

An Ethnographic Investigation of *Swara* among the Pashtun People of Jalalabad, Afghanistan:
Exploring *Swara* as a Conflict Settlement Mechanism from the Perspective of Men

By
Masood Khan

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Department of Anthropology
University of Manitoba
Winnipeg

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Abstract

This thesis presents an ethnographic analysis of the practice of *swara* marriage among the Pashtun people of Jalalabad, Afghanistan, based on nine weeks of fieldwork in 2015. *Swara* is a form of compensation marriage practiced by Pashtun people in Pakistan and Afghanistan through which disputes between men are resolved through the giving away in marriage of girls, often minors, by guilty parties to victim parties. By employing practice theory and the theory of sacrifice, *swara* marriages are analyzed through the conceptualizations of honor, revenge, and *ghairat* (“bravery”). Focusing on six *swara* cases, the first half of the thesis explores the concepts of honor, revenge, and *ghairat* during the time of feuds. The second half of the thesis directly focuses on *swara* marriages and analyzes them through the concepts of symbolic capital and sacrifice.

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Dedication

To all the women who suffer silently and endure patiently

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Chapter 1

Introduction: Statement of the Research Questions and Theoretical Framework

In summer of 2012, I had the opportunity to work as an intern with a local Afghan NGO, Afghan Development Association (ADA). Being interested in women's issues, I was particularly interested to work for its project, "Peace Building, Conflict Resolution and Gender," which aimed at establishing women peace committees, women's *jirgas*, in the rural areas of Jalalabad. While the project did not succeed in achieving its stated goal, it gave me hands-on experience of a number of women's issues of which I was unaware before. During my internship, I got to know the extent to which violence against women persisted in the community. Although violence against women was present both in public and private spheres, it was hard to talk about it in public because of it being treated as a "family matter." It was primarily for this reason that the establishment of women's peace committees were successfully resisted by the men who did not want the women to take on what they called the "men's job." It was during this internship that I witnessed a *swara* marriage, a form of compensation marriage through which disputes¹ between men are resolved through the giving away of girls, often minors, in marriage by guilty parties to victim parties. Although I already knew about the practice of *swara*, I had never witnessed it before. The only source of information about *swara* that I had was from the local men working in the ADA office. However, it was not until I went back home in Pakistan after my internship that I discovered that a distant female family member of mine had also had a *swara* marriage about forty to fifty years ago. I was able to gather some more information about *swara* from my male family members, but did not have the opportunity to talk to the woman in my family who was given in *swara* or to any of her male family members.

¹ The terms "dispute," "conflict," and "feud" have been used interchangeably throughout the thesis.

Having been able to gain a general understanding of the practice of *swara* from men's perspective, I always wanted to know how women who have been given in *swara* experience this practice, and how it affects their lives. The master's thesis was an opportunity for me to explore this curiosity. Initially, this thesis was supposed to be women-centric, something which both my advisor and I wished to do. But As much as I, or anyone for this matter, would have wanted to include women in the research, women's inclusion would have presented myriad practical and ethical issues both for participants and for myself. Given the cultural sensitivities surrounding interaction between women and unrelated men, getting access to women, especially those who experienced *swara*, is practically impossible for a male researcher in the research site. Even if access to women is attained, ethics problems emerge which are even more challenging to be addressed effectively. Of ethics problems associated with the inclusion of women as research participants, safety and confidentiality of female participants was of paramount importance, which required rigorous efforts to be ensured. Also, the inclusion of women could potentially jeopardize the overall research project by posing risks to the participation of men. Thus acknowledging the limitations and challenges associated with the inclusion of women, the research project did not include any women. This not only helped avoid ethical problems associated with the inclusion of women as research participants, but also paved the way for conducting the research project in a safe environment.

Research Objective and Research Questions

This shift in research participants also shifted the overall research objective from seeking to understand how *swara* is experienced by women and how it affects them, to how *swara* is enacted by men, and how it serves their interests. In a broader sense, this research explores the practice of *swara* from the perspective of men among the Pashtun people living in the rural areas

of Jalalabad. Within this, the objective is to investigate gendered implications of *swara* particularly for men, and for women to the extent possible. The exploration of *swara* as a settlement mechanism in land disputes particularly requires attention to men's perspectives because the precursor of *swara* (land disputes in the case of this research) and decisions on *swara* are solely men's avenues of authority. In this way, the focus on men provided a useful window into understanding not only how the practice of *swara* enables men to resolve the disputes among themselves but also how it allows them to maintain their dominance over women. In order to achieve the stated research objective, this research sought to explore the practice of *swara* through the lens of Bourdieu's (1977) practice theory informed by a gender approach to it. As a result, the "official model" of *swara* and the "practical strategies" of men involved in *swara* were investigated to understand how the practice of *swara* is appropriated in different ways by men that serve their interests in a given context. The broader research objective was sought to achieve through research questions aimed at exploring the practical strategies of men in the feuds and their settlement in the selected *swara* cases. The research started out with the following wide-ranging research questions, as expressed in the thesis proposal:

- How is *swara* practiced in terms of its official objective of conflict resolution?
- What are the diverse gendered implications of resolving a conflict between men through transfer of one or more women?
- How do diversely positioned people deploy strategies to appropriate *swara* according to different situations?
- To what extent and how are conflicts in Pashtun society resolved through *swara*?
- What role do diversely positioned men play in conflict resolution?

- Drawing on literature of violence and masculinity, how does the practice of *swara* serve men's interests in Pashtun society?
- How is gender hierarchy manifested in the enactment of *swara*?

While it is not possible to address all these research questions in a short fieldwork project, the aim of having a wide range of research questions was to allow for exploration of any of these questions in the field for which enough data could be obtained. Not surprisingly then, the above research questions were refined to more focused and specific questions after the fieldwork. The initial research questions were refined to the following questions, which are at the center of this thesis:

- How do *swara* marriages affect the men in gender specific ways, particularly in terms of their honor and overall social standing?
- How does social standing of parties involved in disputes impact *swara* decisions?
- How do only women, not blood money or any other form of compensation, serve the function of ending feuds?

Conflict resolution through customary laws has been documented in many cultures in the past (Evans-Pritchard 1940, Peters 1967, Leach 1973, Michaud 1975, Boehm 1984, and Shryock 1988). Customary laws have been found to be following the principle of restorative justice, where the aim is restoring the peace in a given community rather than dispensing punishment to perpetrators of crimes (Barth 1959, Shryock 1988, and Obarrio 2010).

Theoretical Framework

Although constraint by the sole focused on men's views, this research incorporates a gender lens to explore the stated objectives. To address these research questions, two different theoretical frameworks will be incorporated. For analyzing the first two research questions, which are inter-related, Pierre Bourdieu's (1977) practice theory with an enhanced focus on gender will be utilized as the primary theoretical framework (Judd 1989, 1994). Particularly, Bourdieu's ethnographic study of honor and marriage strategies among the Kabyle people serves the foundation for the key aspects of his practice theory on which the analysis of these two research questions draws heavily. The analysis of the last research question, on the other hand, will draw on literature on the practice of sacrifice. Drawing on the literature on sacrifice, this research makes the point that in *swara* marriages women serve as sacrificial entity that restore the social order by ending feuds.

Bourdieu focuses on metaphorical forms of capital to understand cultural practices. He identifies three different forms of capital, including cultural capital, social capital and symbolic capital, which he considers to play an important role in maintaining and perpetuating the social status of actors within a given society (Bourdieu 1986a:243). Different from economic capital, these three forms of capital are available to actors through their habitus, which is an unconscious disposition of traits, but at the same, a result of "lived experiences" and "strategies" of actors (Bourdieu 1977:72). A significant aspect of Bourdieu's three forms of capital is their usefulness for understanding systemic power structures in society—particularly gendered power relations. By going beyond economic capital, Bourdieu's forms of capital make a better entry point into analyzing the very social structures that are formed by the lived experiences of actors with the

help of these three forms of capital. Bourdieu allows for understanding of the social class through daily practices of actors (Reay 1997). The lived experiences of actors, and thus their continual changing practical strategies in different situations, allow for the utilization of different forms of capital available to them in various different ways to serve their interest the best in a given situation. Bourdieu agrees with the Marxist understanding of existence of power differential between actors, and that it is the dominant group in society in terms of its access to different forms of capital that tends to have power over “naturalization” of cultural practices (Bourdieu 2001:35). This, however, does not mean that the dominant group has a hegemonic control over the “naturalization” of cultural practices, instead the group that is being dominated also has some level of power to pursue their own interests within the structures that led to their inferior status (Kandiyoti 1988), as actors are able accumulate social, cultural, or symbolic capital through practical strategies that serve their interests.

Bourdieu (1977) talks of two kinds of strategies that the agents employ in a given cultural practice: first-order strategies, which are oriented towards the personal interests of agents (for instance, accruing honor from a practice); and second-order strategies, the purpose of which “is to give apparent satisfaction to the demands of the official rule.” (p.22). Although acquiring symbolic capital by lower status groups is restrained by their limited access to economic capital, as economic capital is convertible to symbolic capital and vice versa (ibid: 179), the availability of first-order strategies to all actors, regardless of their social standing, makes it possible for the socially inferior groups to accrue prestige and symbolic capital through strategic employment of the first-order strategies. Since economic capital is stable as compared to symbolic capital (p.67), it is through directing the first-order strategies toward accruing symbolic capital that the lower status groups could acquire prestige. Bourdieu explains this with the help of marriage patterns

among the Kabyle. Identifying two different types of marriages among the Kabyle, which he calls the ordinary and extra-ordinary marriages (p.54), Bourdieu asserts that men of lower status groups can take advantage of their daughters' marriage by marrying them into a group of better social status, thus accruing symbolic capital, that is, prestige (p.214, note 110). It is the extra-ordinary marriages—which are exclusively arranged by men with the primary purpose of political alliance—that are a source of accruing symbolic capital. On the other hand, the ordinary marriages, which are usually arranged by women and have the primary purpose of biological reproduction, do not contribute to one's symbolic capital. Economic capital is an important factor in the difference between these two kinds of marriages in terms of their contribution to symbolic capital. That is to say, extra-ordinary marriages involve huge bride-wealth (economic capital), which can readily be converted into symbolic capital (prestige) by the wife-providing party by spending most of it on trousseau for the bride. On contrary, ordinary marriages usually take place between the poorest groups and thus involve less bride-wealth, thus do not contributing to one's symbolic capital. Following from this, symbolic capital is intrinsically related to economic capital and can sometimes serve as a disguised form of economic capital (ibid: p.183).

Although important for the social standing, symbolic capital and economic capital are not the only resources that maintain and perpetuate power structures within society. Rather, power structures are increasingly maintained and perpetuated through violence. Traditionally violence was understood in terms of bodily harm with an identifiable perpetrator and victim, but this understanding has increasingly been found to be just one of the many facets of violence. As Galtung (1969) expresses this, violence does not necessarily mean “bodily harm,” instead any act qualifies as “violence” by virtue of “victim-marginalization” in the milieu of power differential

between the perpetrator and the victim. Attention has been focused on both “visible” and “invisible” forms of violence that are either authorized in nature or are carried out in ways that are essentially unauthorized but are accepted by the victims as “natural”. While state violence is a good example of both visible and authorized violence that is carried out by state authorities against its own citizens (Accomazzo 2012), structural violence best exemplifies an “invisible” form of violence that is built into the social structure of society and is taken for granted or seen as “natural” by the victims (Galtung 1969:170). Closely related to the idea of structural violence is the notion of “cultural violence” in which different “aspects of culture... [such as] religion and ideology, language and art, empirical science and formal science [are] used to justify or legitimize direct or structural violence” (Galtung 1990:291). The main implication of cultural violence, according to Galtung, is that it can be used by social actors to justify and legitimize structural violence and physical or direct violence. Different cultural domains can be used by dominant social groups or actors to their own advantage to render direct or structural violence acceptable in society. One of the key features that distinguish cultural violence from structural violence is its existence over a long period of time, which renders “legitimacy” and “naturalness” to it in a social setting.

Bourdieu (1992) talks of a similar form of “invisible” and “unrecognizable” violence, which he calls symbolic violence. Symbolic violence is carried out by the dominant group in the name of preserving the “authenticity” of cultural practices (Bourdieu 1990:126). On the surface, symbolic violence creates an illusion in a sense that it leads to complicity on part of the subordinate group (Bourdieu and Wacquant 1992:167). In this way, it is the disguise of symbolic violence as an attempt to preserve the “rules” that leads to “false consciousness” of the subordinated group and thus blind them to noticing symbolic violence (Pomer 1984; Stanely and

Sue 1993). Following from this, it seems that Bourdieu's concept of symbolic violence—and habitus in general—strips social actors of agency, and this has earned him criticism (Lovell 2000). Contrary to that reading of Bourdieu's concepts of symbolic violence and habitus, Bourdieu does not argue for "static" nature of habitus; instead he considers habitus to serve as "underlying grammar" for actions, which allows actors to "strategize" in a given situation (Crossley 2001: 94). By virtue of allowing actors to "strategize" their actions within the established structures, Bourdieu's concept of habitus is particularly useful for dealing with gendered symbolic violence. By allowing actors, both of dominant and subordinate groups, to "strategize" even in the strictest cultural practices that tend to perpetuate symbolic violence, habitus serves as a site for "consciousness-raising" for actors of subordinate groups (MacKinnon 1989). From this perspective, habitus does provide a potential site for actors of subordinate groups to recognize symbolic violence and therefore be able to subvert the established structures that perpetuate symbolic violence (Chambers 2005). The habitus is very much "gendered" in nature (Weininger 2004:155) and therefore the gender of actors does impact habitus, albeit in varying ways according to space and time.

Violence against women and the construction of masculinity have been found to have a close link, where the former serves as a "resource for demonstrating and showing a person is a man" (Hearn 1998:38). In the context of violence against women, women become not only a site of enactment of one's masculinity, but also a "sign through which men communicate with each other" (Das 1995:56). The construction of a masculine identity through acts of violence, particularly against women, is specifically true for constructing a "hegemonic masculine" identity (Connell and Messerschmidt 2005). Different from other forms of subordinated masculinities, Connell and Messerschmidt identify hegemonic masculinity as "the pattern of

practices that allow men's dominance over women to continue" (p.833). They further consider hegemonic masculinity to be normative, rather than an exception. Instead, other forms of masculinities such as feminized masculinity were considered to be exceptional and subordinated to hegemonic masculinity. Hegemonic masculinity, however, does not entail something that is achieved through force. But instead it is thought to be achieved, Connell and Messerschmidt argue, "through culture, institutions, and persuasion" (p.832). Still, the perpetuation and enactment of hegemonic masculine identity does allow for the use of force, which in most cases is manifested in different forms of violence against women. The overall concept of masculinity is, however, subject to changes in different cultural settings. Even within a fairly homogenous cultural setting there might be different forms of masculinities with different roles and expectations. Variation in masculine identity is not only contingent on intersectionality of class, ethnicity, and nationality, but also on time. In this sense, masculinity is both historically and culturally constructed (Connell and Messerschmidt 2005: 835). The historical and cultural construction of masculinity allows for changes in the concept of masculinity and how it is enacted over time and in a specific cultural setting.

Violence against women surges significantly at times of conflict. Whether in the form sexual violence during wars or in the form of direct physical violence, women are particularly vulnerable to violence at times of conflict because of their existing marginalized status ((Das 1995 and Hayden 2000). While the earlier studies in the field of conflict and conflict resolution focused on inter-communal conflicts (Levine 1961), the later studies in this area expanded to attend to gender, intergenerational, and intercultural conflicts (Huntington 1993; Traphagan 2000; and Ferguson 2011). Different theoretical approaches were developed to study conflict and conflict resolution. The functionalist theoretical approach explains conflicts as an integration tool

and as a means of population control (Goldschmidh et al. 1986). The economic approach to conflicts explains them as a result of competition for scarce resources (Lindholm 1982, Offiong 1997). Yet others have understood conflicts in terms of a power differential between individuals or groups with the implication of the desire for dominance over the “other” in social, economic and political spheres (Sales 2009). However, regardless of whatever the reason of a conflict is, the ways it is resolved are culturally specific, with every culture having specific ways of approaching and resolving different kinds of conflicts. The different ways in which conflicts are resolved in different cultures depend on their socio-economic and justice system.

The concept of violence becomes more pronounced in the practice of sacrifice, where it is inflicted upon the victim of sacrifice. Rene Girard (1977 and 1989) provides the foundational work on violence in the context of sacrifice. For Girard, violence is not only inherent in human nature, it is perpetuated mimetically, that is, the cycle of violence continues because of the retaliation of the opponent. According to Girard (1977:2), society uses sacrifice as a tool to stop the cycle of violence. In this way, according to Girard, the primary purpose of sacrifice is not to establish communication between the divine and profane through the victim, as most of the literature on sacrifice would suggest (Evans-Pritchard 1954, Mauss and Hubert (1964[1899]), and de Heusch 1985), but to eliminate violence in society and achieve peace. In this way, sacrifice becomes a substitute for the mimetic violence. The significance of the idea that sacrifice eliminates violence lies in the victim of the sacrifice. Girard argues that the victim of sacrifice, which he calls the scapegoat, is always arbitrary, which is “chosen only because it is vulnerable and close at hand” (Girard 1977: 2). Girard describes the victim of sacrifice as a “surrogate victim,” which, like the sacrifice itself, is a substitute for the actual perpetrators of violence. For a sacrifice to effectively eliminate violence, the sacrificer must never think of the

victim as innocent and arbitrarily chosen (Girard 1979:15). Instead, the victim of sacrifice is not only held responsible for the outbreak of violence, but he or she is also thought to be the cure to appease that violence (Girard 1989:43). Once again, belonging to a marginal group of community makes it easy for the community to shift the responsibility of perpetuating and appeasing the violence to the victim of sacrifice (ibid: 17). According to Girard, it is the ability of sacrifice to eliminate violence that gives it currency, as sacrifice “magically” ceases violence. As a rule then, sacrifice is idealized by people as a tool that ends violence, and thus it becomes a ritual. Also, since violence comes to an end with the killing of the sacrificial victim, for people the victim come to be understood as the source of violence. This association of violence with the victim becomes self-explanatory for people: the violence ended because the source of it (the victim of sacrifice) died. This makes the existence of sacrificial victim necessary for the social order of the community, as peace in the community can only be restored through sacrificing someone from a marginal group (Girard 1977:144). For Girard, peace achieved through sacrifice, however, does not last forever. Rather, it becomes a source of ritualized violence in the community.

Although the majority of literature on sacrifice agrees on Girard’s premise about the function of sacrifice, that is, it restores peace and social order, it deviates from Girard’s understanding of sacrifice in terms how sacrifice achieves the function of restoring social order. . Particularly, the majority of literature on sacrifice differs from Girard’s idea of victim of sacrifice. Contrary to what Girard asserts, there is an agreement among many scholars that the victim of sacrifice is not someone from the marginal group of the community; rather it is a valued object that involves some personal loss on part of the sacrificer (Mauss and Hubert (1964), Evans-Pritchard 1954, Firth 1963, Roger 1982, and de Heusch 1985). Firth (1963:12)

identifies three important features of the sacrificial object, which distinguish it from gift and mere offering: “(a) that the thing given is personal to the giver, his own property, or something over which he has rights of alienation; (b) that the thing transferred must have some value for the person who hands it over; and, (c) that it is transferred with some degree of voluntary initiative-it is not given by compulsion.” For Firth, for a sacrificial object to be valued implies that it is available in limited quantity and that they can be used for other alternative uses (p.13). This means that the object being sacrificed is given at a cost.

The idea that it is a valued object that is sacrificed is closely related to the function of sacrifice. As mentioned earlier that literature on sacrifice agrees that sacrifice is made in time of danger for the purpose of restoring social order, this function of sacrifice is achieved by the sacrificial object by establishing communication between the divine and profane (Evans-Pritchard 1954 and Roger 1982). In this way, sacrifice reaffirms the hierarchy between the divine and profane. In other words, sacrifice entails power differential between the sacrificer and the one to whom sacrificed is made. This power differential further entails that the inferior (sacrificer) owes to the superior (the divine) that should be paid through sacrifice. While offering an object in sacrifice as compensation for an offence has been noted for many societies (Roger1982:128, de Heusch 1985), it has also been understood in terms of compensation in cases where it is offered to the divine (Firth 1963). In this way, sacrifice entails the payment of a debt, one which is always paid by the inferior to the superior (de Heusch 1985:215). While the debt is paid in terms of sacrifice to establish communication with the divine through the victim of sacrifice, the sacrifice itself does not bring the divine and profane together. Instead, sacrifice is made to reaffirm the distance between the divine and profane (ibid: 202). In other words,

sacrifice reaffirms and re-establishes the divide between the superior (the divine, to whom sacrificed is made) and the inferior (profane, the sacrificer).

This, however, does not mean that sacrifice is “useless” on part of the sacrificer. Not does only the sacrificer regain social order through sacrifice, but he or she sacrifices an object for which benefit accrued will be greater than the value of the object itself. This makes sacrifice an act of consumption, where the gathered resources are spent for acquiring something in return (Miller 1998:82-88). Once again, although the gathered resources that are consumed in sacrifice are valuable, they are subject to strategic selection and only those gathered resources are used for sacrifice that are in excess (Bataille 1991:59). Therefore, the mere usefulness of an object does not qualify it to be suitable for sacrifice; rather, the usefulness of an object coupled with its surplus qualify something be a suitable sacrificial object. According to Bataille (1991), sacrifice negates the idea of utilitarianism in a sense that the object being sacrificed is not utilized, but rather destroyed. This destruction is not akin to the killing and annihilation of the object being sacrificed; instead it is akin to giving it up and letting go of it, which gives the object a recognition and value by releasing it from its “thing-hood” (ibid:60). This recognition and value confer by sacrifice on the object being sacrificed establish and maintain, what Nancy Jay (1992:32) calls, the “relationship of kinship between ‘men’ and gods.” In the same way, for Jay, sacrifice also creates “social relations of reproduction, not biological reproduction, between members of the community” (p.37). Applying to the context of marriage, this sacrificial object is always women, whose value is realized only through marriage and through their ability to reproduce both biological and social relations (Irigaray 1993).

Organization of Thesis

Chapter 2 provides the cultural and historical background of the research site. It also provides an overview of institutions, laws and different cultural aspects of the community that are related to this research. Chapter 3 discusses the methodology, the interview process, and ethical considerations, along with giving a brief overview of the studied cases. Chapter 4, “*Pashtunwali* and *Namos*”, discusses the Pashtun code of conduct, *pashtunwali*, and the concept of honor and their role in the studied *swara* cases. Chapter 5, “the concepts of *badal* (revenge) and *ghairat* (“bravery”) and their implications for disputes,” discusses the role of revenge and bravery as principles of *pashtunwali* in disputes and their settlement in the studied *swara* cases. Chapter 6, *swara*, focuses on *swara* and discusses the varying meaning and understanding of *swara* as a settlement mechanism for the research participants. It explores *swara* from different aspects that contributed to the objective of ending feuds in the studied cases, and analyzes *swara* as an act of sacrifice. Chapter 7 concludes the thesis with summarizing the preceding chapters and with comments for future research on *swara*.

Chapter 2

Background and Literature Review

Most of ethnographic studies on the Pashtun people in Afghanistan have been carried out before the 1990s, prior to the Taliban era. These studies either focused on the Pashtun living in Pakistan (Barth 1959, Ahmed 1980, Lindholm 1982), or they focused on nomads and the Pashtun people living in the western part of Afghanistan (Tapper 1980 and 1981, Anderson 1982, Oleson 1982, Shalinsky 1989, Barfield 1981, Charpentier 1972, Christensen 1980, Dupree 1975, Glatzer and Casimir 1983). The primary goal of these studies was to document economic and kinship systems among the Pashtun people. One of the important themes in these studies is the heterogeneity of the Pashtun kinship and economic systems, not only between Pakistani and Afghan Pashtun people, but also within Pashtun people living in the same country. Although these ethnographic studies contribute to an overall understanding of the kinship and economic systems among the Pashtun people, they do not provide a comprehensive picture of the cultural, political, and economic system of the Pashtun people scattered over Afghanistan and Pakistan. Particularly, after the fall of the Taliban in 2001, the focus of studies on the Pashtun people has shifted to exploring their political system (Riphenburg 2003, Moghadam 2002, Drumble 2004, Barfield 2008, Farhoumand-Sims 2009, Kandiyoti 2007, and Lauri 2013). This shift toward focusing on the political system among the Pashtun people provided an expansion of the spectrum of understanding regarding the political and socio-economic landscape of Pashtun society by adding to the analysis of its kinship system which is central to its understanding. This chapter provides a brief overview of the cultural background of the Pashtun people. In particular, it sets the ground for what follows on the practice of *swara* in the next few chapters by touching

upon those aspects of the Pashtun kinship and marriage system that are related to discussions on *swara*.

Kinship and Marriage

Kinship among Pashtuns is based on a segmentary lineage structure (Tapper 1980 and Barfield 1981). First ethnographically described by Evans-Pritchard (1990[1940]) among the Nuer people and later developed by Marshall Sahlins (1961), the segmentary lineage concept was understood in terms of alliance-making between different clans to fight against other clans for resources. Societies with segmentary lineage organization were earlier thought to be acephalous in nature with no formal leadership (Evans-Pritchard 1990, Fleuret 1985 and Greuel 1971). However, the segmentary lineage structure among the Pashtun people does not follow this suit; instead there is a variation in leadership structure among different Pashtun clans. While some Pashtun clans are acephalous in nature—such as the Durrani Pashtun in Afghanistan (Tapper 1981), the pastoral nomads in Afghanistan (Glatzer and Casimir 1983), and the Momand and Yousafzai Pashtun of Pakistan (Ahmed 1980 and Barth 1981)—the hierarchical structure does exist in some clans, such as the Pashtun people of Kunar in Afghanistan (Christensen 1982), and the neighboring Pashtun people of Nangarhar province. The absence of formal leadership in the acephalous Pashtun clans, however, does not necessarily mean that they are egalitarian in nature. Rather, men in these clans have different venues available to them, of which land is the most significant, which plays an important role in their social status within the clan (Boesen 1986 and Christensen 1982). Similarly, being acephalous in nature does not render the political landscape of Pashtun society what Evans-Pritchard (1940) called “ordered anarchist” in nature, which implies self-governance and a potential site of disorder. Rather, the political landscape of Pashtun society can largely be described as one that has been rejecting the

formal state authority thus rendering the Pashtun society as self-organized and dissident in nature (Ahmed 1980). Acquiring a leadership position among the Pashtun people does not follow any specific rules, as both economic and cultural resources can be used by men to attain leadership position. In other words, any man can utilize the available cultural and economic resources to acquire a leadership position. For instance, apart from local leaders whose leadership position is generally a result of their huge amount of inherited land, elders and religious clerks also enjoy the high authoritative status as a result of utilizing cultural capital. In contrast, although women can own land in their name, it is the men who have the actual control over of it. This strips the women of having access to one of the important sources of leadership (land ownership); and therefore, they do not hold any formal leadership position. The nature of a leadership role among the women is rather informal, and they do play an active role in family matters—particularly in arranging marriage for family members, both men and women. While only senior women play that role, their role in arranging marriage is restricted to only non-*swara* marriages. *Swara* marriages are exclusively arranged by the men. In practice, however, sometimes a mother might manipulate the *swara* decision of her daughter. This was the case in one of the studied cases wherein the mother successfully demanded an exchange marriage for one of her three daughters given in *swara*. Apart from that, it is through honor that women are successful in establishing a better-positioned role in the family. For women, honor is acquired through “acknowledging life as a series of hardships” and then enduring those hardships with “modesty, restraint timidity and patience.” (Grima 2004:85). The acquisition of honor by women does not provide them with currency of formal leadership, as is the case with men.

Among the Pashtun people descent is patrilineal. Both men and women belonging to the same patriline are considered to be kin. In theory, men of the same patriline are considered to be

of equal social standing, while men of other patrilineages are considered to be both potential rivals as well as inferior in status (Tapper and Tapper 1982). More specifically, men belonging to the same maximal patrilineal lineage are considered to belong to the same patrilineal descent, while those belonging to other maximal patrilineal lineages form a different patrilineal descent group. Agnatic kin relations are given preference over affinal kin relations and at time of trouble the former are readily provided support (Christensen 1982). This, however, does not mean that relations between agnatic kin are immune to disruption. In fact, male patrilineal parallel cousins are thought to be the strongest potential rivals (Barth 1981), as they are contenders for acquiring an authoritative position within the household by being eligible to inherit land (Ahmed 1980). The potential rivalry between male patrilineal parallel cousins is manifested in the Pashto language as well, where they are referred to by the term *tarbur*, which literally means enemy. The relationship between male patrilineal cousins is phrased in terms of enmity (*tarburwali*) (Lindholm 1982). In this sense, while men of other patrilineal descent groups are looked upon as potential rival and socially inferior in status, men of the same patrilineal descent line pose the greatest risk to one's social status, as they are in direct competition to acquire an authoritative position within the lineage. Male cross cousins, especially patrilineal cross cousins, on the other hand, are not considered rivals. Kin relations on the matrilineal side, on the other hand, are not given much importance. Matrilineal relations between men do not carry any rights and obligations, although such relations are distinguished from and are given preference to over relations with non-kin men. This primarily has to do with the absence of competition between them for economic resources—particularly land (Christensen 1982), which is a common source of conflicts between close patrilineal kinsmen (Barth 1959 and 1981, and Lindholm 1982). A man is held responsible for the behavior of his mother, wife, and unmarried daughters and

sisters. Upon marriage, the woman loses any rights and duties toward her agnates, and similarly her agnates are relieved of any obligation toward her (Tapper and Tapper 1982:164). Despite losing rights and duties toward their natal families, the married women draw upon their natal families for support in times of trouble, as they are part of their natal patrilineage. While their natal families provide financial and emotional support to married women in times of trouble—such as in a case of divorce at a young age, she returns to her natal family and lives there—the women continues to provide labor to their natal families after marriage in times when their natal families are short of women for such work. Such labor is provided by married women through periodic post-marriage visits to her natal family and in times of social celebrations. Apart from that, among the Ghizali Pashtuns of Afghanistan, women's kinship relations bear more importance, where ties between married women and their agnates are strong to the extent that marriages with father's sister's daughter (FZD) and father's brother's daughter (FBD) are equally preferred (Anderson 1982).

Among Afghan Pashtuns, non-*swara* marriages are arranged and matrimonial decisions are principally made by the men of the family. Deborah Smith (2009:15), however, argues that apart from gender, age also plays an important role in who makes marriage decisions in a family. She points out that senior people, both men and women, hold more power in contracting a marriage for a younger member in the family. In this way, it is not only men, but also the senior women of the family who take part in marriage decisions. Women's influence on decisions regarding the marriage of their children increases with the course of their lifetime. Older widowed women might be able to have a say in their own remarriage (ibid: 18). The age factor also influences men's power of marriage decision-making; older men wield more power than younger men. It is not only how close a man is to an individual for whom a marriage decision is

to be made that gives more power in marriage decisions, but, Smith notes, it is the oldest man in the household, such as the grandfather or elder uncle who has the greatest say in marriage decisions (ibid: 21). Anderson (1982:18), on the other hands, notes for the Ghizali Pashtun people of Afghanistan that women play an active role in arranging marriage for their sons and brothers because they are better positioned to obtain personal information about potential brides. In the case of polygyny, which is legal in Afghanistan (a man may marry up to four wives), it is usually the man himself who makes the decision of whom to marry in the case of later polygynous marriages. The fact that polygyny in Afghanistan is generally practiced in the event of a childless marriage (and of a sonless marriage) or to “protect” a close widowed relative by marrying her, it provides a man with the justification and power to contract any additional marriages on his own (WCLRF 2006:12). Polygamy is also contingent upon the relative social status between the wife-provider and wife-taking group, wherein a man belonging to a group of higher social status is more likely to take a second wife. Polygamy is particularly common among the men who have had *swara* marriages.

