show of force or exercise of force is traditionally preferred. It is also typical of tribal societies that rival parties assert their powerfulness, which is only possible by resorting to the use of force in order to let the enemy realize the power of retaliation.

Religious leaders are classified into different categories in terms of their socio-political status and effectiveness in conflict resolution. The role of religious leaders is particularly suited for mediation in conflict resolution. It is because that historical process has shaped their social status in a way that they are traditionally suppose to be just, fair and neutral. Types of leaders are also diagrammatically depicted as below:

Figure: 7.1 Classification of different types of leaders



Before to discuss various categories of leadership it is found relevant to highlight the role of socialization in inculcating the values among children required for leadership.

### 7.1 Enculturation of Leadership Qualities

Swati culture is predominantly regulated by *Pukhtu*, which is taught to the children from the early age. *Pukhtu* is taught to the children with a primary emphasize upon keeping the

notion of social equality at par with their equals. Hence, *Pukhtu* is aimed at realizing one's socio-political position as autonomous and independent. In the domain of socio-political and economic organization the indispensable relationship exist between father and his sons. In the society under study the numerical strength of sons is one of the primary sources, which reinforce the socio-political position of a father. Every married man, therefore, desires to produce more male children because sons are guns in the given society. The desire for more male children is because of certain functionally important reasons. Male children are desired (a) to increase earning as well as fighting members in a family (b) to ensure security and protection in the old age.

As there are significantly important functions of male members in the society therefore, priority is given to celebrate the birth of male children (see Dupree 1980). Consequently, special attention is given to the training and socialization of male children. Mother and particularly the grandmother continuously emphasize that the best available food is reserved for the male children. The sisters equally conceive the importance of male children (brothers) and this extra ordinary value for male children lies in the concept of effective survival. It is because males are required for the protection of land, earning cash income, defense against the enemy and preserving the honor of the family. Male children undergo a harsh training in order to enable them to survive in the competitive environment. An out spoken child who takes initiative in beating and cursing his age mates is encouraged because according to the elders those initiatives are the sign of boldness. Two concepts *Nar* (bold) and *Dallha* (cowardice) play an important role in the socialization of children. At the age of fifteen, the young male is expected to broadened his social interaction, practice generosity and participate in domestic and lineage affairs

in order to get accustomed with the traditional process of decision-making. A youth that has a number of companions, exercises wide range of social interaction is called *olasya*<sup>31</sup> (sociable). *Olasya* is expected to be a successful leader in the future. He also actively participates in the fights whenever situation arises. Within a joint family the qualities, which distinguish a male child from the rest of his brothers, are skill of speaking and participation in social activities. Social activities include participation in marriage functions and funeral ceremonies, inviting his companions to feasts and making gossip with them in the *Hujra*, taking interests in agricultural activities and awareness regarding the protection of land from encroachment by the adjoining landowners. The youth always compete for the achievement of above-mentioned attributes, which can pave the way towards attainment of position of leadership in the society. A youth bears the characteristics of boldness, generosity, harshness for collateral agnates and politeness for poor is called a *zabardast sarhey* (excellent man). During physical fight the major and primary supporters are full-brothers. Among the youths having equal personal qualities, a stronger is one having relatively more full-brothers. A distinction is always made between full and stepbrothers. Stepbrothers do not trust one another and are always obsessed with the fear about his land, which could be seized or encroached upon by the stronger brothers and the stronger is the one having relatively more full brothers. A stepbrother, who is weaker in term of supporters, usually develops alliances with the opposition party of his stepbrothers within and outside the lineage for the purpose of protection and security.

---

<sup>31</sup> The term *olasya* stands for any of the members belong to a lineage connected with *Swati* tribe. However, it also represents the sociability of a man.

It is depicted before that females are completely isolated from the domain of leadership and the responsibility of socioeconomic support, security, and protection is the liability of father and brothers. Islam determines share in inherited property for female. However, a female in return of life long responsibility of protection and security, does not like to get her share in inherited property from father and brothers. Females are mostly illiterate, unskilled and cannot survive independently. Hence, they need social security from patrilineals. In conformity to the cultural framework, female even after getting married considers her father and brothers as real source of security. *Swati* cultural traditions allow the arrangements in which patrilineals are responsible for the support of females. The married females do not like to develop a conflict and clash with patrilineals, as they are the people to take care of her when there is any problem with her husband.

Among the agnates those who are weaker and have no potential to compete for leadership remain united with one of their male patrilineal cousin's group and hence, do not strive for independent political identity. In this respect any member of a lineage who does not have independent political identity has to face social condemnation. Holding independent *Hujra* and autonomous and sovereign decision regarding the development of political alliances with political blocs are the indicators, which show the independent identity of a member. Full brothers may share political identity, which is socially accepted but their children are socially expected to establish their own independent socio-political identity. The struggle for that independent socio-political identity normally starts when the brothers are older in age and the cousins are married and have produced children. Within the aggressive culture the male children in particular are strictly trained to enable them for winning the competition. They are specially trained that how to



oppose the collateral agnates because they would be rivals for inherited land as well as hurdle in the establishment of independent political identity. Beside other pre-requisite of leadership as discussed above the skilful interaction with people to help them in litigation is also one of the personal quality required for a man to be an effectual leader. The efficiency of one in litigation depends on his friendly relationship with the lower staff in the formal courts.

Heads of joint families always play important role in dispute settlements at family level. They also play pivotal role in the organization of lineage members against any external threats. However, they support one of the political blocs in order to maximize their future prospects and to retain independent political identity. However, these leaders are not authoritative because they are not formally elected or selected. They emerge as leaders on the basis of their personal attributes. The role of traditional leaders is synonymous to the role of leadership, as Seymour-Smith has explained it in the following words.

“Leadership should be distinguished from authority, as persons who exercise effective leadership are not necessarily those who occupy political office or position of authority. Leadership is generally measured by the taking of decisions, the leader being regarded as the person who either takes decisions himself/ herself or is the focal point of decision-making by the group. Thus leadership occurs in a multiplicity of contexts of social action (including, for example, in work groups, family or kin groups) and is not always part of a political system” (1986: 165-166).

Leaders are traditionally held responsible to protect material and non-material interests of their family members. Leaders in return get support and cooperation of family

members in time of crisis. Leaders are also held responsible to take care of the members of occupational castes and servants who work as tenants and are economically dependants on their patrons (*naiks*). The *Mashar* has an important role in the organization of their activities and he has also an important role in the dispute settlement emerges among the subjects. The leader is responsible to protect the rights of his dependants. The numerical strength of tenants is considered as a source of power because during the period of dispute they help in gunfight and also act as guard at the *Hujra* during night.

The above discussion is summarized that every joint family of *Swati* needs a leader for the protection of land, retaining autonomous political identity and organization of members to effectively handle a conflict. It is because smaller politico-economic unit is a joint family comprised of full-brothers. At this level brothers jointly protect inherited land and political identity is shared. Hence, every joint family has a *Mashar* in order to represents the interests of his family. Nevertheless, to emerge as a *Mashar* is relative to personal attributes and the family lacking to produce a member as a *Mashar* may consequently loose autonomous political identity.

## **7.2 Joint Families' Heads or Bloc leaders (*Khanan*)**

*Swati* population is divided into two categories i.e. *Khanan* and *Qomiz*. *Qomiz* are those members belong to *Swati* tribe. On the other hand *Khanan* are also connected with *Swati* tribe. However, the factors, which distinguished them as *Khnanan*, are important to be discussed here. According to tradition during early eighteenth century A.D the *Swati* conquered present district Batagram and Mansehra under the leadership of Sayyid Jalal Baba, Akhun Salaak Baba and Mian Nazar. After conquest the leaders kept one-fourth of

total land for themselves and the three-fourth was divided among the *Swati*, sub-tribes. Each sub-tribe was allotted a portion of land, which was further distributed into the branches of the sub-tribes. Therefore, those people who received share in conquered land were enjoying equal socio-economic status. They were called *doteryan* (see Chapter 3).

For the management of political affairs *Swati* had a tradition to elect a man from within themselves as a *Khan*. Traditionally, *Khan* was allotted separate piece of land called *serai* (see Barth 1965: 66), which was inheritable to the successor. *Serai* was for to enable the *Khan* to meet the extra charges he used to spend on hospitality, and traveling charges. The duty of a *Khan* was to represent his people at different forum. For example the leader was to represent his people in dealing with the Colonial Government, and later on Pakistani Government. He was to organize his followers against any external threat. One such *Khan* of *Swati* was Nasim Khan. He was allotted a big piece of land as *serai* near Batagram town. However, he did not continue to be a *Khan*. It is because he was shifted and permanently settled in Garhi Habibullah. With the passage of time he was dissociated as a political patron of local people.

The procedure of electing a *Khan* was to propose a name from within a tribe, who according to the tribesmen was effective in terms of leadership. After the proposal, a grand tribal meeting was to call upon. Traditionally all the heads of different lineages were supposed to participate in such a grand tribal meeting. Each lineage head was to spin one lap of turban around the head until the turban was gyrated. Traditionally, all the *Masharan* were supposed to participate in turban spinning ceremony because the refusal of any *Mashar* to participate in spinning might result in dismissal of the meeting. However, the *Mashar* who had been refused because of any reason to lap was normally to

be convinced for spinning the turban, so as to legitimize the leadership of a proposed man as a *Khan*. Every *Swati* member was traditionally eligible to attain the position of *Khan*. However, this was subject to his martial as well as organizational ability during wars against enemy. This method of election, of a *Khan*, was fairly democratic, which could not firmly establish.

Hence, attaining the position of *Khan* was transformed to the exercise of physical force and use of tactics to increase one's land ownership. During the course of time a number of individuals belonging to various sub-tribes of *Swati* attained the position of *Khan* by exercising physical force. Physical force was normally used to encroach upon tribal land. Therefore, some of the *Swati* increased their land holdings. With larger piece of land they were able to keep more number of servants as their dependants. Those servants were supposed to participate in war in support of their patrons, and were thus a direct source of strength for the patrons. The title of *Khan* with the passage of time converted into the principle of inheritance. It is because once a member had attained the position of *Khan*, by force, the status had to be transferred normally to his eldest son. The social status of *Khan* was, therefore, converted into a hereditary position. That is why the descendants of a *Khan* became to known as *Khanan*. However, the hereditary social status of *Khan* resulted into the concentration of the title in limited families. Those families expanded in terms of population and constituted a separate stratum.

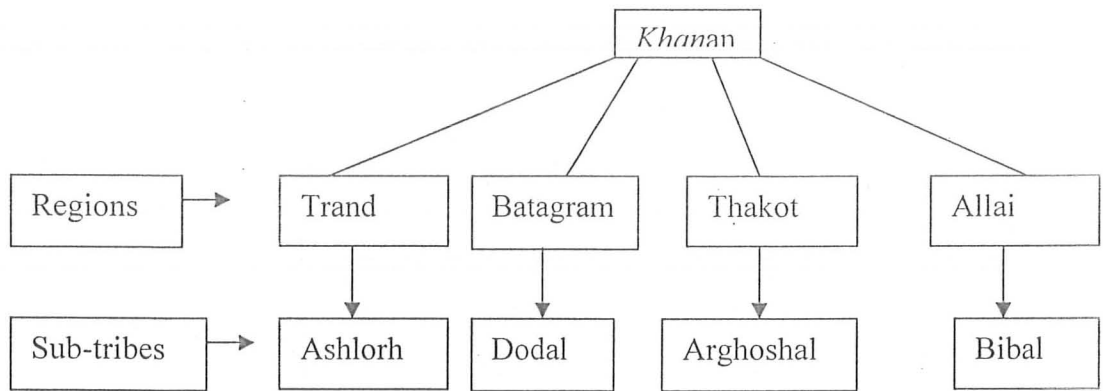
During my study I found two types of *Khanan* i.e. firstly, those *Khanan* who are the leaders of traditional political blocs (*dullhe*, Sing: *dullah*) and secondly, those who have inherited the title *Khan* from their ancestors and are called lesser *Khanan* in this research. The *Khan* (bloc leader) also acts as *Mashar* of his joint family but at regional,

level he exercises more political influence as compared to *Mashar*. Lesser *Khanan*, who are not bloc leaders, constitute a sizable population. Therefore, between lesser *Khanan* there are *Masharan* of their joint families.

There are different geographical regions in Batagram and each region is normally divided into two opposing political blocs. Those blocs had developed on the basis of collateral agnatic rivalry. Politically opposing *Khanan* leads each of the political blocs (see Chapter 3). Therefore, a *Khan* represents a larger population as compared to a *Mashar*. However, there are a number of *Khanan* who are not politically significant in the domain of bloc leadership. It is because those lesser *Khanan* are like common *Swati* are attached with one or the other political bloc. However, there are few lesser *Khanan* who are not affiliated with any of the political bloc but they are insignificant in terms of leading and representing the people.

Currently a number of groups known as *Khanan* are genealogically connected with the one or the other sub-tribes of *Swati*. The following are the politically significant groups of *Khanan*, belong to different sub-tribes of *Swati*, of different regions.

Figure: 7.2 Regional Distribution of Bloc Leaders (*Khanan*) and their Sub-tribes.



Source: Author Own Survey

In the domain of *dullah* the *Khan* of Allai is the political rival of the *Khan* of Thakot and the *Khan* of Trand is the political rival of *Khan* of Batagram. The *Khanan* of Allai, Thakot, Trand and Batagram are the leaders of the *dullhe*. However the rest of the people known as *Khanan* are not the traditional leader of political blocs. But they are addressed with a title *Khan* either for courtesy or because they control relatively greater amount of agricultural land. There are some of the members who hardly have their personal dwellings and a little bit of land but they are known as *Khanan* because of their inherited title, which is not effective in the domain of leadership.

### 7.3 Joint Families' Heads (*Masharan*)

Literally *Mashar* means senior and *Kashar* means junior. However, in the domain of leadership the word *Mashar* is not used for its literal meaning but it is usually used for a man who leads his joint family and some time his lineage as well. Generally, every joint family has a *Mashar*. In a joint family, a member becomes head on the basis of his personal attributes.

In *Swati* society (including *Qomiz* and *Khanan*) there must be a leader (*Mashar*) in a joint family. Joint family is normally comprised of brothers and their married and unmarried male children. After marriage, the sons of the brothers would be paternal cousins. When the paternal cousins are grown-up, *tarboorwali* would start between them for inherited property establishing an independent *Hujra* to enjoy autonomous political identity. Autonomy means freedom of choice in the development of political alliances with any of the traditional political blocs. If, in any of the cousins group no body could become a leader the group may merge with another cousin group and thus may lose to establish independent *Hujra* and thereby autonomous political identity for the time being. However, this loss is temporary because there is possibility that in the descendant's members one may in future come up with the potential of leadership and might restore the autonomy of his group. Emergence of leader in a group is relative to the personal attributes of a man. It is because other leadership pre-requisites are normally identical and found among all the members of a group. For example, every group is connected to the same tribe and the members are analogous in terms of status being *dotary*.

Hence, personal attributes are those factors, which are not equally shared by members. Those personal attributes reinforce the man to lead his joint family. Among personal attributes the most important is the ability of speaking before public meetings. This is the ability, which distinguish a man from the rest of his agnates. Since, it is through this quality that a man can represent his group and protect their interests. The second quality of a leader should be the ability of organizing and mobilizing the members at various level of genealogical structure for the offence and defense against enemies. The third quality is his generosity, which he practices in the *Hujra* in order to gain certain

level of sociability. It is because generosity makes a man well known in the area. The generosity, which a man shows in his *Hujra*, breaks his reluctance and hesitation to meet public. Fourth quality essential for a person to attain the position of a leader is his bravery. Beside his ability to organize the members for offence and defense, he must be able to kill his enemies.

The terminology of *Khan* and *Mashar* is also shared by other Pukhtuns' societies, which are depicted by different anthropologists in their researches. For example, Barth (1965: 72) has also discussed such types of leaders among the Pukhtun of Swat. Barthian *malak* is synonymous of *Mashar* among *Swati*. Noelle (1997: 151-152) is of the view that in Khost province of Afghanistan the head of the joint family is a *Mashar*. Sarah (1997: 34) has differentiated two types i.e. macro and micro level leadership in a Pukhtun society. According to her actual leadership rests with that of a *Khan* while *Mashar* represents a small lineage group.

Comparing both types of traditional leaders it is important to note that in terms of tribal affiliation both *Mashar* and *Khan* are necessarily connected with one of the sub-tribes of *Swati*. Further to it within his joint family and lineage the headship of a *Khan* is refer to as a *Mashar*. But the factor that marks him as a *Khan* is his wider influence over his political bloc. Traditionally, every *Dotary* is entitled for the title of *Khan*. However, it is through time that some of the members of *Swati* who had increased their land by tactics or by physical force became to known as *Khanan*.



## 7.4 Religious Leaders

All those members are identified as *Stanadar* who are given social status on the basis of their services or symbolic attachment with Islam. *Stanadar* is a collective term, which is used for people who are the descendants of holy men or religious scholars. However, there is difference, in terms of status, between holy men. Among holy men one was Muhammad, the prophet and messenger of Islam (peace be upon him), whose descendants are known as *Sayyid* (pl: *Saydan*). Therefore, *Saydan* are respected for their ascribed status as the descendants of Muhammad. Rests of the *Stanadar* are also the descendants of holy men. Those holy men had either achieved the status of holiness by living a pious life or religious knowledge. The descendants of those holy men are called *Miagan* (sing: *Mian*). The descendants of religious scholar are called *Mulyan* (sing: *Muala*). Thus the particular history has shaped the socioeconomic and political status of *Stanadar*. The social status of *Stanadar* is determined on the basis of their special association with Islam. Islam and its values are deeply rooted in the culture of *Swati*; therefore, peoples whose social status is established on the basis of their unique attachment with Islam make them particularly significant in the process and procedure of conflict resolution. There are three types of *Stanadar* i.e. *Saydan*, *Miagan* and *Mulyan*. In the current research both *Saydan* and *Miagan* will be collectively called Saints. It is because of the identical role of their ancestors for the conquest of the study area. The social status of *Mulyan* is relatively higher because they have expertise in Islamic knowledge. Before focusing on *Swati* society it is pertinent to describe *Stanadar* as discussed by different anthropologists in overall Pukthun societies.

## 7.5 *Stanadar* in Pukhtun' Societies

Anthropological literature on *Pukhtun* depicts *Stanadar* as essential part of *Pukhtun* societies. Status of *Stanadar* is originally rooted in the history of Islam. There are two types of statuses which are identified as *Stanadar* and are derived from Islam i.e. ascribed status of *Stanadar* being the descendants of the founder of Islam the Prophet Mohammad Peace Be Upon Him and second is achieved status as saint or Islamic scholar. Therefore, the history of *Stanadar* starts from the days when Pukhtun embraced Islam as their religion. Ahmed (1976) has narrated the story of *Pukhtun's* conversion to Islam that Qais bin Rashid, whom the *Pukhtun* consider their ancestor, went to Arabia in seventh century and he was converted to Islam by the Prophet himself. Therefore, *Pukhtun* have the inherited sense of pride because of their willingly conversion to Islam. As a result of whole-heartedly acceptance of Islamic teaching the meaning of life for a *Pukhtun* is become twofold i.e. *deen* and *dunya* (Religion and World) or *dunya* and *aakher* (World and hereafter). The meaning of life has profound affect on the shaping of Pukhtun's culture. *Pukhtunwali* and Islam regulate *Pukhtun's* behaviour, however, *Pukhtunwali* and Islam complement and compete with each other (see Nichols 2001: 5).

Various numbers of anthropologists who conducted research on various *Pukhtun* societies have depicted *Stanadar* in two ways. Firstly, *Stanadar* are shown as *Sayyid* or *Sadat* who claim that they are the descendants of Prophet Muhammad. Secondly, those people are depicted as *Stanadar* whose ancestors had achieved the status of Islamic preacher, saint or scholar. Hence, in one-way or another the status of *Stanadar* is associated with Islam.

Different anthropologists have differentiated the statuses of people associated with Islam into different categories on the basis of their function in the society, economic position and development of marriage alliances. For example, Barth (1965) differentiated between *Stanadar* and *Mullahs*. He has termed *Stanadar* as the men who traditionally acted as mediators in inter-village disputes. They are the descendants of charismatic holy man. According to him *Mullahs* are the learned men who could read the Koran. Their claim to honor is through knowledge, not thorough charisma. Ridgway (1983) has differentiated the descendants of holy-men on the basis of political and religious influences, into three categories i.e. *Sayyids*, *Astanadar* and *Mullahs*. Ahmad (1980) has also discussed that although there is equality of believers before God but political sociology of Islam indicates the superior status of the descendants of holy Prophet in Islamic societies. He also noted the role of *Mullah* as clearly evident in the practice of rite de passage. Ahmed (1976) has noted the position of *Mian* as neutral buffer in the absence of central adjudicating authority between the warring sub-tribes.

Barth (1956) has noted the role of *Miagan* or other persons of saintly repute in conflict resolution between the members of *Kohistani* community. According to him the role of mediator is assertively decisive as the public pressure is very strong to accept the nomination of such arbitrators and their verdict. Lindholm (1982: 95) has also noted the superior social status of *Stanadar* among Swat *Pukhtun*. *Standadr*'s superiority is rooted in the history as emissaries of the God. Under this notion of superiority *Sayyids* traditionally do not give their daughters in marriage to non-*Sayyids*.

In the society under study, the normative rule regulating the development of culture is to look for success in this world and the world hereafter. Therefore, those men

associated with religion are revered in order to appease Allah. A number of anthropologists (Barth 1965, Ahmed 1980) have studied shared notion of social expectation attached with *Stanadar* that they are to remain neutral and play their role in peace making and conflict resolution.

To a greater extent the role of Saints among *Swati* is similar to that of the Saints in other *Pukhtun* societies. However, the history in terms of land-ownership of the *Swati* saints is somewhat different. For example, according to Barth (1965), excluding few most of the Saints were rewarded *serai* by the *Pukhtuns* in Swat while the Saints among *Swati* are the original landowners and were not allotted *serai* by the *Swati*. It is because of the fact that *Saydan* and *Miagan* of Batagram are the descendants of those who led *Swati* against Turk rulers, and had conquered the present districts of Batagram and Mansehra. Therefore, the *Saydan* and the *Miagan* in Batagram are the inherited landowners and not the holders of *serai*.

## 7.6 History of Saints in *Swati* society

According to the *Swati* tradition there was a ruler in the early sixteenth century namely Sultan Shamsheer. He was a Turkish ruler of Allai, Nandiarh, Tekrai, Deshan and Thakot. while the regions like Paklai, Darra Jabarh and Bugharmang were under the rule of Sultan Mehmood. Sultan Mehmood was a cruel and brutal man. Therefore, people in general and Dewan Raja Baba in particular was not happy in his dominion. Dewan Raja Baba was a reputed Saint of Gulibagh near Mansehra town. The ruler was reported of the curse of Saint. Therefore, he was scared of the curse, which might result in termination of his rule. Therefore, the ruler called upon the astrologers to tell him about the future of his

rule. The astrologers told the ruler that it was not Dewan Raja Baba but a *Sayyid* from Swat (Sayyid Jalal Baba) wearing a yellow dress would be a man terminating his rule. Therefore, Sultan Mehmood ordered his soldiers to locate the *Sayyid*. Finally his soldiers found him in the mosque of Gruwal busy in getting Islamic education. He was the same person according to the signs revealed by the astrologers. The soldiers caught him and brought him to the ruler. The ruler imprisoned him and ordered to kill him later on.

Bhai Khan, a friend of Sayyid Jalal Baba, was a disciple of Dewan Raja Baba. Bhai Khan wanted to help his friend. Therefore, he joined the house of Sultan as serviceman. According to the plan Sayyid Jalal Baba was brought to the ruler. The Sultan ordered to kill him. Before he was killed Bhai Khan did request that the man was Muslim and *Sayyid* so his killing would be a sin, therefore, the better was to release him. Bhai Khan also solicited the ruler to get married his daughter to him. This way the ruler would get two benefits. His rule would remain intact. He would also not be a sinner of killing a Muslim. Sultan accepted Bhai Khan's proposal and as a result Sayyid Jalal Baba was not only rescued from killing but also got the ruler's daughter in marriage. The ruler allotted to Sayyid Jalal Baba the valley of Jabarh and Jalal Baba settled in the village of Bogharhmang. After six years a male child was born to him.

Once there was an exchange of harsh words between Sayyid Jalal Baba and his wife. His wife evoked him that he was a stranger and a poor man. However, her father got her marriage to him. She protested that instead of respecting her he was quarreling with her! Sayyid Jalal Baba refuted the kindness of his father-in-law. He asserted that the ruler married her daughter to him for the sake of his rule. It is because in the light of astrologers' revelation her father was scared of him. His wife replied that Sayyid Jalal

Baba was a stranger and even did not own his house how he could be a threat for her father's rule! Sayyid Jalal became furious and shouted in aggressive mode that his wife was divorced and he would not come back until he removed her father from the throne.

Sayyid Jalal Baba left his house and reached Kabulgram (Kala Dhaka) to meet Akhun Salaak Baba. Sayed Jalal Baba did request the Akhun Salaak Baba that he had find an area, therefore, he send his *lakhkar* (militants) with him to conquer. Akhun Salaak replied that his whole *lakhkar* was spoiled in fight with Doma. Doma was an infidel and was killed with the hand of Akhun Salaak. However, the Akhun added that he knew about the *Qom* (group of people) who had left Swat and staying in the mountains. Those people could help him in any manner because they had the potential to do so.

However, this task could not be done without the help of Mian Nazar S/O Usman Baba. Finally, Akhun Salaak, Sayyid Jalal Baba and Mian Nazar led the *Swati* and conquered Allai by defeating the Sultan Shamsheer. The fighting men stay for six years in Nogram and then arrived at Paklai and Shinkiarai and spread in the mountains. During the night they burnt a fire on large scale and it was depicting that large army had arrived in the area and would be attacking by the next day.

When Sultan Mehmood the ruler came to know of the fighting men he vacated Gulibagh and run away. The *Swati* easily conquered Paklai. They lived here for eighteen years. Later on the fighting men of *Swati* came to attack the fort of Sultan Shamsheer the ruler of Changel near Thakot. The fort was besieged. The fort was very rugged. The siege of fort was lasted for ninety days, which was finally conquered. Sultan Shamsheer

runaway to Gandorho near Ajmera and after some time he died by natural death and was buried in the graveyard of Tango.

Subsequent to the conquest of present district Batagram and Mansehra the problem of land distribution aroused. Sayyid Jalal Baba opined to keep three parts one each for Sayed Jalal Baba, Akhun Salaak Baba, and Mian Nazar and the remaining one part would be divided among *Swati*. However, Mian Nazar disagreed to the suggestion of Sayyid Jalal that it would be unfair to reward the *Swati* very little for their effective role in conquest. Therefore, Mian Nazar suggested to keep one part for three of them and the three parts were to be divided among *Swati*. All three agreed to keep one-fourth for them. After their consensus the total land was properly distributed according to the land distribution system as developed by Sheikh Mali in Swat and discussed by Barth (1965: 9).

The descendants of all the three, Sayyid Jalal Baba, Akhun Salaak Baba, and Mian Nazar are known as *Stanadar*. They allotted one-fourth of land for themselves in each territory. *Swati* were comprised of two major tribes Mamyalay and Gabarai and each of them was further sub-divided into nine sub-tribes. Therefore, three-fourth of land was divided into eighteen parts. Nine parts were allotted to Mamyalay and nine parts to Gabarai. Those parts of land were further allotted to the members of sections and sub-sections of the respective tribes. According to this distribution of land territorial groups were created. Although the land was divided among the members to the level of sub-sections but it was still a common property. This division of land was known as *katcha wesh* (temporary distribution). Among the sub-tribes of *Swatis* Deshan was the last that

the land was permanently divided among them in 1954 which is known as *pokh wesh* (permanent distribution).

It is evident from the traditional story that the social status of *Stanadar* including *Saydan* and *Miagan* is intimately linked with the leading role of their ancestors in the conquest of the area. The ancestors of *Stanadar* were religiously pious and holy men. All the three leaders as reflected above were *Stanadar*, therefore, they did play a decisive role in the distribution of land and thereby kept one-fourth of the total land for themselves.

## **7.7 Determinants of the Status of *Saydan* and *Miagan***

According to the *Swati*' tradition, *Saydan* and *Miagan* were highly respected and their role in conflict resolution has been magnificent. With the passage of time and as a result of increasing population, change occurred to the social status of the holy descendants. However, currently their social status in the society is determined on the basis of land-ownership, mediation and piety.

### **7.7.1 Land-ownership**

Traditionally all the *Saydan* and *Miagan* are *doteryan* except those who have sold their land. Mostly *Saydan* and *Miagan* have larger pieces of land and have their own villages, which they administer and control by themselves. In this capacity they have the authority over a small group of dependants who are residing in their houses and either work on their farms or provide services to them. Those dependants include tenants and members of occupational castes like blacksmith, barber etc. Land-ownership and authority over a number of individuals increases the political significance of *Saydan* and *Miagan*. It is



because of the fact that those dependant members franchise, during formal election for the selection of formal members, as directed by their concerned patron. Therefore, by having larger pieces of land and number of dependants one can increase his political significance. Hence, any of the *Saydan* or *Miagan* that could afford would purchase land. The land of *Saydan* or *Miagan* is distributed among the male descendants according to Islamic laws of inheritance as explained by Imam Abu Hanifa.

Ownership of land makes the saints economically independent as well as politically autonomous. It is because of the land that saints are settled in their own villages and are organized in the framework of segmentary lineage system. Therefore, most of the saints are respected for their economic and political significance as the landowners.

Beside the position of *Saydan* and *Miagan* as landowners they are also respected for their role as mediator. As for as conflict within the family of *Saydan* or *Miagan* is concerned they themselves usually resolve it. They also play effective role in the resolution of conflicts emerging between their tenants. It is because of the fact that conflict between tenants or of the tenant with outsider may results to damage the socio-political image of concerned patron. Traditionally, landlord is responsible for the protection of his tenants. Therefore, attack on one's tenant is taken as attack against the landowner.

### **7.7.2 Mediation and Piety**

Despite the fact that the Saints of Batagram are *Doteryan*, they assumed the role of mediation. The social status of Saints as neutral third party makes them particularly

suitable for mediation among *Swati*. The efficacy of Saints in the resolution of serious conflict depends upon the leading member among them. To become a leading member among Saints is dependent on personal attributes of a Saint. They include charisma, ability to speak before public meetings, generosity, boldness, wisdom, and above all the prime quality is his piety. The piety of a Saint makes him particularly significant in conflict resolution. It is because traditionally the piety of a Saint is taken as a sign of justice, neutrality, and moderation. The indicators of piety are to be punctual in observing prayers and fasting. The behaviour of a truly Saint is regulated not by his passion but by reason. The Saints are expected to be mild in their behavior.

Since, the conquest of the area the populations of Saints have tremendously increased and their lifestyle is gradually become worldly. Although at micro-level they have the authority over their dependants but at macro-level they do not have an independent political bloc. Most of the Saints are politically connected with one of the two traditional political blocs. In contrast to their traditional role as mediators the Saints themselves fight and face conflicts. Therefore, they also need a third party to mediate their conflicts. They also need the support of a bloc leader to strengthen their political position at micro-level. As a result of increase in population Saints now compose a sizable portion of total population, which induced them to work for the safeguard of their own socioeconomic and political interests. The Saints progressively became the integral part of mainstream politics that struggle for world (*dunya*). Therefore, as a community they have relatively lost their social status as pious and holy people. Consequently, the *Swati* do not hesitate to come in conflict with them. New emerging sociopolitical

situation has created awareness for the development of new patterns of sociopolitical organization. The Saints gets organize to defend their interests in the society.

As a community the role of Saints in conflict resolution has been decreased but the importance of conflict resolution itself is remained as such. Since, in individual capacity the member from among Saints, who is popular for his piety, plays an important role in the resolution of conflicts transpires among *Swati*.

### **7.8 Emergence of Saint in Present *Swati* Society**

Any member of the society including *Sayyid* and all others can achieve the status of *Pir* (holy man). As anybody belongs to any stratum may devote him to religion in order to become a holy man. Barth (1965) has also noted the same qualification for the position of holy man among Swat Pathan that “holy status may also be achieved” (p. 57).