Marriages among the Pashtun people do not follow a singular rule; rather, there has been a variation among different clans, which is primarily geographic. While there is a general trend of endogamic marriages, what constitutes endogamy varies across different clans that are geographically scattered. Among the Yousafzai Pashtun of Pakistan, Barth (1959a) reported that although marriage with father’s brother’s daughter (FBD) was preferred over other types of marriages, this practice was followed by the men for different reasons. FBD marriages among the Yousafzai Pashtun were considered to be helpful in preventing any conflicts between male patrilineal parallel cousins, but instead men would seek marriages in different lineage groups so as to establish alliance against any potential conflict between male patrilineal parallel cousins

(ibid:40). Similarly, among the Mohmand Pashtun, Ahmed (1980) found that there was no particular preference for one kind of marriage. Although there was a slight tendency toward descent-wise endogamous marriages (60% marriages in the community were endogamous in terms of descent), there was no clear preference for FBD marriages (p.51). That is to say, while the majority of marriages were patrilocally endogamous, it involved both FBD and FZD marriages. Boesen (1986) reported similar marriage pattern among the Pashtun of Kunar province in Afghanistan, where there was no clear preference for one kind of marriage over another, except that the marriage be arranged between close kin members, whether patrilineal or matrilineal. Marriage pattern among the Ghizali Pashtun deviates significantly from that of marriage patterns in the aforementioned cases. Among the Ghizali Pashtun, FBD marriages are uncommon and preference is given to marriages between patrilineal and matrilineal cross-cousins (Anderson 1982).

The variations in marriage patterns among the above mentioned Pashtun people are due to different socio-economic and political reasons. At the heart of marriage arrangements is the idea of men's honor, prestige and social status which play an important role in marriage patterns among the Pashtun people (Tapper 1980 and Ahmed 1980). Of foremost importance in marriage arrangement is the issue of men's prestige, and therefore, different marriage options are weighed for acquiring higher social status and honor. For instance, Tapper (1991) notes that although marriages among the Durrani Pashtun people are usually contracted within the same patriline, this preference was not always followed. Instead spatial and lineage exogamy would be practiced in cases where the purpose of marriage was to establish an alliance with men of other lineages or where wife-takers would belong to a religiously superior lineage, thus positively contributing to the prestige of men of the wife-giver party. In the same way, Oleson (1982:111) notes that

among the rural Pashtun people in North Afghanistan giving away a woman in marriage to a man of socially inferior status is considered shameful. Its opposite is, however, not true and taking a wife from a socially inferior group is acceptable. Tapper (1981:39) has a similar observation about the Durrani Pashtuns, where marriage would entail that the wife-taker group has potential or actual superiority over the wife-giver group; the only marriage that would entail status equality between the wife-giver and wife-taker groups was the exchange marriage.

Tapper (1991) notes two modes of exchange in marriage among the Durrani Pashtuns: the direct exchange of women, which she calls the “symmetrical mode”, and the exchange of women for bride-price or blood debt, which she calls the “asymmetrical mode” (p.142). In the symmetrical mode of marriage, called *badal*, women are directly exchanged for three different purposes: for the sole purpose of obtaining women for marriage without any political aspect, for recognizing and strengthening social relationships, and for the reconciliation of strife relations between men. Direct exchange marriages (*badal*) take place between families of comparable socio-economic standing. The asymmetrical mode of marriage, on the other hand, is distinct from the symmetrical mode of marriage in the sense that such marriages can take place between groups of different socio-economic standing (p.143). In the asymmetrical mode of marriage, there is a clear power differential between the wife-giver and wife-taker parties, wherein the latter is superior to the former. While the symmetrical form of marriage, that is, exchange marriages, have also been reported for other Pashtun people in Pakistan and Afghanistan (Olesen 1982, Ahmed 1980, Anderson 1982, and Boesen 1986), compensation marriages have not been explored, although they have been reported to be present (Tapper 1991 and Ahmed 1980).

It appears that at the heart of marriage decisions are the ideas of prestige and social standing which are inevitably attached to women. However, it is not only the honor embodied by

the women that is at the heart of acquiring prestige by men, but also the economic sphere, which is intrinsically attached to women, that plays an important role in one's social standing. Although both of these aspects are realized in marriage, it is the relationship between women and economy that has been talked about the most in the context of Pashtun society. Olesen (1982) notes for the rural Pashtun people in North Afghanistan that women in marriage can be used to different ends, but he reports that there has been an increasing trend toward giving women in marriage in terms of economic benefit rather than forging new political alliances (p.112). According to Christensen (1982:37), one of the reasons for the emphasis on economic aspect of marriage is that marriages among the Pashtuns do not create new alliances, instead they bolster existing relations between men. Therefore, economic consideration in marriage surpasses the need to establish new alliances through it. Anderson (1982:14) is of the same view and asserts that although marriages among the Ghizali Pashtuns are aimed at consolidation of relations between two groups, marriage does not preclude any potential conflict between them.

Tapper (1981:400), on the other hand, differentiates four spheres of social life among the Durrani Pashtuns: producers (men), reproducers (women), productive resources (land, sheep, etc.), and produce (food). Tapper asserts that these spheres are hierarchical with producers (men) being at the top and produce (food) at the bottom. At the same time, Tapper argues that land (productive resources) is the most important asset for men, and therefore it is never sold or mortgaged to outsiders (p.403). Since the control of reproducers (women), productive resources (land, sheep, etc.), and produce (food) are understood in terms of honor, giving precedence to any of these spheres is contingent upon the amount of honor it brings to a man in a given situation. Given this, women in marriage are sometimes treated exclusively as reproducers and other times as economic pawns to protect producers (men) and productive resources (land) (ibid

p.402). Yet, the attainment of reproductive resources (women) through marriage is directed toward acquiring producers (men), who in turn are essential for the protection of reproductive and productive resources (women and land) (Tapper 1984:298). However, the productive resources continue to play an important role in marriage contracts. Marriages of women of higher social status with men of lower social status do not take place because of the fear that the men from a lower social status group could gain control of the productive resources (land) through their wives (Tapper and Tapper 1982:166). In this way, marriage plays a key role in upward and downward mobility of a clan. The importance of productive resources in the marriage decisions should, however, not be understated. Productive resources are a primary source of men's prestige and upward mobility, and a man's social status is dependent on his access to economic resources more than anything else (Ahmed 1980:77). Landholding not only contributes to a man's prestige and honor in the community, it is also a symbol of his autonomy (Christensen 1982:34). This is one of the reasons why productive resources are commonly a source of conflict between men. Landholding is also an important factor in acquiring a leadership position in the community, the larger the landholdings the greater the control over other people in the community by virtue of its tenancy (ibid: 35). Given that access to economic resources is the key to high social status, keeping economic benefit at the center of any social interaction has an underlying motive of acquiring prestige and honor for men.

Jirga

Headed by a local leader, a *jirga* is a council of male local leaders, religious clerks, and local elders that resolves inter-personal and communal conflicts. A *jirga* acts as a tribunal that deals with a wide range of different issues, such as conflicts over land and water, issues of honor, blood feuds, and other inter-lineage disputes. In the event of a dispute, the *jirga* does not

intervene until its role in resolving the dispute is sought by any of the parties involved in it. While minor disputes can be resolved by a local leader without convening a *jirga* meeting, in resolving major disputes, such as blood feuds, it is necessary that both disputant parties agree on take the case to the *jirga* and abide by any decision made by the *jirga*.

Once the help of the *jirga* is sought, the local leader convenes a meeting of local religious clerks and elders. The number of *jirga* members is not fixed, and it is largely up to the local leader to decide whom he wants to be part of it for a specific dispute. However, the disputant parties can suggest men to be part of the *jirga*, but the decision of inclusion or exclusion of the suggested men is taken by the local leader. The *jirga* members usually meet at the local leader's place, where both parties involved in the dispute are considered his "guests." It is necessary that both disputant parties are present in person during the *jirga* session, otherwise it is postponed. Before a *jirga* session begins, the disputants provide an affidavit that they will accept the decision. Also, both parties pay a sum of money between AFN 40,000 to 70,000 (\$500-\$1,000), called *machalgha*, as a security. During the *jirga* session, both the disputant parties are given the opportunity to present their case and respond to each other. Should the *jirga* members suspect the truthfulness of a statement of a disputant party, the party is asked to vouch truthfulness by taking an oath on the Quran. The proceedings of the *jirga* continue until the its members reach a unanimous decision; this usually does not take more than two or three sessions, as the idea is to resolve disputes as quickly as possible. Once a decision is made, sacrificial animals are slaughtered and a feast is offered to the participants of the *jirga*. This symbolizes the end of the dispute between two parties.

The primary purpose of *jirga* is not to *dispense* justice in the popular understanding, but to *resolve* the dispute at hand (Kerr 2010: 4). Robarchek (1979) notes a similar objective for the

dispute-resolving council *bcaraa* among the Semai Senoi people of Malay, where in the event of a dispute the main objective of *bcaraa* is “the reintegration of disputants into the group” (p.123). However, in the context of the *jirga*, this does not mean that *jirga* members do not seek to resolve disputes “justly,” rather it suggests that instead of dispensing justice as a guiding principle in resolving disputes, efforts are directed more towards making the peace- even if it comes at the cost of justice. According to Lindholm (1982), one of the possible reasons for this objective is the widespread and large-scale intra- and inter-lineage conflicts, which makes it logical to reduce the number of conflicts by making peace without intending to serve justice. Similarly, Tapper (1991) argues that the main objective of the *jirgas* is to provide speedy justice and it is due to this quest for speedy justice that they often fail to take all the related aspects of the disputes into account, thus rushing into resolving the conflict at hand instead of dispensing justice. However, whatever the *jirga*’s decision is based on, it is always unanimous and complying with it is obligatory for the parties involved in the conflict.

While in the past the *jirga*’s decision would be accepted without reservations, the enforcement of its decisions has become an issue recently where disputants have increasingly been noncompliant with its decisions (Hoti 2006 and Kerr 2010:5). Therefore, to enforce the *jirga*’s decisions, a local militia force, called a *lashkar*, is formed, which is tasked with carrying out punishments for noncompliance with its decisions (Kerr 2010:5). The role of a *lashkar* to implement the *jirga*’s decisions is quite a new one, as its primary role in the past was to secure tribes against foreign intrusion (Tribal Analysis Centre 2009:8). However, while a *lashkar*’s help is usually sought in cases where the noncompliant party is a group of people or a whole tribe, in cases where the noncompliant party is an individual, any such punishments for noncompliance with the *jirga*’s decision are usually carried out by the family members of the noncompliant

individual. Punishments for an individual who has thought to have committed an offense might also be carried out by the family members of the individual without approaching the *jirga*. Punishing an individual offender by his or her family members without seeking the *jirga*'s mediation in the matter is thought to restore the family's honor. These cases are more common for honor related issues and concern women more than men, where the latter usually fall victim to extreme forms of punishments such as killing in the name of honor (Lari 2011:24). The *jirga*, as a customary justice system, is particularly biased against women owing to the fact all *jirga* members are men while women are not part of it. Particularly in the context of *swara*, the absence of women in the *jirga* provides the men with complete authority over women who are treated as passive actors in a dispute settlement.

Conflict Resolution and Gender

Understanding *swara* can be aided by briefly seeing it in a cross-cultural context. In societies where formal a justice system is not in place, the process of conflict resolution may be primarily aimed at restoration of peace instead of being punitive in nature. With restoration of peace as the primary objective, conflict resolution in these societies involves compensation for the loss in a given conflict. Compensation in the form of material resources is more common in conflict resolution processes in a majority of such societies (Burt and Kwaiola 2007). In some societies, however, the peace is restored through rituals instead of transfer of property as compensation. Among the Bedouin Arabs of the Negev, for instance, conflicts between individuals in the community are resolved through a ritual called *Bisha*, which is aimed at reinforcing collective values in the community (Al-Krenawi and Graham 1999). Although women do play a role in conflict resolution in varying ways, their role may be passive in nature (Ngongo-Mbede 2003; Ntahobari and Ndayiziga 2003), or played in post-conflict scenario

(Deballe et al. 2003). The passive role played by women in conflict resolution is due to the fact that they might not be well-positioned, as are men, to play a more active role. However, despite the hurdle of not being well-positioned, women have been successful in playing an active role in conflict resolution. For instance, Stoeltje (2000) notes for the Asante people of Ghana that during conflicts between men and women, women challenge men's authority in the community by taking the men to traditional courts. In this way, women not only challenge the dominant gender ideology in the community, but also redefine relations of power (ibid: 78).

On the contrary, men's active role in both the emergence and resolution of conflicts is well-documented. Daniel Offiong (1997:423) notes for the Ibibio people in Nigeria that conflicts in the community are resolved by elder men who act "as the intermediaries between the ancestors and the living." The importance of men to resolving conflicts is undeniably a result of their dominant position in the community as compared to women. Also, it is the men who are at the center of interpersonal conflicts and thus greater importance is paid to the interests of men in the process of conflict resolution. In cases where women are not well-positioned to play an active role in conflict resolution, it is usually women who bear the brunt of the conflict. Women in such situation not only become a source of conflict resolution, but their killing in the conflict is also subject to differential treatment. For instance, it is evident from an unequal compensation for the murder of women and men in many societies, wherein the murder of a woman requires lesser compensation as compared to that of a man (Osanloo 2012). In the same way, the emergence and resolution of conflicts are explained in terms of interests of men rather than women; that is to say, it is men's interests that are at the heart of the emergence and resolution of conflicts. Conflicts in the Meta society of Western Africa and among the Semai Senoi people of Malaysia provide a good example of how conflicts are avoided for the sake of maintaining brotherhood in

Meta society western Africa and for avoiding disruption of social relations between men among the Semai Senoi people of Malaysia (Dillion 1980 and Robarcheck 1979). Therefore, it is no surprise that having served the interests of the dominant group of society (men), such informal justice systems continue to persist despite the existence of a formal justice system in many of these societies (Offiong 1997).

Swara

Despite being outlawed both in Pakistan and Afghanistan, *swara* is still practiced among the Pashtun people in both of these countries. *Swara* involves giving away a woman as reparation in settling blood feuds between two parties. It can either involve giving away a woman by the guilty to the aggrieved party or it can be the exchange of women between the two parties. *Swara* is specifically practiced among the Pashtun people of Pakistan and Afghanistan who live in remote rural areas where local customary laws are in force. These areas have remained under constant inter-personal and inter-communal conflicts and under military operations since the Soviet invasion in 1979. This is one of the reasons *swara* has not been explored. The scant available literature and information on *swara* mainly comes from agency reports about violence against women in these communities. Advocating for state laws against different anti-women customs and practices, the agency reports are based on news reports on *swara* which merely provide information on the number of cases along with demographic information (HRC 2012; UNAMA 2011; and Amnesty International 2002). A UNAMA report on violence against women in Afghanistan found that *swara* is common in Pashtun dominated remote areas where the Taliban once had a strong hold and the government has the weakest writ at the moment (2011:11). There is no scholarly literature available on the custom of *swara* in Afghanistan, and the work that does mention it refers to it in the context of violence against

women in Pakistan without providing any explanation (Iqbal et al. 2012; Khan 2012; Shah and Tariq 2013; and Nosheen and Mumtaz 2014).

The scant information available on *swara* is, however, mostly on the Pakistani Pashtun people. In recent years, Samar Minallah, a Pakistani anthropologist, has been working on *swara* and in 2003 she made an award-winning short documentary on it. This is one of the few available sources that provide some information on it. The documentary “*Swara: A Bridge Over Troubled Waters*” (Minallah 2003) contains interviews of local leaders, religious clerks, and girls given in *swara*, as well as interviews with their parents. The documentary provides a useful insight into its implications for women and its rationale for settling disputes. From interviews with local leaders, it becomes obvious that it is usually young girls, often between ages of 6 and 13, who are more likely to be given away in *swara*. Although the main focus of the documentary is on men, including local leaders, religious clerks, and *jirga* members, an interview with the mother of a girl given away in *swara* and another with a girl given in *swara* shed some light on its implications for women. While the mother in the documentary is unhappy with the *swara* marriage of her daughter, she finds it impossible to resist the *jirga* decision due to her husband’s threatening behavior. Similarly, the interview with the girl given in *swara* talks about the hardships and ill-treatment she has been subjected to by her husband and in-laws. Apart from this, the documentary does not provide in-depth perspectives of the women about *swara*. The decision regarding which girl should be given in *swara* to the offended party is left to the aggrieved family. The guilty family is bound to hand over the girl that the aggrieved family asks for. Iqbal et al. (2012:18) point out that it is usually “the nearest virgin female such as daughter, sister or niece of the offender family who is given away to the aggrieved family.” Although it is usually daughters and sisters who are given away in *swara* to the aggrieved family, if the guilty

party does not have any unmarried female available, female cousins or even distant female relatives can be handed over to the aggrieved family (Khan 2012:3).

The official model of *swara* dictates that *swara* can be used as a settlement mechanism for any kind of inter-tribe or inter-personal dispute, not only for conflicts that involve killings. The *jirga* session for the settlement of a dispute can be initiated by anyone, but usually it is either initiated by a third on behalf of a party in a given dispute that is considered to be guilty, or by a local leader or *jirga* members if the dispute is intense and has put the whole community in danger.

In resolving a dispute, the *jirga* considers three options for its settlement: forgiveness (*bakhshesh*), blood money (*qisas*) and *swara*. While it is at the decree of the *jirga* which of the three options to use, the offended party can successfully push for any of the three options. According to the official model of *swara*, the guilty party is required to give three girls of two different age groups to the offended party: a girl aged between one and two years, called *urnay*, and two girls older than *urnay*, called *paighle*. While the two adult girls are to be taken home by the offended party right away without any wedding celebrations, the infant girl merely works as a symbol of the helplessness of the guilty party and is not taken to home by the offended party on the day of *jirga* decision. The guilty party can retain the infant girl if they pay half of the bride price (*walwar*) to the victim party. It is necessary that the girls to be given away in *swara* and the men to whom they would be married off are not physically or mentally disabled. In case of absence of daughters and sisters, the guilty party can give granddaughters or the brother's daughters in *swara*. In case no girl is available to be given in *swara*, the guilty party is required to provide the offended party a bride price for the number of girls that are to be given in *swara*. According to the official model of *swara*, it is practiced for the sole purpose of turning enmity

into friendship by turning the bloodshed into love, as *jirga* members and local leaders put it. In practice, as will be discussed in the subsequent chapters, *swara* does not completely achieve the objective of establishing close relations between the disputants, instead merely ends feuds. The effectiveness of *swara* in terms of resolving disputes is thought to depend solely on the women given in *swara*, as they are expected to bridge the relationship between the disputants. In practice, however, the potential role of the women given in *swara* to establish good relations between the disputants is constrained by the men themselves. Men from both the receiving and the providing parties exercise control over the women given in *swara* in such a way that it becomes impossible for the women to play an active role in establishing good relations between the two parties. These practical aspects of *swara* have been addressed in detail in the subsequent chapters.

The juxtaposition of a *swara* marriage against other kinds of marriages that a woman might have will help understand the comparative disadvantages of *swara* marriages for the women. To do so, it is important to provide a brief overview of other kinds of marriages that take place in the community. Primarily a woman can be provided in two types of marriages: first, the regular marriage that involves a one-sided transfer of a woman from one party to another; and second, the exchange marriage in which two parties exchange women. Both of these two kinds of marriages are arranged by a senior male (particularly the father) in the family and the woman to be married does not have a say in it, although a man may be able to have a say in his marriage. As mentioned before, senior women play an active role in arranging marriages for their sons, but they do not have as active a role in marriage decisions for their daughters. In this way, women's marriage decisions largely remain the prerogative of the men. This, however, does not mean that negotiations within the family about a marriage (whether of a man or woman) do not take place.

Rather, both women and men of the family are part of the consultation regarding a marriage proposal for a family member (both male and female).

Although both regular and exchange marriages are common in the community, they occur for varying reasons. A regular marriage involves the payment of *walwar* (bride price) and can take place both between parties of different social status and parties of equal social status. An exchange marriage, on the other hand, does not involve the payment of *walwar* and takes place between parties of equal social status only. Given that difference, while regular marriages can be both lineage exogamous and endogamous in nature, exchange marriages are more likely to take place between men of the same lineage, particularly between patrilineal cousins. Exchange marriages are more likely to take place between families of the same lineage that are not too distantly related and know each other well. On the other hand, there is no specific type of families into which women are married under regular marriages; the families can either have kin ties (distant or close), or they might be unrelated to each other. As mentioned above, since men of the same lineage are formally of equal social status, exchange marriages therefore do not involve status differences between the involved parties. Regular marriages, on the other hand, can involve status difference between the involved parties (particularly, if they are of different lineages) and can therefore be more prestigious than exchange marriages for both the wife-provider and wife-taker sides.

Compared to having a regular or exchange marriage, a *swara* marriage is disadvantageous for a woman for a number of reasons. Although girls in both regular and exchange marriages are married off at a young age (as young as 12 years of age), the girls given in *swara* marriages are usually much younger (as young as 7 years of age). In *swara* marriages, much younger girls are demanded, as evident from the ages of the girls given *swara* marriages in

the studied cases which ranged from seven years old to thirteen years old. In contrast to *swara* marriages, even if a very young girl is provided in a regular or an exchange marriage, her wedding is likely to be delayed by her father for a few years until she is of marriageable age, which is considered to be twelve years. The father of a girl given in *swara* marriage does not have a say in the time of wedding of his daughter; instead, the *swara*-receiving party decides when to bring her home. Related to this, unlike regular and exchange marriages, the *swara*-providing party does not have a say in which girl in the family to provide in *swara* and to whom she is wedded from the *swara*-receiving party. This might have two disadvantages for the girl given in *swara*. First, a party can ask for a younger girl in *swara*, leaving out any available older girl, which, once again, is not the case in regular and exchange marriages wherein the oldest available girl in the family is provided in marriage before the younger ones can be given². And second, a girl given in *swara* might have a less desirable match, as it is the *swara*-receiving party which gets to choose the match. Although the official model of *swara* dictates that both the girl given in *swara* and her suggested husband should not have any physical disability or chronic illness, in practice this rule is not followed strictly; for instance, the girl in Case 3 was given in *swara* marriage to a man who had lost a leg in the feud.

The context of animosity between the involved parties in a *swara* marriage makes the marital family a less desirable one for the girl given in *swara* in terms of her wellbeing. Similarly, a girl given in *swara* is more likely to have restrictions on connections with her natal family. This is particularly disadvantageous for the girls given in *swara* because they lose an important social safety net, that is, her natal family, which girls having regular or exchange

² An exception can be made to this if the oldest available girl in the family has either passed the “marriageable age,” which can be as old as 25 years, or if she is not deemed to be fit to marry, such as having a chronic illness or physical disability.

marriages have access to in times of need of support. In *swara* marriages, even the natal families might refuse to provide support to the girls given in *swara* because of the fear that their support might be seen by the marital families as an interference in their family matters. Apart from that, due to the imposed nature of this type of marriage, the husband of a girl given in *swara* is more likely to take a second wife, which is common for the men who have had *swara* marriages. In regular and exchange marriages, a man might take a second wife on the grounds that either he has no children from the first marriage, or has no sons from it. In contrast to that, in *swara* marriages, a man might take a second wife even if he has sons/children from the *swara* marriage. The taking of a second wife results in a more vulnerable status of the girl given in *swara* in her marital family. Her vulnerable status in the family makes her susceptible to violence not only from her husband, but also from the senior female members in the marital family. Given the likelihood of her natal family abandoning her, a *swara* girl is more likely to endure the violence inflicted on her by the marital family. This situation is further exacerbated by the fact that, unlike regular and exchange marriages, no *mahr* (Islamic bride wealth, which is exclusively retained by the bride) and trousseau are provided to the *swara* girl. This blocks the possibility for her to live on her own, and thus makes her completely dependent on the marital family for the livelihood of her own and her children. Her complete dependence on her marital family along with her abandonment by her natal family forces her to avoid anything that could potentially lead to her divorce. The situation might get better for a *swara* girl if she has grown up sons, but if she does not have a son, her situation is likely to get worse.

Impact of war on women's rights in Afghanistan

Women's status in Afghanistan started to deteriorate after the Afghan *mujahedeen* took control of most of Afghanistan in 1989. Prior to the Soviet invasion in 1979, Afghan women

enjoyed many rights which were later on curtailed by the Taliban. In the 1920s, King Amanullah Khan, who was an ardent advocate of girls' education, opened the first girls' school in Afghanistan. King Amanullah Khan also advocated against the veil and strict gender segregation, and imposed laws requiring women to take off their veils in public (Emadi 2002). Later, in the 1950s, King Daud Khan also advocated the unveiling practice and in 1964 women got the right to vote. In the early 1970s, Afghan Family Law was reformed in favor of women and compulsory literacy programs were introduced for both men and women (Cortright and Wall 2012:7). The Soviet invasion (1979-1989) also created openings for Afghan women, when they made significant progress in public life. However, women's status in the above-mentioned eras improved only in urban areas of Afghanistan; women in rural areas did not reap much from the reforms and legislation that were directed towards raising women's status. In fact, during the Soviet invasion women in rural areas experienced more hardships than ever before because of the presence of the Taliban who were fighting against the Soviet forces (Moghadam 2003:233). Even urban Afghan women got stripped of most of their previously held rights with the emergence of a Pashtun-based Taliban government in 1996. The Taliban enforced strict *Sharia* law and banned girls' education along with banning women's entry into public places without the company of a close male kin member (*mahram*) (Rashid 2000:70). *Burqa*, a form of veiling from head to toe, was made compulsory for women. Severe punishments such as public stoning and lashing were introduced for "immoral" behaviors. These punishments were specifically directed towards women, whose subjugation became a trademark of the Taliban era (ibid: 33). Pashtun Afghan women bore the brunt of these strict laws, as it was mostly Pashtun dominated areas where the Taliban had the strongest hold. However, Afghan women still found ways of resisting different prohibitions on their lives. Women managed running home schools and left

homes with a distant male relative (*non-mahram*) by depicting him as a *mahram* (Rostami-Povey 2007:38).

After the fall of the Taliban in 2001, the agenda of women's rights gained some success at the state level, and Afghanistan ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) in 2003. In 2009, the government of Afghanistan enacted the Law on the Elimination of Violence Against Women (EVAW Law), which lists twenty-two acts, including forced marriage, *swara*, and marriage before the legal age of sixteen, as constituting violence against women (UNAMA 2011:5). Under Article 25 of the EVAW Law, the punishment for *swara* was increased to ten years of imprisonment, which was previously only two years under article 517 of the Afghan Penal Code. Similarly, although a decline in *swara* marriages has been noted (Smith 2009), it has not been considered a result of the EVAW law. No concrete data are available to indicate the extent to which the EVAW Law has been successful in curtailing *swara* marriages. However, the EVAW Law has not been very effective in curtailing other forms of violence against women, and different forms of violence against women still continue to exist in Afghanistan. The United Nations Assistance Mission in Afghanistan (2011:1) found that between March 2010 and March 2011, 2,299 cases of violence against women were reported, of which only 26 percent were accepted for hearing and in even fewer cases (about four percent) were men charged with violence against women. While the continuous armed conflicts in Afghanistan have made women more subject to different forms of violence (Hirsckind and Mahmood 2002:345), the enacted laws to protect women's rights have failed to achieve their goals because of the weak judicial system that still gives precedence to local customary laws (Lauri 2013).

Chapter 3

Research Methodology

Although much has been written about Pashtun kinship and marriage, the practice of *swara* has continuously remained unexplored. Just when ethnographic studies of Afghanistan as a whole started to gain momentum in the 1970s, the Soviet invasion in 1979 and the subsequent civil war broke the momentum. After the end of the Taliban era in 2001, Afghanistan became the center of attention but the existing political instability continues to make it hard to focus attention on exploring issues that are not only sensitive but are also normally widespread in the rural areas where the government has the weakest control. The practice of *swara*, which is more common in rural areas than in urban areas, has therefore not got the due attention. As the preceding chapters indicate, the practice of *swara* has not yet been explored. It was judged advisable better to go into the field with a wide range of research objectives in mind to allow for making adjustments in the field in terms of the type of data that were gathered. In this way, the nature of the present research has been exploratory from the very beginning. This chapter deals with the methodology that has been used for gathering the data to achieve the stated research objectives in Chapter 1.

Informants and Sampling

Data for this thesis were gathered during nine weeks of fieldwork in the rural areas of the Jalalabad district in Afghanistan. A case study approach was adopted and in total six *swara* cases were studied. Initially, the aim was to select only those *swara* cases in which access have been gained to both parties involved *swara*. However, after entering the field, it became evident that recruiting men from both parties involved in a given *swara* case was not a feasible option. There were a number of reasons why it was hard to recruit men from both parties involved in a given

swara case. First, some men simply did not want to be part of the research if men from their opponent party were also to be included; this primarily had to do with the concern of these men for re-opening of discussion on the settled feuds. Second, in some cases either men from an involved party in a given *swara* case were unavailable for out-of-town work, or the family had moved somewhere else to be interviewed face-to-face.

Men from *swara*-receiving parties were particularly difficult to recruit. Although it was made clear that interviews would not involve any kind of questions related to women, men from *swara*-receiving parties were usually reluctant to be part of the research for fear that they might be asked questions about the girls given in *swara* in terms of their treatment. During the fieldwork, I also sensed that the reluctance of the men from *swara*-receiving parties to participate in the research was due, in part, to fear that they might get in trouble for acknowledging the settlement of the feuds they were involved in through *swara*. Despite the fact that the ERAW Law is not retrospective, it played a key role in infusing such fear in *swara*-receiving parties. The primary reason for this was that, in the community, the popular understanding of the ERAW Law was that *swara*-receiving parties can particularly be tried under this law in case of its ill-treatment of girls given in *swara*. For this reason, *swara*-receiving parties were usually reluctant to talk about matters related to *swara* and the preceding feuds.

Given the problem of recruiting men from both parties involved in *swara*, I was able to recruit men from both parties involved in *swara* in just one case. In consultation with my advisor, for the remaining *swara* cases, the focus was shifted to studying one-sided *swara* cases. However, the aim was still to have an equal balance of sides giving and receiving girls in *swara*. In total, six cases were studied, which included: one both-sided *swara* case, three *swara*-

providing parties' cases, and two *swara*-receiving parties' cases. These cases were selected through criterion-based purposive sampling. The following criteria were used for the selection of *swara* cases.

- Where the preceding feuds were land related. The focus on *swara* cases related to land disputes was the viable option because *swara* cases directly related to women, such as sexual offences, are of a very sensitive nature to explore and thus could present a wide range of ethical problems.
- Where feuds had been settled before the EAW Law was imposed in 2009, and where the current relations between disputants were stable. The focus on older *swara* cases was aimed at avoiding the complications of the EAW Law and at preempting the possibility of dispute renewal.
- Where interpersonal, rather than inter-lineage, land disputes were involved. The primary reason for focusing on disputes between individuals, rather than those between different lineage groups, was that the latter was more time-consuming than the former. Also, it would have been difficult to locate diversely positioned men in disputes between different lineage groups where the central position is usually occupied by local leaders and elders, instead of men from *swara*-receiving and *swara*-providing parties.

Using purposive sampling, a few *swara* cases were identified in the initial stage of the fieldwork with the help of my own kin ties in the research site. Men involved in these *swara* cases were contacted through my kin ties. However, men from only one two-sided *swara* case agreed to participate in the research. As mentioned above, the focus on recruiting men from both parties involved in *swara* obstructed the process of participant recruitment; therefore, attention

was diverted to recruiting local leaders and *jirga* members first with the aim that their recruitment would be helpful in recruiting men from both *swara*-receiving and *swara*-providing parties. After getting in touch with a local leader, it became evident that recruiting men from both-sided *swara* cases might not be a feasible option, as the local leader suggested that contacting men from both parties might make participants suspicious of the project. The local leader identified a number of *swara* cases and assured his help in getting access to the men involved in those cases.

The local leader was also helpful in identifying *jirga* members who were part of the *jirga* sessions conducted for the *swara* cases he had identified. With the help of the local leader and my kin ties, three more *jirga* members were recruited who were part of the *jirga* sessions in two of the *swara*-receiving *swara* cases. The recruitment of these three *jirga* members helped in recruiting men from two *swara*-receiving parties. In order to diversify the sample, another local leader was recruited from a different lineage group. While the first local leader was part of the *jirga* sessions for three of the studied cases, the second local leader was part of the *jirga* sessions for two of the studied cases. In the six *swara* cases, nineteen differently positioned men were interviewed along with two local leaders and seven *jirga* members who were part of *jirga* sessions for some of these cases.