In the same tradition the achievement of a holy status by an ordinary member of the society is a recent example of a saint namely Hazrat Ikhtiarul Malik. He belongs to one of the sub-tribes of *Swati*. He was born in village Porha, Kuza Banda, Batagram. He got his primary education from Government Primary School Tikrai and middle education from Batagram. He earned his matriculation with distinction from High School Battal. After matriculation he successfully qualified B.Sc (hons) from Agriculture College, University of Peshawar. Currently he is working in agriculture department as senior agriculture officer at Baffa, Mansehra. He has also holding an extensive study of Islam particularly of Sufic school. During his studentship, at Agriculture College, he was attached with a *Pir* Maulana Mohammad Ashraf. Reportedly, Hazrat Ikhtiarul Malik lived a pious life and attained a high saintly position in the order of Chastia. He has established his

*Khanqah* (hermitage) one each in Mansehra town and one at village Porha, Kuza Banda, Batagram. His disciples regularly visit him every Thursday of the week. Because of his tight schedule he is unable to spare time for functioning as mediator. However, when his disciple falls in dispute with someone else, he is called to grace the occasion during *rogha*.

It is not only in *Swati* society but commonly found in all *Pukhtun* societies that Saints are respected no matter even if he belongs to the ethnic group of lower social status. For example, “the Akhund of Swat, descended from a subject ethnic group in Bajaur and himself a goatherd, arrived on the political scene without property and without influence in 1816, and settled in Beki, a village on the bank of the Indus” (Barth 1965: 100).

Delineating the dedication of Akhund for the achievement of holiness Zabeeh has further explained that there in Beki village:

“He secluded himself continuously for twelve years and devotedly prayed to God night and day, taking only herbs. When he attained the purity of soul, his magnetical spiritual powers had reached far and wide. In short time thousands became his disciples” (1954: 5).

Hence, it clear from the above discussion that holiness is an achieved status in *Swati* society that can be achieved by any man devoted himself to pray to the God. However, once a man is accepted at large by the society as holy man his children are refer to as the descendants of holy man.

## 7.9 Religious Scholars

*Mulyan* are religious scholars. They are also known as *Stanadar*. *Mula* is an achieved status. It is achieved status because any body could get religious education, in religious school, to attain the status of a *Mula*. A man spends almost eight years in an Islamic *Madrasa* (religious school). By successful completion of the course, he is awarded a *sanad* (degree). The degree holder is called *Alim* (scholar). However, the term *Mula* is used for a man who serves as a priest. All priests are not equivalent in terms of educational qualification. Since, most of the priests in the area are not *sanad* holders. There are five categories of *Mulyan* in terms of ethnic identity among *Swati*. They are *Saydan Mulyan*, *Miagan Mulyan*, *Swati Mulyan*, *Immigrant Mulyan*, and *Mulyan* belong to occupational castes and tenants.

### 7.9.1 *Saydan Mulyan*

The major reason of respect for *Saydan* is their claim that they are the descendants of Holy Prophet (PBUH). Expertise in the knowledge of Islam substantiates the social position of a *Sayyid*. He is respected as landowner, descendant of the holy prophet and as *Alim* (religious scholar). Although, all those three conditions are the sign of respect but the efficacy of a person in conflict resolution is subject to personal attributes including piety, neutrality, wisdom, oratory, and ability of speaking before public gatherings. In individual capacity, if he serves as a priest, is called a *Mula*. But his social status as *Sayyid* is more superior, therefore, despite having the expertise of religious knowledge and serving as priest his descendants are socially known as *Saydan* and not as *Mulyan*. Therefore, the status of *Mula* is not inheritable in *Sayyid* community.

### 7.9.2 *Miagan Mulyan*

The major reason of respect for *Miagan* is their claim that they are the descendants of a Holy man. To become an expert in the knowledge of Islam corroborates his position. He is respected as landowner, descendant of the holy man and as *Alim*. Although, all those three conditions are the sign of respect but the value of a person in conflict resolution is still subjected to personal attributes. In individual capacity if he works as a priest is called a *Mula*. However his social status as *Mian* is more superior, therefore, despite having the expertise of religious knowledge his descendants are socially known as *Miagan* and not as *Mulyan*. Therefore, the status of *Mula* is like among *Saydan* is also not inheritable among *Miagan* as well.

### 7.9.3 *Swati Mulyan*

A man belongs to any of the *Swati*' sub-tribe and receives religious education becomes *Alim*. If he is a serving priest is known as *Mula*. In individual capacity he is known as *Mula*. But his ethnic identity as *Swati* is more superior to that of as a *Mula* because *Swati* is an established tribe of the area in terms of land-ownership as well as numerical strength. Therefore, his descendants are known as *Swati* and not *Mulyan*.

The role of a *Mula*, who is *Sayyid*, *Mian* or *Swati*, is relatively more effective in conflict resolution. For example, Sarwar Gool *Mula* (deceased) was one of the famous *Mula* for conflict resolution. The reasons of his effectiveness in conflict resolution were his genealogical connection with one of the *Swati* sections and his status as *Dotary*. Under traditional patterns of sociopolitical organization his alleged disrespect would be retaliated by the numerical strength of his section members. The efficacy of such a *Mula*

in conflict resolution to a larger extent depends on his personality also. It is because of the fact that it is on the bases of personal qualities including oratory, ability of speaking before public and religious gatherings that he could command the control of his followers. He must also be a wise person equipped with the knowledge of Islam as well as local traditions so as to resolve conflicts fairly based on justice.

#### 7.9.4 Immigrant *Mulyan*

*Mulyan* of this category are migrated to District Batagram from other parts of the province. They were hired as priests because they were possessing religious knowledge. That type of priests can be seen in different villages. In terms of ethnic background such priests fall into two categories. First category is comprised of those who were previously connected with landowning ethnic group at their place of departure. Most of them have left their native homeland because of enmity. Those *Mulyan* who are infiltrated from surrounding areas like Kala Dhaka and Buner they are genealogically connected with various sub-sections of a famous *Pukhtun* tribe *Yusufzai*. Because of having expertise in the knowledge of Islam are hired as Imam (priest). Their social status is recognized in a wider perspective of their previous belonging to well known sub-tribe. The *Yusufzai* predominantly occupies Kala Dhak and Buner. If a man in question belongs to any of the sub-section of *Yusufzai* and has social connections with his blood relatives is known as *Pukhtun*. However, in individual capacity a man who is Imam is known as *Mula*. The status of *Mula* is not inheritable for his descendants, therefore, his descendants are known as *Pukhtun*. For example, in Kuza Banda a number of people belong to Basi Khel sub-section of *Yusufzai* is known as *Pukhtun*. They have bought a sizeable amount of land. However, their ancestors have been working as Imam. Likewise a number of people live

in Kher Abad and have bought land are known as *Mandayzi* one of the sub-section of *Yusufzai*, although their ancestors have been working as Imam. It is because of their connection with wider social organization of *Yusufzai*, which make their ethnic connection significant. However, there are *Mulyan* previously connected with landowning ethnic group at their place of departure but after migration they do not have social ties with their blood relative because of geographical distance. For such *Mulyan* the status of *Mula* is inheritable and their descendants are known as *Mulyan* because their previous ethnic identity is insignificant since they are permanently detached from their patrilineal ethnic group. Nevertheless, most of them had bought land and are placed in prestigious social status.

Second category of *Mulyan* are those who were previously belonging to lower strata i.e. Gujars and members of occupational castes at their place of departure. They are in routine remaining mobile in search of better fortune. The status of *Mula* is inheritable for their descendants because the status of *Mula* is relatively higher for them as compared to their previous ethnic identity.

#### **7.9.5 Members of Occupational Castes and Tenants as *Mulyan***

The local landless *Mula* (Gujar tenants or member of occupational castes) is that type of *Mula* who solely depend upon his function as Imam for his livelihood. His ethnic belonging is insignificant for him because the status of *Mula* is much higher than that of Gujar or occupational caste. The descendants of landless *Mula* are known as *Mulyan* because of inheritable status. It is a famous proverb that 'religious knowledge changes one's caste'. The knowledge of religion changes one caste because of the importance



given to Islam and the people who get associated with it. Therefore, religion is one of the major sources of social mobility. Getting the knowledge of religion proved greatly advantageous for the people belong to lower strata. Gujar and the members of occupational castes are included among those people. For example, Maulna Abdul Hakim was a Gujar but because of the knowledge of Islam and his personal attributes won the seat of Member National Assembly (MNA) of Pakistan, during the election in 1972. He was fully supported by the *Ulama* of present district Batagram. He was a candidate of Jamiatul Ulama Islam (JUI).

All the categories of people as discussed above including *Saydan*, *Miagan*, and *Mulyan* are grouped together and called *Stanadar*. They are respected in one way or another because of their attachment to Islam. Some of them are respected because they are the descendants of holy prophet (PBUH) that was the founder of Islam and messenger of Allah. Others are respected because they are the descendants of pious devotees and still other are respected because of religious knowledge. Among such categories one is *doteryan*, some of them have bought land and the other are still landless.

## CHAPTER-8

### ROLE OF LEADERS IN CONFLICT RESOLUTION

Culture of an area is a response to natural as well as social environment. Conflict in human society is one aspect of the total environment. Although, conflict in any human society is inevitable but the existence of different types of mechanisms for conflict resolution is also an established fact found in every human society. In the society under study the patterns of conflict resolution are designed in a way so as to satisfy disputing parties by asserting their social equality that exists between them. There are a number of traditional methods of conflict resolution, which are exercised by involved parties themselves. In addition, however, there are methods that are put to use by different types of leaders to build peace in the society. Hence, in this chapter those methods that are practiced by leaders for conflict resolution in the study area are hereby discussed.

#### 8.1 Show or Exercise of Physical Force for Conflict Resolution

Show of force or exercise of physical force is activated by encountering parties themselves. Leaders of the disputing parties play important role in the organization of members for offence and defense. None of the closer blood relatives including leaders could opt for peaceful method of conflict resolution because it is taken as frailty and cowardliness of the actor. Hence, leaders are expected to play their role in resolving the conflict by show of force and physical combat. *Swati* society is a patrilineal, patriarchal, and patrilocal. Males are dominant in the process of decision-making. Senior male member is a household head. The role of a leader is very evident in the resolution of

disputes. In the process of disputes settlement *kor* is a relative term. A dispute among real brothers is taken as a troublesome situation of a *kor*. The father or a leading brother is expected to resolve the issue by consensus. A dispute with stepbrother has the same status because it is a troublesome situation belongs to a *kor*. A dispute among collateral agnates is again a *kor* problem until the leading members from both sides fail to resolve. In the process of dispute settlement initial attempt is made to resolve the issue at *kor* level by reconciliation among the disputants. However, a leader is expected to play the role of a mediator at *kor* level.

For example, Dil Faraz Khan, Tamas Khan, Sultan Khan, and Riaz Khan are real brothers and Khushal Khan is their stepbrother. Traditionally, real brothers are normally jealous to stepbrother, therefore, real brothers, several times quarreled with their stepbrother. In response, Khushal Khan has been developing links with the political bloc opposite to his real brothers. However, Thamas Khan, who is a leading figure, always manipulates that they should resolve their issues at *kor* level, otherwise they would become weaker against external enemies.

None of the *Swati* member genealogically closer to any of the disputing parities is acceptable as a mediator particularly in serious conflict over land. Traditionally all nearer members are considered to be active supporter of one or the other side under the establish system of favor and opposition. A leader closer to any of the conflicting party is not accepted as a truce maker for two reasons. Firstly, the members closer in genealogy expect him to be an active supporter and secondly, the members distant in genealogy do not believe that he would be just and fair during the process of conflict resolution. The major role of leaders is to organize the members for show of force or even gunfight.

Possession of resources and particularly the land is the crux of disputes among *Swati*. Encroachment upon those resources is considered as if the possessor was taken as weaker and hence insulted. The first priority, among the methods of conflict resolution, against encroachment is self-help, which is frequently violent. During such circumstances the leaders organize the members for warfare against enemy.

Within a lineage affinal relatives support the opposite paternal cousins fighting on account of the distribution of inherited land because genealogical criteria is not effective as the lineage members are situated at equal distance to the disputing cousins. For example, there was a serious conflict between the descendants of Zaman Khan on account of the distribution of inherited land among the heirs (See appendix 1). Among the descendants of Zaman Khan, Thamas Khan was the only leading figure so far. He was an expert of organizing his supporters including his brothers and affinal relatives within the lineage. The show of force was exercised between the sons of Bhader Khan and Bilader Khan on the one side and the sons of Naeem Shah on the other side. As a result of successful organization of show of force Sherultaj son of Naeem Shah emerge as a *Mashar* of his joint family.

Hence, it was a consequence of ensuring just and fair distribution of land by force that Sherultaj Khan emerged as an independent decision-maker and the leading figure of his family (*kor*) as well as in the formal politics of *dullah*. Before to this event, Sherultaj Khan used to visit frequently the *Hujra* of Bhader Khan (his paternal uncle) but now he started to spend more time in his personal *Hujra*. Sherultaj progressively made personal companions and did continue the struggle for independent political survival and identity in which he was successful. In order to get his land borders secured he fought several

battles against Thamas Khan and his brothers and proved his worth as a leader. In these battles his brothers and affinal relatives within the lineage were the major supporters. Situational emergence of Sherultaj Khan as a leader was equally facilitated by his personal attributes. He has the ability to organize his supporters for show of force and even warfare. He has friendly relationships with the court officials and staff of local police station. He has all the faculties required for leadership in the society.

Purdil Khan, the *Mashar* of his family, always supported the stand of Thamas Khan. In this case he could not mobilize his supporters for show of force. Still, he was equally benefited, in terms of getting due share in hereditary land. However, Purdil Khan due to lack of personal qualities could not establish independent identity in the domain of politics. He did not have his personal *Hujra*. Thamas Khan represents Purdil Khan and his descendants in the politics of traditional *dullah*.

It is explicit from the above example that it was a perceived stronger position of Thamas Khan who was trying for illegal occupation of land. However, the equal show of force organized by Sherultaj Khan brought the situation to balance. It was because of the fear of dreadful consequences of open war that the group of Thamas Khan was forced to accept orderly means of conflict resolution. It is also evident that how situation help a man to emerge as a leader.

It is obvious that to cope with a conflict it is normally the first priority for the collateral agnates to organize a show of force and to speak from the position of strength. The show of force is preferred in order not to be called as weaker vis-à-vis their collateral agnates. However, if one of the leaders of collateral agnates was not able to show his

force he then normally side with one of the cousin's group in order to save face that he willingly supported one of the cousin groups because of sharing views regarding the division of inherited land. Such type of alliance is publicly taken as a weaker stand.

Although, at one time Thamas Khan and his real brothers were united in the face of paternal cousins but currently their sons are paternal cousins and are found competing for gaining political worth in the village as well as at the regional level. This traditional opposition (*tarborwali*) among paternal cousins is particularly visible between the sons of Thamas Khan and their paternal cousins.

In case of conflict between two lineages the *Masharan* organizes the conflicting parties on the basis of consanguinity (See appendix 2). At lower level of the tribal structure genealogy is very important in the organization of people for the protection of joint as well as individual interests. It is because threat to the interest of one individual is taken as a threat against all. Since, any of the member may face the same threat in the future. This behavior is well regulated by the basic urge of human survival. It is normal that during conflict over land the members resort to violent self-help, however, the realization of armed deterrence at both side forces the parties to step in peaceful resolution of the conflict. During the exercise of the use of physical force the blood relatives constitute the force for the maintenance of equilibrium between the segments of tribe and resultantly the accomplishment of justice.

Beside the role of a *Mashar* as an organizer of his followers for show of force or gunfight he is also a mediator in conflicts among the members of distant lineages. It is because the genealogically distant *Masharan* are not traditionally expected as active

supporters. Hence, as neutral third party and in the capacity of *Mashar* he can act as a mediator.

In the light of the above discussion it is evident that there is a peace in the conflict. It is because conflict is a means to an end and the end is peace. Conflict is a process and peace is the consequence of this process. However, show of force and capability of war against enemy restore peace. Equal capability of retaliation keeps balance between the segments. This balance forces the segments to avoid war and therefore disaster. Still the segments come in clash and the show of force pave the way toward a peaceful settlement of the issue.

## 8.2 Bloc Leader

Chief sources of power for a *Khan* are amount of landholdings, numerical strength of servants, support of agnates and personal attributes required for leadership. Bloc leader is not a formal office holder. However, through time *Qomiz* on the basis of agnatic rivalry divided into two blocs. A *Khan* leads each bloc. However, after the death of a *Khan* his lineage members compete for the loyalties of the followers. Any competitor who could win the support of *dullah* becomes a bloc leader. For example, the *Khan* of Trand was Jamal Khan who was a leader of traditional political bloc. After his death his son Ata Muhammad Khan made efforts to become a leader of the traditional political bloc. But Yusuf Khan the brother's son of Jamal Khan was more competent in the domain of personal attributes and hence emerged as a leader of the political bloc which was formerly lead by Jamal Khan. He won several times a seat of provincial assembly in

formal elections and also served as minister for education of North-West Frontier Province.

In the past it was a tradition that a bloc leader used to explicitly support his political supporters in the warfare against enemies. However, currently there is no war fought between the segments of the tribe at a large scale, hence, the researcher has noted non of such an armed support supplied by the bloc leader to his political followers. Nevertheless, according to a key informant e.g. if a big battle were started between the segments of the tribe, the role of a bloc leader would still be very important in terms of arms supply to his political supporters. A bloc leader when elected as formal representative prefers his *dullah* for allocation of development funds.

The bloc leader is accepted to play a role as mediator. The *Khan* normally plays important role for conflict resolution between the members of his *dullah*. Though a bloc leader also remains active in formal politics. But his position as mediator is supported by his hereditary status, as a traditional leader, instead of as a formally elected member. It is because the traditional *dullah* system is centuries old mechanism inherited by the people. For example, a very severe feud which was resulted in a number of killings was finally resolved by a bloc leader (See appendix 3). Analysis of the case reveals that Ayub Khan perceived his power edge over Pamjan. This perception led him towards the explicit denial to keep his words and blatantly refused to bequeath a due share of land to Pamjan. In response Pamjan was assertive for his share of land. It was difficult for Pamjan to live in the village in the presence of his powerful agnates. Therefore, he shifted to the nearby tribal area Kala Dhaka. From the tribal area he perpetually sustained his struggle for getting his promised piece of land. In this struggle his opponents killed him. In response



Pamjan's son avenged his murder. When the military balance was achieved through revenge the parties realized the importance of orderly resolution of the conflict. Consequently, they positively responded to the initiative of the bloc leader. The bloc leader resolved the conflict by traditional method of restoring the social equality, which was damaged by the offence of Ayub Khan. Resultantly the piece of land was offered to the sons of Pamjan. It is also evident from the case study that court was not effective. Peacemakers were also ineffective, as the parties had not responded positively to a number of *Jergey*. It was only after the achievement of a balance point through physical force that the parties were ready to accept orderly means of conflict resolution.

It is clear from the whole discussion that *Swati* is a segmentary society. The segmentary social structure is resulted in the emergence of two types of traditional leaders i.e. *Mashar* and *Khan*. *Mashar* functions as head of his joint family and lineage as well. The *Masharan* split on the basis of collateral agnatic rivalry to form two opposite political blocs. Opposite *Khanan* head the opposite blocs. Land is a major source of conflict. The key cultural strategy adopted by *Masharan* for conflict resolution is the use of force to bring military balance between the segments. Retention of balance between the warring segments leads to the orderly resolution of a conflict. The leader of the bloc may personally initiate a dialogue or the relatives of the disputants mobilize him to mediate and resolve the conflict.

### **8.3 Complementary Opposition**

From the overall social structure of the society it is obvious that mechanism of favor and opposition is self-regulatory in the frame of complementary opposition. Men opposing at

one level are supporting at another level. Most of the conflicts are emerged as a result of land because land is the major source of getting prestige in the society. Fight over land-acquisition is more visible in the domain of inheritance. For example, there is conflict between the sons of Abdul Sattar Khan on account of inherited land. They have quarreled several times with one another (See appendix 4). Their conflict is still alive but one of the brothers fall in dispute outside in response to which all brothers were united to face the thereat. Hence, as result of complementary opposition their internal conflict for the time being was pressed and they were united in the face of external threat. This cohesion among brothers in response to external threat also verify the in-group/out-group hypothesis which says that external threat promote internal cohesion (See Sumner 1906; Simmel 1955; Lewis 1961; Murphy 1957; Eyde 1967; Young 1965). At the time when the external threat was successfully concluded the brothers again reverted to the conflict over the distribution of inherited land. A number of religious scholars attempted to resolve the conflict among brothers over inherited land but so far in-vain. According to a key informant the conflict over inherited land would not be taken to formal court but would be locally resolved according to the norms of the society. This conflict, according to the key informants, may convert into physical aggression or may be peacefully resolved through traditional means.

#### **8.4 The Jirgah of Saints for Conflict Resolution**

For the resolution of conflicts, occurred between *Swati*, Saints normally organize a series of meetings with the disputants in order to get them ready for truce. Firstly, the Saints organize a meeting with any of the disputing party. However, they initially organize to

meet with the disputing members, which according to the view of the *Jirgah* members are wrongdoer. This type of meeting is organized as a part of traditional role of Saints as mediators. In this *Jirgah*, the participants exert socioreligious pressure on the disputing party for truce. In case the party shows its willingness for truce the *Jirgah* is led towards other two steps to be taken. Firstly, the *Jirgah* is conferred upon with an unconditional *wak* (attorney) or the *wak* may be conditional. Secondly, in case of unconditional *wak* the *Jirgah* members are expected to divulge the conditions upon which they would develop the consensus of the second party. The *Jirgah* members normally disclose those conditions to the first party in order to develop its confidence that a truce will be reached at according to the traditions in order to save the face of the members. None of the party is disgraced by the *Jirgah* in terms of recommending conditions for truce, which are repugnant to the notion of social equality. However, in case if conditional *wak* is conferred upon the *Jirgah* then make a dialogue with the first party in order to discuss the viability of conditions forwarded by the party. The viable conditions let the *Jirgah* move one step forward. Conversely, if the conditions were found unrealistic the *Jirgah* may be adjourned. It depends on the personality of the *Mashar* of disputing party that forward reasonable or otherwise unachievable conditions for truce. If a *Mashar* is a reasonable man he may forward practical conditions while a man who is aggressive by nature or arrogant of his perceived upper hand may forward tough conditions for truce. The *Jirgah* members on the basis of their experience evaluate to accede to the conditions as practicable or otherwise as impossible.

In the *Jirgah*, during discussion, the technicalities and legal aspect of the dispute is not discussed. It is because the major focus of the *Jirgah* is to prepare the disputing

parties for truce. In other words it means that the *Jirgah* assert to convince the disputing parties if they were ready to accept the role of *Jirgah* for resolving the conflict. It is because the *Jirgah* has no authority to impose its decision but only to convince the parties by discussion through highlighting the importance of peace and tranquility. In support of their discussion, to motivate the disputant party for truce, the *Jirgah* members quote examples and precedents from the Islamic history, which emphasize the importance of truce. All this process is pursued under no time pressure; therefore, no time schedule can be prepared to resolve a conflict within that time frame. However, the total autonomy is rested with the disputant parties and all options of dispute resolution are opened to them from which they may opt to resolve the conflict by exercising physical force, mediation or arbitration.

The *Jirgah* is, if granted with unconditional *wak* or the conditions forwarded by the *Mashar* were found viable, proceeds to take next action. In the next phase the *Jirgah* organizes meeting with the opposite second party. The same strategy is adopted to convince the party for truce making.

For the organization of *Jirgah* with the disputing parties, Saints take initiative in order to start a dialogue. Saints manage this sort of *Jirgah* because of two reasons. Firstly, traditionally they are supposed to initiate a dialogue with the disputing parties for the resolution of conflict, particularly if the conflict is of serious nature. Secondly, this type of initiative increases their social status in the society. Because they are respected as neutral third party to save the warring parties from disintegration. There are possibilities that either the *Jirgah* will be accepted to negotiate or the disputing party may excuse and discontinue the *Jirgah* for any negotiation.

In case if both the parties allow the *Jirgah* for further negotiations, with attorney, the *Jirgah* is then adjourned in order to develop a plan and effective strategy for the resolution of the dispute. The *Jirgah* members organize the forth-coming meetings for collecting relevant information from both of the warring parties. The strategy, which is to be developed for conflict resolution, depends upon the gravity of the case. The major focus of the *Jirgah* is, however, to restore the social equality, which was disturbed due to the offence.

The *Jirgah* normally plays its role in dispute emerges on account of land. Therefore, in case of a conflict on land-ownership the total evidence including physical witnesses is discussed in detail. The *Jirgah* members after discussion crop-up with a final solution upon which the parties were already harmonized. The *Jirgah* may adopt various cultural strategies, including *uzar*, *saz*, *swara*, *nanawatey*, *minat* in order to restore social equality.

In the final phase both the parties are brought face-to-face for the announcement of *rogha*. On a fix date, time and place the *Jirgah* members along with other respectable persons and the relatives of disputant parties meet together. In the meeting the speakers highlight the importance of *rogha*, the priest make prayer (*doa*), finally parties are congratulated and at the end the guests are served with sumptuous meal.

In such circumstances when the *Jirgah* failed to develop an accord, between the combating parties, in regards to the differential claims about the bone of contention the *Jirgah* then espouse the mechanism of *qasam* and *talaq*.

For example, two things are clear from the following case study. First, despite the efforts of mediators for *rogħa*, the disputants (Genealogy is given in appendix-5) cannot be forced for *rogħa*. Second, the punishment given by the formal court does not contribute in balancing the damage, in terms of murder and injuries, between the disputant parties. The case study is related with Daurh Khani or Tor Khanan, which is one of the sections of a sub-tribe Malkal. There was a conflict on land since long time between two parties 'A' and 'B'. Party 'A' is comprised of eight brothers namely Abdul Mujeeb Khan, Torsam Khan, Farid Khan, Raqeeb Khan, Sher Ali Khan, Banares Khan, Waris Khan and Naseem Khan. Party 'B' is comprised of four patrilineal cousins among whom Hashim Khan and Sharozem Khan are real brothers while Nader Khan and Sher Afzal Khan are real brothers.

One day Farid Khan cut few trees from the common disputed land. His party 'A' was to pickup the trees by next day. However, the members of party 'B' fortified themselves in the common land to prevent picking up the fallen trees. The members of party 'A' came to know the plan of party 'B'. Therefore, they went to the jungle well armed in order to pickup the trees. When party 'A' arrived at the spot a verbal combat started between the two parties as the members of party 'B' along with their servants were present over there. Farid Khan's son Mohammad Haroon became violent during the course of squabbling and opened fire. Resultantly, Sher Afzal Khan was injured. Sher Afzal Khan, in response, ordered his servants for retaliatory gunfire in which Abdul Mujeeb Khan and Torsam Khan were killed. Now the conflict over land became serious. The case was instituted in the formal court. Later on, in retaliation the member of party

'B' Mohammad Haroon Khan killed Dildar Khan son of Sher Afzal Khan and injured Nader Khan in the court premises while they were attending their case hearing.

The mediators started their efforts for *rogha* because murders from both sides were equal. Because, traditionally injury is also considered as murder because the intention of attacker is aimed at killing. A number of people including Malang Khan Daurh Khani, Ayub Khan (deceased) of Allai, Mohammad Qowwat Khan Daurh Khani (deceased), Abdur Razzaq Usmani, Thamas Khan Torkhel, made their efforts for *rogha* but all of them were failed to reconcile dispute. The venerated *Saydan* from village Biland Kot made the final abortive effort for the settlement of the issue. All efforts for truce making were failed because in the meanwhile the court convicted Muhammad Haroon the son of Farid Khan for the murder of Dildar Khan. The court punished him for life imprisonment. According to party 'B' Muhammad Haroon was the major aggressive figure behind the feud. Therefore, party 'B' wished to wait till he completes his life imprisonment because in case of *rogha* he might get released.

It is evident from the case study that court decisions do not help in permanent settlement of the conflict. Moreover, court punishment is also used for teasing one another. It can be easily predicted that after the completion of imprisonment period or if the mediators were successful to convince party 'B' to pardon Muhammad Haroon, *rogha* will be made through mediation.

However, in future any body who will be successful to develop consensus of the disputing parties for *rogha* all the people who have made their efforts for *rogha* would be invited to participate. Otherwise, any member who made his efforts for truce making was

not invited is not only against the local tradition but it is also a sign of his disrespect. All peace builders are invited to participate in the final function of *rogha* in order to acknowledge their efforts for peace building and also to make them realize that the then time was not ripe for *rogha*.

## 8.5 Religious Scholars and Conflict Resolution

As discussed earlier, *Mula* is an achieved status. Hence, anybody can get admission in religious school (*madrasa*) to get Islamic education and become a *Mula*. However, the priests in terms of social status are different. *Saints*, *Swati* or *Pukhtun Mulyan* are of higher social status than *Mulyan* who are Gujars or belong to occupational castes. However, because of religious knowledge *Mulyan* are respected in the society. The major source of the influence of *Mula* is mosque and *madrasa*. The villagers observe five time prayers in the leadership of a priest. They respect the priest as leader in religious rituals. *Mula* derives his high status from his personal attributes as a man of knowledge, wisdom, neutral, pious, and mediator. He also prepares amulet for different diseases and for the protection of crops from wild animals. He also teaches Quran to the villagers' children in the mosque. In case of conflict between collateral agnates in the village on account of land distribution he tries to mediate. But when he realizes the situation as grave and out of his control he immediately organizes the *Jirgah* of *Mulyan* on a larger scale to prevent the disaster of the collateral agnates. A *Mula* particularly for the role of mediation is highly respected. He normally avoids attending *Hujra* but when for consultation or meeting with guests he enters *Hujra* all people stand in his respect and vacate a cot for



him in order to let him sit alone. The following case study depicts mediator role of *Mula* in conflict resolution.

During the national election 1990, Muhammad Yusuf Khan and his paternal cousin Ata Muhammad Khan came in conflict on polling. Both parties were candidates in the election for provincial assembly. None of them was allowing the opposition for polls in their premises. Both the parties along with their servants fortified themselves and there was an alarming situation of anticipated gunfight. In the mean while the women of the parties contacted Maulana Abdul Haye by phone. They told him the whole situation and urged upon him for immediate step of mediation in order to protect the jeopardy of gunfight. According to Maulana Abdul Haye he arrived at the scene and started mediation by going between the parties. He was successful in mediation and was able to pacify the situation. Finally he brought the opposite parties face-to-face to embrace.

Another case study that depicts a very effective role of *Mulyan* in conflict resolution is worth mentioning to be discussed here (See Taieb 2003). This case not only affirms the efficacy of informal method of conflict resolution but also at the same time depicts the fatiguing role of formal court with no result of sustainable conflict resolution. It was a conflict started in the last decade of 20<sup>th</sup> century. The conflict emerged on account of cutting a tree from the disputed territory of a forest. Litigation was on going in the formal court. A number of years lapsed in formal litigation and as a result of which Dost Muhammad a Grand-son of Roshan (genealogy is given in appendix-6) was convicted by the lower court as murderer. The litigation was proceeded to High Court and finally to Supreme Court where death penalty was retained. The time when Sher Muhammad the father of Dost Muhammad came to know that the Supreme Court had

retained the death penalty of his son became violent. Hence, he attacked the enemy and inflicted serious injuries on Bashir and did try to kidnap Saeedur Rehman to make him hostage for the release of his son Dost Muhammad. However, in this attack Obedur Rehman killed Sher Muhammad. This was an overall response to the decision of formal court. Hence, it is obvious that instead of resolving the conflict the court decision bears negative consequences and thereby aggravates the gravity of feuding than to pacify it. Apparently no body could imagine that this longstanding feud would be finally resolved. However, the disputing parties enjoyed full autonomy in terms of using physical force and traditionally proved that none of the party was superior to other. It is because of the fact that the descendants of Roshan created a general environment that they were superior in terms of boldness and bravery against the descendants of Yaqob who were coward. However, general public was of the opinion that both parties were *Azizan* (coequal) and none of the party would subjugate until the killing and injuries at both side become equal. At this time number of killings and injured persons among the descendants of Yaqoob were two and three respectively while these numbers were one and four among the descendants of Roshan.

It is a part of the tradition that the offensive party normally initiates strategy for peaceful resolution of a conflict. For offensive party (the descendants of Roshan) it was difficult to initiate a step for peaceful resolution of conflict or even overtly express a wish before general public for amicable solution to the conflict. It was because of the fact that this party was overly arrogant and perceived themselves as superior in martial qualities. However, women of this group who were equally under tension during the conflict and greatly suffered took a very bold step of *nanawate* towards the solution of the conflict.