In order to ensure that diverse views be obtained, maximum-variation purposive sampling was used for recruiting men involved in the studied cases. The primary focus of this sampling was to recruit diversely positioned men who were closely related to the girls given in *swara*. Given this focus, male participants involved in the selected *swara* cases included a wide range of close family members of the girls given in *swara*. From the *swara*-providing parties, these men

included grandfathers, fathers, brothers and patrilineal uncles of the girls given in *swara*, and from the *swara*-receiving parties they included husbands, fathers-in-law, and husbands' patrilineal uncles of the girls given in *swara*. The kinship diagrams for all the studied cases have been provided in Appendix A.

Interviews

All data for this research were obtained through semi-structured interviews with nineteen men from the studied *swara* cases, two local leaders and seven *jirga* members. For the majority of the interviews, notes were taken, and some, where participants permitted, were tape recorded. Owing to the difficulty in recruiting participants in the beginning of the fieldwork, only one local leader and two men from the both-sided *swara* case were interviewed in the first three weeks of the fieldwork. The majority of participants were recruited and interviewed in the second half of the fieldwork. Particularly, in the first half of the fieldwork, *jirga* members and local leaders were interviewed. Although opting for interviewing the local leaders and *jirga* members first was partly a situational choice (because not enough men involved disputes were recruited in the first half), it was also a deliberate strategy to obtain a comprehensive account of the official model of *swara* before obtaining case histories of the selected cases. It was also helpful in acquiring trust in the field and consequently gaining access to the men involved in disputes. The same strategy of interviewing men occupying higher social status was employed in interviews with men involved in the selected *swara* cases. This meant that the elder men in the family—who are usually family heads— were interviewed prior to interviewing other men in the family. This once again helped build my rapport with the younger men in the family.

Interviews conducted with the local leaders and *jirga* members in the first half of the fieldwork focused on eliciting data on the official model of *swara* and on general understanding of lineage, disputes and kinship relations in the community. These interviews were conducted at houses of local leaders and *jirga* members and lasted for one to two hours. Once enough understanding of the official model of *swara* was acquired, a second round of interviews with the local leaders and *jirga* members were scheduled for the second half of the fieldwork after interviews with the men involved in the selected cases were carried out. The aim of the second round of interviews with the local leaders and *jirga* members was to elicit data for the specific cases at hand. Although some information about the selected *swara* cases were already provided by the local leaders and *jirga* members in the first round of interviews, the second round of interviews were more focused on specific questions that were asked about the *jirga* processes and *swara* decisions of the selected cases.

There was a clear difference between the first and second round of interviews with the local leaders and *jirga* members in terms of their willingness to talk about land disputes and their settlement through *swara*. While in the first round of interviews the local leaders and *jirga* members talked at length about the official model of *swara* and disputes between men in the community, in the second round of interviews they seemed a bit hesitant in talking at length about the selected *swara*, the preceding feuds and the *jirga* procedures for them. One of the key reasons for this was that discussions about already settled disputes are avoided so as to prevent emergence of any “misunderstanding” that might lead to potential renewal of the disputes. Also, while local leaders and *jirga* members would talk of *swara* as the “best” settlement mechanism in general, they would avoid such description of *swara* in the context of the selected cases. This was not necessarily an indication that they considered the settlement of the selected cases

through *swara* as an unviable option. Instead, it was more of a deliberate effort on their part to avoid drawing attention to themselves as the ones who pushed for the settlement of the feuds through *swara* in the selected cases. The hesitation to talk about the selected *swara* cases led to one of the local leader opting out of the second round of interviews even though he had agreed to participate beforehand. Interviews with local leaders and *jirga* members in both rounds of interview were of a semi-structured nature.

Interviews with the men involved in the selected *swara* cases, on the other hand, were conducted largely in the second half of the fieldwork. As mentioned above, this was a situational and deliberate strategy to conduct interviews with the men involved in the second half of the fieldwork. Interviews with these men were either conducted at their houses or at a different location—usually at the place where I was staying. Typically, depending on the comfort of interviewees during interviews, the length of these interviews ranged from forty minutes to three hours. All the interviews were semi-structured and were focused on exploring the role of a particular interviewee in a given dispute and its settlement through *swara*. Since the general understanding of the preceding feuds and *swara* decisions would have already been obtained in interviews with the senior male member of the family, the subsequent interviews with younger men of the family would focus on the role they played in a given *swara* case. Given that differently positioned men in the family were recruited, these participant-centered interviews were helpful in revealing different facets of the selected *swara* cases and preceding feuds by ensuring they were explored through a variety of lenses (Baxter and Jack 2008:544).

Unfortunately, the problem of hesitation on the part of the participants persisted in interviews with the men involved in the selected *swara* cases as well. Particularly, it was the

younger men who were more hesitant to take part in the research, or if they did, they would hesitate to talk about the selected *swara* cases. One of the key reasons for this was the view of these younger men that the elder men of their families had already talked about the selected *swara* cases and that there was “not much left to talk about.” Along with this, there was a practical reason for some the younger men’s reluctance to talk about the selected cases. Some of these younger men, particularly brothers of the girls given in *swara*, were of very young age at the time of feuds and their settlement. For this reason, some younger men simply did not know much about how a particular feud unfolded or how it was settled. On the contrary, senior men in the family were very articulate and not only openly talked about the particular *swara* cases they were involved in, but also provided accounts of other *swara* cases in the community. Given this difference in interviews with senior and younger men, the interviews conducted with senior men were more in-depth and open ended in nature where interviewees took charge, and interviews conducted with younger men fell more on the structured interview end of semi-structured interviews. Although interviews with younger men did not yield in-depth data, they did provide a valuable understanding about how their views about *swara* were shaped by the cases they were involved in. Particularly, interviews with younger men provided useful data on an inter-generational gap in views about *swara* as a settlement mechanism.

Owing to the concern that participants might not be willing to be interviewed more than once³ or that they might opt out to of the research⁴, some strategies were employed in the

³ While dealing with the first case for which two men were interviewed in the first half of fieldwork, I found out that participants were usually unwilling to be interviewed twice despite the fact they would have already agreed to be interviewed more than once, if required.

⁴ As already mentioned, this was mainly the concern for younger men who thought that elder men of their family had already provided enough information and that there was not much left for them to talk about.

interviews with the men involved in the selected cases. These strategies included increasing and decreasing interview durations and conducting interviews with all the recruited men of the same family in one day. To be specific, in Case 4, interviews with the father and two brothers of the girl given in *swara* were conducted in one day due to the concern that, if pro-longed, the two brothers of the girl given in *swara* might become reluctant to be interviewed. Similarly, in Case 6, the husbands of the two girls given in *swara* were interviewed in one day for the same stated concern; and in Case 1, the husband and husband's brother of the girl given in *swara* were interviewed in one day. Along with this, in cases where either it was feared that participants might not be willing to be interviewed more than once or if they themselves opted for just one interview, the interview durations were increased so as to allow myself to elicit as much data as I could in just one interview. However, these longer interviews were not so long as to make participants uncomfortable. Instead, they lasted an appropriate amount of time that allowed for eliciting enough data about the *swara* cases at hand and for participants to feel comfortable during the interview process. Lengthy interviews with such participants were scheduled for days and times that allowed for more of their "spare time." For this reason, most of these interviews were conducted on Friday afternoons. In contrary to increasing interview durations in these interviews, for other interviews the interview durations were decreased. Interviews were shorter for participants who were not willing to prolong the interview or where they were scheduled for more than one interview. Specifically, interview durations were longer with the brother of the girl given in *swara* in Case 1, with husband's patrilateral uncles of the girl given in *swara* in Case 5, and with Qayum in Case 4. On the other hand, interview durations were shorter in interviews with the brothers of the girl given in *swara* in Case 4 and with Kalam in Case 6.

The above mentioned modifications to some of the interviews can be thought of as having posed risks to the “quality” of the data obtained in these interviews. While it can be said that these interviews did not allow for the validation of the gathered data, the data gathered in the “modified” interviews did provide valuable insights into discussion around *swara* and disputes. The reluctance or hesitation of participants to be interviewed more than once or to be interviewed for a longer duration just because they thought they “did not have enough to say” is a reflection of the fact that for some participants the discussion about *swara* in public was a matter of “shame.” To discuss *swara* in public was a matter of shame for the participants for two reasons: first, since *swara* intrinsically involves women, any discussion on it in the public is considered akin to the discussion of a domestic matter in public; and second, there was a covert perception among the men that *swara* was an “un-Islamic” practice and therefore it was a hidden shame. The issue of shame was particularly pronounced among younger participants, although *swara* was not explicitly rejected, they did distance themselves from it by associating it with older generations. In this way, hesitation on the part of younger men to talk at length about *swara*, or to take a keen interest in interviews as the older men, was a message in itself about an inter-generational gap regarding the understanding of *swara*.

Furthermore, the strategy of interviewing some of the participants from the same *swara* cases in one day was born of concern for participants’ unwillingness to continue in the research might be seen as an infringement on participants’ right to withdraw their participation in the research any time they want. I, however, do not consider it to be an infringement on participants’ right to withdraw their participation and/or their provided data anytime they want because the nature of the consent was ongoing till the end of the fieldwork. This means that participants had the option of withdrawing their participation, including any information they provided

previously, until July 15, 2015 since the initial expectation was that the thesis would be ready by that date.

Ethical Considerations

The research was designed carefully to avoid any ethical issues in the field, and most of the anticipated ethical issues were avoided by the research design. As initially the research was meant to be women-centric, something which both my advisor and I wished to do, owing to practical ethical considerations, over the course of the thesis proposal the focus on women shifted to focus on men. There were practical ethical issues involved in focusing on the women, including the concern for their safety and safety of myself. Also, getting access to the women was an issue that could not be resolved because of the barrier on contact between unrelated men and women. To further ensure that interviews with the male participants do not put the women who experience *swara* in the studied cases at risk, interviews did not include questions related to the women—unless the participants themselves talked about them.

Given the sensitivity of the research topic, one of the expected ethical concerns in the field was to encounter moments of distress in interviews with the men involved in the selected cases. However, such instances were not encountered in the field, except for the interview with the father of the girl given in *swara* in Case 3. Case 3 was one of the cases in which more than one interview was conducted with participants. It was during the second interview with the father of the girl given in *swara* in Case 3 that the moment of distress arose while the interviewee was recounting the details of the *swara* decision. This situation was complicated by the fact that the

interviewee in this case had not provided information for any person⁵ who could be contacted in the event of such moments. Although cancelling the interview in this case was the preferred option, it was not cancelled because the interviewee insisted on continuing to talk about the *swara* case. However, the discussion topic was diverted and it was suggested that topic continue later when he feels better. No further interviews were conducted with this participant.

Brief Overview of the Studied Cases

The following six cases were studied for this research project. Of these six cases, in Case 1, men from both parties involved in the feud were recruited; in Cases 2, 3 and 4, men from the *swara*-providing parties were recruited; and in Cases 5 and 6, men from the *swara*-receiving parties were recruited.

Case 1

This *swara* case occurred in 1997. This feud was between two brothers over an irrigation water channel. The feud arose when one of the brother's sons cut off the water channel irrigating his patrilineal uncle's fields to water his own fields. This led to a blood feud between the two brothers resulting in two killings from each side. The initial killing in this feud was carried out by the *swara*-providing party, which was the one that had lost access to water in the dispute. The feud went on for three years until 1997 when the *jirga* resolved the feud through *swara*. The *jirga* found the party that had initiated the killing to be guilty and asked it to give one girl in

⁵ Since no counseling facilities are available in the research setting that could be availed in the event of moments of distress during interviews, participants were requested to provide the researcher with the contact information of a person(s) in whom they could confide. In the event of moments of distress during interviews, this person(s) was supposed to be made available to participants experiencing distress for emotional support. This was, however, optional and none of the participants opted for it.

swara marriage to the offended family. The brother found guilty gave his eleven years old daughter in *swara* to his brother's son. The *swara* marriage took place three years after the *jirga* decision. Different factors can cause delay in *swara* marriages, and in this case the delay was requested by the girl's father who requested waiting for the girl to reach a marriageable age. Ever since the *swara* marriage, the two families have established good relations with each other. From the *swara*-providing party of this case, the father and a brother of the girl given in *swara* were interviewed. From the *swara*-receiving party, the father-in-law, husband, and a brother-in-law of the girl given in *swara* were interviewed. Along with this, two *jirga* members who served on the *jirga* session for the settlement of this case were also interviewed.

Case 2

This *swara* case occurred in 2008. The preceding feud emerged between two brothers in 1999 over the boundary of a land plot where one of the brothers was going to construct a house. The dispute was over the ownership of the land plot, where both brothers claimed that it belonged to them. The feud continued for nine years resulting in total of five killings including a child. The killing in this case was initiated by the *swara*-providing party. In 2008, the *jirga* resolved the feud by asking the guilty party to give three girls in *swara* to the offended family. The guilty party agreed to provide three sisters in *swara*. However, later, the mother of the girls given in *swara* insisted that one of the girls be provided in exchange marriage to the offended party. Therefore, one of the three sisters given in *swara* was exchanged for a girl from the victim party for the marriage of her brother. The negotiation for this exchange marriage took place directly between the victim and the guilty party, and it did not involve or required an interruption from the *jirga*. In the two remaining *swara* marriages, the guilty party provided one eight years old and one ten year old girl to the offended party. The *swara* marriages in this case took place

five years after the *jirga* decision. Only the men from the *swara*-providing party of this case were recruited for interviews. These men included the father, the grandfather and a patrilineal uncle of the girls given in *swara*. Along with that, one *jirga* member who was part of the *jirga* that resolved this feud was also interviewed.

Case 3

This *swara* case occurred in 2006. The preceding feud was between two groups of the same lineage. The dispute arose in 2003 when one of the parties cut down the trees on the bank of the fields that belonged to the other party. The party claimed that those trees were theirs because they were planted on their side of the fields. Both parties had their fields adjacent to each other, and in this case the main reason of dispute was the boundary between the two fields. The dispute went on for two years resulting in the killing of two people and wounding of three others. The initial killing in this case was carried out by the party which had cut the trees. The *jirga* session was initiated in 2005 and in 2006 it resolved the feud by asking the guilty party, which had initiated the killings, to give one girl in *swara* marriage to an amputee from the offended party who was wounded in the feud. As a result, a thirteen years old girl was given in *swara*. The *swara* marriage took place three months after the *jirga* decision. From the *swara*-providing side of this case, only the father of the girl given in *swara* was interviewed. Along with this, one *jirga* member who was part of the *jirga* session that resolved this feud was also interviewed.

Case 4

This *swara* case occurred in 2000. The preceding feud was between two groups of different lineages. The dispute arose in 1996 when one of the groups claimed that a piece of agricultural land that was held by the other group belonged to them. The claimant group was

plowing the land when the men from the other group started firing on them that resulted in killing of two men of the other group on the spot. In the coming years, the feud got severe and cost seven lives in total. *Jirga* session for the settlement of this feud was initiated by the local leader and *jirga* members. The *jirga* resolved the feud through *swara*, wherein the party that had carried out the initial killings gave an eight years old girl in *swara* to the other party. The *swara* marriage took place three years after the *jirga* decision. From the *swara*-providing side of this case, the father and two brothers of the girl given in *swara* along with her sister`s husband were interviewed. The sister`s husband of the girl given in *swara* was involved in the dispute, as he had carried out the initial killings on behalf of the guilty party. Additionally, a local leader and a *jirga* member who were part of the *jirga* that resolved this feud were also interviewed.

Case 5

This *swara* occurred in 2001. The preceding feud involved two groups of the same lineage. The feud arose in 1998 over the issue of one party`s sheep grazing in the fields that the other party claimed to be theirs. To scare the sheep away from the fields, a man from the party claiming to be the owner of the land threw rock at the grazing sheep which resulted in the death of one of the sheep. The other party claimed that the land belonged to them and this led to a blood feud between the two groups. The party that had a sheep killed on their part initiated the killing. In total, three people were killed in the preceding years and in 2001 the *jirga* resolved the feud through *swara*. The *jirga* asked the guilty party—which had initiated the killing—to provide one girl in *swara* to the offended party. The guilty party provided an eleven years old girl in *swara* to the offended party. The *swara* marriage took place one year after the *jirga* decision. From the *swara*-receiving party in this case, the father-in-law and two of the husband`s

patrilateral uncles of the girl given in *swara* were interviewed. Along with them, one *jirga* member who was part of the *jirga* that resolved this feud was also interviewed.

Case 6

This *swara* case occurred in 1995. The preceding feud involved two groups of different lineages. The dispute arose over the issue of the distribution of irrigation water. The *swara*-receiving party in this case had claimed that the other party had taken greater portion of water to irrigate their lands. This led to a scuffle between men of the two parties, which intensified and led to killings on both sides. *Jirga* for the settlement of this feud was initiated within six months, during which time a total of five people had been killed in the feud. The party that had initiated the killing and had lost access to irrigation water was found to be guilty and was asked by the *jirga* to provide two girls in *swara* to the offended party. As a result, the guilty party provided a seven and a ten year old girl in *swara* to the offended party. One of these girls was supposed to marry the son of the main disputant from the offended party. However, the son refused to marry that girl because he wanted to marry his patrilateral cross cousin. Therefore the girl given in *swara* was exchanged for his patrilateral cross cousin, and the girl given in *swara* was married to the brother of his exchanged wife. The *swara* marriages took place six months after the *jirga* decision. The marriages in this case were not delayed longer because the involved parties belonged to different lineages and any negotiation for the delay in marriage on part of the *swara*-providing party was unlikely to succeed. Also, since this *swara* case was the oldest of all, it reflects the norm of shorter delay in *swara* marriages in earlier times. Currently the delay is usually longer due to the introduction of *mahr* (an Islamic bride wealth) in *swara* marriages. From the *swara*-receiving party, one of the fathers-in-law and both husbands of the girls given in

swara were interviewed. Along with them, two *jirga* members who were part of the *jirga* that resolved the feud were also interviewed.

Given the exploratory nature of the present research, going into the field with a wide range of research questions allowed for making adjustments in the field. The initial difficulty in recruiting participants for the research and the refusal of some of the participants to provide more than one interview or be interviewed for long narrowed the initial research questions to more focused ones. While the shorter one-time interviews did not allow for acquiring an in-depth insight of participants about *swara*, they did provide useful data for some of the themes discussed in the following chapters.

Chapter 4

Pashtunwali and Namos (Honor)

Pashtunwali is a code of conduct for the Pashtun that is particularly applicable to the men, although it has wider gender implications for the women as well. There are a number of guiding principles of *pashtunwali*, including honor, bravery, hospitality, and revenge. This chapter deals with the one of the most important guiding principles of *pashtunwali*, that is, *namos*, honor. The focus of this chapter is on the role of honor in the settlement stage of feuds, and not on the discussion of honor directly related to *swara* marriages. By locating the concept of honor in the settlement stage of feuds, this chapter makes the point that honor plays a different role in interpersonal feuds that are between men of the same lineage and those that are between men of different lineages. Honor plays a positive role in the settlement process in that it is invoked in such a way that fighting is deemed a disgrace and making peace is considered an honorable thing to do.

The Concept of *Pashtunwali*

The concept of *pashtunwali* is at the centre of social life in Pashtun society (Kerr 2010 and Ahmed 2013). *Pashtunwali* is an unwritten code of conduct consisting of a wide range of principles that guide the Pashtun way of life and inform the Pashtun identity. Given the wide range guiding principles and local variations in its understanding, it is difficult to provide a precise definition of *pashtunwali*. In its broad definition, however, *pashtunwali* is compliance with a set of culturally-defined norms, concepts, and actions, which I called guiding principles of *pashtunwali*. These guiding principles include *namos* (honor), *badal* (vengeance), *melmastia*

(hospitality)⁶, and *ghairat* (bravery). Although these guiding principles are considered to be directly applicable only to men, they also apply to women in gender-specific ways and, therefore, have gender-specific implications for them.

Of these principles, the concept of honor has been identified to be at the centre of *pashtunwali* (Zulfacar 2006, Johnson and Waheed 2011). The literature on *pashtunwali* does not agree on the reason of its emergence in the Pashtun society. While some scholars have associated its emergence as customary law with the absence or lack of effective state government (Moghadam 2002, Kakar 2006, and Ginsburg 2011), others term it as marking a complete social structure which does not necessarily mean a lack of governance (Mishali-Ram 2011). Yet another group of scholars maintains that *pashtunwali* is essentially an outcome of the deep-rooted patriarchy in the Pashtun community, as it serves, they argue, the interests of the men only (Moghadam 1999 & 2002, Riphenburg 2003, Drumbl 2004, Jacinto 2006, and Sierakowska-Dyndo 2013). For instance, Moghadam (1999:176) argues that by virtue of the organization of Pashtun society along patrilineal lines, women and children become property of men. Assimilated into men's property, women become objects of control for men. This further implies gender segregation and male dominance, both of which contribute to violence against women in the event of a breach or a challenge to this established social order. Similarly, Jacinto (2006:13) is of the same view and maintains that *pashtunwali* essentially turns women into transferrable property, which is owned by men. Following this, *pashtunwali* has specific gender implications for both men and women, wherein it serves as a cultural resource for men to not only justify the subjugation of women, but also to treat them in ways that perpetuate and bolster *pashtunwali* as a

⁶ For the purpose of this thesis, I deal with only those guiding principles of *pashtunwali* which are relevant in the context of *swara*; these include *namos* (honor), *badal* (revenge), and *ghairat* ("bravery").

cultural resource for men. While the patriarchal understanding of *pashtunwali* remains unchallenged, Drumbl (2004:132) sees the patriarchal basis of *pashtunwali* and the resulting in male dominance in Pashtun society as an outcome of the emergence of *pashtunwali* from a culture of war. Particularly, in the context of Afghanistan, scholars disagree in providing an explanation as to whether or not the code of *pashtunwali* has become more central to the Pashtun way of life after the intervention of international forces in 2001, or if its centrality to Pashtun society has declined since then. Olivier Roy (2004) claims that the Taliban rejected the code of *pashtunwali* based on it being “un-Islamic.” Johnson and Waheed (2011), on the other hand, contend that the code of *pashtunwali* became more important in the Afghan Pashtun community during the Taliban regime, where they used it in their *taranas* (chanting) “to encourage the Pashtun to protect Afghanistan” (pp.23). Hayaud-Din (2003) is of the same view, maintaining that the code of *pashtunwali* has become more important to the Afghan Pashtun community, as it serves a “cultural resistance towards modernization and Western ideals” (pp.28).

While the concept of honor is central to *pashtunwali*, the latter has also been understood as an important customary social justice system aimed at resolving conflicts in the community (Kakar 2003). Schmeidl and Karokhail (2009) maintain that there are two important implications of *pashtunwali* as a social justice system: first, “it is based on communal/collective rights approach, where peace between communities is more important than the rights of individuals;” and second, it focuses on restorative justice rather than retributive justice (pp.321). The code of *pashtunwali* as a social justice system has come under stringent scrutiny. Some scholars denounce *pashtunwali* by associating it with religious fundamentalism and find it necessary that if development to be brought to Afghanistan “the *pashtunwali* needs to be eroded altogether in the long run” (Jagadish 2009: 44). Jagadish has an issue with the whole social structure of

Pashtun society and claims that “the best long-term strategy, [instead], is to erode the tribal structures altogether” (pp.47). Others criticize *pashtunwali* considering it “misogynic” and thus hold it responsible for the violations against women’s rights in Afghanistan. Jacinto (2006) maintains that *pashtunwali* is an outcome of the deep-seated patriarchal structures in Afghanistan and that it “essentially views women as chattel” (pp.10). Similarly, Drumbl (2004: 352) asserts that “the *pashtunwali* creates a situation of sexual terror” as a social justice system when women are used for the purpose of establishing peace in the community.

These explanations of *pashtunwali* in terms of gender make it essentially a masculinist construct that serves the Pashtun men’s interests and relegates the women bear the brunt of fixing men’s mistakes. Leiven (2009) maintains that the code of *pashtunwali* provides general guidelines for how to be “manly”, as it encourages, he argues, “a hysterical vying for supremacy among individual males” (pp.339). Similarly, Dupree (cited in Synnott 2009) describes *pashtunwali* as a “tough code for tough men” (pp.108) and that it requires of men to keep up with the ideals of bravery to prove their manliness. Kakar (2002:2) asserts that *pashtunwali* is essential to the Pashtun identity to the extent that distinction is not made between *pashtunwali* and being Pashtun. Other scholars assert that *pashtunwali*, as a masculine code, is to be blamed for the widespread violations of women’s rights in Afghanistan (Rippenburg 2003 and Moghadam 1999), as women are “incorporated into the idea of property and belong to a male” (Moghadam 2002:20). Others, on the other hand, hold economic instability and illiteracy responsible for the ill-treatment of women under *pashtunwali* and claim that literacy and economic stability will lead to positive modifications in the code (Ginsberg 2011:111). Some scholars, however, term it an over simplistic understanding of *pashtunwali* and doubt if literacy

and economic stability would have a great impact on altering the code of *pashtunwali* in favor of women (Wexler 2011:125).

Key Guiding Principles of *Pashtunwali*

While it is not possible to provide a concrete set of guiding principles of *pashtunwali*, as they vary among regions, here I provide an overview of the literature on some of its guiding principles that are pertinent to the discussion on conflicts—particularly blood feuds—and their resolution in the Pashtun society. For this purpose, I am only concerned with literature on honor (*namos*), revenge (*badal*), and “bravery⁷” (*ghairat*).

Honor

The concept of honor, particularly in the Mediterranean context, has been explored to a great extent in social sciences. Honor has been understood to be at the centre of social structure in the Muslim world (Abu-Lughod 1985, Ruggi 1998, Awwad 2001, Baxter 2007, Naji 2012, Khurshid 2012). Most of the work dealing with the concept of honor agrees that it is a social construct and, thus, can only be explored effectively by not only locating it in its specific culture but also taking account of the time (Peristiany 1966, Stewart 1994, Baker et al. 1999, Kollmann 1999). In this way, the concept of honor is difficult to define, and different scholars have provided different definitions of it based on their understanding of it. However, most of the definitions agree that honor operates at both personal and communal levels. Julian Pitt-Rivers (1966) provided one of the concrete definitions of honor: “honor is the value of a person in his own eyes, but also in the eyes of his society. It is his estimation of his own worth, his *claim* to pride, but it is also the acknowledgement of that claim, his excellence recognized by society, his

⁷ The term *ghairat* is difficult to translate into a single word as it involves a number of actions and behaviors; however, I am using it here in its common understanding of bravery entailed by the preceding actions and behaviors.

right to pride” (original emphasis) (pp.48). Similarly, Frank Stewart (1994) identifies two related meanings of honor: internal and external; the former being one’s self-evaluation of being worthy of respect, and the latter being how community values one’s respect (pp.13). Nancy Kollmann (1999) makes the same argument about the personal and communal facet of honor, as she contends that honor “shapes both personal identity and place in community” (pp.25). The personal and communal facets of honor are complementary, rather than mutually exclusive. It is, however, the communal facet of honor that tends to inform the personal facet of honor. In this way, honor has been understood in terms of conforming to social norms that bestow virtue and respect on individuals. Compliance with social norms not only allows one to maintain membership in a specific community but also brings respect to the compliant. Max Weber (1958) sums it up nicely: “status honor is normally expressed by the fact that above all else a specific style of life can be expected from those who wish to belong to the circle” (pp.58).

The association of honor with women has led some scholars to explain it in terms of property or a commodity. Suzanne Ruggi (1998) notes for Palestine that “a woman’s honor is a commodity which must be guarded by a network of family and community” (pp. 13). Here, once again, the idea of honor as a property operates both at individual and communal levels. That is to say, while honor as a property might be held individually, it belongs to community, as Joanna Bond (2012) contends that “honor property is held collectively by a family and controlled largely by male members of the family” (pp.203). Bond further argues that the embodiment of honor in women makes them a form of property which by implication, she argues, “reinforces power relations in society” (pp.204-208). On the contrary, Bourdieu (2001) explains honor associated with women among the Kabyle people in terms of “symbolic capital” and as a source of accumulation of “social capital” (pp.45). Honor in the Muslim world has often been associated

with men's control of women. Moghadam (2002) argues that by virtue of being at the center of the honor code, "Women are subject to forms of control and subordination that include restrictive codes of behavior, gender segregation" (pp.20). She further maintains that women's segregation is central to an honor-shame complex, which in turn leads to women's subjugation. Similarly, Bates and Rassam (1983) note for the Middle East that the "linkage between familial honor and control over women" demand that women be segregated and shunned from the public sphere (pp.218). Rubenberg (2001:43) is of the same view and contends that in the Middle East honor is crucial to gender identity and that it essentially leads to gender oppression. In the same way, associating the honor code with women's subjugated status in the Middle East, Abu-Rabia-Queder (2008:215) argues that "being an honorable woman means conforming to feminine norms: being passive, hidden, unseen." The association of honor with men's control of women has an implied proposition regarding women's agency; that is to say, that the honor-shame complex lends women a passive role to be controlled and subjugated. However, this understanding of the honor-shame complex has been challenged by many. For instance, Lila Abu-Lughod (1990) notes for the Awlad 'Ali Bedouins of Egypt that how by working within honor-related cultural framework the Bedouins women challenged and resisted the gender power structure of the society. Similarly, Saba Mahmood (2005) notes about the Muslim women's Mosque Movement in Egypt that by working through within cultural limitations, the strategies of the Mosque Movement's participants were a manifestation of women's agency that allowed them to negotiate their roles and status as women in the Egyptian society. Diane Baxter (2007:747) has similar observations about Palestinian women, where "women are not" Baxter argues "bit players in a male drama, but principal actors" in the honor-shame complex.

The Pashtun concept of honor has been understood in the same way regarding its association with men's control of women. Benson and Siddiqui (2014:116) provide a broader understanding of honor among the Pashtuns and maintain that “abiding by principles of *pashtunwali* brings honor” for men. Ginsberg (2011:91) follows the same line of argument and considers *pashtunwali* as a “code of honor rather than a legal code. Ginsberg further notes that the Pashtun men can have lost honor restored by resorting to different principles *pashtunwali* (pp.101). As has been noted for the Middle East, women are also at the center of the concept of honor among the Pashtuns (Ginsber 2011, Tapper 1984, Boesen 1979). Tapper's (1984) understanding of women in the Pashtun concept of honor is similar to that of Joanna Bond's (2012) idea of honor as property. Tapper notes for the Durrani tribe of Afghanistan that “[t]he members of the community discuss control of all resources—especially labor, land, and women—in terms of honor... [whereas] “community” is the community of men, and “women” are assimilated in the concept of “resources” (pp.304). Being able to control women and keep them within the home brings high prestige (Boesen 1979:233). Wexler (2011: 117) has the same view about the concept of honor as essentially subjugating women and argues that the Pashtun conception of honor “not only promotes women's subjugation but also places them at risk of violence.” Wexler also observes that in the Pashtun concept of honor, men have the active role while women have the passive role, as he argues that “men can both enhance and degrade their families' honor... women tend only to maintain the status quo or to bring dishonor to the family; in particular, women can do little outside their home or regarding their chastity to enhance their families' honor” (pp.123). If harmed or threatened, honor among the Pashtuns has notoriously been associated with resorting to violence for its restoration. In fact, Ginsberg (2011:114) associates the prevalence of conflicts in Pashtun society with norms of honor. While Benson and

Siddiqui (2014) maintain that restoration of honor in Pashtun society primarily requires resorting to violence, Ginsberg (2011:114) negates this and points out that honor, being fungible among the Pashtuns, can be restored through both violence and material compensation.

The concept of honor in the context of feuding has received greater attention and is considered at the centre of feuding (Elster 1990). Jon Elster argues that most feuding begins through an insult to honor, and that in case of feuding honor is zero sum and “one achieves honor by humiliating others: what is lost by one is gained by the other” (pp.867-869). Elster further argues that by introducing the idea of honor into a conflict, the involved parties change the nature of the conflict by making it more about honor than about the original issue that led to the conflict in the first place. The introduction of honor into a conflict, Elster contends, is beneficial for the involved parties in a sense that the dispute between them is then deemed “justified” by the community. Andrew Shryock (1988:115) notes a similar observation for blood feuds in Albania, where individual autonomy could be meaningfully upheld through the protection of honor in the context of feuding. While in inter-personal feuds it is personal honor that is at stake and is thus in need of protection, communal honor takes precedence in inter-lineage feuds (Evans-Pritchard 1940, Fry and Miklikowska 2010). For this reason, Fry and Miklikowska (2010:124) argue that inter-lineage feuds are easier to resolve because of the self-transcendence values that call for solidarity between lineages for the sake of their interdependence. Evans-Pritchard (1940:278), on the other hand, takes a different point of view and notes for the Neur community that feuds that involve different villages are harder to resolve than those involving men from the same village.