One day before Eidul- Azha during the evening between 9<sup>th</sup> and 10<sup>th</sup> January 2006, the women belonging to offensive group carrying the Holy Quran on their heads entered the house of their enemy (descendants of Yaqob). This was a symbolic gesture that the offending party was now tired after optimum use of their martial qualities and ready to accept third party intervention to resolve the conflict. *Nanawate* was welcome respectfully that was a positive sign from the party that they were also ready to resolve the conflict peacefully. However, this was not a simple case to be resolved only as a result of *Nanawate* but as a consequence of positive gesture towards the solution of conflict the neutral parties found a place to initiate a dialogue.

A well-known religious leader Maulana Fazli Azim with the help of Maulan Abdul Halim and Maulana Iqbalullah initiated the dialogue for conflict resolution. After holding separate meetings with both parties the whole process finally culminated at *rogha* on 10<sup>th</sup> May 2006. More than 300 hundred tribal members of both parties attended this formal meeting. The descendants of Roshan were penalized for twenty hundred thousand rupees, which they paid to the descendants of Yaqoob. In return a conflict settlement report was submitted to the court and Dost Mohammad that was waiting for his death penalty was released.

Beside mediation the important role of *Mula* is to decide the cases of conflicts in the light of *shariat* (Islamic law). However, arbitration is not a prioritized method of conflict resolution for the public. It is because of the fact that in arbitration it is more to subjugate to Islamic law instead of one's autonomous and independent decision for conflict resolution. Hence, in first instance *Mula* also tries to reach a settlement through mediation. Despite this if a case is not finalized and the disputant willingly submit it to

the *Mula* for arbitration is then decided in the light of Islamic *shariat*. In colloquial the term *shariat* is used for the practice of Islamic law. *Shariat* is basically arbitration between the disputants to decide conflict according to Islamic Jurisprudence. The segments in opposition through a third party select a *Mula* and fix date and time for arbitration. They willingly submit their case to the *Mula* for arbitration. The opponents arrived at the mosque or *madrassa* of *Mula*. They sit face-to-face in front of *Mula*. The *Mula* starts asking questions. At the end *Mula* declares his decision. Both the parties have understanding between them to abide by the decision. It is because is not a concern of the *Mula* to implement his decision. Every *Mula* cannot arbitrate. The opponents are very selective in terms of selection. Normally a *Mula* is selected for *shariat* who has gained reputation for deciding conflicts on the basis of *shariat*.

For example, the following case study depicts the successful role of arbitration by *Mulyan* for conflict resolution. There is a jungle of pine trees situated at the border between district Batagram and tribal area Kala Dahka. The ownership of the forest was disputed between the *Miagan* and *Deshan*. A number of battles were fought between the two. The footpath for *Miagan*, to come to Batagram town, goes through the area inhabited by *Deshan*; therefore, *Deshan* started to keep the members of *Miagan* as hostages whenever anyone of them used to visit Batagram town. When the situation became worsen the *Olama* interfered for mediation. As a result of the mediation of *Olama* both parties were agreed for arbitration to be conducted by the *Olama*. A committee of seven *Olama* was constituted and the arbitration was exercised in the office of Deputy Commissioner Mansehra. The *Olama* in the light of *shariat* made the decision.

It is also a feature of other small-scale societies in Pakistan where decisions are made, at local level, according to Islamic law. For example, Lentz has also noted the role of *Olama* in mediation and arbitration in the Northern Areas of Pakistan. As he further explains that:

“The population belongs to different sects of Islam, the three most important ones being the Shia, Sunni, and the Ismaili sects. As Islam recommends arbitration and mediation of conflicts as a religious duty (*wajib*), many of the religious leaders (*‘ulema*) are involved in these activities. In 1954 an Islamic court was established in *Skardu*, the *Mahkame-e-Shari’a*. Besides this institution local *‘ulema* engage in these arbitration and mediation activities. (...) It is significant that the *‘ulema* often do not apply Islamic law when arbitrating or mediating but look for a compromising solution” (2000: 440-441).

At the end of the chapter it is evident that a neutral third party plays an important role in conflict resolution among Swati of Batagram. *Stanadar* is a traditionally recognized neutral third party for mediation. *Stanadar* includes *Saydan*, *Miagan*, and *Mulyan*. *Saydan* are the descendants of Holy Prophet Mohammad (PBUH) and *Miagan* are the descendants of holy men. *Mulyan* comprises the people who have accomplished religious education. Therefore, *Mian* and *Mual* in contrary to *Sayyid* are achieved statuses because any person could devote himself to achieve the level of piety and thus become a holy man. With the passage of time the descendants of such a holy man are known as *Miagan*. Likewise, any man could spend time in religious school to get Islamic education and thus become a *Mula*. However, with the passage of time, the role of *Saydan* and *Miagan*, in conflict resolution, has gradually become secularized. It is because of their

loose attachment with the notion of piety. It is also due to the use of material base as a source of their strength. Hence, most of the saints are respected for their relatively high economic position, which has turned their status into traditional leaders. Nevertheless, in traditional perspective a pious saint is still relatively more effective in the conflict resolution.

With the passage of time *Mulyan* have occupied the traditional role of Saints. It is because *Mula* is the practitioner of religion in day-to-day life and is normally more effective in mediation and arbitration than other types of *Stanadar*. However, the efficacy of *Mula*, in conflict resolution, is related with other attributes e.g. his ethnic background, land-ownership and more importantly personal attributes including skill of speaking and art of negotiation.

The chapter is concluded that conflict between equals is resolved by resorting to the use of force. The process of mediation starts when the use of force at both sides reaches its balance and none of the parties is downtrodden. The traditional leaders start the process of mediation. However, a lineage leader who is party in a dispute is not acceptable for mediation because he is traditionally expected to participate in coercive self-help on the side of closer agnates. The leaders of distant lineages may contribute in the process of mediation. The bloc leader also participates in the process of mediation to resolve the conflict between his political followers. Both types of leaders i.e. *Mashar* and *Khan* initiate the process of mediation mostly on the motivation of near blood relatives of the disputing parties.

Beside the role of traditional leaders in conflict resolution, religious leaders also play important role in conflict resolution. There are different types of religious leaders. Some are those who claim their descent from Holy Prophet Muhammad (p.b.u.h). Others are the descendants of holy men. Still others are religious leaders because of the Islamic knowledge they have. The category of leaders on the basis of Islamic knowledge is further divided in terms of their influence, which is relative to their ethnic belonging. The efforts of religious leaders are solely based on peaceful settlement of conflict. They normally start mediation themselves as neutral party. The major strategy of the leaders is to develop a truce between disputing parties. The leaders having the knowledge of Islamic teachings also play their important role in arbitration. Arbitration is exercised when the disputing parties themselves decide to submit their case with a prominent religious leader for arbitration. In arbitration the leader use Islamic Jurisprudence to reach at the decision.

## CHAPTER-9

### CONCLUSIONS

This study attempts to understand the role of egalitarianism in conflict resolution among *Swati* of district Batagram in North-West Frontier Province of Pakistan. Major source of egalitarianism among *Swati*, as reflected by the empirical data, is power of retaliation. Power of retaliation is vested in numerical strength comprises of blood relatives, affinal relatives and tenants. Traditionally, at the outset of a serious conflict the tribe members normally resort to the exercise of physical force to prove their powerfulness for retaliation. However, power of retaliation itself works as a containing force for the overall destruction of the society. Hence, the justification for resorting to the exercise of physical force is to assert equality in terms of using power for retaliation. Hence, the victims themselves exercise disorderly and violent means to restore their social status and to prove, as they are equal to the rivals. Offended party prefers the use of physical force because traditionally the use of orderly means of conflict resolution is explained as the inability of the party to get revenge. Notwithstanding, the disorderly means of conflict resolution, which is the exercise of physical force, is gradually converted into orderly means of conflict resolution. The major purpose of the use of orderly means for conflict resolution is also to realize the conflicting parties of social equality existing between them.

Beside coercive self-help the religious as well as traditional leaders play their role in conflict resolution. They use orderly means of conflict resolution. The use orderly



means is a long process, which normally starts from facilitation. During the stage of facilitation the distant relatives normally keep continuous contact with the disputing parties so as to keep them attentive of the strategies and plans worked out by the rival parties against one another. The facilitator waits for a suitable time to direct the discussion towards a peaceful settlement of the conflict. However, the long feud resulted in killing of a number of people is not easy and simple to orient it toward settlement. In such circumstances there are other traditional methods e.g. *Nanawate* that orient the conflict in direction towards peaceful settlement of the conflict. Nonetheless, when facilitators evaluate the environment from the discussions of the disputants as conducive for directing the conflict into friendly settlement, they never waste time and normally starts independent meetings with both parties. The process of facilitation converts into the process of conciliation in which efforts are made to prepare and convince the rival parties to accept mediation or arbitration for conflict resolution.

In case, if the parties accept for arbitration then the detail of conflict is willingly submitted to a renowned religious scholar for declaring verdict in the light of Islamic jurisprudence. The rivals themselves exercise this method in less severe conflicts. Subsequent to the agreement of rivals on a particular *Aalim* for arbitration, the case is submitted to the *Aalim* to be decided in the light of Islamic Jurisprudence. The religious scholar has no authority of implementing the decision because traditionally it is the responsibility of rival parties themselves to submit in the face of decision based on arbitration. Hence, the responsibility of *Aalim* is only to declare decision and the power of implementation rests with the rivals.

However, it is mostly found that disputing parties normally agree to opt for mediation for the resolution of conflict. The leaders go between the rival parties to persuade them for conflict resolution. After successful dyadic negotiation, when any of the leader is given attorney for mediation. A given leader then organizes a series of talks to get into the depth of conflict and evaluate the conditions (if any) of victim to bring those conditions into harmony of traditional framework. Under traditional setup of conflict resolution, social status is given utmost importance and all efforts are made to remove the impression of social inferiority resulted from offence. The whole of the process of mediation is group-oriented and closer blood relatives who are traditionally bound for revenge participate in all meetings held by the mediators. The conditions of agreement resulted from the dyadic negotiations are verbal which are socially and morally binding. Patterns of conflict resolution are based on socio-cultural values that are given importance. Hence, the mediators' decision is not violated.

As a result of negotiation process, conditions for final settlement of the conflict are finalized. Once the mediators arrive at the consensus-based conditions for the settlement of the conflict, the mediators organize a triadic discussion in the final meeting for *rogha*. Hence, a formal meeting is convened on a specific day and date. In this meeting members of disputing parties- near relatives of the rivals and notable of the area-participate. During this last meeting predetermined conditions for the settlement of the conflict are announced and rivals are requested to hug one another. A formal prayer is recited by the imam for seeking the help of Almighty Allah to make the rival friendly and courteous for one another.

On the basis of above findings it is concluded that the local perception of egalitarianism is intimately linked with the power of retaliation. It is because revenge is one of the salient features of *Pukhtu*, which regulates the behavior of *Swati*. Social equality is one of the important elements of *Pukhtu*. *Pukhtu* is a sense of competition that leads to maintain social equality. Conflict between *Swati* is emerged when a member undermine another socially equal member. This under valuation of the equal member is reflected in many forms of which land encroachment, attack through women and money are some of them. Hence, land, woman, and money are taken as key causes of conflict among *Swati*. Conflict basically starts from an offence of individual or group against another individual or group. Offence is a result of perceived superiority of an individual or group, which forces for using language of power. However, expressing superiority of one's status in relation to coequal is against the norm of *Azizwali*. Therefore, offensive action is equally retaliated by exercising coercive self-help. This norm of retaliation helps in maintaining the equilibrium of social equality that exists among *Swati*. The whole process of conflict resolution is exercised to restore the perception of social equality because without restoring social image of the victim conflict cannot be resolved.

It is; therefore, contextually clear that *Swati* society does not result into overall destruction because the mode of dispute settlement depends on group obligations and relationships. Since, lineage loyalties and multiple affinal ties are of an enduring nature, the disputants attempt to preserve the relationship, which lead them towards peaceful settlement of dispute. Hence, conflict brings a temporary dis-equilibrium in the society but the equilibrium is again restored by the exercise of traditional patterns of conflict resolution.

The application of equilibrium model of structural-functionalist for the understanding of the function of *Swati* society is depicted above. There are cultural strategies found in the social structure of *Swati* society. Conflict can only be resolved when those strategies are effectively brought into action. Strategies are designed in a way so as to restore the perception of social equality of the disputing parties to resolve a conflict. The violation of the traditional concept of egalitarianism results in the emergence of a conflict and the restoration of the sentiment of egalitarianism by traditional means orient the conflict towards peaceful resolution. Hence, egalitarianism itself works as a balancing mechanism for the restoration of temporary dis-equilibrium, created by a conflict, again into the equilibrium of the society.

Hence, peace is an essential ingredient found in the normative structure of *Swati* society. However, enhancing one's prestige is also an inherent need of the given population. Enhancement of prestige is connected with some visible indicators. Land is one of the most important of those indicators. Therefore, the desire of increasing the amount of land by abnormal means leads to conflict. Conflict is a process during which efforts are made by the disputing parties to prove their powerfulness. There are cultural dynamics in the society, which forces the individuals to compete for the maintenance of social equality. It is because subjugation in the face of enemy might result into the elimination of suppressed group. Hence, efforts are made to compete and retain the position of social equality. Violence is the preferred way to aggressively retaliate against enemy to safeguard one's interests. This aggression is exercised by group of people. The patterns of cooperation are determined by segmentary lineage system. Complementary opposition confirms the overall process of fusion and fission of the members to cooperate

at one level and oppose at another level of genealogical tree. In the traditional system of favor and opposition consanguinity and affinity play important role in the organization of tribal members. Protection of land from opposition is a prime shared responsibility for which organization of members occur at various level of genealogical structure in relation to the nature of issue concerned. Brothers protect their land from paternal cousins. All paternal cousins get unite to protect land from outside thereat.

Competition exists for maintaining egalitarianism. Any action directed to harm the image of social equality of a member is restored by power of retaliation. This theory can also be applied to understand international relations. Between the nations states equal power of retaliation itself would work to prevent war between nations. In most cases it is the imbalance of military power, which force the powerful to interfere in the affairs of a weaker state.

# SOCIO-ECONOMIC SURVEY OF DAWARHKHANI

UNION COUNCIL: \_\_\_\_\_

VILLAGE: \_\_\_\_\_

S#	Household number	Name	Sex	Age	Quam	Relation to household head	Marital status						Age when got marriage
							Single	Married	Divorced	Widowed	Re-marriage	Husband Qoum	
01													
02													
03													
04													
05													
06													
07													
08													
09													
10													
11													
12													
13													
14													
15													
16													
17													
18													
19													
20													

S#	Level of Education							Occupation				Income				
	1-5	6-8	9-10	11-12	13-14	15-16	Any other	Wage Labor	Government Servant	Businessman	Any other	Maize	Wheat	Rice	Salary	Any other
01																
02																
03																
04																
05																
06																
07																
08																
09																
10																
11																
12																
13																
14																
15																
16																
17																
18																
19																
20																

S#	Amount of Land-				House		Live-Stock						Economic Assets		
	Rainfed	Irrigated	Orchard	Forest	Kacha	Pakka	Sheep	Goat	Oxen	Cow	Buffalo	Any other	Water mill	Shops	Any other
01															
02															
03															
04															
05															
06															
07															
08															
09															
10															
11															
12															
13															
14															
15															
16															
17															
18															
19															
20															

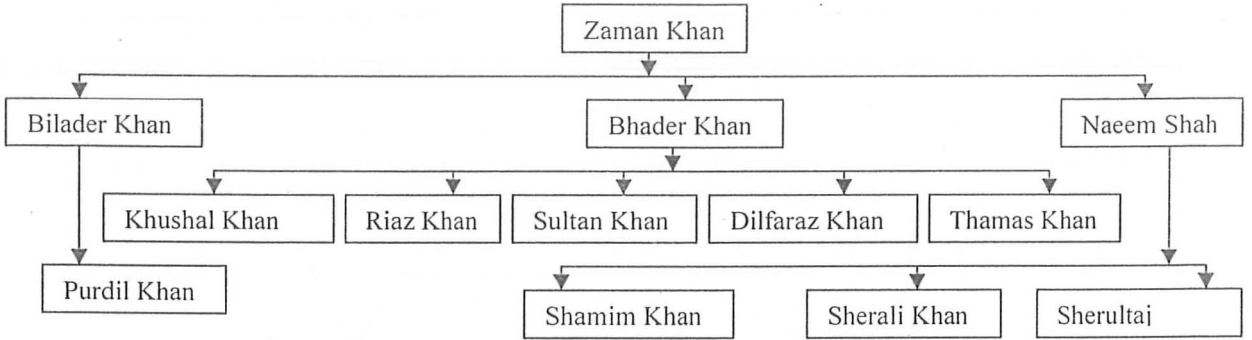


No Of Serving people				Any Dispute		Causes Of Dispute	Major Supporters In Dispute	Girls Primary school	Boys Primary school	Electrify	Telephone	Road	
Nokar	Dehaqan	Kandari	Ghoba	Yes	No								
<p>Give the detail of a dispute here: Any dispute, which finally resolved either by court or traditional jirgah. Dispute may arise because of land including border encroachment, distribution of inherited land, trespassing of field by livestock, irrigation, ravaging the crops, burning the grass, trees, forests, money, women, children fight, cursing etc.</p> <p>The dispute emerged between whom. What is their names and brief genealogy? How the dispute was finally resolved?</p>													
No. of family members abroad													

## APPENDICES

### Appendix 1

#### Genealogical Structure of the Descendants of Zaman Khan



Thamas Khan one of the members shown in the above diagram had distinguished himself as a leader on the bases of his personal attributes, such as oratory, generosity, and social interaction with the lineage members as well as tribe. He has friendly relationship with the lower court officials and local police station. He always leads his agnates in wars against enemies. His father recognized him as a leading figure right from his youth years and granted him *pagrhai* (a separate piece of land) as a reward of his services for the *kor*. When the question of land distribution raised. Purdil Khan supported Bhader Khan (father of Thamas Khan). Sherultaj Khan the son of Naeem Shah declared a war against the descendants of Bhader Khan and Bilader Khan because he feared injustice in the distribution of land. The same fear was there for Purdil Khan but instead of pleading independent stand he chosen to side with Bhader Khan. This was a dispute within the collateral agnates; therefore, affinal relatives within the lineage supported their respective affines. All the opposite affines reached the *Hujra*, of Bhader Khan and Naeem Shah, fully armed and ready for an anticipated war. The show of force kept balance and brought

the agnates to talk from the position of strength. It is because the parties realized dreadful consequences of war. After they were ready for a dialogue the priest organized a *jirgah* of *Olama* (religious scholars) for arbitration. The case was presented before the *Olama* and the land was thus distributed among them.

## Appendix 2

This case study highlights the fusion of the members of one lineage against the other. The descendants of Ambar and Ghumbar constitute two lineages ('A' and 'B'). The land situated in the Northwest, of village Bhader Khan Dherai belongs to the lineage 'B'. According to the key informants, it was few decades ago that the lineage A purchased one fourth of the said land by paying cash. However, this claim of purchase of land has been challenge by the 'B' saying that the proclaimed deal did not happen as official documents show ownership of the land in the name of 'B'. Several battles were fought between the two lineages but reaching at no settlement as yet. The causal factor of each battle had been the efforts of 'B' to bring the land for productive use. Members of group 'A' considered those efforts as their insult, hence, prevented the former from using the land for plantation. The last battle was fought in 1996 however; the enmity persisted for another few years.

There is a drinking water spring in the disputed land and the 'B' planned to install a water supply scheme with the help of an NGO (non-governmental organization). In response, the A decided to prevent such installation as they retained the right to use one forth of the spring water. Both the lineages mobilized their supporters for show of force and possible war. However, 'B' was successful and installed the pipeline in the nighttime.

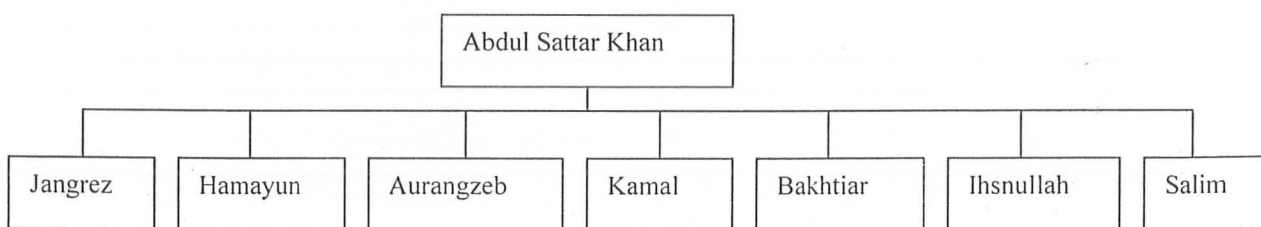
As the matter was not permanently resolved, therefore, several instances of exchanges of fire of automatic weapons occurred and a few passersby were injured as the real combatants were fortified. Finally, both the parties reached a settlement of the dispute by a tradition of *gasam* (oath) on the Holy Quran. The long lasting dispute was resolved because one of the members from groups 'B' took oath on the Holy Quran. In the oath he did announce that one fourth of the total land situated around the village Bhader Khan Dherai had not been sold in return for any cash payment to the members of group 'A' (see Taieb 2003). The members of group 'B' traditionally legitimize their ownership of disputed land and thus have taken further steps to strengthen their control over the land e.g. they have banned the members of group 'A' for watering their livestock from the natural well situated in the land. However, the group 'B' is so far not successful in pine plantation over the area. The members of group 'A' consider plantation, around their village, as their insult because their village would be covered in the taller trees of pine, which they could not allow.

### Appendix 3

Ayub Khan had planned to buy a piece of land but he was short of money. Therefore, he requested his cousin Pamjan to lend him money for the purchase of land. Ayub Khan promise that Pamjan will later on be included as partner in the land and will be given a share of land in return for his money. However, Pajman should not disclose the purchase of land in order to avoid the *haqq-e-shufaa*. Pamjan gave the money for the purchase of land. Ayub Khan bought the land. After a few years Pamjan asked for the division of land according to the promise. But Ayub Khan refused any such deal. Pamjan tried his level

best to resolve the conflict but Ayub Khan did not turn ear to him. Finally Pamjan was killed and the conflict became serious. In return the son of Ayub Khan was killed in revenge. In the meanwhile the disputants realized that third party of agnates were making conspiracy to provoke the conflict. Therefore, the original disputants by a mutual understanding killed a prominent member of the third party agnates. The third party claimed that his member was unnecessarily killed therefore there must be a solution to the problem. In response each of the original disputants accused one another for murder. This way they were dodging the third party agnates. In reaction the third party agnates killed the son of Ayub Khan. In this conflict four people were killed. According to the informants the cases were instituted in court but in vain. Finally the *dullah* realized to resolve the conflict. Therefore, the bloc leader himself took interest and resolved the conflict. As the numbers of killing from all parties were equal, therefore, the matter was resolved without any compensation (*uzer*) or blood money (*saz*). However, the heirs of Pamjan were given their due share in land.

#### Appendix 4



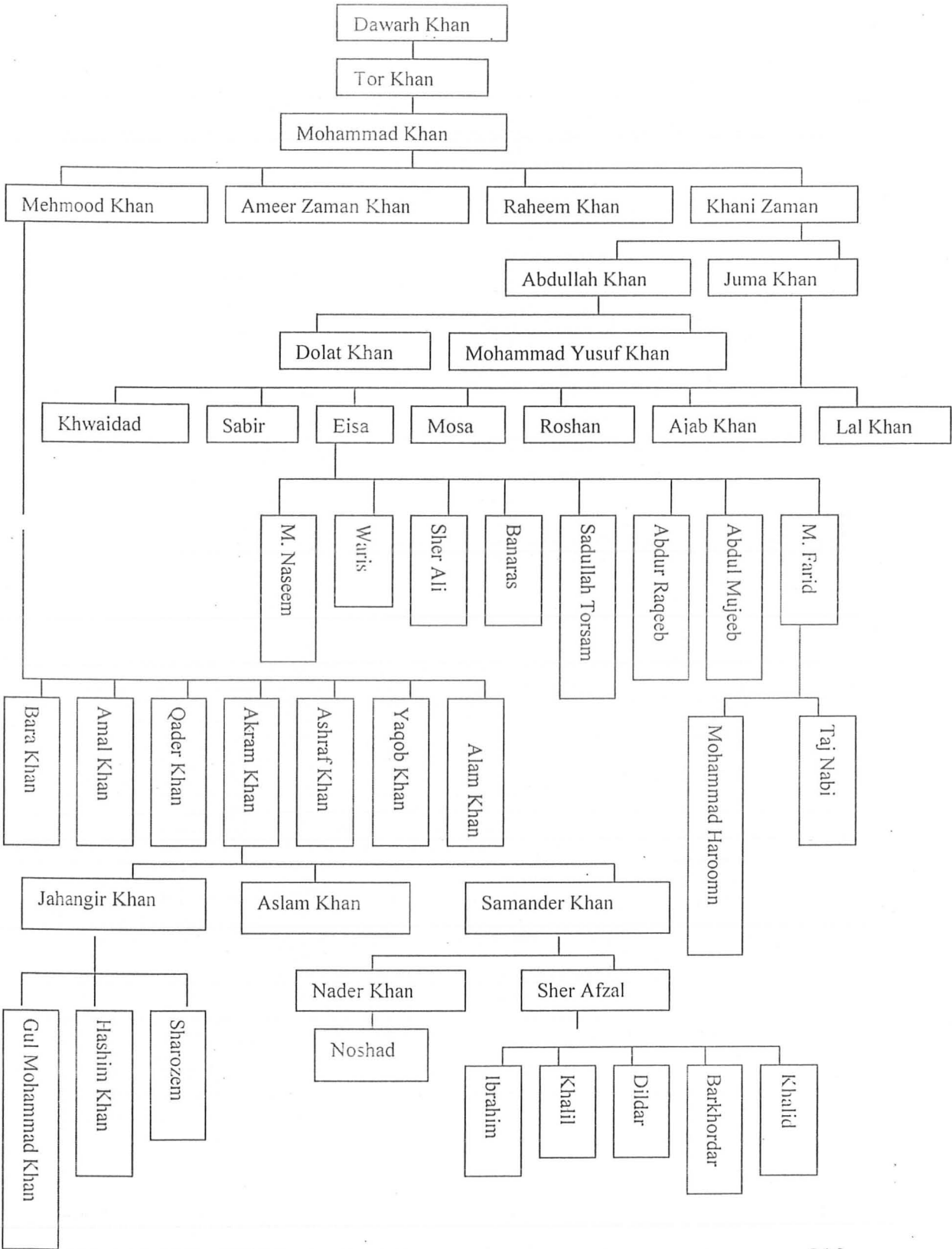
Abdul Sattar Khan (deceased) had two wives. He got six sons from first wife and Jangrez a single son from second wife. Hamayun is the eldest son. Abdul Sattar Khan had spent plenty of money on the education of his sons including Aurangzeb, Kamal, Bakhtiar,

Ihsanullah, and Salim. For bearing educational expenditure he even sold his land. A conflict has emerged among brothers over the distribution of inherited land. Hamayun is of the view that his father extravagantly consumed money over the education of his younger sons for which he sold away land. According to him he is illiterate because his father did not put him in the school for formal education. According to Hamayun it is his legitimate right to get more land as compared to his other brothers. He is also of the opinion that agricultural land around the main village should be awarded to him and the land situated away from the village at periphery should be distributed among the rest of his brothers. Hamayun claim is not acceptable to his brothers because this way he would get the center of chieftaincy. Jangrez who is stepbrother is silent and probably would be getting his due share in inherited land at the end of conflict going on among his six stepbrothers. Another interesting aspect of this conflict is related with Kamal. Doctor Kamal had no male child and hence no heir. He got a second marriage with the hope for a male child. However, during the time when he had no male child, he has been pressurized by his brothers for bestowing his part in inherited land to them. According to Kamal it was with the grace of All Mighty Allah that a male child of him was born in 2005. At the birth of his male child his brothers' greed for land came to an end.

During the course of time Kamal fall into dispute with a Jadoon family in Abbottabad. One day, in the company of his brother Aurangzeb he was going toward his house in Abbottabad, his rivals of Jadoon family attacked him. Kamal got little injuries but due to the pistol fire of Aurangzeb the attackers run away. As a result of this dispute all of his brothers and nephews arrived at Abbottabad to help him in the dispute.

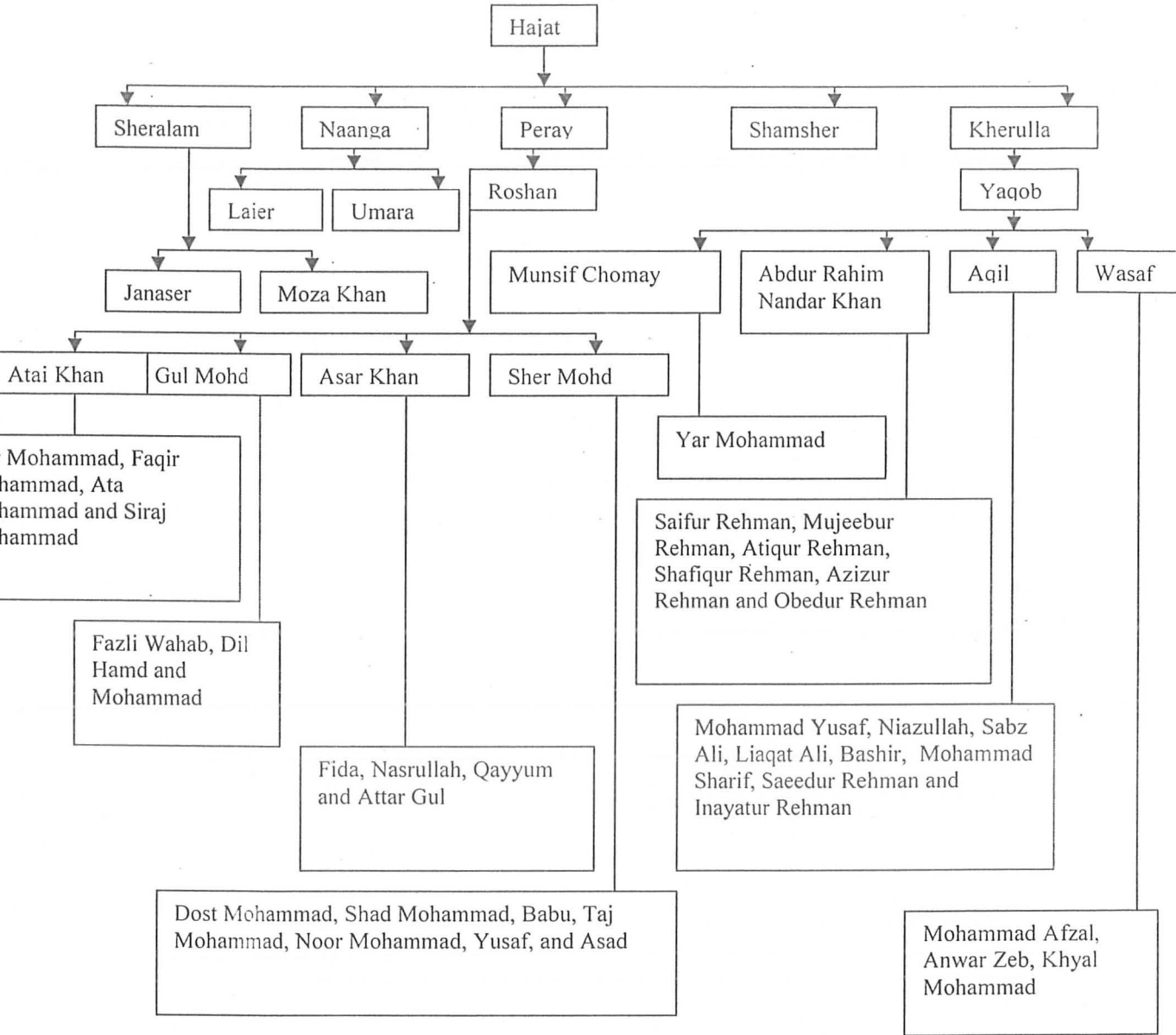
# Appendix-5

## Genealogy of the Descendants of Dawarh Khan



# Appedix-6

## Genealogy of the descendants of Roshan and Yaqob





## GLOSSARY

Akhtar	There are two religious ceremonies. The ceremony celebrated at the 1 <sup>st</sup> of <i>Shawal</i> (10 <sup>th</sup> month of <i>Hjra</i> year) is called <i>Warhokay Akhtar</i> and the ceremony celebrated at the 10 <sup>th</sup> of <i>Zel Haj</i> (12 <sup>th</sup> month of <i>Hijra</i> year) is called <i>Lway Akhtar</i>
Aalim (Olama)	<i>Aalim</i> is a man expert in Islamic Jurisprudence. .
Aqiqa	<i>Aqiqa</i> is an Islamic tradition in which two sheep or two goats in case of male child and one sheep or one goat in case of female child are sacrificed. The flesh is either given to the poor or it is cooked with rice and is served to the invited relatives and local villagers.
Aziz (Pl: Azizan)	Generally, those people who claim to be coequal and they are socially acknowledges as coequal are called <i>Azizan</i> .
Azizwali	The practice of traditional and customary relationships among the members of a sub-tribe is called <i>azizwali</i>
Bayachi	A man other than <i>dotary</i> who bought land is called <i>baychi</i>
Botha	<i>Botha</i> is the seizure of any thing of economic value belonging to the man who had borrowed money. It is only returned when the borrowed money is recovered. <i>Botha</i> creates high social pressure

over the borrower to return borrowed money because in cultural context it is considered as ridiculous.