Manifestation of Honor in Feuds and in their Settlement Process

From the above discussion of how *pashtunwali* is primarily associated with the idea of honor and how honor is at the centre of most feuds, it seems logical to infer that honor is the main driving force behind feuds among the Pashtun. My data suggest that the concept of honor manifested differently in various stages of feuds in the studied cases. It was during the feud—in the form of revenge—and in the settlement process that participants explicitly talked about honor. The emergence of disputes was talked about not so much in terms of honor, but as if they were an inevitable, natural thing to have had happened. During feuds, the concept of honor played an important role in terms of revenge and disputants' ability to protect property. By virtue of resorting to seeking revenge and the risk involved of a rival acquiring land or other property, honor during feuds played a negative role in making the feuds worse. Primarily it was the attempt of restoring honor through seeking revenge where the concept of honor manifested more strongly in feuds. This negative role of honor manifested during feuds in the studied cases in the shape of another important guiding principle of *pashtunwali*, called *ghairat*, which is discussed in the next chapter. While the negative role of honor in shape of *ghairat* and its intrinsic relationship with revenge tends to contribute to the perpetuation and longevity of the feuds in the studied cases, in the majority of the cases participants could not prolong their respective feuds because of the impending fear of losing all men and property. For instance, in Cases 2, 3, and 4, the parties had to settle their respective feuds because they had incurred huge economic or human loss and could not afford to lose any more. In this way, concern for losing land and/or all men of the family surpassed the concern for protecting honor through seeking revenge and continuing feuds.

It was during the settlement process where the idea of honor manifested most significantly. In the settlement process, as I show below, the idea of honor would be provoked to settle a dispute. The invocation of honor in the settlement process would facilitate the resolution of feuds rather than escalating them, and in this way honor played a positive role in the settlement process. By “positive role” of honor I do not mean to suggest that the overall role of honor had positive consequences and implications for all participants involved in disputes; instead, by it I mean that the invocation of honor in the settlement process achieved the objective of resolving disputes, for which it was invoked in the first place. This positive role of honor in settlement processes, however, varied across inter-lineage and intra-lineage interpersonal disputes. It would be invoked very differently in the settlement process of inter-lineage and intra-lineage interpersonal disputes. One of the key factors that led to this distinction is the shifting loci of where honor would be considered to reside and whose honor would be considered to be of paramount importance, needing to be protected the most. The distinct role of honor in inter-lineage and intra-lineage disputes indicates the contextual nature of honor. As the forthcoming discussion will illustrate, lineage honor was the most treasured kind of honor which would take the front seat in inter-lineage interpersonal disputes. Both in inter-lineage and intra-lineage interpersonal disputes, lineage would take up the role of that of a family in which the actions and behaviors of individual members would be considered to have direct or indirect consequences for the whole lineage. It is important to point out that only personal and family honor would be invoked during feuds for justifying the revenge of a murder. Revenge would alter the honor equation between disputants; a party exacting revenge would restore its honor and at the same time would cause the rival group to lose it. Exacting revenge would be described in terms of personal worth and as a masculine quality, as a *jirga* member described one who could not seek

revenge to be a “woman.” However, as the following paragraphs will show, once the settlement process would start, lineage honor and harmony would take precedence over personal and family honor. Before embarking on a discussion of honor in inter-lineage and intra-lineage interpersonal feuds, it is necessary to outline the difference between the concepts of *korenai* and *qaum* in the research setting.

The Concepts of *Korenai* and *Qaum*

All the men belonging to one’s lineage are referred to as *azizan*, which means dear or loved ones. The same term *azizan* is used for male patrilineal parallel male cousins, who are considered to be the closest ally. There is a distinct categorization in terms of who are considered to be part of the household, called *korenai*, and thus eligible for one’s support in times of trouble, and who are considered to be outside of a *korenai*. In essence, *korenai* can be understood as a minor lineage segment. While who constitutes a *korenai* is not fixed, it usually contains patrilineal grandparents, parents, brothers, sisters, patrilineal uncles, and male and female patrilineal parallel cousins living in the same household. It is important to note that the idea of *korenai* is spatial-dependent, as it is important (but not necessary) that in order for the above mentioned kin members to be considered part of a *korenai* they must be living in the same household. Male patrilineal parallel cousins living in the same household have greater unity among them. Participants would usually refer to patrilineal uncles and male patrilineal parallel cousins as part of their *korenai* if the former would either be part of the same household or live close by. Although patrilineal uncles and male parallel cousins living away would also be referred to as part of a *korenai*, this reference would be symbolic in nature. While it would be considered an obligation to standby one’s patrilineal uncles and male patrilineal parallel cousins in times of trouble, no such support would be expected in case of the latter living away. This was

also the case for one's father and brothers; living away would ease one's obligation of standing by one's father or brothers in times of trouble. Similarly, in case of a dispute with a patrilineal uncle, male patrilineal parallel cousins, father or brothers, they would not be considered part of a *korenai*. In fact, a dispute with any of these mentioned kin members would qualify them as the worst enemy. This makes the relationship between members of a *korenai* a precarious one, as they can easily turn from best allies to worst enemies. Here, once again, the spatial aspect was important. The farther away any of these kinsmen would live, the less likely it would be for a dispute to arise between them. While in theory, grandfather, father, brothers, patrilineal uncles, and male patrilineal parallel cousins would be classified as part of one's *korenai*, in practice it was spatially defined as well as dependant on the nature of relations between them. One of the important implications of this shifting definition of *korenai* is that, in the event of a dispute, it makes the family a mobile entity, which makes people draw on their lineage, called *qaum*.

As much as the definition of *korenai* is flexible, the concept of *qaum* is more clearly defined with distinctly marked boundaries. People belonging to the same patrilineal lineage are considered part of one's *qaum*, and are thus called *azizan*, dear ones. The relationship with *azizan* is described as that of *rorwali*, brotherhood. Unlike *korenai*, there are no spatial restrictions on someone belonging to a *qaum*. While usually people of the same lineage live in the same locality, men of the same lineage living away are considered as much members of a *qaum* as those living close by. This has an important implication for the men belonging to the same *qaum* in the event of an inter-lineage interpersonal dispute, as support is offered by fellow men of the same *qaum* even to the one living away. The clearly defined nature of *qaum* also has a positive implication for intra-lineage interpersonal disputes, as in the event of such a dispute the involved parties are considered by the lineagemen as equally related, thus making them

unable to support one party against the other. Being unable to take a side in intra-lineage interpersonal disputes, men of the same *qaum* play the role of mediators and help settle the dispute. Although mediation of fellow men of the same *qaum* in disputes between members of a *korenai* is considered an intervention in a private family matter, such mediations are common and are usually justified in terms of greater lineage interest and harmony. In the same way, intra-lineage interpersonal disputes are considered the private matter of a *qaum* and attempts are made to settle before anyone from the outside intervenes.

Honor as a “Positive” Negotiation Tool in Feuds

As mentioned above, the idea of honor plays an important role at the resolution stage of disputes. Honor is invoked in the settlement process very differently in inter-lineage and intra-lineage interpersonal disputes. While in inter-lineage interpersonal disputes it serves as a negative negotiation tool—where each party emphasizes their loss of honor and demands greater compensation, or rigorously resists compensating the offended party—in intra-lineage interpersonal disputes it serves as a positive negotiation tool—where disputants tend to forego the discussion of loss of honor for the greater interest of the lineage harmony.

A dispute between members of the same *korenai* is considered a private family matter and any intervention from any outsider—even from elders of the same lineage—is considered an intrusion on family matters. In practice, interventions from elders of the lineage are common in disputes between members of the same *korenai*. Such interventions are, however, strictly curtailed at a macro level of *qaum*, where elders or leaders from another lineage are strictly prohibited to interfere. In order to ensure that no such interventions are made by anyone from another lineage, elders and leaders of the lineage are quick to offer their role as mediators to resolve interpersonal disputes within the lineage.

In Case 2, for instance, *jirga* members could not approach disputants directly, since they were brothers and belonged to the same *korenai* (although they had separate households), but they did approach the father of the disputants to ask his sons to settle the dispute, as it was “harming the lineage.” In this case, it was the father of the disputants who played the role of a mediator. While, for *jirga* members, the main issue of concern in this case was the honor of overall lineage, for the father and brother (Israr⁸, who was not involved in the dispute) of the disputants, the key issue of concern was the honor of the *korenai* and the fear of having to be responsible for Shafiq’s wife and daughters in case Shafiq had died in the dispute. Ensuring that people from other lineages do not interfere in an interpersonal dispute of a lineage is one of the reasons that elders and local leaders intervene even in disputes between members of an immediate family. It is, however, important to point out that elders and local leaders would acknowledge that disputes between members of the same *korenai* are a private family matter. They refer to such disputes as *korenai lanja*, a family dispute. Any intervention in such disputes from local elders and leaders is considered to be akin to an intervention by someone from another lineage in an intra-lineage interpersonal dispute; that is, intervention in a private matter of the *qaum*. Despite framing disputes between members of the same *korenai* as a private family matter, local elders and leaders justify their intervention in such disputes by describing the latter as an issue of *qaum*, that is, of the lineage. Local elders describe disputes between members of the same *korenai* as *da zamong da kor lanja da*, which means “it is our family dispute.” Here it is important to emphasize that the use of the term *kor*, which literally means home or household, instead of *qaum* (lineage), implies that in relation to people of other lineages, an interpersonal dispute within a lineage (no matter whether between members of the same or different *korenai*)

⁸ All names have been changed

is considered to be akin to a dispute between men of the same *korenai*. Consequently, intervention from someone of another lineage qualifies as an invasion of the private family sphere. Furthermore, framing disputes between members of the same *korenai* as a dispute of *qaum* serves two important functions: first, it paves the way for local elders to intervene in such disputes; and second, it sends a message about the unity and harmony of the lineage.

In intra-lineage interpersonal disputes that do not involve members of the same *korenai*, it is much easier for local elders and leaders to intervene. The difference, however, is that in such disputes any member of the lineage can play the role of a mediator, which is typically avoided in disputes between members of the same *korenai*. In order to resolve such disputes, they are, once again, framed as a family matter. Disputes within a lineage—those between members of the same *qaum*—are clearly distinct from the ones between members of the same *korenai* in the sense that while in the former it is local elders and leaders who wield more negotiation power, in the latter it is the disputants who wield more negotiation power. For instance, in Case 2, the disputants reached a settlement decision that was desired by both parties. Shafiq, his father, and his brother, Israr, wanted to provide a maximum number of girls in *swara* to the victim party. The *jirga* accepted this arrangement and asked Shafiq to provide three in girls in *swara*, although such *swara* arrangements are not common. This difference in disputes between members of the same *korenai* and members of the same *qaum*, in terms of who wields more negotiation power, is both a deliberate and strategic one. It is deliberate in the sense that an underlying distance is kept during interference in disputes between members of the same *korenai* by allowing them more negotiation power so as to acknowledge the private nature of the dispute, albeit in a very limited sense. The difference is strategic in the sense that while disputes involving members of the same *korenai* are considered to be more secure against outside intervention, because they operate at

both *korenai* and *qaum* level; intra-lineage disputes that do not involve members of the same *korenai* are more susceptible to outside interventions because they involve one “layer of protection”, that is, *qaum*. In this way, the greater susceptibility of intra-lineage disputes that do not involve members of the same *korenai* to outside intervention makes it easy for the elders and leaders of the lineage to intervene for the settlement of such disputes. Such was the case in Case 3, where the dispute was between members of the same lineage, but they did not belong to same *korenai*. The settlement process for this dispute was initiated by local elders of the same lineage. In this case, the *jirga* members not only found it easy to intervene, but also experienced greater flexibility on the part of the *swara*-providing side in accepting the demands of the offended family.

In intra-lineage disputes—whether between members of the same or different *korenai*—the idea of *namos*, honor, is primarily brought up in terms of outside intervention in these disputes. Honor is not invoked as a settlement criterion to determine the guilty and offended party in a dispute, that is to say, to determine which of the two parties has suffered greater loss of honor. Instead, it is invoked positively to get the disputants to the negotiation table and to reach a settlement of the dispute that is acceptable to both parties. It is important to point out here that honor is positively invoked in the settlement stage of disputes. During the active stage of disputes, before intervention of the local elders and leaders, honor plays the role of a catalyst in a sense that dishonoring a party provokes retaliation that, in turn, leads to the perpetuation of the conflict.

While *swara* is considered to be an “honorable” settlement mechanism in both inter-lineage and intra-lineage disputes, it is primarily in intra-lineage disputes—particularly the ones between members of the same *korenai*—in which the idea of *swara* as an “honorable” settlement

arrangement is stressed. Given this, it is more likely for intra-lineage disputes to be settled through *swara* as compared to inter-lineage disputes (this is also reflected in the studied sample of six cases, where in four cases the dispute was between members of the same lineage, and in two cases it was between members of different lineage). Furthermore, in intra-lineage disputes, it is the ones between members of the same *korenai* which are more likely to be resolved through *swara* as compared to those which are between members of the same *qaum*. It is, however, difficult to validate this hypothesis from the studied six cases. The reason for this is that while in theory, Case 1, 2, and 5 can be classified as disputes between members of the same *korenai*—as the disputants in these cases were either brothers (Cases 1 and 2), or male patrilineal parallel cousins (Case 5)—in practice, none of these cases qualifies as disputes between members of the same *korenai* because they belonged to different households. In general, however, the *swara*-providing parties in these three cases (Cases 1, 2, and 5) were more willing to provide girls in *swara* as compared to cases where the disputes were either between men of the same *qaum* (Case 3) or between men of different lineages (Cases 4 and 6). As already mentioned, particularly in Case 2, it was Shafiq, the father of the girls given in *swara*, who, with the advice of his father Nawaz, provided the maximum number of three girls in *swara* to the offended family. Shafiq explained his willingness to provide the maximum number of girls in *swara* by describing the *swara* marriages as “reestablishing his *rorwali* (brotherhood)” with the rival party. Similarly, in Case 5, the *swara*-receiving party was able to acquire a girl in *swara* despite the fact that it was the weaker party in the dispute—which is a key factor in influencing *jirga*'s decision. The primary reason for the *swara*-receiving party to be able to receive a girl in *swara* in this case was that the disputants belonged to same *korenai*. Given that FBD marriages are preferred and common in the community, when a dispute arises between members of the same *korenai*, it is

considered to be an “opportunity” for the “ideal” pattern of marriage to take place. *Swara* marriages among patrilateral cousins in particular, and within the same lineage in general, are considered to be “honorable” resulting in the “ideal” pattern of marriage, and that the lineage honor (women) has been retained and not imported to other lineage. A local leader described *swara* marriage between members of the same lineage as “the only honorable way to mend relations.” While this understanding of *swara* marriages clearly serves men’s interests by upholding the honor-shame complex from the men’s perspective, it certainly comes at cost of the women’s well-being, as it shifts the heaviest burden on them.

In inter-lineage disputes, on the other hand, the idea of *swara* as an “honorable” settlement arrangement plays out differently. In such disputes, *swara* is particularly considered to be an “honorable” settlement arrangement by the offended party. The guilty party, on the other hand, considers *swara* as the “best” of the available options to settle a dispute. Although the guilty party, along with *jirga* members from its lineage, tries to push for settlement arrangements that do not involve giving *swara*, they still prefer it to the two other possible options of dispute settlement: forgiveness (*bakhshesh*) and blood money (*diyat*). Both of these alternative options are not considered to be successful in ending feuds forever. The option of forgiveness brings shame for the offended party in a dispute and thus this option is not preferred. Blood money, on the other hand, is usually rejected by both guilty and offended parties in a given feud. While the offended party rejects receiving blood money because it will bring shame to the family—as receiving it is considered to be akin to “selling one’s kin’s blood”—the guilty party does not prefer giving blood money to the offended party because it fears that the offended party might use it for hiring someone to kill men from the guilty party. Participants recalled a few disputes in the past which were settled through blood money, but the settlement did not last long

because after a few years the offended family had used the blood money to hire someone to kill men from the guilty party. A local leader described a case which occurred about fifty years ago when his father was a local leader, *malek*. This case involved a dispute between members of two different lineages and had gone on for several decades. The dispute was settled through giving two girls in *swara* and three exchange marriages between the disputants along with the guilty party providing blood money worth the value of fifty sheep to the offended party. The settlement of this dispute, according to the local leader, did not last long, and after a year the offended family killed two men from guilty party while they were visiting the village of the offended family. The local leader commented that this would not have been happened, had the guilty party provided one or two more girls in *swara* instead of giving blood money. In two of the studied cases (Cases 4 and 6), neither of the guilty parties provided blood money of any amount, neither did the offended parties demand any amount of blood money in addition to the girls they received as *swara*. The *swara*-receiving side in Case 6 described receiving *swara* as an “honorable” settlement. For the *swara*-receiving party in this case, *swara* was an “honorable” arrangement primarily because it meant that they were able to “take away” a woman from their rivals, as Javed described it to be “a matter of honor to have taken away [his] enemy’s daughters.” In Case 4, on the other hand, the *swara*-providing side considered giving a girl in *swara* as the “best” available option, because the preceding dispute had drained their financial resources leaving them unable to provide any amount of blood money to the offended party. On the surface, it appears as if the girl given in *swara* in this case was treated as a replacement for the blood money, but taking into account the symbolic capital (honor) that the women given in *swara* bring with them for the men, the provision of the girl in *swara* in this case was more about

her value as symbolic capital rather than economic capital, a discussion I return to in chapter 6.

Fighting as a Disgrace, Dispute Settlement as an Honorable Act

Case 3 is an example of how honor plays a “positive” role in settling disputes among men of the same lineage. Once again, the “positive” role of honor is limited to the extent of mere settlement in the given case, as honor and its restoration through *swara* had certainly negative consequences for the girl who was given in *swara*. In Case 3, the “positive” role of honor in the settlement process becomes more obvious from the reconciliation efforts and convincing process of the local elders to bring the disputants to the negotiation table. The local elders tried to convince both parties by invoking the concept of *namos* (honor). They would bring up the idea of lineage honor to convince the disputants to settle their dispute, as Jalil recalls one of the local elders convincing him to settle the dispute he was involved in:

They [local elders] said “we know they [the other party] are at fault...don’t fight like women. Such things [disputes] happen within family, but don’t let it [the dispute] compromise *our* honor.” (My emphasis)

By “our honor” the local elders meant honor of the whole lineage. The invocation of lineage honor in terms of the dispute posing risk to it seems to be a deliberate effort on part of the local elders to term fighting as a disgrace. In the same way, it implied that settlement of disputes and living in peace with one another is an honorable thing to do. This approach to the settlement of disputes is clearly in line with Keiser’s (1986) observation about the Kohistani Pashtun people in Pakistan, where disputes would lead to lessening one’s prestige in the community. However, it is completely different from the Kohistani Pashtun’s concept of associating disputes with disgrace in the sense that here it is thought to be disgraceful for the whole lineage, and not just for the men involved in the dispute. To further elaborate, in the above case, honor was invoked merely for the purpose of the settlement of the dispute; that is, to bring the disputants to the negotiation

table. The above mentioned statement of a local elder indicates that while the burden of disgrace is put on the individual men involved in the conflict, the real strength of that burden is emphasized by extending the idea of individual honor to honor of the whole lineage. In this way, honor works as a double edged sword in the sense that it is associated with individual men, yet, if challenged or threatened, it has implications for the whole lineage.

In the above case, honor was invoked positively in the settlement process to resolve the dispute. Instead of emphasizing honor in terms of who lost or gained it during the dispute, it was invoked in general sense without specifying who lost or gained it so as to imply that both parties were risking the lineage honor regardless of the personal honor of disputants. The invocation of honor in the dispute settlement process was talked about only in relation to men, not women. This implies that although women are a *source* of honor for men and lineage, they do not *hold* honor in themselves. The invocation of honor in a positive sense in the above case is also obvious from the association of fighting with a feminine act. This once again was an attempt on the part of local leaders to challenge the external aspect of honor of the disputants (Stewart 1994), and thus to get them to settle their dispute.

The idea of lineage honor and its protection or restoration was clearly dealt with from the perspective of men involved in the dispute. Given this, the invocation of honor in the given case served only that aspect of honor which was concerning the men. By ignoring the implications for the girl given in *swara*, the *jirga's* decision of *swara* put the heaviest burden of protecting family honor on the girl given in *swara*, as she was expected to play the role of a “respectable” girl and to prove herself as the daughter of a *ghairatmand*, brave, father by staying obedient and submissive to her in-laws. The burden of playing the role of a respectable woman is only one aspect of the burden placed on women given in *swara*, as it is from the perspective of the men

and not the women themselves. The invocation of honor in a positive sense for the settlement of a dispute comes forth even stronger during *jirga* sessions that are held for resolving interpersonal disputes within a lineage. In such *jirga* sessions, it is the resolution of the dispute at hand which is the most important task no matter how it is achieved. The resolution of the dispute at hand is considered vital for the protection of lineage honor. The greater emphasis on the resolution of the dispute at hand to protect lineage honor, however, has an underlying implication in terms of negotiation powers. While on the outside it appears as if *jirga* members hold more negotiation powers in terms of convincing parties involved in a dispute to settle their dispute and to reach an agreed upon resolution of the dispute, the greater emphasis on the mere settlement of the dispute at hand gives more bargaining power to the disputants, particularly to the offended party. The above mentioned case is one such example. In this case, although one of the local elders had told Jalil during the *jirga* session that he knew that Qadir's family (the other party) was at fault, the *jirga* later reached the opposite conclusion and Jalil was found to be guilty. The primary reason the *jirga* reached the conclusion that Jalil was guilty in the given case was that the main concern for the *jirga* members was the mere settlement of the dispute and Jalil, being the weaker of the two parties, made it easy for the other party to successfully demand for a girl in *swara*. One of the *jirga* members who was a part of the *jirga* session for this case refused to go into details about how the *jirga* determined the offended and guilty party. He described the decision of the *jirga* as "it was for the betterment of all." Jalil, however, had a different view about how the *jirga* determined that he was guilty.

Despite the fact that the popular view in the community was that Qadir's family was clearly at fault for seeking the revenge of Qadir's killing on one of Gul's male patrilineal parallel cousins, who was Jalil's son, the decision of the *jirga* exposes an underlying implication

of the leniency of the *jirga* members in terms of accepting demands of the disputants in resolving interpersonal disputes between men of the same lineage. Qadir's family killed one of Gul's male patrilateral parallel cousins, that is Jalil's son, for two reasons: first Gul's father and paternal grandfather were dead and he had no brothers to be killed; second it was an effort on part of Qadir's family to get Gul's patrilateral uncle, Jalil, involved in the conflict so as to perpetuate the dispute and, ultimately, make the local elders interfere for its settlement. It is important to note here that in order for a party to take an issue to the *jirga*, it is necessary to have male members present at the *jirga* to present its case. Considering that, the second reason for getting Gul's patrilateral uncle, Jalil, involved in the dispute makes sense. Once the *jirga* session began, Qadir's family was able to take greater advantage of the flexible nature of the *jirga* as compared to Jalil, primarily because the latter did not have any men available in the family to support him. While Jalil had three sons, his father and paternal grandfather were dead and he did not have any brothers or brother's sons to support him. Qadir, on the other hand, had a father, four brothers and two patrilateral uncles to support his family in the dispute. The lack of men in the immediate patrilineage family rendered Jalil powerless in making any demands. The strong patrilineage family backup allowed Qadir's family to not only influence the *jirga* decision but also to use their greater bargaining power to their own advantage. Insisting on receiving Jalil's daughter in *swara* instead of Gul's sister is an example of how Qadir's family used the greater bargaining power to their own advantage. I say advantage because insisting on receiving Jalil's daughter in *swara* instead of Gul's sister can only be explained by locating it in the context of avoidance of future disputes between Jalil and Qadir's family. The insistence on getting Jalil's daughter in *swara* looks logical when analyzed in terms of a deterrent strategy. Given that Gul had fled and

could not possibly return to the community, receiving Jalil's daughter ensured that Jalil would not try to seek the revenge of his son's killing on Qadir's family.

The fact that in interpersonal disputes between men of the same lineage it is the elders and leaders of the lineage who seem to be more concerned about lineage honor shifts the burden of protecting or restoring the lineage honor from men involved in the dispute to the elders and local of the lineage. In practice, however, the heaviest burden is shifted onto girls given in *swara*, as it is through giving women in *swara* that the lineage honor gets restored. The burden of restoring lineage honor placed on women given in *swara* is not talked about. Instead, women's compliance with *swara* decisions is talked about only in terms of responsibility. Framing the compliance of women with decisions of *swara* in terms of responsibility denies agency to women in *swara* decisions. At the same time, more is expected of women given in *swara* in terms of playing an active role in establishing good relations between disputants. Although this seemingly allows women given in *swara* to play a more active role in post-settlement scenario, such a role is curtailed by the men through complete control over the behavior and actions of women given in *swara*. Men continue to control these women in ways that make it impossible for the latter to play an active role in establishing good relations between disputants. I will return to this point in Chapter 6.

From the perspective of the men, on the other hand, the shift of burden of lineage honor from the men involved in an intra-lineage dispute to the local leaders and *jirga* members of the lineage at the settlement stage allows the former an opportunity to not be concerned about their personal honor, as elders and leaders of the lineage take care of it by terming the whole dispute to be more about lineage honor than it is about the personal honor of the men involved in it. Being less concerned about their personal honor, men involved in a dispute become concerned

more about getting the “best” settlement deal that would diminish or minimize the probability of future disputes between them. It is important to point out here that it is not just the offended party in an intra-lineage interpersonal dispute that becomes concerned more about getting the “best” deal to settle the dispute, as the guilty party also desires so. The “best deal” does not necessarily mean giving or receiving a greater number of women in *swara* to settle a dispute, or even settling it through *swara*. Instead, it is what disputants consider to be an arrangement that will help them achieve their respective desires in a given dispute. While in theory both parties involved in a dispute are concerned more about the settlement of the dispute in the best possible way—because of their desire to attain an honorable status in the community by conforming to the idea that settlement is an honorable act to do—in practice, the rationale behind this concern is quite different for the guilty and offended party. The guilty party in a given intra-lineage interpersonal dispute does not have control over what constitutes as the “best” settlement deal, as the offended party has a greater advantage of having made its demands for a specific settlement deal because of the greater accommodating nature of the *jirga* in such disputes. In this way, the idea of the “best” settlement deal for a guilty party is very much defined by what the offended party considers to be the “best” settlement arrangement.

The above mentioned dispute also unearths the operation of the idea of honor at two different levels in intra-lineage interpersonal disputes. On the one hand, the idea of honor is invoked in a positive sense at a macro level for the greater purpose of protecting lineage honor. The invocation of honor at a macro level greatly influences the process of determining the offended and guilty party in intra-lineage interpersonal disputes. To avoid the negative impacts of invoking honor, the *jirga* ignores discussing the matter of loss and gain of personal honor during the dispute. Instead, the offended and guilty parties in a dispute are determined by

analyzing the reasons that caused the dispute in the first place. Since the gain and loss of personal honor in a dispute is primarily measured by the number of killings on each side, the focus on the idea of honor at a macro level helps settle the original dispute, but leaves the following feud and loss and gain of personal honor unresolved. This is obvious in the above mentioned case where Jalil clearly seemed to be the offended party, as his son was killed by Qadir's family in revenge despite the fact that he (Jalil) was not on good terms with his brother's son, Gul, who killed Qadir. In light of the initial cause of the dispute, however, the *jirga* found Jalil to be at fault. Once again, it is important to note here that the *jirga*'s decision was not based on the fact that Gul had initiated the killings by murdering Qadir; rather, it was based on the reason that Qadir was justified in cutting down the trees. This approach of the *jirga* to settle intra-lineage interpersonal disputes negates, or tends to ignore, the idea of honor as a zero-sum game in disputes. On the contrary, it tends to uphold the idea that for men involved in a dispute, honor is a win/win or lose/lose game in the sense that if disputants in an intra-lineage interpersonal dispute keep on fighting it would be a lose/lose situation not only for the disputants but also for the whole lineage, and if disputants resolve their dispute it would be a win/win situation for both the disputants and their lineage. This win/win aspect of honor is, however, only from the perspective of men, as resolving dispute through *swara* restores or protects only those entities of honor which are related to honor of men in the community. Women given in *swara* are made scapegoats in the win/win aspect of honor in disputes and are utilized as "honor currency" at cost of their well-being, a discussion I will return to in Chapter 6.

The second level at which the idea of honor operates is at the micro level that concerns the personal honor of disputants. As seen in the above mentioned case, the *jirga* tends to avoid bringing the personal honor of disputants into the settlement process. This, however, does not

mean that disputants overlook the matter of personal honor. In theory, disputants are thought to have foregone the matter of their personal honor for the greater interest of the lineage; in practice, however, the greater negotiation power of the offended party in a given intra-lineage interpersonal dispute provides it an implicit opportunity to balance the honor difference that emerged as a result of the feud. Having a strong immediate family backup, the offended is more likely to take an unfair advantage of this opportunity by making certain demands that would otherwise not be accepted by the *jirga*, as is the case in the above mentioned dispute. In this case, the balance of honor between the disputants became more disturbed when Qadir's family demanded Jalil's daughter in *swara* instead of Gul's sister. The demand for Jalil's daughter in *swara* has two practical consequences: first, by making Jalil a part of the settlement of the dispute served as a deterrent strategy; that is, Jalil would not seek to take revenge of his son on Qadir's family because his daughter would be in that family; and second, receiving Jalil's daughter in *swara* served as amassing the "reservoir" of personal honor for Qadir's family. Both of these consequences have a similar purpose to serve in the long run; that is, they serve as deterrence for future disputes between the two parties. It is quite straightforward that providing his daughter in *swara* put Jalil at the back foot by forgoing the intention of ever seeking the revenge of his murdered son and maintaining good relations with Qadir's family, as he put it "I have to do it [maintain good relations with Qadir's family] for the sake of my daughter." Amassing the "reservoir" of personal honor through receiving Jalil's daughter in *swara*, on the other hand, serves as deterrence in a very different way. It guarantees that in the event of Jalil's potential revenge on Qadir's family in future, it would not lead to the loss of honor of Qadir's family, that is to say, it would not be a zero-sum honor game, but lead to a balance of honor between the two parties by virtue of Qadir's family losing the "extra" honor it accumulated by

receiving Jalil's daughter. In any such event, the idea of honor would come into play in a very complicated way, but the overall loser among the men would be Jalil, not Qadir's family. The reason is that exacting revenge would not help Jalil gain any personal honor because Qadir would have lost the "extra" honor that would not transfer to Jalil. The second reason for Jalil's inability to gain any honor in the event of exacting his son's revenge is that given the dispute was already settled by the *jirga*, meaning Jalil would risk his honor in the community. Since exacting a revenge for a previous killing in a settled dispute is considered to be a murder in its own right, doing so would unquestionably qualify one as a guilty party in the following *jirga* session for settling this new dispute.

Chapter 5

The Concepts of *Badal* (revenge) and *Ghairat* (“bravery”) and Their Implications for Feuds

Expanding the discussion on *pashtunwali*, this chapter focuses on two other important guiding principles of *pashtunwali*, the concepts of *badal* (revenge) and *ghairat* (“bravery”), in the context of feuds. This chapter discusses the role of the concepts of *badal* and *ghairat* in the studied cases. The role of these two concepts has been explored in the pre-*swara* scenario of the studied disputes and not directly in relation to *swara* marriages.

Revenge

Revenge is an important aspect of blood feuds. Revenge in feuding societies has been understood as a social norm and thus an obligatory action to resort to in the event of disputes, particularly blood feuds (Elster 1990:866). Contrary to what common wisdom would dictate, most of the scholars agree that revenge does not lead to the escalation of a feud, instead it works to mitigate it. For Amegashie and Runkel (2012:313), revenge plays an important role in mitigation of blood feuds because of its “self-deterrence effect, that is, the fear of an opponent’s desire to exact revenge.” Similarly, Peters (1967) described revenge as a peace restoration mechanism in blood feuds among the Bedouin of Cyrenaica, as he argues that revenge is a “means whereby a settlement of hostilities is made possible...[because] it is accepted that the killings have cancelled each other out⁹” (pp.265).