Brakha khor	Sharecropper
Chader (sader)	Scarf
Chelum	A traditional water-pipe instrument used for smoking tobacco
Dalla	Coward
Dehqan	A man serving to cultivate land for <i>naik</i> to earn share in crops.
Deobandi	<i>Deobandi</i> is a school of thought originated from an Islamic school at Deoband, India.
Dotary (Pl: doteryan)	<i>Swatis</i> had conquered the present districts of Batagram and Mansehara. The people who participated in the war of conquest and were allotted a piece of land are called <i>doteryan</i> .
Dremgherhay	<i>Dremgherhay</i> is a neutral man. He participates to resolve the conflict between disputing parties. However, it is important for <i>dremgherhay</i> to be traditional or religious leader.
Dullah	A group of people who shared common political interests and support one another in formal politics is called <i>dullah</i> .

Gham khadi	Literary meaning is sorrow and happiness. Cooperation among the members of a given area during funeral rituals and marriage function
Ghanachi	Mortgagee
Gherat	The term is translated as honour. However, more specifically it is used to reflect the sense of self-integrity or prestige. Its antonym is <i>begherata</i> .
Ghoba	A man who look after the livestock of <i>naik</i>
Hujra	A building or a ground used as a social place and guesthouse by the male members is called <i>Hujra</i>
Islami Madrasey	The school where Islamic knowledge is taught.
Janjian	Invited guests from bridegroom's side are called <i>Janjian</i>
Jirgah (Pl: Jirgey)	This term has relative meanings. It is a council of traditional as well as religious leaders who meet to manage for the resolution of a dispute. The members who form a council for decision making is also called <i>Jirgah</i> . The process of decision-making is also called <i>Jirgah</i> and this term also reflects the meaning of consultation
Kakote	It is 1 <sup>st</sup> month ( <i>muharram</i> ) of <i>Hijra</i> year. The 10 <sup>th</sup> date of the month is celebrated

Kaleghi	It is a geographical term. The practice of traditional and customary relationships among the members of particular village or specified area is called <i>kaleghi</i>
Kandari	A man that cultivates land which is situated away from <i>naik's</i> residence is called <i>kandari</i>
Karhi	It is water in which vegetable or meat is boiled. It also means boiled sour milk
Katcha (see <i>Pokh</i> )	Loosely attached things are called <i>katcha</i> . When food is not properly cooked and unripe fruits are also called <i>katcha</i> . The term is also used for those houses, which are made of clay and stones
Katcha wesh	Temporary allotment of land to <i>doteryan</i>
Kor	<i>Kor</i> is a relative term because it bears different meanings e.g. it is used for physical structure of house. It is also used for the members of joint family and even its meaning in a given context encompassing the lineage members as well. Overall meaning of the term indicates affinity and closeness.
Lway Akhtar	<i>Lway</i> means bigger and <i>Akhtar</i> depicts a religious ceremony that is celebrated at the 10 <sup>th</sup> of Zel Haj (12 <sup>th</sup> month of <i>Hijra</i> year) is called bigger ceremony (see <i>Warhokay Akhtar</i> ).

Manjian	Invited guests from bride's side are called <i>manjian</i>
Mashar	The term <i>mashar</i> carries two meanings. A man who is senior in terms of age is called <i>mashar</i> . A man who participates in the process of decision-making and functions as a leader also called a <i>mashar</i>
Naik	A landowner who keeps servants. He provides house for residence and allot land for cultivation to the servants. Servants serve and provide specified share in crops to <i>naik</i>
Nar	Bold
Nokar	A man that functions as a <i>naik's</i> guard
Nikah	<i>Nikah</i> is an Islamic way to publicly announce the legitimacy of marriage and declare a couple husband and wife.
Olasya	A person belongs to any of the lineages in tribal structure. It also means social
Pagrhai	Literal meaning of <i>pagrhai</i> is turban. However, this term is also used for a piece of land that is specifically granted by a father to one of his sons having qualities of leadership. <i>Pagrhai</i> is granted to a son for his leadership services he has performed for his joint family. This piece of land is not subject to distribution.

Pokh	Literally, <i>pokh</i> means cohesive. However, the term carries different meanings e.g. it is stand for cemented house. Cooked food and ripe fruits are also called <i>pokh</i> . In the broader framework it depicts cohesion and hardness.
Pashakal	<i>Pashakal</i> is a name of the month normally starts from the 15 <sup>th</sup> of July and ends at the 15 <sup>th</sup> of August. There is a local proverb about the month of <i>pashakaal</i> that means that ‘a year is comprised of 12 months of which <i>pashakaal</i> is the worst’.
Peghore	Literal meaning of <i>peghore</i> is realizing a member of his/her inability of retaliation of all those actions, which are socially humiliating because a person who cannot equally retaliate is considered as weaker.
Pukhto	<i>Pukhto</i> is a relative term. It means <i>Pukhto</i> language. It also means the practice of Pukhtoon’s code. It also reflects a sense of competition for the achievement of culturally approved notion of prestige and honor
Puktoonwali	Customs and traditions which regulate Pkhtoon’s Socio-Economic and Politico-Religious life
Qamees (khalka)	Shirt
Qasam	Oath

Rogha	<i>Rogha</i> is a feminine while <i>Rogh</i> is a masculine word. The term carries various meanings. For example it denotes improvement of sick female or male. It also represents the reconstruction of a broken thing but it also reflects the settlement of a dispute.
Roorwali	The practice of traditional and customary relationships among brothers is called <i>roorwali</i>
Serimar	A man who has a piece of land allotted to him in return of his Politico-Religious services
Shalwar (partoog)	Baggy trousers
Shauqadar	It is 8 <sup>th</sup> month ( <i>shaban</i> ) of <i>Hijra</i> year. 15 <sup>th</sup> of this month is celebrated and gifts are sent to married females (daughters and sisters)
Shawal	10 <sup>th</sup> month of <i>Hijra</i> year
Sheikh Mali Motay	A piece of land allotted to family whose member is died in tribal war
Siali	Competition
Speengeray	<i>Speen</i> means white and <i>gera</i> means beard. Therefore, <i>speengeray</i> means a man of white beard (old man) who is respectful because of seniority in terms of age

Stanadar	Stanadar are those people whose social status is determined on the basis of their attachment with Islam.
Sunni	Sunni is a sect among Muslims. They are said to be the followers of Quran and actions of the Prophet Muhammad (Peace be Upon Him). They believe in jurisprudence developed by Imam Abu Hanifa.
Taberwali	The practice of traditional and customary relationships among member of lineage is called <i>taberwali</i>
Talaqi	It is a derogatory term used to curse a divorced man.
Talqeen	<i>Talqeen</i> is a type of prayer recited, during the burial of a person, by two men. One stands at the north and other at the south of grave.
Tarboorwali	The practice of traditional and customary relationships based on complementary opposition among patrilineal cousins is called <i>tarboorwali</i> .
Undek-sundek	According to local perception it is types of continuous wind from north to south <i>undek</i> and then from south to north <i>sundek</i> at the end of winter season.
Vier	<i>Vier</i> is crying and weeping particularly at the death of a near relative.



Warhokay Akhtar	<i>Warhokay</i> means little and <i>akhtar</i> depicts a religious ceremony celebrated at the end of the month of Ramazan of Hijra year. In local language it is called a Little Ceremony (see <i>Lway Akhtar</i> ).
Yaghi	<i>Yaghi</i> is a term that is used for such a tribal area, which is not ruled by any formal government.
Zabardast sarhey	A man who is bold and effective decision-maker
Zelqad	11 <sup>th</sup> month of <i>Hijra</i> year
Zor	Literal meaning of the term zor is physical power. In the broader sense it depicts the power of a man in terms of numerical strength (including blood relatives, affinal relatives, and tenants), amount of landholdings, cash money.

## REFERENCES

- Ahmed, Akbar S. 1983. *Religion and Politics in Muslim Society: Order and Conflict in Pakistan*. Cambridge: Cambridge University Press.
- Ahmed, Akbar S. 1973. *Mansehra: A Journey*. Lahore: Tehsil Council Mansehra.
- Ahmed, Akbar S. 1980. *Pukhtun Economy and Society: Traditional Structure and Economic Development in a Tribal Society*. London: Routledge and Kegan Paul.
- Ahmad, Makhdum Tasadduq. 1972. *System of Social Stratification in India and Pakistan*. Lahore: Punjab University Press.
- Akhtar, Mohammad. 2002. *Tajik Swati wa Mumlikati Gabar Tareekh Kay Iyena Mayn*. Karachi: Author.
- Ali, Johar. 2005. A Critique of Participatory Development in Pakistan. *PhD. Dissertation*. University of Hull, U.K.
- Aubert, V. 1963. Competition and Dissensus: Two Types of Conflict and of Conflict Resolution. *Journal of Conflict Resolution* 7: 26-42.
- Aubert, V. 1966. Some Social Functions of Legislation. *Acta Sociologica* 10: 98-120.
- Aubert, V. 1967. Courts and Conflict Resolution. *Journal of Conflict Resolution* 11: 40-51.

- Aubert, V. 1969a. Law as a Way of Resolving Conflicts: The Case of a Small Industrialized Society. In Laura Nader (ed.), *Law in Culture and Society*, pp. 282-303. Chicago: Aldine Press.
- Aubert, V. 1969b. Introduction: Case Studies of Law in Western Societies. In Laura Nader (ed.), *Law in Culture and Society*, pp. 273-281. Chicago: Aldine Press.
- Aubert V. 1969c. *Sociology of Law*. Harmondsworth: Penguin Books.
- Ayoub, Victor. 1965. Conflict Resolution and Social Reorganization in a Lebanese Village. *Human Organization* 24(1): 11-17.
- Ayub, Salar Muhammad. UN. *The Manual of Jirga Laws with Frontier Crimes Regulations (No. III of 1901)*. Lahore: Irfan Law Book House
- Barth, Fredrik. 1956. Ecologic Relationships of Ethnic Groups in Swat, Pakistan. *American Anthropologist* 58(6): 1079-1089.
- Barth, Fredrik. 1961. *Nomads of South Persia*. Oslo: Oslo University Press.
- Barth, Fredrik. 1965 (1959). *Political Leadership among Swat Pathan*. London: Athlone Press.
- Barth, Fredrik. 1956. *Indus and Swat Kohistan*, Studies honouring the centennial of Universitets Etnografiske Museum, vol.2, Oslo.
- Barth, Fredrik. 1981. *Process and Form in Social Life. Selected Essays of Fredrik Barth*, Vol.1. London: Routledge and Kegan Paul.

Begler, Elsie B. 1978. Sex, Status, and Authority in Egalitarian Society. *American Anthropologist* 80(3): pp.571-588.

Black, J. A. and Champion, D. J. 1976. *Methods and Issues in Social Research*. New York: John Wiley and Sons.

Brenner, M. 1981. *Social Method and Social Life*. London: Academic Press.

Bruckmeier, Karl. 2005. Interdisciplinary Conflict Analysis and Conflict Mitigation in Local Resource Management. *Ambio: A Journal of the Human Environment* XXXIV (2): 65-73.

Breaugh., Klimoski., and Shapiro. 1980. Third Party Characteristics and Intergroup Conflict Resolution. *Psychological Reports* 47: 447-451.

Bryman, A. 2001. *Social Research Methods*. Oxford: Oxford University Press.

Buenaventura-Posso, Elisa., and Brown, Susan E. 1980. Forced Transition from Egalitarianism to Male Dominance: The Bari of Columbia. In Mona Etienne and Eleanor Leacock (eds.), *Women and Colonization: Anthropological Perspectives*, pp. 109-33. New York: Praeger.

Burgess, R. G. (ed.). 1988. *Studies in Qualitative Methodology: Conducting Qualitative Research*. Vol. 1. London: Tai Press.

Carlie, Yan Yin. 2003. Term Paper. Retrieved 23<sup>rd</sup> March 2005:  
[www.hkbu.edu.hk/sosc/soc/students/student\\_image/assignment1.pdf](http://www.hkbu.edu.hk/sosc/soc/students/student_image/assignment1.pdf)

Chaudhary, Muhammad Azam. 1999. *Justice in Practice: Legal Ethnography of a Pakistani Punjab Village*. Karachi: Oxford University Press.

Chowning, Ann. 1987. Women are our business: Women, exchange and prestige in Kove. In M. Strathern (ed.), *Dealing with Inequality*, pp. 130-49. Cambridge: Cambridge University Press.

Cohen, L. and Manion, L. 1989. *Research Methods in Education* (3rd ed.). London: Routledge.

Cohen, Ronald. 1997. Political Anthropology. In John J. Honigmann (ed.), *Handbook of Social and Cultural Anthropology*, Vol.2. pp. 861-881. New Delhi: Rawat Publications.

Cohn, Bernard S. 1965. Anthropological Notes of Dispute and Law in India. In Laura Nader (ed.), *The Ethnography of Law*, pp. 82-122. *American Anthropologist* 67, no. 6, pt. 2 (special issue).

Cohn, Bernard S. 1959. Some Notes on Law and Change in North India. *Economic Development and Cultural Change*. 8: 79-93.

Collier, Jane Fishburne. 1973. *Law and social change in Zinacantan*. Stanford: University Press.

Collier, Jane F. 1975. Legal Processes. *Annual Review of Anthropology* 4: 121-144.

Collier, Jane F., S. J. Yanagisako (eds.). 1987. *Gender and Kinship: Essays Toward a Unified Analysis*. Stanford: Stanford University Press.

Creswell, J. W. 1994. *Research Design: Qualitative and Quantitative Approaches*. London: Sage Publications.

Cronin, A. 2001. Focus Groups. In N. Gilbert (ed.), *Researching Social Life* (2nd ed.). London: Sage Publications.

Dahlberg, Frances (ed.), 1981. *Women the Gatherer*. New Haven: Yale University Press.

Davis, Kingsley., Wilbert E. Moore. 1944. Some Principles of Stratification. *American Sociological Review* 10 (2), Annual Meeting Papers (Apr., 1945): 242-249.

Day, D.E., E. P. Perkins., and J. A. Weinthaler. 1979. Naturalistic Evaluation for Program Improvement. *Young Children*. 34: 12-24.

Dickinson, John. 1925 (1853). *Government of India Under a Bureaucracy*. Allahabad, India: Major B. D. Basu.

*District Census Report of Batagram*. (1999) Census Publication No.18, Islamabad

Driver, Harold E. 1997. Cross-Cultural Studies. In John J. Honigmann (ed.), *Handbook of Social and Cultural Anthropology*, Vol.1, pp. 327-367. New Delhi: Rawat Publications.

Dupree, Louis. 1980. *Afghanistan*. Princeton: Princeton University Press.

Eickelman, Dale F. 1998. *The Middle East and Central Asia: An Anthropological Approach*. 3<sup>rd</sup> ed. USA: Prentice-Hall, Inc.

Eisenstadt, S. N. 1959. Primitive Political Systems: A Preliminary Comparative Analysis. *American Anthropologist* 61(2): 200-220.

Evans-Pritchard, E.E. 1940. *The Nuer: A Description of the Modes of Livelihood and Political Institutions of a Nilotic People*. Oxford: Clarendon Press.

Edgerton, R. T. and L . L. Langness.1990. Life History. In Catherine Marshall and Gretchen B. Rossman. *Designing Qualitative Research*, pp. 96-98. California: Sage Publication Inc.

Felstiner, William. 1975. Influences of Social Organization on Dispute Processing. *Law and Society Review* 9(1): 63-94.

Flanagan, James G. 1989. Hierarchy in Simple "Egalitarian" Societies. *Annual Review of Anthropology* 18: 245-266.

Fortes, Meyer., and Evans-Pritchard, E.E. 1940. *African Political Systems*. Oxford: Oxford University Press.

Fortes, Meyer. 1940. The Political System of the Tallensi of the Northern Territories of the Gold Coast. In M. Fortes and E. E. Evans-Pritchard (eds.), *African Political Systems*, pp. 239-271. Oxford: Oxford University Press.

Farganis, James. 1993. *Reading in Social Theory: The Classic Tradition to Post-Modernism*. USA: McGraw-Hill. Inc.

Fried, M. H. 1967. *The Evolution of Political Society*. New York: Random House.

Gibbs, James. L. Jr. (1997) "The Kpelle Moot". In: Podolefsky, Aaron and Brown, Peter J. (eds.) (1997) *Applying Anthropology: An Introductory Reader*, 4th ed. California: Mayfield Publishing Company.

Gibbs, James L. Jr. 1963. The Kpelle Moot. A Therapeutic Model for the Informal Settlement of Disputes. *Africa: Journal of the International African Institute* 33(1): 1-11.

Giddings, Franklin H. 1924. The Study of Cases. *Journal of Social Forces* 2(5): 643-646.

Gluckman, Max. 1955. The Peace in the Feud. *Past and Present* 8: 1-14

Gluckman, Max. 1955. *Custom and Conflict in Africa*. Oxford: Basil Blackwell.

Gluckman, Max. 1968. The Utility of the Equilibrium Model in the Study of Social Change. *American Anthropologist* 70(2): 219-237.

Gluckman, Max. 1977. *Politics, Law and Ritual in Tribal Society*. Oxford: Basil Blackwell.

*Gazetteer of the Hazara District 1883-4*. Lahore: Sangemeel Publications.

Greenhouse, Carol J. 1985. Mediation: A comparative approach. *Man: The Journal of the Royal Anthropological Institute* 20(1): 90-114.

Griffiths, John. 1986. What is Legal Pluralism? *Journal of Legal Pluralism and Unofficial Law* 24: 1-55.



Guba, Egon. G. and Yvonna S. Lincoln. 1981. *Effective Evaluation: Improving the Usefulness of Evaluation Results Through Responsive and Naturalistic Approaches*. San Francisco: Jossey-Bass.

Gulliver, P. H. 1969. Dispute Settlements Without Courts: The Ndendeuli of Southern Tanzania. In Laura Nader (ed.), *Law in Culture and Society*, pp.24-68. Chicago: Aldine Press.

Gulliver, P. H. 1973. Negotiations as a Mode of Dispute Settlement: Towards a General Model. *Law and Society Review* 7(9): 667-692.

Hakim, C. 1989. *Research Design: Strategies and Choices in the Design of Social Research*. London: Routledge.

Hicks, David., and Margaret A. Gwynne. 1996. *Cultural Anthropology* (2nd ed.). New York: Harper Collins Publishers Inc.

Hobart, Mark. 1975. Orators and Patrons: Two Types of Political Leader in Balinese Village Society. In Maurice Bloch (ed.), *Political Language and Oratory in Traditional Society*, pp.65-92. London: Academic Press Ltd.

Honigmann, John J. 1997. *Hand Book of Social and Cultural Anthropology*, Vols. 1 and 2. Boston: Houghton Mifflin Company.

Hart, David M. 1985. *Guardians of the Khaibar Pass: The Social Organization and History of the Afridis of Pakistan*. Lahore: Vanguard Books Ltd.

Johnes, Schuyler. 1974. *Men of Influence in Nuristan*. London: Seminar Press Ltd.

- Jovchelovitch, S. and Bauer, M. W. 2000. Narrative Interviewing. In M. W. Bauer and G. Gaskell (eds.), *Qualitative Researching with Text, Image and Sound: A Practical Handbook*. London: Sage Publications.
- Khan, Mohammad Irshad. 1976. *Tareekhi Hazara*. Lahore: Tufail Art Printers.
- Kottak, Conrad P. 1975. *Cultural Anthropology*. New York: Random House.
- Keiser, Lincoln. 1991. *Friend by Day and Enemy by Night: Organized Vengeance in a Kohistani Community*. USA: Holt Rinehart and Winston, Inc.
- Kahn, R. and Cannel, C. 1951. *The Dynamic of Interviewing*. New York: John Wiley.
- Koch, K.F. 1974. *War and Peace in Jalemo*. Cambridge, Mass: Harvard University Press.
- Krueger, Richard A. 1988. *Focus Groups: A Practical Guide for Applied Research*. Newbury Park, CA: Sage Publications.
- Law Reform Commission Report. 1970. *The Report of the Law Reform Commission 1967-70*. Karachi: Government of Pakistan, Ministry of Law.
- Layton, R. 1986. Political and Territorial Structures among Hunter-gatherers. *Man* (New Ser.) 21(1): 18-33.
- Lee, R. 1982. Politics, Sexual and Non-sexual in Egalitarian Society. In E. Leacock and R. Lee (eds.), *Politics and History in Band Societies*, pp. 37-59. New York: Cambridge University Press.
- Lentz, Sabine. 2000. Summary. In Irmtraud Stellrecht (ed.). *Rechtspluralismus in den Northern Areas/ Pakistan*, Vol, 9. Germany: Rudiger Koppe Verlag Koln.

LeVine, Robert A. 1961. Anthropology and the Study of Conflict: An Introduction. In *The Journal of Conflict Resolution* 5 (1): 3-15.

Lindholm, Charles. 1982. Model of Segmentary Political Action. In Stephen Pastner and L. Flam (eds.). *Anthropology of Pakistan*, pp.21-39. Karachi: Indus Publications.

Lindholm, Charles (ed.). 1996. *Frontier Perspectives: Essays in Comparative Anthropology*. Karachi: Oxford University Press.

Lindholm, Charles. 1982. *Generosity and Jealousy: The Swat Pukhtun of Northern Pakistan*. New York: Columbia University Press.

Lindholm, Cherry. 1996. The Swat Pukhtun Family as a Political Training Ground. In Charles Lindholm (ed.) *Frontier Perspectives: Essays in Comparative Anthropology*, pp.17-27. Karachi: Oxford University Press.

Leacock, Eleanor., and Richard Lee (eds.). 1982. *Politics and History in Band Societies*. New York: Cambridge University Press.

Leach, Edmund R. 1977 (1964). *Political Systems of Highland Burma: A Study of Kachin Social Structure*. London: Athlone Press.

Levinson, David., Melvin Ember. 1996. Conflict Resolution. In *Encyclopedia of Cultural Anthropology*, pp.241-245. New York: American Reference Publishing Company, Inc.

Macintyre, M. 1987. Flying Witches and Leaping Worriers: Supernatural Origins of Power and Matrilineal Authority in Tube-tube Society. In M.

Mair, Lucy. 1972. *An Introduction to Social Anthropology*. 2<sup>nd</sup> ed. London: Oxford University Press.

Marshall, Catherine., and Gretchen B. Rossman. 1990. *Designing Qualitative Research*. California: Sage Publication Inc.

Meillassoux, C. 1981. *Maidens, Meal and Money*. Cambridge: Cambridge University Press.

Metzger, D. 1960. Conflict in Chulsantu: A Village in Chiapas. *Alpha Kappa Deltan* 30: 35-58.

Mitchell, Clyde. 1983. Case and Situation Analysis. *Sociological Review* 31: 187-211.

Morgon, D. L. 2003. Focus Groups. In N. Fielding (ed.), *Interviewing*. Vol. 1. London: Sage Publications.

Moon, Penderel. 1945. *Strangers in India*. New York: Reynal & Hitchcock.

Moore, Erin. 1985. *Conflict and Compromise: Justice in an Indian Village*. New York: University Press of America.

Moore, Sally Falk. 1986a. Social Facts and Fabrications: 'Customary Law' on Kilimanjaro, 1880-1980. Cambridge: Cambridge University Press.

Moore, Sally Falk. 2001. Certainties Undone: Fifty Turbulent Years of Legal Anthropology, 1949-1999. *Journal of Royal Anthropological Institute* 7: 95-116.

- Nader, Laura. 1972. Perspectives Gained from Field Work. In Jesse D. Jennings and, E. Adamson Hoebel (eds.). *Readings In Anthropology* (3<sup>rd</sup> ed.). USA: McGraw-Hill, Inc.
- Nader, Laura. 1969. Styles of Court Procedure: To Make the Balance. In Laura Nader (ed.). *Law in Culture and Society*, pp.69-91. Chicago: Aldine Press.
- Nader, Laura. and Harry Todd (eds.). 1978. *The Disputing Process—Law in Ten Societies*. New York: Columbia University Press.
- Nichols, Robert. 2001. *Settling the Frontier: Land, Law, and Society in the Peshawar Valley, 1500-1900*. Karachi: Oxford University Press.
- Noorzoy, M.Siddieq. 1988. Long-term Soviet Economic Interests and Politics in Afghanistan. In R. Klass (ed.). *Afghanistan: The Great Game Revisited*. Boston: Freedom House.
- Noelle, Christine. 1997. *State and Tribe in Nineteenth-Century Afghanistan: The Reign of Amir Dost Muhammad Khan (1826-1863)*. Great Britain: Curzon Press.
- Pirages, Dennis. 1983. The Ecological Perspective and the Social Sciences. *International Studies Quarterly* 27(3): 243-255.
- Pospisil, Leopold. 1981. Modern and Traditional Administration of Justice in New Guinea. *Journal of Legal Pluralism* 19: 93-116.
- Punch, K. F. 1998. *Introduction to Social Research: Qualitative and Quantitative Approaches*. London: Sage Publications.

- Radcliffe-Brown, A.R. 1940. Preface. In Meyer Fortes and E. E. Evans-Pritchard (eds.). *African Political System*, pp.xi-xxiii. Oxford: Oxford University Press.
- Ridgway, R.T.I. 1983. *Pathan*. Peshawar: Saeed Book Bank Peshawar.
- Rouland, Norbert. 1994. *Legal Anthropology* (Philippe G. Planel, Trans.). London: The Athlone Press. (Original work published 1988).
- Rudolph, L. I., and S. H. Rudolph. 1965. Baristers and Brahmins in India: Legal Culture and Social Change. *Comparative Study in Society and History* 8: 24-49.
- Seymour-Smith, Charlotte. 1986. Leadership. In *Macmillan Dictionary of Anthropology*, pp.165-66. London: Macmillan Press Ltd.
- Sahlins, Marshall D. 1958. *Social Stratification in Polynesia*. Seattle: University of Washington Press.
- Sahlins, Marshall D.1961. The Segmentary Lineage: An Organization of Predatory Expansion. *American Anthropologist* 63(2 part1): 322-343.
- Salmond, Anne. (1975) "Mana Makes the Man: A look at Maori Oratory and Politics. In Maurice Bloch (ed.). *Political language and Oratory in Traditional Society*, pp.45-63. London: Academic Press Ltd.
- Sanday, Peggy Reeves. 1981. *Female Power and Male Dominance: On the Origins of Sexual Inequality*. Cambridge: Cambridge University Press.
- Service, Elman. R. 1978. *Profiles in Ethnology*. New York: Harper & Row.

Shore, Frederick John. 1837. *Notes on Indian Affairs* (2 Vols). London.

Sills, David. L. (Ed.). 1968. Reprint edition 1979. *International Encyclopedia of the Social Sciences* (Vol-3). New York: Macmillan Company and the Free Press.

Southwold-Llewellyn, Sarah. 2006. Devolution of Forest Management: A Cautionary Case of Pukhtun *Jirgas* in Dispute Settlements. *Human Ecology* 34(5): 637-653.

Starr, J. 1969. Mandalinci Köy: Law and Social Control in a Turkish Village. Ph.D. dissertation, University of California, Berkeley.

Stewart, David W., and Prem N. Shamdasani. 1990. *Focus Groups: Theory and Practice*. *Applied Social Research Series*, Vol. 20. Newbury Park, CA: Sage.

Strathern, Andrew. 1975. Veiled Speech in Mount Hagen. In Maurice Bloch (ed.), *Political Language and Oratory in Traditional Society*, pp.185-203. London: Academic Press Ltd.

Strathern, M. (ed.). 1987. *Dealing with Inequality*. Cambridge: Cambridge University Press.

Stroh, M. 2000. Qualitative Interviewing. In D. Burton (ed.), *Research Training for Social Scientists*. London: Sage Publications.

Sarah, Safdar. 1997. *Kinship and Marriage in Pukhtoon Society*. Lahore: Pak Book Empire.

Siegel, Bernard J., and Alan R. Beals. 1960. Conflict and Factionalist Dispute. *The Journal of the Royal Anthropological Institute of Great Britain and Ireland* 90(1): 107-117.

Spain, James W. 1995. *Pathan of the Latter Day*. Karachi: Oxford University Press.

Stein, Arthur A. 1976. Conflict and Cohesion: A Review of the Literature. *The Journal of Conflict Resolution*, 20 (1): 143-173.

Swartz, Marc., Victor Turner and Arthur Tuden (eds.). 1966. *Political Anthropology*. Chicago: Aldine

Taieb, Mohammad. 1991. Leadership in Pukhtoon Society: A Case Study of Astanadar of Kala Dhaka, N.W.F.P, Pakistan. *M.Sc thesis* (Unpublished), Department of Anthropology, Quaid-i-Azam University, Islamabad, Pakistan.

Taieb, Mohammad. 2003. Kinship and Leadership: A Comparative Study of the Emergence of Leadership among Torkhel of Batagram District, N.W.F.P, with the type of Leadership in Afghanistan. *M. Phil thesis* (Unpublished), Area Study Center, University of Peshawar, Peshawar, N.W.F.P, Pakistan.

Titus, Paul. 1998. Honor the Baloch, Buy the Pushtun: Stereotypes, Social Organization and History in Western Pakistan. *Modern Asian Studies* 32 (3): 657-687.

Tuden, Arthur. 1969. Trends in Political Anthropology. *Proceedings of the American Philosophical Society* 113(5): 336-340.



- Turnbull, Colin. 1965. The Mbuti Pygmies of the Congo. In J. C. Gibbs, Jr. (ed.), *Peoples of Africa*, pp. 281-317. New York: Holt Rinehart & Winston.
- Turnbull, Colin. 1962. *The Forest People*. New York: Simon & Schuster.
- Turnbull, Colin. 1983. *The Human Cycle*. New York: Simon & Schuster.
- Turner, V.W. 1957. *Schism and Continuity in an African Society: A Study of Ndembu Village Life*. Manchester: Manchester University Press.
- Turton, David. 1975. The Relationship between Oratory and exercise of Influence among the Mursi. In Maurice Bloch (ed.), *Political Language and Oratory in Traditional Society*, pp. 163-183. London: Academic Press Ltd.
- Tyler, Stephen A. 1973. *India an Anthropological Perspective*. Pacific Palisades, CA: Goodyear Publishing.
- Wiessner, P. 1982. Risk, Reciprocity and Social Influences on !Kung San Economics. In Eleanor Leacock and Richard Lee (eds.), *Politics and History in Band Societies*. New York: Cambridge University Press.
- Witty, Cathie J. 1980. *Mediation and Society: Conflict Management in Lebanon*. New York: Academic Press.
- Woodburn, James. 1982. Egalitarian Societies. *Man* (New Ser.) 17 (3): 431-451.
- Yanagisako, S. J., and J.F. Collier (eds.). 1987. *Gender and Kinship: Essays Toward a Unified Analysis*. Stanford: Stanford University Press.

Yngvesson, B. 1970. Decision-Making and Dispute Settlement in a Swedish Fishing Village: An Ethnography of Law. Ph.D. dissertation, University of California, Berkeley.

Zabeeh, Mohammad Ismail. 1954. *Glimpses of Swat*. Peshawar: Feroze Sons.