The mitigation role of revenge in the context of blood feuds has also been noted for the Pashtun society. Benson and Siddiqui (2014:112-113) note for the Pashtun society that *badal* [revenge] in the Pashtun society is a “rational pre-committed strategy” and that “[t]he relative

⁹ In contrast to revenge, other restorative mechanisms have been identified in other cultures, such as Healing Circle among the First Nation people, and *bakhshesh* (forgiveness) within Pashtun culture.

certainty of retaliation achieved by the strong obligation to pursue *badal* serves as deterrent, lowering the probability of aggression.” Benson and Siddiqui describe *badal* among the Pashtun people as “both a right and an obligation” (pp.112). Similarly, Akbar Ahmed (1980:90) argues that the idea of *badal* among the Pashtun emphasizes ends rather than means. Ahmed’s claim is in line with arguments made by others about *badal* being a restorative rather than a retributive strategy (Rzehak 2011 and Coulson et al. 2014). Coulson (2014:137) argues that the concept of revenge among the Pashtun “should be seen as a method of re-establishing and constructing norms and values...[and] a way of addressing perceived social disequilibrium.” Similarly, Rzehak (2011:15) argues that along with restoring the balance between individuals and groups, revenge in the Pashtun society is aimed at restoring men’s honor. The association of revenge with the restoration of lost honor hints at the former being a social norm which becomes obligatory for individuals to hold honor and thus claim their belonging to the community (Weber 1958).

It is important to point out that the concept of *badal* as an important aspect of feuding is not true for all Pashtun communities. For instance, Lincoln Keiser (1986:497) notes for the Kohistani Pashtun people in Pakistan that the peaceful settlement of disputes helps maintain good relations between people. Contrary to others’ association of revenge with restoration of lost honor, Keiser notes that *badal* among the Kohistani Pashtun people results in lessening a man’s prestige in the community and weakening his ability to achieve leadership, as he puts it, “people suspected that a man generally unwilling to forgo personal revenge might not be concerned with group interests” (pp.497). In this way, revenge among the Pashtun people of Kohistan plays the same role of mitigating feuds, but in a different way than described above. The Kohistani Pashtun’s example indicates that although revenge plays an important role in feuding, it negates

the contention that the idea of revenge is an essential part of social life in the Pashtun community.

Ghairat

It is difficult to describe the idea of *ghairat*, as it can comprise a wide range of behaviors and actions. While it is not possible to provide a precise definition of *ghairat*, it can roughly be described as a set of actions and behaviors which are crucial for man's self-worth in society. Most of the time the concept of *ghairat* among the Pashtun has been understood in terms of physical bravery (Edwards 1993). However, while the concept of *ghairat* does include physical bravery, it is just one of many ambiguously defined set of actions and behaviors that constitutes *ghairat*. The concept of *ghairat* is closely associated with the concept of *namos* (honor) in the sense that both determine one's social position in the community. At the same time, both of these concepts are very distinct. Elster (1990:867) argues that *namos* (honor) among the Pashtun can better be described as political honor and *ghairat* as moral honor. Elaborating on the distinction between *ghairat* and *namos*, Elster contends that while the former has to do with personal worth and integrity, the latter is more concerned about communal well-being. In this way, Elster's distinction between *ghairat* and *namos* indicates that the *ghairat* is associated with individuals (only men) and *namos* with community. This further indicates that *ghairat* has consequences only for the individual in question, and *namos* has consequences for the whole community. Further making a distinction between *ghairat* and *namos*, Elster argues that while *namos* is a zero-sum concept where the loss of honor by an individual means the gain of honor for another, *ghairat* is a nonzero-sum game where the loss of *ghairat* of an individual does not mean the gain of *ghairat* by another (pp.868). Accordingly, Elster describes *namos* as a positional good that can be transferred and *ghairat* as a personal good that cannot be transferred.

Ghairat being non-transferrable does not mean that it cannot be lost or gain. Instead, it can both be lost and attained, but at an individual level. This quality of *ghairat* is, however, only true for its physical bravery aspect. For David Edwards (1986:315), “*ghairat* is the quality of one who is capable of protecting himself, his rights and his property”. This makes it possible that *ghairat* be lost and gained by virtue of a man’s ability of protecting his property. Laura Gotkowitz (2003) talks about a similar concept to *ghairat*, called *gente*, in Cochabamba, Bolivia. Gotkowitz describes *gente* as a vague concept that could imply physical courage, but at the same time an innate quality that can also be acquired as well as lost (pp.110). However, there is an important distinction between the concept of *gente* and *ghairat* in that the former can be held by both men and women (Gotkowitz 2003:110), the latter is associated only with men (Edwards 1986:315).

***Ghairat* as Physical Bravery and as a Public Act**

The concepts of *badal* (revenge) and *ghairat* (“bravery”) are intertwined, and upholding the former brings one the title of *ghairatmand* (a “brave” man). As described above, *badal* and *ghairat* are two of the key guiding principles of *pashtunwali*. While the concept of *badal* is straightforward to define—seeking revenge for any kind of offence that is thought to have brought disgrace to the offended man—it is hard to provide a precise definition for the concept of *ghairat*, as it involves an undefined range of actions and behaviors. In essence, however, any action or behavior that lead to one’s (only men) repute in the community can qualify as *ghairat*. It can involve behaviors that are valued in the community, such as being religious, being able to control women of the family (primarily making sure they do not go out unveiled or unaccompanied), being able to defend one’s property, and being respectful to elders. For instance, one participant referred to his son as *ghairati* for his respectful behavior towards elders

in the community. At the same time, participants also referred to one's ability to exact revenge for an offence as an act of *ghairat* (*ghairatmand kaar*), it is also obvious from one of the common phrases in the community that a "*ghairati* (the one having *ghairat*) never spares an offence to be revenged." In this way, the idea of *ghairat* was primarily referred to in two different contexts: one that had to do with one's behavior, and second physical bravery that had to do with one's physical ability to exact revenge and resort to physical violence to protect his property and control women of the family. The first one I call "behavioral *ghairat*" and the second one I call "physical *ghairat*".

It was *ghairat* in its physical bravery sense that the participants would refer more to in the context of disputes in the community. Any man who is able to exact revenge on a killing of any of his male patrilineal kin members would be referred to as *ghairatmand pukhtun*, brave Pashtun. In the context of disputes, a man can attain the title of *ghairatmand pukhtun* by manifesting physical bravery against a male rival only, as the concept of *ghairat*, like other principles of *pashtunwali*, directly applies to men.

Since the broader definition of *ghairat* involves the ability of a man to control women, the concept of *ghairat* does bear some implications for women. These implications for women are either a direct result of a man's compliance with the concept of *ghairat* in matters that are related to women—for instance, in case of adultery or love marriage—or they are an indirect result of a man's compliance with the concept of *ghairat* in matters that involve only men—for instance, blood feuds that often ultimately affect women by virtue of their settlement through *swara*. In the context of a dispute, it is necessary for one to make the revenge of a past killing publically known, only then can he qualify to be called *ghairatmand* in the community.

In most of the studied cases, the participants knew who of the rival party had carried out killings, although as a strategy, men might not make it publically known so as to inflict the fear of revenge on the whole party. This was particularly true for the first killings in disputes. While in all six cases the parties knew who had carried out the initial killing, perpetrators of subsequent killings were not known in all cases; except for Case 6, in which the *swara*-receiving party knew who the perpetrators were of the subsequent killings. Disputants, and everyone else in the community, usually have someone held responsible for a killing in a dispute. This is, however, based on mere speculation about a particular man in a dispute who usually exhibits anger and aggression in public towards his disputant. For Instance, in Case 3, Jalil suspected that his son was killed by Salim's brother, Kalim, because the latter had asserted in the past his intention of exacting his brother's revenge publically a number of times. Similarly, in Cases 1 and 4, one of the two parties in each of these cases strongly suspected particular men of the opponent party for carrying out subsequent killings in these disputes. The *jirga* members and everyone else in the community also base their suspicion of a man to be the perpetrator of a particular killing on his public behavior. However, the *jirga* does not try to find out the original perpetrators of killings in a given dispute, as the dispute at hand is dealt with as a group rather than an individual matter. For disputants, on the other hand, the identification of the perpetrator of a particular killing has importance to the extent that later he is tried to be killed in revenge. Since for a man to be termed by people in the community as *ghairatmand* it is necessary that his act of bravery—particularly revenge—become known to other men in the community, a party publically admits to any killing on its rival's side. But to avoid the risk of being targeted, the party does not disclose which particular man has carried out the killing. This strategy, however, works against the perpetrator party in the sense that everyone in the group becomes a potential victim of

revenge. Except for Case 3, participants in the remaining five cases talked about killings on their respective disputants' side by referring to the perpetrator in terms of their whole group—for instance, they would say “we killed such and such person”—instead of clearly identifying the particular perpetrator.

All men of the family would be shamed for not claiming any revenged killing. Therefore, taking the responsibility for a killing as a group rather than as an individual helps the whole family not only avoid public shame, but also qualifies the family as being *ghairatmand* as a whole. While describing the importance of a revenge to be publically known and for it to qualify as an act of *ghairat* a local leader said: “We do not consider it revenge. It is like attacking someone from the back and then hiding like a cat...the man [revenge seeker] becomes a woman (*khaza*) by putting a veil on his action.” This statement has an important implication for men involved in disputes. It indicates that the “true” revenge is the one in which the revenge-seeker is publically known; however, as mentioned above, in five of the studied cases, there was only one case (Case 6) in which the disputants knew the original perpetrator. In the remaining five cases where perpetrators of subsequent killings were not known, the individuality aspect of *ghairat* and revenge was appropriated to the communal aspect of *ghairat* and revenge. That is to say that instead of revenge-seeking being an act of individual *ghairat*, it was transformed into an act of family/group *ghairat*. This transformation from individual *ghairat* to family/group *ghairat* has a practical advantage for disputants; meaning, it sends the message of unity of the group. In addition, the above statement hints at the cultural construction of gender and violence. The statement indicates the gendered understanding of violence. There is a clear distinction between what kind of violence is thought be masculine in nature and what is thought to be feminine in nature. Any violence that is physical in nature and is carried out publicly against men is

considered to be masculine in nature and is glorified. For instance, none of the participants, except for Case 3, regretted exacting revenge, but rather talked of it somewhat boastfully. On the other hand, any act of violence that is carried out in the private sphere and is not physical in nature is considered feminine in nature. This kind of violence is associated with women. For instance, fights within households are usually associated with women. *Jirga* members use the rhetoric of “feminine violence” in context of intra-lineage interpersonal disputes in an attempt to push disputants toward resolution. Jalil from Case 3 recalled a *jirga* member while convincing Jalil to settle his dispute saying “don’t fight like women.” In this context, the “fight” refers to a brawl between women within a household. One *jirga* member recalled a decade old dispute in which the party who had lost more men had gone into self-imposed exile to avoid any further killings because the party had left a few men; the *jirga* member described men of that party as “they made women of themselves... all of them [the men] were *daosan* (a man whose wife has eloped with someone else).” This description reiterates the gendered construct of violence and dictates that if men were to avoid exacting revenge, and publicly acknowledging it, this avoidance would qualify a man as a woman. At the same time, it also hints at how an inability to control women brings shame to men.

Ghairat in its physical bravery sense does not always require to be carried out public execution, except those actions and behaviors that require physical violence, such as seeking revenge and killing one’s close kin (male or female including son, brother, sister, or daughter) for committing an “honor” crime. Rather, there are certain actions and behaviors that need to be carried out in the private sphere of the home to be recognized as “actions of *ghairat*” (*da ghairat kaar*). This was particularly true for actions and behaviors that concern women directly. For instance, any kind of domestic violence should not be talked about in public, rather “a

ghairatmand man keeps such things inside the house,” as a local leader commented. Talking about women in public is also strictly prohibited and doing so is considered to be “a dishonorable (*beghairat*) behavior.” Here, the term “*ghairat*” takes up a different meaning, which is close to the concept of honor. As hinted at in the above discussion, it is only men who are talked about and considered as constituting family. Although women are considered to be the most important part of domestic life, in public they are not referred to as part of a family; rather, “women are like jewels of the house,” as a *jirga* member commented. This was obvious from the way the participants would describe the fear of “perishing of family” in a dispute in terms of a family losing all the men, not women. It is important to note here that the fear of losing all men in a dispute would not be mentioned in terms of its negative consequences for perpetuation of the kinship group, but in terms of taking care of the women left behind and protection of land and other property. This is evident from Cases 2, 3 and 4, where the disputants framed their concern about losing all the men regarding its negative consequences for taking care of the land and the women left behind. That is to say, participants in these cases said that they feared that losing all men in their respective disputes would have meant that their land and women had no one to protect them. Here, the primary concern was that in the absence of men, the women of the family would have been exposed to outside world, as Shafiq in Case 2 said that he could not let his wife and daughters wander around and be exposed to other people. Although the concerns of losing the men were expressed in terms of protection of the women and land, the implied real concern was regarding killing of the men who are important for feuds. The fear of losing men in terms of their importance for feuds was not expressed openly. This could be understood as face-saving for the men in the sense that fear of having men killed was disguised by expressing concern for the protection of the women and land. Openly expressing the fear of having men killed could have

possibly manifested the lack of *ghairat* in these men. In this way, the concerns over the protection of women and land can also be understood as an attempt of the men to disguise their perceived lack of *ghairat*.

Implications of the Public Performance Aspect of *Ghairat* for Inter-lineage and Intra-lineage Feuds

From the above discussion, it follows that *ghairat* in the context of disputes means that it is carried out in a physical bravery sense, that is, revenge, and that it is performed publically. These two qualities of *ghairat* in the context of disputes make it an exclusively masculine quality. The public performance aspect of *ghairat* in the context of disputes ensures that parties involved in a dispute claim responsibility for the killings they carry out. This has two practical advantages. First, it helps the *jirga* members in the settlement process so they do not have to spend time determining who had killed whom in the conflict at hand. That is not to say that the *jirga* is completely unaware of, or disregard, which party is at fault, as a *jirga* member said “we all know in advance who is at fault.” Instead, as mentioned above, it is to say that the *jirga* deals with parties involved in the dispute at hand as a group. This is evident from the *jirga*'s decisions in all the studied cases. In none of the cases did *jirga* impose any personal punishment on any individual man; rather, in all cases, *swara* was imposed on the guilty parties as a whole. Similarly, in none of the six cases did *jirga* provide any conditions with regard to which girls the guilty parties should have given in *swara* or to which men from the offended parties they should have married. Such arrangements were left to disputants to sort out among themselves. However, the offended party has some say in asking for a particular girl in *swara*, the guilty party does not have any choice in selecting a particular man for the girl to be given in *swara*. The determination of the guilty and offended party in a given dispute is mostly dependant on the

existing knowledge of *jirga* members about the dispute and parties involved in it. In this way, the *jirga* session for a dispute settlement becomes more about dispensing “justice” rather than determining the guilty and victim parties. Despite the fact that the *jirga* knows the offended and guilty party in a given dispute even before the *jirga* session has been called for its settlement—as a *jirga* member said “we all know in advance who is at fault in a dispute”—the final decision of who is guilty and who is offended is not always in line with the initial perception of the *jirga* about guilty and victim parties. The final decision is very much influenced by the social status of the parties involved in a dispute, wherein the *swara*-receiving party often has higher social status than the *swara*-providing party. Except for Case5, this pattern of decision was true for the remaining five studied cases in which the parties with lower social status were the ones that provided girls in *swara*. At the same time, in all the studied cases, it was the parties which had carried out the first killing in the feuds that provided girls in *swara*. One of the reasons that the parties that had initiated the killings were also the ones that had lower social status and thus provided girls in *swara* is that a party that initiates a feud is more likely to have more killings on their side. Also, the initiation of a feud allows the opponent to have a greater “justification” of killing more men from the party that had initiated the feud. Given that, the party that initiates a feud is more likely to incur greater loss of men and material resources, which, in turn, leads to its inferior status in the feud in comparison to the opponent. I return to the discussion on social status and *swara* decisions in the next chapter.

A second implication of the public performance aspect of *ghairat* is that it serves as a surveillance tool in intra-lineage interpersonal disputes against the interference of men from another lineage. In the studied cases, participants from those cases which involved intra-lineage interpersonal disputes (Cases 1, 2, 3 and 5) expressed fear of interference in their disputes from

someone from another lineage. In Case 1, Akmal, the father of the girl given in *swara*, along with a group of armed men, had to accompany his daughter when she was being taken home by the *swara*-receiving party. Akmal explained this in terms of a cautionary step to ensure that no one from another lineage would thwart the settlement process, as he feared that it was possible that someone from another lineage could have attacked the “wedding party” of his daughter. Although not publicly expressed, a murder in a given dispute for which the rival group has not taken the responsibility is suspected by the aggrieved party to have been carried out by someone from another lineage, as it was phrased by a *jirga* member that “the other (*ghair*, someone from another lineage) always waits for such an opportunity.” The suspicion of someone from another lineage interfering in a given dispute was particularly strong in Case 1, where Akmal from the *swara*-providing party said that during the dispute he had suspected that someone from another lineage had been interfering in the dispute. He indicated that he had had rocks thrown at his home several times during the night, which Akmal thought was not something his main rival, Ajab, or his sons, would have done. As mentioned above, since the suspicion of outside interference is not expressed publicly, in the event of a killing for which the rival party has not taken responsibility, the family of the murdered person puts the blame on its rival party with which it is involved in the main feud. As minor disputes among men are common in the community, the party that has carried out the latest killing in a given feud fears external interference, as someone with whom the perpetrator is involved in a minor dispute can take advantage of this opportunity. In Case 2, this fear of outside interference in the feud on part of the party that had carried out the latest killing contributed to its desire for settling the dispute as soon as possible. In Case 2, Shafiq, the father of the girl given in *swara*, described his willingness to settle its nine year old dispute as:

“We had to exact the revenge of killings of Sami and Ali [his sons who were killed in the dispute]...but we could not continue our dispute to go on forever because they [the rival party] were our *azizan* (fellow lineagemen) and anyone from the outside could have taken advantage of our fighting, which would have been very bad for our family.”

The above statement indicates that one of the major motives behind settling the stated dispute was to avoid the potential risk it posed to the unity of the patrilineal kinsmen, if an external interference had occurred. On further inquiry, however, Shafiq’s desire for the settlement of the dispute turned out to be a result of a number of other factors. In addition to having a concern for the unity among patrilineal kinsmen, Shafiq’s desire for settling the dispute was also in part due to the fear of retaliation from the rival group. Since the latest killing in the dispute was carried out by Shafiq’s side, it was expected that the rival party would retaliate to exact the revenge of that latest killing.

***Ghairat* in Relation to Women**

Anyone who tries to take on a woman publicly is readily described as *beghairata*, the one without *ghairat*, “equating oneself with a woman,” as a local leader described it. However, encounters of men and women had increased recently, although not in terms of physical fights between them. For instance, a number of women (usually widows) in the community were suing their fathers or brothers for not granting them a share in the inheritance. The men who had been sued by their married sisters or daughters would be referred to by other men as *beghairata*.

When I inquired as to how the suing of the men by their sisters or daughters qualify the former as *beghairata*, two kinds of explanations were provided: first, that by getting involved with women such men demean their value; and second, that such men failed to control their daughters and sisters which is why they sued them to publicly shame them. The women who sued their fathers or brothers were described as “of bad character” and “who do not care about their family honor.”

This growing trend had to do with the establishment of a state judicial system, which, in theory,

provides women the right to inherit property according to Islamic law; that is, half of the men's share. One of the main reasons why this trend of women suing their fathers and brothers for inheritance was hated by the men is that it brought the performance of *ghairat* vis-à-vis women into the public sphere, which should otherwise be performed domestically. In other words, these women used the cultural resource of shaming men to avoid control, but this came at the cost of women's respect in the community, as these women were not looked upon with respect by the men in the community.

Although women are excluded from the concept of *ghairat*, that is, they do not have *ghairat* in them, actions and behaviors of the women that were commendable in the community as “*ghairat*-inducing” would be praised by terming such women as “daughter of a *ghairati* father” or “sister of a *ghairati* brother.” In other words, although such actions or behaviors of the women would be commended, the credit of doing so would be given to fathers and brothers whose quality of *ghairat* would be considered the main reason of good behavior of the women. For instance, Jalil talked about his daughter who was given in *swara*, noting that she was very respectful towards her in-laws and never complained about them, as he said:

“She is very resilient and never complains about her in-laws because she is a daughter of a *ghairati* father.”

Jalil's statement about his daughter indicates that while the quality of *ghairat* for men primarily means resorting to physical violence, for women, it means to endure whatever befalls them and to live in compliance with norms and practices that help men control women.

Revenge as Deterrent to the Longevity of Feuds, and its Role in Fear of External Interference

Although Shafiq in Case 2 did not explicitly talk about the fear of retaliation or worry of impending revenge, it did come to the forefront when his father talked about how it had become necessary to settle the dispute.

“It was their [the rival party] turn to exact the revenge. At that time I had left only two sons ... We could not afford to lose any more men, that would have perished my family completely... it was better to give them girls in *swara* and settle the dispute than to have lost a human life .”

The above statement provides two important inter-linked implications regarding revenge and *swara*: first, although seeking revenge is an act of *ghairat* and is praised, the fear of revenge serves as a potential deterrent against exacting revenge in the first place; and second, *swara* serves as a face-saving strategy that helps disputants break the chain of seeking revenge. The first implication is not restricted solely to the fear of loss of a human life in the event of revenge; rather, it also applies to the fear of losing any material resources, particularly land, as a result of revenge. For instance, in Case 3, Jalil feared that he would have lost all his land if the dispute had not settled soon. Similar concerns about losing land and other property were raised by Shafiq in Case 2 and Qayum in Case 4.

The fear of outside interference varied in disputes that involved parties of different lineages. In such disputes, it was usually interference from someone within the lineage that was feared the most. There was a marked difference between inter-lineage and intra-lineage disputes vis-à-vis outside interference. In intra-lineage disputes, it was the fear of interference from someone from another lineage. Furthermore, in intra-lineage disputes, it was primarily local elders and leaders, rather than men involved in a given dispute, who would fear outside interference the most. Their fear of outside interference was obvious from the way they would try to convince parties involved in an intra-lineage dispute by invoking the importance of lineage

harmony by referring to the dispute as “our family issue” (*zamong koranai lanja*). As described above, disputants in an intra-lineage dispute themselves, however, would either fear retaliation (on the part of a party that has a killing due on them) or would fear to be termed *beghairata* if they failed to exact the revenge of a killing. In inter-lineage interpersonal disputes, on the other hand, the fear of outside interference played out in a completely different way, and as a consequence, so did the concepts of revenge and *ghairat*. In disputes between men of different lineages, it was primarily the disputants themselves who feared outside interference. More importantly, it was interference from someone within the lineage that was feared the most by disputants. This fear would not be expressed publicly, as it might risk one’s support from fellow lineagemen, but it would be brought up implicitly when participants would talk about their desire to settle such disputes. In Case 4, Jabar, who was involved in a dispute over agricultural land with a man from different lineage, expressed his fear of someone within his own lineage interfering in the dispute as:

“*Azizan* [referring to his male patrilineal parallel cousins in particular] can always make problems for me... if they see I am weak, they will not spare any opportunity to take advantage of my weakness...this [male patrilineal parallel cousins’ interference] will make me weaker.”

Jabar’s fear of his male patrilineal parallel cousins’ potential interference is in line with the common belief in the community that male patrilineal parallel cousins are always potential rivals, as is evident from the term *tarbur*, which is used for both male patrilineal parallel cousins and rivals in general. The above statement, however, points out an important contradictory understanding of how male patrilineal parallel cousins are seen differently in inter-lineage and intra-lineage disputes. As mentioned earlier, in intra-lineage disputes it is the unity of lineage that is of more concern and thus disputes between male patrilineal parallel cousins are settled in an effort to maintain that unity. In inter-lineage disputes, on the other hand, male patrilineal

parallel cousins are looked upon as potential rivals who can interfere in the dispute and can potentially cause more harm because of the close ties with them.

The above two contradictory understandings of male patrilineal parallel cousins in the context of inter-lineage and intra-lineage disputes, however, has the same lesson: to always remain vigilant of male patrilineal parallel cousins, as getting into a dispute with male patrilineal parallel cousins is the worst. Referring to the opportunistic nature of male patrilineal parallel cousins, a local proverb says “*tarbur* lives in the cuff of *pardug* (the bottom of a local dress).” The term “*tarbur*” in this proverb refers to male patrilineal parallel cousins, rather than indicating its literal meaning of enemy. Such views about male patrilineal parallel cousins were quite common in the community and even *jirga* members would express them. A *jirga* member explained the stated proverb in the following way:

“He [a male patrilineal parallel cousin] lives close to you and knows you better than anyone...it is like he resides in the part of dress that covers the most private parts of your body, but at the same time he lives in its cuffs close to your feet so he can easily harm you by making you stumble on something when you are walking.”

This explanation of the stated proverb provides an important insight into how it is by virtue of closeness and knowing well of male patrilineal parallel cousins that they are feared the most vis-à-vis interference in inter-lineage interpersonal disputes. Provided a man is on good terms with his male patrilineal parallel cousins, their interference is not feared in intra-lineage interpersonal disputes. Instead, they are considered as a strong ally. This was the case in Case 3, in which Jalil was part of the dispute that his brother’s son Gul had started, and where Jalil played the key role in settling the dispute by providing his own daughter in *swara*. However, not in all cases did support come from male patrilineal parallel cousins or brothers. For instance, in Case 1, Akmal did not get any support from his brothers and their sons.

Given that fellow lineagemen (particularly male patrilineal parallel cousins) are considered to be able to harm one easily, participants who were involved both in intra-lineage and inter-lineage interpersonal disputes tended to prioritize settling their intra-lineage interpersonal dispute over settling the inter-lineage interpersonal dispute. In Case 4, alongside his main dispute with Salim, Jabar was simultaneously involved in a minor dispute with his father's male patrilineal parallel cousin's sons. This dispute had started before Jabar got into the dispute with Salim. Soon after having become involved in the dispute with Salim, Jabar felt the need to settle his dispute with his father's male patrilineal parallel cousin's sons. According to Jabar, the main motive to settle this dispute was to "save their brotherhood (*rorwali*)."

Since settling an intra-lineage dispute is praised in the community, it was easy for Jabar to approach the *jirga* to resolve his intra-lineage dispute, that is, his dispute with his father's male patrilineal parallel cousin's sons. The priority to settle an intra-lineage dispute before an inter-lineage dispute and the desire to do so as soon as possible is publicly expressed in terms of greater lineage honor, as Jabar's son, Akhtar, said, "we would not have done it [resolved the dispute with patrilineal kins], if it was not for the lineage (*qaum*)."

Jabar also expressed such a view, although he phrased it in terms of unity by referring to the relationship with his male patrilineal kin as that of brotherhood (*rorwali*). In theory, the underlying implicit goal for Jabar to resolve his dispute with the patrilineal kin was to seek the support of his patrilineal kins, as Jabar's son, Akhtar, said "to have had their support" in the dispute with Salim. The desire to achieve the stated underlying implicit goal is quite evident from Akhtar's comment. In practice, however, for Jabar the most important implication of settling his intra-lineage dispute was that it preempted the opportunity of male patrilineal kin interrupting in Jabar's dispute with Salim. Once again, such views were not expressed openly, but implicit references to the fear of interference would be

made, as Jabar commented: “we could not fight at two fronts...*azizan* [the male patrilineal kins] would have made it harder for us to win any of the two disputes.” Furthermore, after settling his intra-lineage dispute, Jabar did not expect any practical support from his father’s male patrilineal parallel cousin’s sons, nor did the latter offer any. Despite that, Jabar was happy with mending the relationship with his father’s male patrilineal parallel cousin’s sons, as he said: “we did not expect any support from them at all...settling the dispute with them had taken big burden off of my head.” The absence of expectation on part of Jabar regarding the support of his father’s male patrilineal parallel cousin’s sons against Salim was in contrast with that of his son, Akhtar’s, expectation of support from the patrilineal kin. The preceding statements, and the fact that Jabar prioritized settling his intra-lineage dispute over his inter-lineage dispute, reiterate that the fear of interference of fellow lineagemen in inter-lineage interpersonal disputes surpasses the desire to have their support.

A number of participants termed the unexpectedness of support from male patrilineal parallel cousins as a result of the increasing selfishness (*khud ghrazi*) of the latter. A local leader commented that nowadays people do not “fire a bullet” (*daz oki*) for their male patrilineal parallel cousins. Another participant, a *jirga* member, cited the increasing “individuality” (*zaan zaani*) in the community as a reason for selfishness in people who only “think about themselves and ignore their kin relations.” This “selfishness” of people in terms of not providing support to their patrilineal kin, particularly to male patrilineal parallel cousins, in times of trouble is talked about both in terms of lack of support from patrilineal kin in difficult times and their potential negative role of interrupting in inter-lineage interpersonal disputes to make them worse. On pointing out that this underlying “rivalry” between male patrilineal parallel cousins has been there for a long time, as reflected in the term “*tarbur*” (enemy) used for them, a local leader

commented that in the old times rivalry between male patrilineal parallel cousins was restricted to inheriting land and attaining an authoritative position in the household (*kor*). Explaining this point further, the local leader said that “fights between male patrilineal parallel cousins (*azizan*) would remain inside their household (*kor*)...for the outside people they would be united as one body.” This comment clearly hints at the temporal change in social relations between male patrilineal parallel cousins. This change can partly be explained through the fading of extended family units and growth in nuclear family units in the community. Particularly, since the Soviet invasion in 1979, the “norm” of having extended family units has declined significantly (Dupree 2004) due, in part, to separation of members of extended families in the process of fleeing the country where men were left behind either to take care of the property or to join the *Mujahedeen* to fight against the invasion (Robin 2002). The Soviet invasion set off the process of displacement, leading to a large number of people seeking refuge in the neighboring countries Pakistan and Iran and elsewhere. The subsequent wars led to the continuation of the displacement of people. This consequently contributed to the emergence of nuclear family units. The emergence of nuclear family units shifted the nature of rivalry between male patrilineal parallel cousins. This rivalry between male patrilineal parallel cousins is no longer just about inheriting land and acquiring an authoritative position within the household; rather, it has become more about attaining a respectable and authoritative status in the community without having to worry about the protection of extended family. In corollary, the growth in nuclear family units shifted the nature of rivalry between male patrilineal parallel cousins from “behind the doors” to an “open” one.

Delaying Seeking Revenge

In both inter-lineage and intra-lineage disputes, the timeframe of exacting revenge for a previous killing played the key role. A delay in exacting revenge is considered to advantageous, as it prolongs the rival's fear of impending revenge, as Israr from Case 2 said that "it [delaying exacting revenge] is more painful (*zawravi*) for the rival (*dukhman*) because it keeps him fearful of you all the time." Similarly, a local leader commented that delaying exacting revenge for a killing is "the best way you can "kill" your enemy." It is, however, important that one expresses his intention of seeking revenge, otherwise he runs the risk to be called as a *beghairat* (one void of *ghairat*). Delaying seeking revenge was cited as one of the main reasons for long-lasting feuds. Nevertheless, except for Case 2, where the dispute went on for nine years, disputes in all of the remaining five cases went on for less than five years before they were settled. A local leader and a *jirga* member commented that in the past, feuds would go on for at least fifteen to twenty years before they would be settled. Adding to it the local leader said:

"In the past, if a party did not have enough men to continue the feud, they would deliberately wait for long to seek the revenge of a killing on their part until they would have had enough men."

While the above statement indicates that feuds in the past would last longer than they do nowadays, the studied cases do not validate this statement. In fact, the dispute in Case 6, which is the oldest of the studied cases, lasted the shortest (for six months). Similarly, the dispute in Case 1 is the second oldest of the studied cases, but it ended just in three years. Given this, it would be wrong to explain the tactic of delaying seeking revenge and the longevity of a dispute in temporal terms. Rather, it is important to explore other factors that contribute to one's desire of delaying seeking revenge. The above statement of the local leader identifies one factor, and that is the scarcity of men to seek revenge. In case a party has a limited number of men available, it

has two options regarding exacting revenge: first, it can wait to either acquire support of other men in the lineage or to have more sons (or to wait for his sons to grow up, if they are very young); and second, the party can settle the dispute so as to avoid any further loss of men. In the studied cases, it was the second choice that was adopted by most of the participants. For instance, in Cases 1 and 3, Jalil and Akmal opted for the settlement of their respective disputes to avoid any further loss of men. It is important to point out here that father and sons are considered to be the most obliged ones to exact each other's revenge. Counting on support from other patrilineal kin, particularly male patrilineal parallel cousins, has diminished with the displacement and break down of families since 1979 and the common perception of increasing "selfishness" in the community. A sonless married person (both male and female) is called "*merat/merata*", which literally means "a doomed one," primarily because such person does not have a male member in the family to exact revenge in event of a conflict, or to take care of property in case of the death of that person, as a *jirga* member commented: "a sonless man (*merat*) could not protect himself." In light of the above statement of the local leader, the displacement of families has led to the dispersion of men of the same lineage and particularly of male patrilineal parallel cousins. This has further led to the shrinkage of *korenai* in terms of the number of men living in it, thus resulting in each *korenai* having fewer men than ever before. This means, that before the displacement of people, a party could afford the longevity of a feud because of the greater number of men available to seek revenge. On the contrary, the current *korenai* structure, where it normally no longer includes patrilineal uncles and male patrilineal parallel cousins, does not allow for longevity of feuds.

This chapter analyzed the role of two inter-connected concepts, *ghairat* and revenge, in relation to their role in the feuds. The concept of revenge is central to feuds, as it is at the center

of perpetual killings. It is also one of the key guiding principles of *pashtunwali* and applies to the men, wherein they are expected to seek revenge in the killing of their family member. On the other hand, the concept of *ghairat* is defined as the performance of any action or behavior that brings honor to the men. It is particularly the performance of physical bravery in the milieu of feuds that constitutes *ghairat*. In this way, seeking revenge is considered an act of *ghairat*. In order for man to be identified as the one having *ghairat*, it is necessary that he publically performs any action that is considered to be a source of *ghairat*. In the context of feuds, it means that revenge for a killing should be sought publically and that everyone in the community should know who carried out the revenge. In practice, however, this is not the case. Although it is known which party has carried out the revenge, the specific man who has exacted it is not known. In this way, the parties transform the concept of *ghairat* from a personal quality to a communal/group quality. This helps the party that has exacted the revenge to send the message of their unity. Taking the responsibility of a killing as an act of *ghairat* has two practical advantages: first, the *jirga* does not have to spend much time on determining the guilty and victim party in a feud, as they know that in advance; and second, it ensures that in intra-lineage feuds no one from another lineage interferes. In contrast to this, *ghairat* among the women is defined in relation to the men and in terms of their submissive behavior. Having a submissive behavior does not make a woman *ghairati* (the one having *ghairat*); rather, it defines the *ghairat* of the men (For instance, a girl with submissive behavior is described as daughter/sister of a *ghairati* father/brother).

The concept of revenge contributes to the perpetuation of killings in the feuds, but at the same time, it also served as a deterrent to the longevity of the feuds. The parties that had carried out the latest killing and had fewer of men available in the family were more concerned about

having their men killed. The fear of having men killed was expressed in terms of the need for protection of women and land. The fact that the fear of having men killed was not expressed openly can be understood as an attempt by the men to disguise their lack of *ghairat*. Similarly, in case a party is simultaneously involved in both inter-lineage and intra-lineage disputes, revenge plays an important role in pushing that party to settle the intra-lineage dispute as soon as possible. The interference of someone of the same lineage is feared the most in inter-lineage disputes, as men of the same lineage (particularly male patrilineal parallel cousins) are thought to be able to harm one the most because of their closeness. In intra-lineage disputes, on the other hand, it is the local leaders and elders that fear the interference from someone of another lineage the most, and therefore push for the speedy settlement of such disputes. The fear of outside interference can be utilized by a party that has the latest killing in a feud on their part to their own advantage. To do so, the revenge seeking is delayed so as to inflict greater fear on the opponent.

Chapter 5, along with Chapter 4, focused on the role of the concepts of honor, revenge, and *ghairat* in the pre-settlement scenario of the feuds. All three of these concepts can be connected to men's honor, as they contribute to the prestige of the men in the community. This means that in the settlement of feuds, prestige takes a central stage. The settlement of feuds through *swara* has special implications regarding men's prestige and their social status. Women serve as the key actors in the settlement of disputes through *swara* in the form of sacrificial victims. I turn to all such discussions of *swara* in the following chapter.

Chapter 6

Swara

Directly focusing on *swara* marriages, this chapter analyzes a number of factors that contributed to the settlement of the studied cases through *swara*. Particularly, it analyzes *swara* in relation to its objective of ending feuds and how that objective is achieved. To do so, this chapter explores *swara* from different aspects that contributed to the objective of ending feuds in the studied cases. These aspects include financial costs of feuds, *walwar* (bride price), symbolic capital in marriage, and the concept of *paighor* (public shaming/taunting). With all these factors in mind, this chapter makes the point that although *swara* marriages are deemed to not only end the feuds but also to turn the animosity between the disputants into a close relationship, in practice *swara* successfully achieves only the objective of ending feuds, and not the objective of turning animosity into a close relationship. The chapter explores this discrepancy between the perceived and the practical outcomes of *swara* through analyzing *swara* marriages in relation to the social status of the disputants and exploring *swara* as an act of sacrifice.

Financial Costs of Feuds and *Swara*

For both guilty and offended parties, one of the common factors that contributed to their willingness to settle disputes was the financial burden of feuds. The longer a feud lasts, the more financial resources are spent. It was not just spending of financial resources on a feud itself that was a matter of worry for feuding parties, but also the fact that staying in a feud meant that earnings were greatly restricted. In Case 4, the main source of income of the *swara*-providing side was its agricultural land. After having gotten into the dispute with the other party over a plot of agricultural land, the *swara*-providing side could not cultivate its agricultural land, including

the undisputed piece of land it owned. Describing the financial burden caused by the feud, Jabar, the father of the girl who was given in *swara* in this case, said:

“As soon as we killed Salim, we lost access to all our land. We could not work on our fields, not even on the one nearby our home... for four years we did not cultivate any crop and we had to buy rice and wheat flour from the market.”

This loss of access to agricultural land, which was the only means of subsistence for Jabar’s family, was not restricted to the plot over which the feud had started. Losing access to all their agricultural land forced them to look for other means. Since neither Jabar nor any of his sons could work openly in the village due to the ongoing feud, it became essential for a male member of the family to seek work out of town. But since one of Jabar’s sons had already been killed in the feud, the family had a limited number of men to leave the home at a time when they were needed the most. This situation was further complicated by the fact that the family had always had at least one killing due on them. This required that the family stay more vigilant and not provide an opportunity for their disputant to exact the revenge.

The problem of financial burden was not restricted to Jabar’s family, it also affected Qayum—Jabar’s son-in-law who had carried out the initial killing in the feud. Qayum had two brothers, one of them was killed in the feud and the second one was not on good terms with him. Soon after the feud started, Qayum lost access to his own agricultural land, as well as to that of his murdered brother’s. After the murder of his brother, Qayum had to shoulder the burden of providing for his brother’s family as well, which included his wife and three children. While his murdered brother was a carpenter, Qayum had the responsibility of taking care of the agricultural land which they shared. After losing his brother and access to agricultural land, Qayum was unable to find any work in town, nor could he seek work outside the town because of the absence of any other adult men in the family. In the meantime, Qayum’s wife (Jabar’s daughter) moved to her natal family along with her children, as Qayum was unable to provide both for his own

and his murdered brother's family. The feud had thus double-edged consequences for Qayum: he had an additional family to support in times of trouble; and he had temporarily lost his wife and children. While for Qayum the most distressing thing was losing his wife and children as a result of the conflict, he categorically ruled out the option of sending his murdered brother's wife to her natal family:

“No doubt it was very hard to let my wife and children live with them [her natal family] but I had no other option. How could I feed so many mouths when I had no work and was not getting any crop from my fields...I did not allow Sayum's [his murdered brother] wife to go back to her natal family...what would people have said, that I could not keep my brother's wife safe.”

Qayum's statement clearly indicates the financial limitations caused by the feud. But more importantly, the above statement provides a window into Qayum's decision of not letting his murdered brother's wife live with her natal family. Qayum had already scarce manpower, and by keeping his brother's wife, who had two sons and a daughter, Qayum intended to ensure that he would not lose access to his brother's sons in the future. While having access to his brother's sons would lend Qayum support in times of trouble in the future, the immediate positive outcome of this was that they would have soon been able to bring earnings to whole family, as Qayum said that at the time of feud “they [his brother's sons] were not very young and could have started working in a few years to help me support the family.”

The only way for Jabar and Qayum to regain access to their lost agricultural land was to settle the feud. Therefore, when the local elders approached Jabar to settle the feud, he could not say no to it. Describing his willingness to settle the feud, Jabar said, “I could not continue it [the feud] anymore. It was very costly... I needed my agricultural land where I could plow freely and provide for my family.” Since Qayum, who had carried out the initial killing on behalf of Jabar, was a party in the dispute, he also pushed Jabar to settle the feud. While Jabar thought that local elders had approached him for the settlement of the feud on their own, Qayum confided that he

had discreetly asked some men in the community to have local leaders convince Jabar to settle the feud. For Qayum, the main reason for doing so was based on two concerning factors: first, he did not have any other adult men available in the family to stand by him; and second, his financial resources were exhausted, leaving him unable to afford to continue the feud, as he said he “would have become a beggar, had he stayed in the dispute any longer.”

The financial constraint brought about by staying in a feud was a problem for the men in other *swara* cases as well, albeit with a different outcome in each case. Since the studied cases only involved land disputes, the major commonality in the financial constraint brought about by staying in the feuds was the loss of access of disputants to their agricultural land. It was not only the disputed land that the disputants would lose access to, but also their undisputed land by virtue of having made it difficult for the disputants to cultivate their land in the midst of feud. This was also the case when the dispute was about a land related issue, and not directly about land tenure. In this way, the scope of disputes was wide ranging in terms of their economic cost for the men involved in them. In Cases 1 and 6, for instance, the feuds had started over the distribution of irrigation, but in the subsequent years all the parties involved in these feuds lost access to most of their agricultural land. In Case 1, the disputants incurred other economic losses in addition to losing access to their agricultural land. The *swara*-receiving side in this case had to stop the operation of the flour mill it owned because their disputant had set a fire to a section of it. In retaliation, the *swara*-receiving side had burnt down the ripe crop of the other party that they had cultivated near their home. While participants from the *swara*-receiving and *swara*-providing parties of this case talked at length about the economic losses they had incurred due to the dispute, they did not explicitly admit that this was one of the reasons that pushed them to settle the dispute. Instead, they described their willingness to settle the dispute in terms of “re-establishing

their brotherhood.” However, the underlying attempt of both parties in this case to avoid any further economic loss as a result of staying in feud is evident from fear that both sides had about their financial resources. For instance, describing the concern of having run out of financial resources as a result of the dispute, Akmal, father of the girl given in *swara* in this case, said: “I had lost two sons and had left just one... my son and I could not do our business because they [the disputant] would target anything that was of some benefit to us.” Ajab, Akmal’s disputant, had the same fear at the time of the dispute, and targeting anything that the disputant owned had become a routine, as Ajab remarked: “destroying anything each of us owned had just become like exacting revenge for a killing...if they would kill our hens, we would kill theirs.”

Here, the disruption of economic life became more of a concern for the disputants than the killings themselves. Even when the participants would talk about the killings on their part, they would relate it to the economic situation of the family by talking about them in terms of earners and providers for family. This was precisely the situation in Case 2, where two men from the *swara*-providing party had been killed in the feud and they had left only two men, the father and brother of the girl given in *swara*. At the time of the dispute, Shafiq, the father of the girl given in *swara*, was concerned that if he had continued the dispute he would have lost his last son and himself. Shafiq talked about this concern not so much in terms of loss of man-power but in terms of loss of financial support for his family as a result of potential killing of his son and himself. “My son and I were the only earners in the family...I could not let my family (*korwala*) wander around for shelter,” as Shafiq described the potential consequence of the unavailability of any men in the family. By “family” Shafiq clearly meant the women at home. Although Shafiq had a father and a brother who could have taken care of his family, had Shafiq and his son had been murdered in the dispute, it was not deemed a preferable arrangement because Shafiq had a

separate *korenai*, that is to say he was living as a nuclear family in a separate household. Unlike Qayum in Case 4, Shafiq ruled out the possibility of his wife and daughters living with his in-laws (his wife's natal family). One of the reasons for this was that Qayum had carried out a killing in the preceding dispute on behalf of his in-laws' family (which was the main party involved in the dispute); therefore, sending his wife and daughter to his in-laws' family did not bring public shame for Qayum, as he was equally involved in the dispute as his in-laws were. In other words, by getting involved in the dispute on behalf of his in-laws, Qayum had become a part of his in-laws *korenai* and therefore sending his wife and children to his in-laws preempted the public shame that comes with sending one's wife to her natal family because of an inability to provide for her and protect her. Shafiq's situation, on the other hand, was different. Since his father and brother did not lend him support in the dispute, Shafiq did not consider himself to be a part of his father's or brother's *korenai*. Given that, sending his wife and daughters to either his father's or brother's home might have brought Shafiq public shame. Shafiq's fear regarding providing for his wife and daughters in case he and his son had been killed in the fued was reiterated by his father who had pushed Shafiq to settle the fued before his son or he got killed and as a result his wife and daughters got exposed to the outside world. While describing his reason to push Shafiq for the settlement of the dispute, Shafiq's father commented: "you see that I am poor and too old to support his [Shafiq's] wife and daughters...he had so many daughters and I could not afford to provide for that many people." Shafiq's father, along with his wife and two unmarried daughters, was living with his eldest son, Israr, who himself had three sons and five daughters, at the time of dispute. Shafiq's eldest brother, Israr, later disclosed that he had been providing for his parents and unmarried sisters along with taking care of his father's land, therefore it would have been very hard for him to have taken care of Shafiq's wife and daughters

as well. Shafiq also feared that had he and his son been killed in the dispute, his wife and daughters would have lost all the property he owned—even if Shafiq’s father had taken care of his wife and daughters. The concern about providing for the women in the absence of any men in the family played an important indirect role in determining the number of girls given in *swara* in this case. At the time of dispute, Shafiq had seven daughters and only one of them was married. Both Shafiq’s father and eldest brother suggested to him that he provide three of his daughters in *swara* to three of the sons of his disputant (who was Shafiq’s youngest brother). While Shafiq and his son agreed to do so, Shafiq’s wife demanded that one girl be given in exchange for a daughter of the disputant. The disputant agreed to this arrangement, and Shafiq provided two of his daughters in *swara* and one in exchange marriage for his son.

It is important to point out here that as the official model of *swara* requires three girls to be given in *swara* marriage, the giving away of three of Shafiq’s daughters in *swara* was thought to be in compliance with the “proper rules” of *swara*. While the rule of giving three girls in *swara* was not followed in any of the remaining five *swara* cases, in Case 2, that is, Shafiq’s case, it was followed merely in the aspect of the number of girls to be given in *swara*, and not in the aspect of the age of girls to be given in *swara*. However, it is important to note here that it was Shafiq’s flexibility and his willingness to provide three of his daughters in *swara* that the *jirga* asked him to provide three girls in *swara* in accordance with the “proper rules.” One of the *jirga* members who served on the *jirga* for this case commented on this *swara* decision as follows:

“It is always better to follow the rules our forefathers laid down...[referring to the number of girls to be given in *swara*] it does not harm to follow the rules, I would say it is rather beneficial...they [the disputants] were brothers so the more their children tie knots with one another, the stronger their relationship gets.”

As is evident from the above statement, the *jirga* followed only one of the rules of the official model of *swara* and ignored the others. While the number of girls to be given in *swara* was in compliance with the official model of *swara*, the subsequent *swara* marriages and ages of the girls given in *swara* were not in compliance with the official model of *swara*. The official model of *swara* requires that three girls of two different age groups be provided in *swara*. This includes an *urnay*, which literally means swaddled infant and refers to an infant girl not older than three years of age; and two *paighle*, which literally means adult girls but includes any girl above age four or five. This rule of *swara* was not followed in the given case, instead the eldest three unmarried girls were provided—of whom an eight and a ten year old girl were provided as *swara* and a thirteen year old was given in exchange marriage. Initially, the *jirga* had decided that all these three girls were to be given as *swara*, but later on the mother of the girls insisted on receiving a fifteen year old daughter of Shafiq’s youngest brother (the *swara*-receiving party) as an exchange for her thirteen year old daughter.

In Case 2, the rules of the official model of *swara* were appropriated to satisfy the needs of the disputants. Shafiq’s youngest brother received the maximum number of girls (which is considered to be an ideal arrangement), and Shafiq was able to marry off three of his daughters, which he described as taking a “burden off [his] shoulders.” The one exchange and two *swara* marriages in this case were considered by Shafiq to be a winning situation because his daughters had married his brother’s sons. The official model of *swara* in this case was invoked, at least in part, to disguise the desire of Shafiq to marry off the maximum number of daughters under *swara*, as he said, “it was according to the rules, why would someone blame me for it...after all, I gave them in marriage to my brother’s sons, not to some strangers.” This shows the flexibility of *swara* arrangement rules, which are more likely to be appropriated by disputants according to

their own interests in a given situation. The appropriation of *swara* arrangement rules is further evident from Shafiq's wife's successful bargaining for acquiring a girl in exchange for one of her daughters. Once the *jirga* reaches a decision that is acceptable to both parties involved in a dispute, the disputants can later alter terms of the decision, as long as both parties are in agreement about it. This allowance for making any changes to the decision agreeable to both parties provided Shafiq's wife an opportunity to acquire a wife for her son from the *swara*-receiving party. The insistence of Shafiq's wife to acquire her husband's brother's daughter for her son can be seen as a "security strategy" to ensure that her daughters given in *swara* were treated well by the *swara*-receiving party. Although this hypothesis cannot be validated, as Shafiq's wife was not interviewed, Shafiq did hint at it by saying that the exchange marriage was good thinking and that his "relationship with his brother might not have been this good, had his (Shafiq's brother's) daughter not been married to [Shafiq's] son."

For the discussion of economic factors pushing disputants to settle feuds, it is important to note that disputants regain access to disputed land after dispute has been resolved through *swara*. The important point here is that it is only through *swara* that both disputing parties regain access to their respective land and other disputed resources. Put another way, *swara* serves as a restorative tool that helps restore pre-dispute access of disputants to different resources, particularly to the disputed land. Settling a dispute through any other available options, particularly through payment of blood money, poses the risk of one of the disputants losing the right to the disputed land. While blood money (*diyat*) and forgiveness (*bakhshesh*) are two other options of dispute settlement in the community, these are not deemed as successful means for settling blood feuds. Both the men involved in disputes and the *jirga* members, would term *swara* as an inevitable solution to blood feuds, as a local leader said "there is no other way than

swara to settle disputes that involve killings.” Although forgiveness (*bakhshesh*) is the most preferable way to settle minor disputes that do not involve killings, a *jirga* member recalled a few minor disputes in the past that were settled through *swara*. Those minor disputes, however, involved injured men on one or both sides. The settlement of these minor disputes through *swara* can best be understood by taking into account the oral history of the practice of *swara*. A local leader said that the practice of *swara* was introduced by Ahmad Baba and was initially practiced by the Ahmadzai Pashtun of Afghanistan. The local leader further provided a range of bodily injuries that would require the perpetrator to provide a girl in *swara* to the injured man.

“It is not just the killings that require *swara*. For every kind of bodily injury there is a specific punishment...if an injury has been inflicted on someone’s body part which is publically visible, the perpetrator would provide two girls in *swara*. But if an injury has been inflicted on someone’s body part which is not publically visible, the perpetrator would provide one girl in *swara*...But there is another rule regarding injury on a visible body part, if the injury is deep enough to hold running water in it, the perpetrator might be asked to provide some cattle to the injured man along with two girls in *swara*...there is an exception for nose injury, as it requires three girls in *swara*, the same as for a killing.”

While I did not come across any minor dispute that was settled through *swara*, participants did mention such disputes in the past. However, except for a *jirga* member and a local leader who witnessed the settlement of minor disputes through *swara* in the past, no other participants could recall any such incident that they have witnessed themselves. Explaining why *swara* is not practiced for settling disputes that do not involve killings, the above mentioned local leader said that it is better to resolve such disputes with means of forgiveness (*bakhshesh*) because no blood has been shed so *swara* is not needed. Like *swara*, forgiveness also serves as a restorative tool. It restores the pre-conflict access of disputants to their respective resources.

Although *swara* helps disputants regain access to their lost economic resources, it does not necessarily mean that blood feuds are always a “loss-loss” game where the involved parties achieve nothing but losing men, as after the feud has been settled both parties get to retain the

same amount of land as they had before the dispute. However, in three of the studied cases parties were successful in retaining the resources (land in these cases) they had acquired from their disputants during the dispute. Specifically, it was the stronger parties in these three cases that had acquired the land of their disputants during the feuds and had retained it even after the settlement of these disputes. This was the fact in Cases 3, 5 and 6. In Cases 3 and 6, the *swara*-receiving parties were stronger and had acquired a portion of land owned by their disputants. These parties retained the acquired land after the disputes were resolved through *swara*. In Case 5, on the other hand, the *swara*-providing side was stronger and had acquired land from its disputant, which they retained after the dispute was resolved. In two of these three cases—Cases 3 and 5—interviews were conducted with men from the weaker parties. Of these two weaker parties, one was *swara*-providing (Case 3) and the other was *swara*-receiving party (Case 5), and in both of these cases the disputes were between men of different lineages. These two cases provide a useful insight into how the loss of land is one of the prime concerns for disputants. In Case 3, the *swara*-receiving party had gotten hold of land owned by its disputant, Gul. Jalil, Gul's patrilineal uncle, was left alone, as his only son was killed in the dispute and his brother and father had died. Speaking of the consequence of continuing the dispute, Jalil described his own potential killing in the preceding dispute in terms of how it would have led to the loss of everything he owned.

“I was the only man left... I knew they [the disputant] would not kill me because they had already exacted their revenge on us by killing my son; now we had a revenge due on them... but I was so worried in my heart, I could not sleep properly because I thought they could just kill me and take everything I owned and no one would ask them anything.”

Jalil's fear of losing everything in the event of his own death in the dispute stemmed in part from the fact that his disputant had already acquired the land owned by Gul. In this way, Jalil was mindful of the possibility that his disputant might have just killed him for the sake of acquiring

his land. Jalil's fear contributed to his willingness to settle the dispute as soon as possible. Although Jalil talked about the desire to settle his feud in terms of lack of close kinsmen to support him, he specifically related the lack of kinsmen with the necessity for exacting one's revenge and for protecting a disputed land. When asked about a hypothetical situation of having had more sons or other kinsmen who could have supported him, Jalil said, "I could have won back Gul's land and might as well have acquired some additional land from them [the disputant]," adding laughingly, "they would have been the ones then begging me to settle the dispute." In Case 5, the weaker party, that is, the *swara*-receiving side, had the same concerns about their land which had been acquired by the *swara*-providing side during the dispute. In this case, however, the weaker party was not as weak as the one in Case 3. For instance, in Case 3, the *swara*-providing party was weaker in comparison to the *swara*-receiving party, both in terms of man-power and economic status. In Case 5, on the other hand, the *swara*-receiving party had more man-power than the *swara*-providing party, but it was economically worse off as compared to the *swara*-providing party. In this way, there was less power imbalance between the disputants in Case 5 than it was in Case 3. The relatively little imbalance in the strength of disputants in Case 5 meant that the weaker party had some power to influence the *jirga* decision in their favor. That is why the weaker party was successful in obtaining a girl in *swara*. In this case, the *swara*-receiving party did not demand getting back their lost land from its disputant; rather they demanded receiving a girl in *swara*. The demand for getting a girl in *swara* instead of getting back their lost land on part of the *swara*-receiving party was not consistent with their position in the dispute. That is to say, given the economically weaker position of the *swara*-receiving party as compared to the *swara*-providing party in this case, one would consider getting back the lost land along with receiving a girl in *swara* as the best settlement arrangement for the offended

party. However, the fact that this settlement arrangement was not opted for by the *swara*-receiving party (the offended party) in Case 5 can be explained in terms of possible constraints on the negotiation powers of a weaker party in a dispute. That is to say, as a weaker party, the *swara*-receiving party in Case 5 could either successfully demand a girl in *swara* or could demand getting back their lost land. Choosing to receive a girl in *swara* instead of demanding their lost land was therefore a “profitable” option for the *swara*-receiving party in Case 5 in the sense that they had many unmarried men available in the family for whom wives had to be acquired through *walwar* payment—which would have put more financial burden on them. Sadiq from this case, however, did not explain opting for receiving a girl in *swara* instead of obtaining his lost land in terms of his limited negotiation power. Rather he described the demand for receiving a girl in *swara* instead of demanding to regain his lost land in terms of *ghairat*, as he explained:

“Demanding to get back our land would have been an act of *beghairati* (lack of *ghairat*). People would have given us *paighor* (“taunting”) for asking our rivals to give us our land back...it would have been like begging our rivals; they had taken hold of our land by force, so the proper way for us to have gotten back that land would have been getting it back during the dispute (by forceful means) and not through the *jirga*.”

This statement has two important implications regarding *swara* and the concept of *ghairat*: first, that the restoration of lost *ghairat* caused by an inability of a man to protect his property is only possible if the lost property is won back in the same fashion as it was lost in the first place (by forceful means); and second, that demanding a girl in *swara* is the only thing that does not bring public shame (*paighor*) for disputants. Instead, it helps disputants avoid *paighor* in community. The avoidance of *paighor* through resorting to *swara* is valid even if a *swara*-receiving party is apparently guilty and has acquired land from the *swara*-providing party. Also, although the *swara*-receiving party not being able to obtain their lost land in this case is in contrast to one of

the restorative roles of *swara* in terms of disputants regaining access to their lost land and other resources after the settlement of a dispute through *swara*, this restorative role of *swara* in Case5 was ignored/manipulated by the *swara*-receiving party to serve their own interests—that is, acquiring a wife without paying *walwar* for her. More importantly, the concept of *ghairat* was utilized by Sadiq in order to conceal the power imbalance between the disputants. That is to say, resorting to the concept of *ghairat* to provide explanation for the missing desire to obtain the lost land served the purpose of the *swara*-receiving party being seen compliant to *pashtunwali*. The fact that disputants regain their lost land after a dispute has been settled through *swara*, and that obtaining one's lost land does not qualify one as “*beghairata*” (one without *ghairat*), signifies that the contrasting understanding of *ghairat* in such a context by Sadiq was an attempt to appropriate the concept of *ghairat* to serve his interests. Sadiq's refusal to get back his lost land also hints at the fact that the primary restorative function of *swara* is the end of feuds, not the regaining of access to material resources. The fact that this primary restorative function of *swara* is achieved through the provision of a life-generating entity (a woman), and not through material object, calls for analyzing *swara* marriages beyond economic transactions. This further means that the provision of women in *swara* marriages to end feuds needs to be explained through the lens of human economy, in which the primary purpose is restoring relations through ending feuds. The unique life-generating characteristic of the women qualifies them as the most valuable entity only which can end a feud.

Symbolic Receipt of Girls Given *Swara*

Since the beginning of the new millennium, there has been a shift in how *swara* marriages are conducted. The official model of *swara* dictates that a girl given in *swara* is to be taken by the *swara*-receiving party home right away on the day of the decision, although this rule was not

followed in five of the studied *swara* cases. Except for Case 3, which occurred in 2006 and where the girl given in *swara* was taken to home by the *swara*-receiving party on decision day as an act of symbolic receipt, in the remaining five cases, the *swara*-receiving parties did not take girls given in *swara* home on decision day. A local leader said that the symbolic receipt of a girl given in *swara* used to be done by some people so as to make it publically known that they had received a particular girl in *swara* and that she now belonged to them. The local leader described this practice as to be akin to another custom in the local community in which a party that successfully seeks a girl in marriage usually beats a drum or fires bullets in the air to make a public announcement that a particular girl belongs to them now and that no one else should ask for her hand in marriage from her father. In the case of *swara* marriages, however, everyone in the community knows that a particular girl has been given in *swara*, and therefore the public announcement is not necessary. For this reason, the practice of symbolic receipt of a girl given in *swara* has diminished. Particularly, since the implementation of the EAW Law in 2009, the symbolic receipt of girls given in *swara* has faded out completely in the community, as I did not come across any *swara* cases that occurred after 2009 in which the practice of symbolic receipt has been enacted. One of the key reasons for this is that after the implementation of the EAW Law, *swara* marriages are disguised as “arranged” marriages so as to avoid legal repercussions. In addition to the above local leader’s explanation of the practice of symbolic receipt of a girl given in *swara* in terms of a custom of regular marriages in the community, this can be explained in terms of another act called *nanawate*, which is carried out in the context of a dispute in the community. The term *nanawate* has different meanings, but in the context of disputes it is used in the sense of “seeking refuge,” “asking for forgiveness,” or “surrendering.” The act of *nanawate* requires that the guilty party in a given dispute goes to the offended party, pleads its

guilt, offers its surrender, and asks for forgiveness. The act of *nanawate* is more likely to be accepted by the offended party, as the guilty party or man who carries this out is considered by the offended party to be their guest. Accepting the act of *nanawate*, the offended party treats the guilty party/man with respect, and the forgiveness is granted by upholding another guiding principle of *pashtunwali* called *melmastia* (hospitality). However, the important part of *nanawate* that is relevant to this discussion is that it requires the guilty party/man to take a sheep to the offended party. This sheep is considered to be the symbolic representation of a human, as a *jirga* member said, “it is just like you are taking a human to your enemy’s house.” The guilty man offers the sheep as a symbolic representation of himself to the offended party as compensation for all losses (whether humans or property) incurred in the dispute. Referring to the sheep, the guilty man tells the offended party that he presents himself in front of them and that they either slaughter the sheep or let it live. By referring to the sheep as being himself, the guilty man tries to signify that he is like a sheep that cannot speak or resist whatever they want to do to it. Letting the sheep live implies that the guilty person is forgiven, and slaughtering it implies that the guilty person’s request for forgiveness is rejected.

Given the above description of an act of *nanawate*, the symbolic receipt of a girl given in *swara* by the offended party by taking her home on *jirga* decision day resonates with the act of *nanawate*. Although it occurred in just one case, Case 3, the symbolic receipt of the girl given in *swara* in this case followed the same pattern as that of the act of *nanawate*. The girl in this case, who was eight years old at the time, was brought to the *jirga* by her father on decision day and was handed over to the offended party at the end of the *jirga* session. Jalil, father of the girl given in *swara*, described taking his daughter to the *jirga* very much in the same way as an act of *nanawate*:

“I felt like I was dragging a sheep through its leash; it was really a sheep after all because she (his daughter) did not know where I was taking her...I told them (his disputant) that I was handing them over a part of myself that now belonged to them... [and] that it was now up to them whatever they wanted to do to her.”

The above description clearly resonates with the act of *nanawate*. In this case, however, it was a human (a girl) who was made akin to the sheep that is provided in act of *nanawate*. The girl in this case resembled the sheep provided in *nanawate* in several ways. First, the girl was taken to the *jirga* session without having any idea where she was being taken; second, she could not resist or speak up against the *swara* arrangement or her being taken away by the *swara*-receiving party; and third, her ownership was transferred to the other party and now her fate was in their hands. The fact that the girl in this case was returned to her father the next day resembles the acceptance of the act of *nanawate* where the offended family does not slaughter the sheep, but lets it live and takes its ownership.

The act of *nanawate*, manifested in the symbolic receipt of the girl, also had another underlying implication for the *swara*-receiving party: it allowed them to use, to their own advantage, the provision for victim families in the official model of *swara* to be able to take girls given in *swara* home on decision day. I say to their own advantage because by making Jalil bring his daughter to the *jirga* and present her as a “sheep,” just like in act of *nanawate*, the offended party sent out a message about Jalil’s guiltiness and as if he was asking the offended party for forgiveness. Jalil expressed the insistence of the *swara*-receiving party on taking his daughter home on decision day as the *swara*-receiving party’s attempt to “humiliate [him] in front of everyone.” Additionally, Jalil’s reference to his daughter as a “sheep” in his earlier statement implies that he considered bringing his daughter to the *jirga* as an act of *nanawate*. Although *nanawate* is practiced in the community and is not considered to be an act of “shame” or

“disgrace” for the man carrying it out, it became a disgrace for Jalil because it took place in the milieu of *swara*. According to Jalil, it would not have brought disgrace to him, had the *swara*-receiving party taken his daughter from the home instead of insisting on receiving her in the *jirga*. For Jalil, the *jirga* had already declared him guilty and had imposed on him the sentence of providing his daughter in *swara*, therefore taking his daughter to the *jirga* was an additional sentence imposed on him. As noted above, for Jalil the main issue of concern and disgrace was not that his daughter was taken by the *swara*-receiving party on decision day, but that he had to hand his daughter over to the *swara*-receiving party in the *jirga*, signifying that he was forced to perform the act of *nanawate*.

Jalil’s understanding of taking his daughter to the *jirga* to hand her over to the *swara*-receiving party in terms of *nanawate* and disgrace was, however, different from that of the perspective of one of the members of the *jirga* for this case. Although the *jirga* member was not in favor of Jalil bringing his daughter to the *jirga*, he did not term it as an “unfair” act or as an act of disgrace for Jalil. Instead, he described it as something that “was in accordance with the rules of *swara*.” The *jirga* member also ruled out any possibility of someone in the community giving *paighor* (ridiculing, taunting) Jalil for bringing his daughter to the *jirga*, as he said, “everyone knows the rules...nothing unjust had happened, so no one could give him (Jalil) *paighor*.” The *jirga* member justified the symbolic receipt of Jalil’s daughter by the *swara*-receiving party in the *jirga* by referring to a few cases in the past in which the girls given in *swara* were provided to offended parties in the same fashion. Similarly, other participants also recalled a number of *swara* cases in which girls given in *swara* were taken to home by offended parties on decision day. However, very few cases in the past were recalled by participants where girls given in *swara* were provided to victims parties during the *jirga* session. The participants

said that these cases were different in a sense that in most of them girls given in *swara* were returned to their natal families after they were taken home by *swara*-receiving parties on decision day. From the six studied cases, it is not possible to establish whether the practice of the symbolic receipt of girls given in *swara* has diminished, increased, or stayed the same over the years, as only one case (Case 3) is available to provide data for making this point. This one case, however, does provide an important indication about the occurrence of symbolic receipt of *swara* in recent times. Since Case 3, occurring in 2006, is one of the most recent cases in the sample, it is likely that the symbolic receipt of girls given in *swara* might have been happening until very recently, or it may well be taking place currently. I, however, did not come across, or heard of, any recent *swara* case in which symbolic receipt of girls given in *swara* had happened.

There is also a significant difference between what the official model of *swara* dictates about the ceremony of *swara* marriages and how they are celebrated. Although the official model of *swara* dictates that there would be no wedding ceremony for *swara* marriages, in all the studied cases, the *swara* marriages took place with some level of celebrations by the *swara*-receiving parties. Except for Case 3, where the *swara*-receiving party did not provide a trousseau for the girl given in *swara*, in the remaining five cases, the *swara*-receiving parties provided minimal trousseau for the girls given in *swara*. One of the main reasons for the exception of Case 3 was the huge power imbalance between the *swara*-receiving and *swara*-providing parties. The *swara*-providing party in this case was weaker in terms of both economic status and man-power. Also, given the fact that the girl provided in *swara* in Case 3 was thirteen years old—which is relatively an older age in the context of *swara*—the non-provision of a trousseau for her can also be explained in terms of her “older” age, as the amount of a trousseau for brides in the community are linked with their age—the older the bride, the less the trousseau. However, at the

same time, the pattern of not providing a trousseau for relatively older girls given in *swara* was not followed in Cases 1 and 2, where the girls were 13, and 14 and 15 years of age, respectively. This difference between Case 3 and Cases 1 and 2 can, in part, be explained by the age of the girls given in *swara* in these cases at the time of *jirga* decisions. The girls given in *swara* in Cases 1 and 2 were relatively younger (11, and 8 and 10, respectively) at the time of *jirga* decision in these cases, whereas in Case 3 the girl given in *swara* was 13 at time of *jirga* decision. The amount of trousseau is closely related to the status of the bride; the greater a trousseau, the higher the status of the bride and vice versa. Given that, the limited amount of trousseau provided to girls given in *swara* thus contributes to diminishing the status of these girls.

The factor of celebrations in the *swara* marriages in the studied cases led to another difference between the official model of *swara* and its practice: in contrast to what the official model of *swara* dictates, *swara* marriages in all the studied cases were delayed for some time on part of the *swara*-receiving parties. A local leader termed the delay in *swara* marriages a recent phenomenon, as he said that 30 to 40 years ago, no celebrations would be conducted for *swara* marriages and that *swara*-receiving parties would take girls given in *swara* to home either on decision day or within a few days of the *jirga* decision. Given this, the age of girls given in *swara* at time of *swara* marriages used to be very young as compared to what is common nowadays.

From the studied cases, it is hard to provide an estimate about how far back it was common not to delay *swara* marriages. As shown in Table 6.1 below, although the girls in four of the studied *swara* cases (Cases 1, 4, 5, and 6) are relatively older (18, 14, 15, and 20 years old, respectively), they only provide an estimate of up to 20 years ago when swift *swara* marriages

were common. In the oldest *swara* case (Case 6, twenty years old), the *swara*-receiving party waited for six months to bring the girl given in *swara* home. Similarly, in the second oldest case (Case 1)—which occurred 18 years ago, —the *swara*-receiving party waited for three years to bring the girl given in *swara* home. In Cases 4 and 5, similarly, the *swara*-receiving parties waited for three years and one year, respectively, to bring home the girls given in *swara*. Additionally, of all the six studied cases, the longest and shortest waiting period for *swara* marriage took place in two of the latest *swara* cases (Cases 2 and 3); where in Case 2, the *swara*-receiving party waited for five years for the *swara* marriages, and in Case 3, this waiting period was just three months.

<i>Swara</i> Case	Year of occurrence	Age of girl(s) given in <i>swara</i> at time of jirga decision	Age of girl(s) at time of <i>swara</i> marriage	Delay in <i>swara</i> marriage
Case 1	1997	11 years	14 years	Three years
Case 2	2008	Two girls. 8 years and 10 years	13 and 15 years	Five years
Case 3	2006	13 years	13 years	Three months
Case 4	2000	8 years	11 years	Three years
Case 5	2001	11 years	12 years	One year
Case 6	1995	Two girls. 7 years and 10 years	7 and 10 years	Six months

Table 6.1: Age of girls given in *swara* and delay in their marriages

One of the key reasons for delaying *swara* marriages on part of *swara*-receiving parties was the young age of girls given in *swara*. This is clear from the pattern of waiting period for *swara* marriages in the studied cases, as *swara* marriages of girls who were relatively younger were delayed for a longer period of time as compared to those girls who were relatively older. As a whole, it is evident from the studied cases that a *swara*-receiving party tends to delay *swara* marriage until the girl becomes a *paighla*, an “adult.” It is important to point out here that

according to the local understanding, 12 is considered to be a marriageable age for girls, and the local term *paighla*, in its strict definition, is any girl age 12 or above. In the context of *swara*, on the other hand, the term *paighla* refers to any girl who is not *urnay* (a girl not older than three years). Similarly, it is also important to note here that marriages (particularly of girls) in the community are normally contracted at a very young age, but weddings do not take place until the girl turns 12 or older. Given this, the pattern of *swara* marriages in the studied cases was very much in line with the pattern for regular marriages in terms of a girl's age at the time of marriage. That is to say, that although at the time of *jirga*'s decisions the girls given in *swara* were younger than 12 years of age in five cases (Cases 1, 2, 4, 5, and 6), and 13 years in just one case (Case 3), in four of the cases (Cases 1, 2, 3, and 5) the girls given in *swara* were of 12 years age or older at the time of their *swara* marriages. The remaining two cases (Cases 4 and 6) followed the pattern of regular marriages in terms of the girl's age at the time marriage is contracted—as in Case 4 the girl was eight years old at time of *jirga*'s decision and in Case 6 both girls given in *swara* were seven and ten years old—but they did not follow the pattern of regular marriages in terms of girl's age at time of marriage, as in Case 4 the girl was 11 years old at time of *swara* marriage, and in Case 6 the girls were seven and ten years old.

Symbolic Capital, Social Status and *Swara*

As mentioned before, the official model of *swara* dictates the provision of three girls of two different age groups, that is, an *urnay* (a girl not older than three years of age), and two *paighle* (“adult” girls in the local understanding). The rule of giving an *urnay* in *swara* was, however, not followed in any of the six studied cases. The girls given in *swara* in all cases were *paighle*—in its broad definition of any girl who is not an *urnay*, that is, any girl older than three years of age—at the time of *jirga*'s decisions in the respective cases. This does not mean that the rule of

giving an *urnay* in *swara* is not followed at all. I came across a *swara* case that took place during my fieldwork in which an *urnay* girl at two years of age was given in *swara* along with one *paighla* at six years of age. While the *swara* marriage of the *paighla* was scheduled to take place within six months, the *urnay* girl was “forgiven,” as it is referred to in the community, by the offended party and instead they received cash in the amount of half the value of *walwar* (bride price, about \$2,000) from the guilty party. The primary reason for including an *urnay* in this case was that the guilty party did not have anymore *paighle* available in the family. An important point about this case was the imposition of *mahr* (Islamic bride wealth, jewelry worth about \$500 was imposed in this case) on the *swara*-receiving party. The imposition of *mahr* on a *swara*-receiving party is a new trend in *swara* marriages, as the official model of *swara* does not require them to make any kind of payment (whether bride wealth or bride price) to the *swara*-providing party or to the girl given in *swara*. This rule of the official model of *swara* was followed in all the studied cases; in no case did *swara*-receiving parties provide *walwar* or *mahr* for the girls given in *swara*. In this way, the imposition of *mahr* on *swara*-receiving parties began recently and has become quite frequent in contemporary *swara* cases, as I heard of a number of other recent *swara* cases in the community in which *mahr* was imposed on *swara*-receiving parties. One of the main reasons for introducing *mahr* into *swara* marriages is to disguise the latter as “arranged marriages” so as to manipulate the illegality of *swara* marriages under the EVAW Law in 2009. As mentioned in Chapter 3, the EVAW Law has not proven to be effective in terms of curbing *swara* marriages and improving the status of girls given in *swara*. The introduction of *mahr* in *swara* marriages to disguise them as “arranged” marriages is surely a result of the EVAW Law. The introduction of *mahr* in *swara* marriages can be expected to have a positive

impact on the status of girls given in *swara*, as the amount of *mahr* is directly associated with the perceived status of the girl.

Before embarking on a discussion of how *mahr* and *walwar* play out in *swara* marriages, both concepts deserve an explanation along with exploring their understanding and importance in marriages in the community. *Mahr* is an Islamic marriage custom of payment of goods that are provided by the groom or his family to the bride directly. *Mahr* and the local practice of *walwar* (bride price) are seemingly similar in the sense that both require a transaction of cash or goods to be paid by the groom or his family to the bride or a male member of her family before the marriage takes place. However, at the same time, *mahr* and *walwar* are completely different transactions in Afghanistan due to three important distinctions between them: first, while *mahr* is directly received and retained by the bride, *walwar* is received and retained by a male head of the bride's family; second, *mahr* is a transaction of goods (usually jewelry for the bride), but *walwar* is a cash transaction; and third, goods provided under *mahr* are of lesser cash value than the cash provided under *walwar*. Given these distinctions, *mahr* can best be described as bride wealth, and *walwar* as bride price. I use the term "bride wealth" and not "bride price" for *mahr* because while the former is more flexible in meaning and does not necessarily imply an economic transaction in its aspect of "selling" and "buying," the latter ignores "other important social functions" involved in *mahr* by virtue of its word "price" connoting an economic transaction in terms of "selling" and "buying" (Evans-Pritchard 1931:36). In Jalalabad, *walwar* is practiced on a greater scale as compared to *mahr*. Similarly, since the amount of *walwar* is increasingly higher than that of *mahr*, men find it hard to pay it. Although depending on the economic situation of the bride's and groom's families, the standard amount of *walwar* to be paid by the groom's family to the bride's family is between AFN200,000 to AFN300,000 (\$3,000 to

\$4,500). The standard amount of goods provided under *mahr*, on the other hand, is worth between AFN50,000 to AFN100,000 (\$800 to \$1,500). These amounts of *mahr* and *walwar* are the standard in rural areas of Jalalabad, as in urban areas these amounts are greater.

Walwar, particularly its high cost, plays an important role in *swara* marriages, as it does in regular marriages. Although considered a “burden” (as Shafiq in Case 2 described his unmarried daughters as “burden”) for the family, unmarried women in the family have an “economic benefit” for men of the family. Primarily by virtue of *walwar* (bride price), unmarried women serve as an economic capital for male members of the family. As mentioned above, *walwar* payments are directly received and retained by the head male member of the bride’s family, this provides an incentive for the head male member in a family to strike a marriage deal for his unmarried daughter or sister that would bring him a greater amount of *walwar*. The incentive of receiving *walwar* payment for one’s daughter or sister is, however, true for contracting a marriage outside the *korenai* only, because *walwar* payments are not made in FBD marriages. There is an exception in this, too. It is only if patrilateral parallel cousins are living in the same household (that is, belonging to same *korenai* in its strict sense) that *walwar* payment is not made. On the other hand, if they are living in different households, *walwar* payment is then contingent upon the nature of the relationship between them—having good relations would mean no *walwar* payment is required and vice versa. The absence of *walwar* in regular FBD marriages can be argued to be one of the reasons why this pattern of marriages is common in the community, as it eases the groom and his family from making *walwar* payments. Participants, however, did not explicitly describe the preference of marriages between patrilateral parallel cousins in terms of *walwar* payment. Instead, they explained preference for such marriages in

terms of “keeping honor within *korenai*,” as a local leader referred to it. A *jirga* member explained preference for marriages between patrilineal parallel cousin as follows:

“He [referring to brother] live with you in the same *kor* (house)...you know his children very well, and he knows yours. So getting his daughter in marriage for your son does not bring home any outsider...if you get a wife for your son from outside *korenai*, you might end up letting a woman in the family who is *jagramara* (pugnacious) or who has bad character.”

This explanation hints at how marriages between patrilineal parallel cousins in the community are understood in terms of protection the “honor” of the family. The fear that a woman from outside *korenai* might be of “bad character” implies the concern for family honor, as obedient, submissive, and women of “good character” are key to the concept of family honor. Also, the emphasis on women’s character in the above statement also means that FBD marriages ensure that the acquired wife is well-known to the family and will fit well into it. Contrary to this explanation, however, the absence of *walwar* in FBD marriages also plays an important role in preference for and prevalence of this pattern of marriages. This is obvious from the fact that those in the community who can easily afford to pay *walwar* tend to marry outside *korenai* to acquire a “perfect” match. This trend is increasing in the community. A local leader explained it in terms of the “increased affordability” of the men in terms of financial resources to pay greater *walwar* despite the fact that “women are very expensive nowadays,” as he phrased it.

The greater affordability of the men in terms of their economic status means that seeking marriages outside *korenai* are aimed at more than just acquiring a wife with “good character.” The better economic status (greater economic capital) is strategically utilized for acquiring wives from groups that would not only contribute to establishing political alliances but also to acquiring greater symbolic capital by marrying women of high status groups. While such marriages between people of different lineages are exclusively arranged by men, FBD and other marriages within a close kin group, such as marriage with father’s sister’s daughter, are arranged

by women. From this perspective, *swara* marriages fall under the former kind of marriages, that is, the ones that are aimed at political alliances and the reproduction of social relations between men. On the other hand, *swara* marriages between patrilineal parallel cousins fall under both kind of marriages: they are what Bourdieu (1977:53) calls “extra-ordinary” marriages in the sense that they are aimed at establishing political alliance and social relations between the two parties, but at the same time they are also “ordinary” marriages in Bourdieu’s sense in that they are not primarily aimed at acquiring symbolic capital. This duality of *swara* marriages between patrilineal cousins came to light in Case 2. In this case although initially the three *swara* marriages were arranged by the men, the “extra-ordinary” nature of these *swara* marriages was subverted by the mother of the girls through insistence on one exchange marriage for one of the girls given in *swara*. The insistence of the mother to provide one of the girls given in *swara* in an exchange marriage can be explained as an attempt on her part to ensure that the *swara* marriages achieve more than just amending their relations. In other words, since the mother was more concerned about the wellbeing of her daughters than the political aspect of *swara* marriages, she strategically turned the “extra-ordinary” nature of *swara* marriages into “ordinary” marriages, the kind of marriages where she was able to manifest greater agency/role.

Walwar has an important implication for *swara* marriages. Since, just like FBD marriages, *walwar* is not paid in *swara* marriages, *swara* marriages become similar to that of FBD marriages in the economic aspect of marriage. As described earlier that disputants usually incur huge financial losses, the absence of *walwar* in *swara* marriages provides an economic incentive to the *swara*-receiving party to acquire a woman without incurring additional financial costs by paying *walwar*. Also, given that FBD marriages are already preferred, disputes between members of the same *korenai* provide more fertile ground for *swara* marriages for three

reasons: first, they satisfy the “rule” or preference for FBD marriage; second, *swara* marriages between patrilineal parallel cousins warrant a better relationship between the two parties than they do between parties of different *korenai*; and third, *swara* marriages between patrilineal parallel cousins are better for the girls in terms of their well-being. For instance, in Case 5—where the dispute was between male patrilineal parallel cousins—although receiving a girl in *swara* was economically “profitable” for the *swara*-receiving party since they did not have to pay *walwar* for her, the primary advantage of receiving a girl in *swara* was more in relational terms than in economic terms. Sadiq (father-in-law of the girl given in *swara* in Case 5) implicitly talked about the economic aspect of *swara* by referring to his poor financial situation and how he could barely afford to buy anything. At a time when he had already lost financial resources (particularly his land) in the feud, it was economically “profitable” for Sadiq to acquire a wife for his son without having to pay *walwar*. It can be argued that since the disputants in Cases 1, 2, and 5 were either brothers or male patrilineal parallel cousins, the *swara* marriages did not cause any additional economic “benefit” for the *swara*-receiving parties in these cases because these marriages occurred between patrilineal parallel cousins, which do not require payment of *walwar*, anyway.

It would be an oversimplification, however, to explain *swara* marriages in Cases 1, 2, and 5 in economic terms, as this approach undermines the primary objective of *swara* marriages, which is ending feuds and restoring relations between disputants. The *swara* marriages in these cases were more effective in terms of mending relations between disputants than they are in cases where disputants belonged to different lineages or *korenai*. The fact that the disputants in Cases 1, 2, and 5 were either brothers or male patrilineal parallel cousins, the *swara* in these cases served the purpose of both mending relations between the disputants and satisfying the

“rule” of FBD marriages. In these cases, it was not the political aspect of the *swara* marriages in terms of establishing relations between two groups that was more significant, rather it was the practical functions of FBD marriages that made these *swara* marriages more important. In other words, the *swara* marriages in Cases 1, 2, and 5 were more effective because the *swara*-receiving parties were able to acquire wives who were more likely to fit well into their families and thus potentially more likely to play a positive role in mending relations between the disputants. In this way, the relational aspect of *swara* marriages in these cases superseded the objective of acquiring more symbolic capital, which is typical in *swara* marriages between parties of different lineages.

Apart from the significance of the relational aspect of *swara*, the *swara* marriages in Cases 1, 2, and 5 were also economically beneficial, albeit for the *swara*-receiving parties only. As mentioned above, FBD marriages do not require the payment of *walwar* between patrilineal parallel cousins who are part of the same *korenai*, but a *walwar* payment may be required if patrilineal parallel cousins are not part of the same *korenai*. Given that, there was a possibility of *walwar* payments in Cases 1, 2, and 5 in the event of regular FBD marriages because none of these cases had patrilineal parallel cousins as part of the same *korenai*. In this way, the *swara* marriages in these cases were economically beneficial for the *swara*-receiving parties in the sense that they preempted any potential *walwar* payments for the preferred form of marriage, that is, FBD marriages. The preemption of potential *walwar* payments in these cases also meant that the *swara* marriages somehow looked like the “ideal” regular FBD marriages in two important aspects: first, the absence of *walwar* payments in both types of marriages; and second, the re-establishment of relations rather than establishing new political alliances between wife-takers and wife-givers.

In *swara* marriages between disputants of different lineages, on the other hand, it was the acquisition of symbolic capital, along with the objective of ending feuds and restoring peace in the community, that was more at play. To elucidate this hypothesis, it is important to take into account the implications of *walwar* payments for the women viz-à-viz their reputation. The amount of *walwar* measures a woman's reputation and status:¹⁰ the higher the *walwar* payment for a woman, the more reputable she is considered and vice versa. Although the women do not receive any portion of its payment, the amount of *walwar* payments is associated with women's character. This is especially the case for acquiring a woman in marriage from another lineage. Although marrying outside one's lineage is neither preferred nor is it common, such marriages do occur if someone fails to find a woman of "good character" in his own lineage, or if a family's women from another lineage are well-known for their "good character." For this reason, *walwar* payments for marrying a woman outside one's lineage are higher than they are for marrying a woman of the same lineage. The lower *walwar* payment for marrying a woman of the same lineage in comparison to *walwar* payments for marrying a woman from a different lineage, however, does not mean that the women of one's own lineage are considered less "reputable," as the idea that the amount of *walwar* payments is an indication of women's reputation would suggest. Instead, the amount of *walwar* payments as an indicator of women's reputation is used in symmetrical fashion, that is, for comparing women's reputation within the same lineage. Due to higher *walwar* payments for marrying women from other lineages, the economically well-off families in the community are more likely to contract marriages outside their own lineage. Given that, local leaders in the community—who are among the economically well-off men in the community—are being able to acquire out-of-lineage women in marriages. At the same time,

¹⁰ For the women, the terms "reputation" and "character" in the sense of moral worth define their status in terms of rank.

these local leaders have more than one wife, acquired from both their own lineage and other lineages.

The above implication of *walwar* payments for the reputation of women hints at an important objective of marrying outside one's lineage: marrying a woman of different lineage brings more symbolic capital to the men because of the better reputation/status of the women in such exogamous marriages. In the cases that involved disputants of different lineages (Cases 3, 4, and 6), *swara* marriages contributed to the symbolic capital (prestige) of the men of the *swara*-receiving parties not because the girls given in *swara* belonged to groups of *higher social status*; but because of the mere fact that those girls belonged to *different lineage groups* and thus warranted higher *walwar* payments. This point can be explained by taking into consideration the relative social status of the *swara*-providing parties in these cases. In all of these cases (Cases 3, 4, and 6), the *swara*-providing parties were weaker in different aspects as compared to the *swara*-receiving parties. For instance, in Cases 3 and 6, the *swara*-receiving parties were stronger than the *swara*-providing parties both in terms of manpower and material resources. In Case 4, on the other hand, the *swara*-receiving party was stronger than the *swara*-providing party only in terms of material resources. Therefore, acquiring wives from the *swara*-providing parties in normal circumstances would not have contributed to the symbolic capital of the *swara*-receiving parties because of the relatively lower social status of the former. On the contrary, the *swara* marriages in these cases did contribute to the symbolic capital of the *swara*-receiving parties for a very different reason. The fact that acquiring a wife from a different lineage requires higher *walwar* payment means that in the context of *swara* the desirability of acquiring a wife from a different lineage translates into symbolic capital in the sense that the perceived higher *walwar* payments (economic capital) for her transforms into the prestige of the *swara*-receiving party.

Swara marriages between parties of different lineages have two important and contradictory implications for *swara*-receiving and *swara*-providing parties. While for *swara*-receiving parties, *swara* marriages positively contribute to their prestige because they have been able to acquire a wife from a different lineage without *walwar* payments, for *swara*-providing parties, *swara* negatively impact their social status because they have provided a girl to someone from a different lineage without receiving any *walwar* for her. These contradictory implications of *swara* for the *swara*-receiving and *swara*-providing parties have a negative impact on the relational objective of *swara* marriages. That is to say, in cases where the dispute is between parties of different lineages, *swara* ends feuds, but it does not pave the way for the establishment of close relations between the disputants because the very practice of *swara* between parties of different lineages reiterates the difference in the social status of the *swara*-receiving and *swara*-providing parties. This is evident from Cases 3, 4, and 6 in which the *swara* marriages reiterated the existing difference of social status between the *swara*-providing and *swara*-receiving parties (the former being weaker than the latter) and, as a consequence, the *swara* marriages in these cases did not do much to improve their relations; instead the *swara* marriages in these cases widened the gap between the social statuses of the *swara*-receiving and *swara*-providing parties.

The symbolic capital value of girls given in *swara* can be utilized as a means for acquiring more symbolic capital. Evidence for this comes from data of Case 6—which was the only one of the two cases (Cases 4 and 6) that involved disputants of two different lineages in which participants from the *swara*-receiving party were recruited. In Case 6, the offended party received two girls in *swara*. One of these girls was meant to be wed to Sajid (disputant's son), but she was exchanged with Sajid's patrilineal cross cousin, that is, Sajid married his patrilineal cross cousin, and the girl given in *swara* he was supposed to marry was given in exchange

marriage to Sajid's patrilineal cross cousin (Sajid's wife's brother), Kalam. Exchange marriages in Afghanistan are common and have been associated with high cost of marriages as result of increasing *walwar* payments (UNAMA 2010:17). In this way, exchange marriages help the involved parties avoid *walwar* payments. In Case 6, the symbolic capital value was utilized to acquire another wife (also symbolic capital). Since exchange marriages do not require *walwar* payments, the exchange marriage in Case 6 meant that the symbolic capital value of the girl given in *swara* was utilized to acquire further symbolic capital. In this case, the *swara* marriages did not increase the prestige of just the *swara*-receiving party; rather, they also helped the male patrilineal cross cousin of the *swara*-receiving party to acquire symbolic capital through an exchange marriage for one of the girls given in *swara*. The exchange marriage in Case 6 also had an economic benefit for Kalam's family. The main disputant, Javed, in Case 6, could afford *walwar* payment for a regular marriage of his son, Sajid, because: first, he was financially well-off, and second, he had just one unmarried son to pay *walwar* for his wife, as three of his remaining sons had died in the dispute. Javed's sister (whose son, Kalam, received a girl given in *swara* in exchange marriage), on the other hand, had four unmarried sons, which meant that the family had to spend a lot on getting wives for the four unmarried men. This situation for Javed's sister's sons was further complicated by their strained relationship with their patrilineal parallel male cousins. This further meant that the possibility of Javed's sister's sons marrying any of their patrilineal parallel cousin was narrow, which would otherwise have helped them avoid *walwar* payments. Given this situation of Javed's and his sister's family, the symbolic capital value of one of the girls given in *swara* was utilized to acquire another wife.

The utilization of a *swara* marriage for an exchange marriage does not always work as a substitute for acquiring additional symbolic capital. It is the symbolic capital value of the women

that is more important for the men than their potential economic value in terms of *walwar*. For instance, in Case 2, the exchange marriage that took place for the third girl given in *swara* was clearly not intended by the *swara*-providing party to avoid *walwar* payments for Omar's marriage (who received a girl from the *swara*-receiving party in exchange marriage). Instead, as described in the first part of this chapter, the exchange marriage in this case can best be explained as a "security strategy" by the mother of the girls given in *swara* intended to make sure that her daughters would be treated well by the *swara*-receiving party. In Case 2, two points are important that need to be taken into consideration to evaluate the "intention" of the *swara*-providing party behind insisting on exchange marriage for one the three girls given in *swara*: first, Shafiq had just one son to arrange a marriage for, therefore it was not much of a financial burden for him to have had paid *walwar* for his only remaining unmarried son; and second, Shafiq could avoid *walwar* payment by arranging his son's marriage with one of his brother's (Israr) daughters. The fact that Shafiq did not opt for his son's marriage with his other brother's (Israr) daughter, instead preferring an exchange marriage for his son with a daughter of his disputant brother, further provides evidence for the point that the exchange marriage in Case 2 was a strategic attempt of the mother of the girls given in *swara* to secure the well-being of her daughters.

In context of *swara* marriages, the implication of the amount *walwar* payments as an indicator of women's reputation for women becomes more significant. As no *walwar* payments are made for *swara* marriages, a girl given in *swara* theoretically has "zero value." Although local leaders and *jirga* members refer to girls given in *swara* as the ones "having higher status"—for instance, a local leader described girls given in *swara* as "of higher status and value because they sacrifice for the noble (*azeem*) cause of mending relations between two families"—

the fathers and brothers of the girls given in *swara* in Cases 3 and 4 held a different view about girls given in *swara*. In Case 3, Jalil explicitly expressed the view that girls given in *swara* “become the living dead” and that they become even “cheaper than a sheep” In the latter part of his remark, Jalil was referring to the absence of *walwar* in *swara* marriages, which, he thought, renders girls given in *swara* “cheaper” than a sheep. Jalil’s comparison of girls given in *swara* to a sheep came from his own daughter’s experience with *swara*, in which he had to hand over his daughter to the *swara*-receiving party in the *jirga* session, just like cattle is presented to a rival in the act of *nanawate*. The word “cheaper” in Jalil’s remark, however, referred to the absence of *walwar* payment in his daughter’s *swara* marriage, as Jalil later commented:

“(Referring to taking his daughter to the *jirga*) it was just like I was taking a sheep to the market to sell, except that I did not receive any price for it.”

When asked if it would have made any difference had he received *walwar* for his daughter from the *swara*-receiving party, Jalil responded that it would have made his daughter “worth something.” Here, the view that girls given in *swara* have “zero value” by virtue of nonpayment of *walwar* comes to the forefront once again. More importantly, given the fact that girls given in *swara* are generally not seen as having a “lower status” by the men—although in practice women married through *swara* are relatively at a disadvantage than women married through regular marriages—Jalil was more concerned about the absence of *walwar* payment for his daughter given in *swara* in terms of its economic aspect rather than its implication for the status of his daughter. The concern for the economic aspect of the nonpayment of *walwar* had an underlying implication for the prestige (symbolic capital) of Jalil. This becomes evident when the options Jalil had available to marry off his daughter are taken into consideration. Jalil had four unmarried daughters, but no brother’s sons to marry them off to (as his only brother’s son, Gul, had fled the village after committing the initial murder in the dispute). Given this, the only option available to

Jalil was to marry his daughters off to men either from his own lineage or from a different lineage. This meant for Jalil that he might have either given his daughter in exchange marriage for a second wife for himself or acquired higher *walwar* payments for his daughters which he could then have used to obtain a second wife. Since Jalil neither had any sons, as his only son was killed in the dispute, nor any men in the family to support him, he was in desperate need of sons. Jalil wanted to get a second wife to bear him sons, but due to his poor financial situation he could not afford to acquire one. Given that, for Jalil, giving his daughter in *swara* meant that he had lost a “resource” that he could have utilized to acquire a second wife and as a consequence the prestige in the community through future sons. In this sense, although Jalil considered the provision of his daughter in *swara* as an “economic” loss, the underlying negative consequence of this “economic” loss was the forgone opportunity of transforming it into symbolic capital.

In Case 4, similarly, Aziz, the brother of the girl given in *swara*, held the same views about *swara* marriages as Jalil did. Aziz’s views about his sister’s *swara* marriage were also framed in terms of the absence of *walwar* payment in *swara* marriages. For Aziz, however, the concern about the absence of *walwar* in his sister’s *swara* marriage was more about his family’s “reputation” than it was an “economic” one. Terming *swara* marriages as a “cruel thing” (*zulam*) to happen, Aziz described the “cruelness” of *swara* marriages in terms of providing women to one’s rival “free of cost.” On the one hand, Aziz’s describing *swara* marriages as a “cruel thing” to do indicates his negative view of *swara* as a practice that is unfair to the women; on the other hand, by referring to the absence of *walwar* payment in his sister’s *swara* marriage, Aziz considered the “free of cost” aspect of giving away of his sister to the rival party as “very bad” for the family’s “*maqam*,” social status as well. Both of these Aziz’s concerns regarding the *swara* marriage were related more to the reputation of his family, rather to personal interests of

the men, as was the case in Jalil's views about *swara* in Case 3. Aziz's view about the absence of *walwar* in his sister's *swara* marriage was not in line with the idea that the amount of *walwar* is an indicator of women's "reputation;" instead, his view hints at the idea that the amount of *walwar* was an indicator of his family's "reputation." According to Aziz, the absence of *walwar* in his sister's *swara* marriage affected the family's "reputation" more than it did his sister's because it had a bad impact on his other sisters' marriages. Talking of this impact, Aziz said, "it [his sister's *swara* marriage] lowered the bar of *walwar* payments for my other sisters...it made us that kind of family where girls are cheaper." This statement hints at the intrinsic interconnectedness of women's "reputation" and family honor. At the same time, this statement can be understood as Aziz identifying an important problem with *swara* marriages; that is, *swara* marriages negatively impact the reputation of the *swara*-providing parties. This view of *swara* was in contrast to that of the views of local leaders, *jirga* members and elder men from the studied cases about *swara*. This difference in views regarding *swara* in terms of its consequences for the involved parties was intergenerational. While the older participants did not openly talk about *swara* as a practice that is bad in any way, the younger participants—particularly brothers of the girls given in *swara*—implicitly talked about *swara* in a negative way. The negative views about *swara* among the younger participants could only come from a few participants, as in only two cases (Cases 1 and 4) did brothers of the girls given in *swara* participate in the research. The greater unwillingness on part of younger men, particularly brothers of the girls given in *swara*, to participate in the research could also be explained as their uneasiness with talking about *swara* and their negative views about it.

Apart from the indication of Aziz's negativity about *swara*, his association of the absence of *walwar* in his sister's *swara* marriage with his overall family's reputation also means that

while the family's reputation is considered to be intrinsically associated with women's reputation, the women's reputations is itself an outcome men's actions, not of women's themselves. That is to say, the lowering of family's reputation as a result of *swara* is a result of actions of the men, that is, their decision of *swara* arrangement. Once again there was a generational difference in how the actions of the male members of the family were seen informing the reputation of the female members of the family. Although Aziz had considered that his sister's *swara* marriage would have an overarching negative impact on the marriages of his remaining sisters because *walwar* for them would be lower as a consequence, his view was not in line with his father's views about *swara* marriages and the actual *walwar* payments for his remaining sisters' marriages later on. Aziz's father, Jabar, did not express any concern either about the absence of *walwar* in his daughter's *swara* marriage or about the lower *walwar* payments in his remaining daughters' marriages. In fact, Jabar was able to marry one of his daughters to his brother's son, and two others to men from the same lineage, for reasonable *walwar* payments. Aziz's concern about the absence of *walwar* in his sister's *swara* marriage (and about lower *walwar* payments in his other sisters' marriages) can also partly be explained as an "outlet" of his rage with the current high *walwar* payments in the community, as he was seeking marriage with a girl of his own lineage whose father was demanding a high *walwar* that Aziz could not afford at the moment. But more importantly, Aziz's unhappiness with the absence of *walwar* in his sister's *swara* marriage hints at his concern for the loss of his sister as a social capital that could have been converted into economic capital by receiving high *walwar* payments for her marriage. Also, the fact that Aziz emphasized on *walwar*, and associated it with his family's reputation, indicates that *swara* is considered by younger men to have a negative impact on *swara*-providing parties. Among the older participants, the objective of *swara* to end feuds is

“honorable” in itself. Among the younger men, on the other hand, it seems that the consequences of *swara* for the reputation of the involved men take precedence over its objective of making peace. The evidence for this hypothesis, however, came from the few younger participants, and therefore it requires further exploration.

The above discussion indicates that the absence of *walwar* in *swara* has a negative impact on the family’s reputation of *swara*-providing parties. However, the official model of *swara* and the rules of settlement of disputes seemingly emphasize women’s role as symbolic capital that makes *swara* an effective settlement mechanism. Particularly, the rule of the official model of *swara* that in the event of the unavailability of an unmarried girl in the family, the guilty will provide the offended party with *walwar* payment worth the number of girls decided by the *jirga* to be given as *swara* seemingly focuses on women’s role as symbolic capital. This rule is significant and indicates an important intrinsic characteristic of the women: their fertility for the production of men. According to this rule, the guilty party does not make this *walwar* payment to the offended party until the latter has arranged a marriage for a man in its family. The victim party informs the guilty party about the amount of *walwar* that it is required to pay for the woman with whom the marriage of a member of the family has been arranged. In this way, the *walwar* payment is used by the offended family to obtain a wife as a “substitute” for the girl it was meant to receive as *swara* from the guilty party. Although this “transaction” takes place in economic terms due the cash payment involved in it, its economic aspect is only transitional. That is to say, the economic aspect of *walwar* payment in such an event is a conversion of symbolic capital into economic capital for the mere purpose of converting it back into symbolic capital. The value of the women as symbolic capital in this case is not merely restricted to its importance for men’s honor. Instead, the value of women as symbolic capital in this case is of a

special kind that not only contributes to men's honor but also makes peace between them. If one applies the terms of Marxist analysis, one might say that apart from the exchange value of women given in *swara*—realized in their transaction between the *swara*-receiving and *swara*-providing parties—these women certainly have a use value, which is realized in their sexuality and fertility and consequently their role as wives and mothers. In the context of *swara*, however, the use value brought by women given in *swara* is realized very differently than that of the use value of women married otherwise. The fact that in the stated rule the provision of *walwar* as substitution for an unavailable girl to be given in *swara* is only used by the offended party to obtain a wife indicates the importance of women as a life-generating entity. The fertility of women is extremely necessary for the involved men in disputes because it is a source of bringing more men into the family, who are in turn necessary for the production and protection of material resources. Therefore, the life-generating quality of the women makes them uniquely valuable, which is not only non-exchangeable but is also essential for ending the feuds that cause the loss of men. The non-exchangeability of the women is evident from the fact that in case an offended party spends the *walwar* money on something other than obtaining a wife, the male members of the offended party are considered to have “sold their wives in the market,” as a local leader described it. This slur implies that the conversion of women's value as symbolic capital into economic capital is of no value until the economic capital is converted back into symbolic capital of a special kind with life-generating ability. In other words, this implies that women cannot be “bought” and “sold,” and that monetary compensation cannot replace women. As mentioned above, this non-exchangeability of the women is not merely because of their value as symbolic capital in terms of men's honor, but, more importantly, it is because of their necessity for the perpetuation of the kin group by possessing the unique quality of fertility.

In contrast to the outlook of the above mentioned rule emphasizing women's role as symbolic capital and life-generating entity that cannot be replaced by monetary compensation, the practical strategies of men involved in disputes manipulate it for obtaining economic benefits by disguising the economic benefits as "symbolic capital." In this way, the men successfully avoid public shame brought by spending the *walwar* payment—that has been received in the event of unavailability of an unmarried girl to be given in *swara*—on something other than obtaining a wife for a member of the family. Although in none of the six studied cases did this rule of *walwar* payment as substitute for an unavailable unmarried girl happen, this has become more common in the recent years due to a decline in the nature of *korenai* as including a large number of kin members—grandparents, parents, married and unmarried brothers, unmarried sisters, patrilateral uncles and their wives, patrilateral married and unmarried male parallel cousins, and patrilateral unmarried female parallel cousins—and the emergence of *korenai* that includes a few kin members (parents, a wife, and children). Because of the limited number of kin members that now qualify as members of the same *korenai*, it has become more likely than ever before that a guilty party in a dispute might not have any unmarried girl available to be given in *swara*. As a result, the role of *walwar* payment in such an event has become quite common in the community. Participants could identify a number of cases in their own and other communities where this rule was followed in recent times. Nawaz from Case 2 recalled one such case in an adjacent village where the guilty party had provided *walwar* payment to the offended party for obtaining a wife because the former did not have any unmarried girl in the family to be given in *swara*. The victim party in this case did not take the *walwar* payment right away; instead, as the rule dictates, they waited for some time to arrange a wife for one of its male family members. After a month, the offended family arranged a marriage for a male member in the family and

obtained the *walwar* payment from the guilty party. Complying with the rule, the guilty party provided standard *walwar* payment (\$3,000 to \$4,500) to the offended party. Unlike what the rule of the official model of *swara* would dictate, the offended party utilized this *walwar* payment to expand their house and construct additional rooms in it instead of making *walwar* payment for the obtained wife. The victim party justified the spending of the *walwar* payment on expanding the house as a part of “trousseau” for the bride. Despite the using the *walwar* payment on something other than obtaining a wife, the offended party was not seen as being having had “sold their wives,” as the official model of *swara* would dictate. Instead, they were thought to have “spent the money wisely,” as Nawaz commented. For Nawaz, they did the right thing to expand their house as part of bride’s “trousseau” because it was useful, Nawaz said, for both the offended family and the bride. When asked how the spending of the *walwar* payment on expanding the house was not qualified as “selling one’s wife,” Nawaz said that it was because the *walwar* payment was spent on the bride’s “trousseau” which “increased the value of the bride.” It would have been akin to “selling one’s wife,” Nawaz added, if the victim party had spent the *walwar* payment “on themselves.” Expanding the house was not seen as “money spent on themselves” because it was aimed at constructing an additional room for the incoming bride. In this case, although the *walwar* payment—that should have been used as *walwar* for obtaining a wife—was not converted into symbolic capital, that is, a wife, it did not bring shame for the victim family because the non-conversion was disguised as symbolic capital, meaning it was spent to increase the “value” of the incoming bride. In this case, spending the *walwar* on something other than obtaining a wife should not be understood as a replacement of women with the economic capital. The fact that the victim in this case had already acquired a wife for a male member of the family means that the *walwar* they received from the guilty party could be

utilized for something else. Had the victim party not acquired a wife yet and had utilized the *walwar* for the construction of the additional room, only then it would have qualified as the replacement of women. Also, the fact the *walwar* was spent on something that was considered as “trousseau” for the incoming bride indicates that the *walwar* payment was still utilized in a way that contributed to the symbolic capital of the family, as the amount of trousseau indicates the “worth” of the women and their in-laws.

Spending the *walwar* that an offended party has received from the guilty party as substitute for an unavailable girl is not always spent on something that increases the symbolic capital of the women in terms of their increased “value”. For instance, a *jirga* member recalled a case where the guilty party had provided *walwar* payment because they did not have an unmarried girl in the family to be given in *swara*. However, the offended family arranged an FBD marriage for a male member of the family that did not require *walwar* payment. Therefore, the *walwar* payment in this case was instead spent on buying goods for the bride as part of her trousseau. However, since the greater part of the bride’s trousseau largely consists of household goods rather than goods of personal use for the bride, it would not be wrong to say that although spending the *walwar* payment on trousseau brought some capital value for the offended family, the major beneficiary of this symbolic capital was the offended party rather than the bride.

Paighor and Swara

Paighor is an act of ridiculing or taunting someone for his her failure to comply with the established social norms in the community. Someone who receives a *paighor* is disgraced or shamed; therefore, individuals (both men and women) try to avoid any behavior that would call for a *paighor* from people in the community. One of the most important “positive” aspects of *swara* for disputants was that it eliminated *paighor*. While resorting to revenge during disputes is

primarily aimed at eliminating *paighor* (the inability to exact revenge brings one the *paighor* of being called “*beghairata*,” a coward), it is opting for the option of *swara* in the settlement process that eliminates *paighor* for both the guilty and offended parties. The other two options (forgiveness and blood money) of dispute settlement can both invoke *paighor*. Particularly, the settlement of a dispute through blood money invokes *paighor* for the offended party. Similarly, the option of forgiveness can also bring *paighor* for the offended party. As already described in chapter 4, blood money brings *paighor* because receiving it in the settlement of a dispute is considered akin to “selling one’s kin’s blood.” The option of forgiveness, on the other hand, does not bring immediate *paighor* for the offended party, but in the long run the possibility of a *paighor* does exist. Amjad from Case 5 described the possibility of *paighor* in case of settling a dispute through the option of forgiveness as below:

“Someday you can get in a dispute with another person and he can give you *paighor* that you could not exact the revenge (in some previous dispute) that is why you forgave him (the guilty person).”

This statement indicates that *paighor* is primarily given to someone for not conforming to the principles of *pashtunwali*. Although local leaders and *jirga* members tend to push disputants to settle their dispute through the option of forgiveness, they acknowledge that settling a dispute through forgiveness might not be effective due to the possibility of *paighor* in it. “*Paighor* stays for a centuries,” a local leaders commented, “if you do not get [a *paighor*] in your lifetime, your grandchildren or great grandchildren might get it for something wrong that you did.” A person can eliminate *paighor* for something by rectifying his/her action/behavior that has brought the *paighor* in the first place. *Paighor* is taken very seriously by people (both men and women) and eliminating it can make one (particularly men) resort to aggressive behavior or action.

Describing the extent to which one can go to eliminate *paighor*, an elder man in the community said that he had cut a man’s ear with a knife to exact a revenge of a fight with him that had

occurred 34 years ago and in which the man had bitten his ear. The elder man had resorted to exacting revenge in this case because the perpetrator had boastfully said to someone else how he had bitten the elder man's ear in a fight 34 years ago. This constituted as *paighor* for the elder man, therefore, to eliminate the *paighor* he had to exact the revenge of the ear biting by inflicting an injury on the perpetrator that surpassed the injury of the bitten ear.

In the context of *swara*, *paighor* plays different roles for *swara*-receiving and *swara*-providing parties. For *swara*-receiving parties, the role of *paighor* is straightforward; for them, *swara* eliminates *paighor* forever. For *swara*-providing parties, on the other hand, *swara* does not eliminate *paighor* directly. Instead, it is the role of *swara* eliminating *paighor* for the *swara*-receiving party that the *swara*-providing party considers *swara* as the “best” settlement option. That is to say, by virtue of *swara* eliminating *paighor* for the *swara*-receiving party, the *swara*-providing party gets an assurance that the *swara*-receiving party would not resort to exacting revenge in the future and thus the conflict would not be renewed. This was particularly the case in disputes between men of different lineages. For instance, in Case 4, Jabar talked about his reasons why “it was not a bad option” to provide his daughter in *swara* to the offended party in the dispute in terms of its implications for *paighor* for the *swara*-receiving party, and not for himself. For Jabar, providing his daughter in *swara* to someone out of his *korenai* and lineage was not an easy decision for his family, but he considered it to be the best option because he thought “people would not give *paighor*” to the *swara*-receiving party, as he phrased it. When asked if providing *swara* also eliminated the possibility of *paighor* for his family too, Jabar said that the possibility of *paighor* can never be eliminated, but “you endure it because you know if you act upon people's *paighor*, it will demolish you.” Jabar's statement provides two important points about *paighor* in the context of *swara*: first, it indicates that *swara* does not necessarily

eliminate *paighor* for the *swara*-providing party; and second, the *swara*-providing party does not try to act upon people's *paighor*, which is otherwise not so. Jabar's association of acting upon *paighor* with one's self-demolishment is a reference to how the *swara*-providing party does not try to act upon of people's *paighor* because it can jeopardize post-*swara* relations between disputants. Jabar's statement also indicates that the fear on part of the guilty party that the offended party might retaliate and renew the dispute after the settlement pushes the guilty party to settle the dispute in such a manner that would eliminate the possibility of the offended party resorting to exacting revenge. Since *paighor* is the main trigger for exacting revenge, the best option for the guilty party to preempt the possibility of *paighor* on part of the victim party in the post-settlement scenario is to agree to an arrangement that would not bring *paighor* for the offended party.

It is, however, not to say that *swara* essentially brings *paighor* for the *swara*-providing party; if it did, no guilty party would want to settle disputes through *swara*. Instead, it is to say that while *swara* always eliminates the possibility of *paighor* for the *swara*-receiving party, it can, and sometimes does, bring *paighor* for the *swara*-providing party. As described for Case 4, the *swara*-providing party tends not to act upon people's *paighor* brought by *swara* in the greater interest of relations with the *swara*-receiving party. Although the primary reason for the *swara*-providing party not to act upon people's *paighor* is that it fears retaliation of the *swara*-receiving party in the post-settlement scenario, this was not expressed explicitly. Instead, participants from the *swara*-providing parties expressed ignoring *paighor* brought by *swara* in terms of their desire for maintaining good relations with their disputants. The reason for maintaining good relations with disputants in the post-settlement scenario was described in terms of "ensuring the wellbeing" of girls given in *swara*, as Jalil from Case 3 described it. However, the way the

swara-providing parties “ensured the wellbeing” of the girls given in *swara* was itself aimed at making sure that the *swara*-receiving party does not get offended and that the girls given in *swara* are no longer controlled by their natal families, but by their in-laws. This clearly manifested in Case 3. Jalil admitted that providing his daughter in *swara* had brought him *paighor*, but he ignored it because he “did not want to create problems for his daughter.”

Describing why he ignored people’s *paighor* for giving his daughter in *swara*, Jalil said:

“People would not give me *paighor* directly, but they would tell my relatives or friends that I had given my daughter in *swara* and without any *walwar*...I would pretend as if I had not heard anything because my daughter was with them (with the *swara*-receiving party), and if I had done anything stupid they would have made troubles for her.”

Although this statement clearly indicates how Jalil downplayed *paighor* brought by *swara* to ensure that his daughter is not ill-treated by her in-laws, the *paighor* received by Jalil did have a negative impact on his relationship with his daughter in the post settlement scenario. It was not that Jalil just ignored the *paighor*; rather he did act upon it in ways that badly affected the very well-being of his daughter that he wanted to ensure through ignoring *paighor*. In order to make sure that the *paighor* would not intensify and would not lead him act upon it, Jalil ensured that his daughter did not visit her natal family after the *swara* marriage until her first child was born. It is important to point out here that married women in the community make frequent visits to their natal families after marriage and spend a few days with their parents. Although women do it without their parents’ invitation, sometimes parents send for their married daughters to visit them for important social and religious festivals. Natal families serve an important source of social protection for married women, which is made use of by the women in times of social and economic hardships. For the first year of his daughter’s *swara* marriage, Jalil did not allow anyone in the family to visit his daughter. It was after his daughter’s child turned a few months that Jalil requested his daughter’s husband to allow her to visit her natal family. Jalil still does

not allow his daughter to make frequent visits to her natal family; rather, she is only allowed to visit once a year for a major religious festival. Jalil did, and is still doing, all of this for ensuring the “wellbeing of his daughter,” as he described it. The restrictions on visits to natal families have detrimental implications for women given in *swara*; they strip the women of an important source of social protection in the form of natal family. More importantly, from men’s perspective, restrictions on natal family visits allow the men to exercise greater control over women given in *swara*. Particularly, for the men from *swara*-receiving parties, restrictions on natal family visits imply the full ownership of the women transacted under *swara*. At the same time, the willingness on part of the men from *swara*-providing parties to restrict natal family visits of the women given in *swara* is a manifestation of the fact that the transfer of the women through *swara* has also transferred the right to exercise control over the women from the *swara*-providing party to the *swara*-receiving party. The ban on natal visits of the women given in *swara* on part of the *swara*-receiving parties is therefore an illustration of the transfer of the right of having a control over the women received through *swara*. The illustration of exercising control over the women given in *swara* in the form of ban on their natal visits has an important implication regarding relations between the disputants. By restricting natal family visits of a woman given in *swara*, men from *swara*-receiving parties turn the natal family into a public sphere where women are not allowed to enter. This in turn implies that the objective of *swara* to make peace between disputants is always at risk of being jeopardized by the men involved in the dispute, not by the women given in *swara*.

Although Jalil described his decision of not allowing his daughter to visit her natal family in terms of ensuring her “well-being,” the underlying reason for this decision was to ensure that any opportunity of offending the *swara*-receiving party is eliminated. Jalil feared that someone

could mislead his daughter if she visited her natal family frequently, which might have led her to behave “badly” in her in-laws’ family. This would have jeopardized the relationship between the two families. Hinting at this fear, Jalil said:

“Here (at the natal family’s house) she (her daughter) could hear to other women who do not want her to live a happy life... there (at the in-laws’ house) it is their (the *swara*-providing party) responsibility to not let anyone fill her ears with hatred against them.”

Jalil’s primary fear is that people always look for the opportunity to jeopardize his relations with the *swara*-receiving party. In order to make sure that people did not get any such opportunity, Jalil curtailed the natal visits of his daughter so that she would play her “positive” role of staying “obedient,” “submissive,” and “passive” for the sake of maintaining good relations between her in-laws’ and the natal family.

The role of girls given in *swara* as a “bridge” between the *swara*-receiving and *swara*-providing parties was expressed explicitly by participants from the *swara*-providing parties. For them, the role of girls in *swara* as “menders” of relationships played a key role in either eliminating *paighor*, or ignoring it. However, in contrast to the above mentioned case (Case 3), the important factor that was different in other *swara*-providing parties was that participants from these cases (Cases 1, 2, and 4) emphasized the role of the girls given in *swara* as “menders” by virtue of their “active” role. That is to say, participants from the *swara*-providing parties in Cases 1, 2, and 4 considered girls given in *swara* as a key to good relations between disputants in the post-settlement scenario because “they bring the two families together by acting like an ambassador” for both families, as Fazal from Case 1 described it. The *swara*-receiving parties in Cases 1 and 2 did not receive any *paighor* for providing girls in *swara* to the offended parties. One of the reasons for it was that the disputants in these two cases were brothers. Since marriages between patrilineal parallel cousins are already preferred, *swara* marriages in these

cases allowed less for *paighor*. The most important outcome of the absence of *paighor* in these two cases was that the post-settlement relations between the *swara*-receiving and the *swara*-providing parties were the strongest among the studied cases because the *swara* marriages in these two cases differed less from the regular marriages than they did in the remaining cases. More importantly, as a consequent of the absence of *paighor*, the *swara*-providing party in Case 2, and both the *swara*-providing and *swara*-receiving parties in Case 1, did not have any fear about the “negative role” of the girls given in *swara*; that is, the parties did not suspect that someone might “betray [the girls] and make them hateful against their in-laws,” as Ajab from Case 1 commented. The absence of fear on part of the disputants that the girls given in *swara* could behave “badly” and make “problems” for both her natal and in-laws’ families led the parties in Cases 1 and 2 to allow the girls given in *swara* frequent visits to their natal families. This allowance constitutes another important factor that could be argued to have played a key role in good relations between the *swara*-providing and the *swara*-receiving parties in Cases 1 and 2, as the natal family visits allowed the girls given in *swara* to play an active role in bridging the ties between the disputants.

The *swara*-providing party in Case 4 dealt with *paighor* brought on by providing a girl in *swara* very differently as compared to that of Case 3. In Case 4, *paighor* played a “positive” role of bringing the *swara*-receiving and the *swara*-providing parties closer. Although having had received intensive *paighor* from people of the same lineage for providing a girl in *swara* to a party from another lineage, the *swara*-providing party completely ignored such *paighor* and instead focused on improving relations with the *swara*-receiving party. For Jabar, this was a “way to appease people’s *paighor*.” Jabar acknowledged that it was hard to maintain good relations with the *swara*-receiving party because they did not seem so interested in it, but he had

to “act wisely to save his relations.” Although Jabar never requested the *swara*-receiving party to allow his daughter to visit her natal family, he, along with his sons, would visit his daughter frequently. However, Jabar would never meet his daughter one-to-one; instead, he would meet her in the presence of someone from her in-law’s family so they would not suspect any ill-intent. The *swara*-receiving party did not allow Jabar’s daughter to visit her natal family for the first four months of the *swara* marriage, but it was after they “realized [Jabar’s] sincerity that they allowed her to visit [her natal family] twice a year,” Jabar said. For Jabar, it was not justifiable for people to give him *paighor* for giving his daughter in *swara*, as he said:

“They were unduly giving me *paighor*...giving a girl in *swara* does not justify people’s *paighor* toward her father, it is when the girl given in *swara* is not treated well by her in-laws that one’s *paighor* toward her father is reasonable.”

Jabar’s statement indicates that it was his understanding of what constitutes *paighor* that contributed to the way he dealt relations with the *swara*-receiving party. Although ignoring people’s *paighor* because it was “unreasonable” led Jabar to establish good relations with the *swara*-receiving party, the establishment of good relations with the *swara*-receiving party itself was an effort to avoid the potential “reasonable” *paighor* that might have been brought by the ill-treatment of Jabar’s daughter by her in-laws had Jabar not maintained good relations with them. The fact that Jabar considered *paighor* brought by the ill-treatment of a girl given in *swara* by her in-laws as “reasonable” and the one brought by *swara* itself as “unreasonable” hints at his view of *swara* as an “honorable” settlement option, and at the same time the best face-saving position for him by virtue of putting the burden of post-*swara* relations on his daughter and easing his own responsibility. This view of *swara* is in line with that of participants from the *swara*-receiving parties and of local leader and *jirga* members’ view about *swara*. According to

this view, *swara* eliminates *paighor* because it is an “honorable” settlement option by virtue of the women (embodied honor) involved in it.

For local leaders, *jirga* members, and participants from *swara*-receiving parties in the studied cases, *swara* is the most effective settlement option because it “resolves disputes in a way that is honorable for both parties,” as a local leader described it. Girls given in *swara* are considered to be at the center of *swara* being an “honorable” settlement option. Primarily, it is the behavior of girls given in *swara* in their in-laws’ family that is held responsible for whether or not a *swara* is effective in establishing good relations between disputants. Commenting about how it is the girl given in *swara* who determines the nature of the relationship between disputants after settlement, a *jirga* member said:

“Women make homes, but they are also home wreckers. If a woman wants to bring the two families close, she will do it with her good character. But if she does not want it, no one can bring the two families close...the woman [given in *swara*] has this responsibility [of bringing two families close] more than any other woman.”

This suggests as if the men cannot play any role in establishing good relations, rather it is the women who are not only considered to be best able to mend relationships but are also held responsible for failing to do so. It is, however, the passive role of girls given in *swara* that is considered key to good relations between disputants. This passive role of girls given in *swara* is described as an “active” role. For *jirga* members and local leaders in particular, the “active” role of girls given in *swara* is that they act as a “bridge” between the in-laws and natal families. The underlying assumption in the idea of women’s “active” role as a “bridge” between the two families is that girls given in *swara* are considered to maintain the same kind of post-marital relations with their natal families as are maintained by women married through regular marriages in the community. The key aspect of the post-marital relations of married women with their natal families is their frequent visits to natal families and being there for different occasions and in

times when their help is needed. As mentioned above, in practice, girls given in *swara* are least likely to be allowed by both their natal families and their in-laws to frequently visit their natal families. This takes away from the girls given in *swara* the only “active” role they are expected to play in order to bring disputants close.

Having been taken away from them their “active” role, girls given in *swara* are left with only a “passive” role to play in bringing two disputants close. The “passive” role includes being “obedient,” “submissive,” and “stoic.” It is the “passive” role of girls given in *swara* that was emphasized by participants from the *swara*-receiving parties in Cases 5 and 6 for establishing good relations with disputants. In Case 5, although the *swara*-receiving party allowed the girl given in *swara* to visit her natal family, Sadiq termed the “good character” of the girl to be the main reason for the normalization of their relations with the disputant. Explaining the “good character” of the girl, Sadiq said that she “was a quiet girl and did not want herself to visit her parents” and that she “gave respect to everyone at home and became a part of [their] family.” The “good character” of girls given in *swara* was also emphasized by other participants. For instance, Jalil from Case 3 praised the resilience and patience of his daughter given in *swara*, which he thought were the qualities that let his daughter adjust well in her in-laws’ family. The girls given in *swara* in Case 6 were not allowed to visit their natal family for ten years, the longest time among the studied cases. Javed explained that this long period of time was due to his fear that the girls given in *swara* could have been “misled” by someone, had they been allowed to visit their parents. The two sisters who were given in *swara* in this case were not allowed to meet each other for the first three years of their *swara* marriages. Sadiq indicated that the young age of the two sisters was the reason behind not allowing them to visit their parents or each other, as Sadiq thought it might have been easy for anyone to “turn the two sisters against

[their in-laws].” However, Sadiq was happy with the behavior of the two sisters and said that they “proved with their good behavior with everyone in the family” to be a part of their family.

For the *swara*-receiving party in Case 6, at the heart of not allowing the girls given in *swara* to visit their natal family was the issue of *paighor*. Given that the dispute in Case 6 was between men of two different lineages, Sadiq thought that it would bring *paighor* to his family if they had allowed the girls to visit their natal family. For Sadiq, allowing the girls given in *swara* to visit their natal family might have led people give him *paighor* that he had forgotten his three sons killed in the feud. In this way, not allowing the girls given in *swara* to visit their natal family was aimed at avoiding any potential *paighor* to the family. Sadiq’s fear that allowing the two sisters to visit their natal family might have brought him *paighor* is in contradiction to the understanding of local leaders and *jirga* members that *swara* eliminates *paighor* for disputants, particularly for the *swara*-receiving party. From the perspective of *swara*-receiving parties, this understanding of *swara* is true to the extent of *swara* decision only. That is to say, receiving a girl in *swara* eliminates *paighor* for the *swara*-receiving party only in the sense that it successfully acquired a girl in *swara*, but it does not eliminate *paighor* altogether. As is evident from Case 6, the possibility of *paighor* for *swara*-receiving parties remains alive, as it can be invoked for the slightest behavior or action. Hence, the role of *swara* as one that eliminates *paighor* for *swara*-receiving parties is oxymoronic: it eliminates *paighor*, but at the same time, it is also a source of *paighor* if a *swara*-receiving party fails to control the girl given in *swara*. The oxymoronic nature of *swara* in terms of *paighor*, in turn, has a contradictory effect on *swara* as a settlement mechanism. That is to say, the existence of the possibility of *paighor* even after a dispute has been settled through *swara* presents a continuing risk of the renewal of dispute. Although in none of the studied cases did dispute re-emerge between the disputants, a local

leader recalled a number of cases where *swara* did not work because either *swara*-receiving or *swara*-providing parties had acted upon *paighor* they had received, and had thus jeopardized their relations.

***Swara* as an Act of Sacrifice**

The provision of women in *swara* to end feuds can be understood as a form of sacrifice. A number of characteristics of *swara* marriages resonate with that of the practice of sacrifice. Like sacrifice, the benefits of *swara* for both the *swara*-providing and *swara*-receiving parties come as a result of the violent “consumption” of the victim of sacrifice (women given in *swara*). This inherent violence in an act of sacrifice is contradictory in nature, and so it is in the context of *swara*. In sacrifice, the victim of sacrifice is violently “consumed” to put an end to an existing mimetic violence in society, that is, to end social disorder (Girard 1989). In the context of *swara*, the mimetic violence (feud) is eliminated through the sacrifice (*swara*). Putting an end to the feud (mimetic violence) entails the violent destruction of the women given in *swara*. This violent destruction of the victim of sacrifice has an important implication regarding the selection of women as the sacrificial victim to end feuds. Beside the fact that women are the most valued entity, which is why they serve as the sacrificial victim in *swara* to settle feuds, it is also the subordinate status of women that contributes to their selection as the sacrificial victim. Described as a “surrogate victim” by Girard (1977:2), the victim of sacrifice is always a scapegoat in the sense that it is sacrificed to end the mimetic violence that has been perpetuated by the sacrificer himself or herself. The selection of the sacrificial victim is contingent upon its being both readily available and vulnerable. Following from that, the subordinate status of the women plays an important role in their selection as the sacrificial victim in *swara*. Women are made to pay for the violence that has been perpetuated by the men. To disguise the violence inflicted upon the

women given in *swara*, the responsibility of completely eliminating feuds and mending relations between the disputing parties is put on the women. This not only shifts the blame of the perpetuation of the violence from the men onto the women—as if the women were a source of the violence—but also provides face-saving for the men involved in feuds by allowing them to escape the cycle of violence, that is, feuds, without fully accepting responsibility.

Swara marriages follow the pattern of the practice of sacrifice from the very beginning to the end. Like the practice of sacrifice, *swara* is practiced in the milieu of disrupted social relations. Since the disrupted social relations in the case of *swara* are caused by feuds, it requires the most valued entity to be sacrificed to restore the peace. The girls given in *swara* play the same role of mediation played by an object of sacrifice between the sacrificer and the entity to which the sacrifice has been made. In the context of *swara*, this role of mediation between the disputants is expected to be played by the girls given in *swara*, although, as mentioned above, the mediating role of the girls given in *swara* is curtailed by the men—by prohibiting their natal visits and severely restricting their contact with their natal kin.

In five of the studied cases (Cases 1, 2, 3, 4 and 6) the *swara*-receiving parties were stronger than the *swara*-providing parties, which indicates that there was an existing difference in the social status of the sacrificer (*swara*-providing parties) and the party to which sacrifice was made (*swara*-receiving parties). This existing difference in the strength (in the sense of manpower and material resources) of the disputants means, in terms sacrifice, that the inferior party makes a sacrifice to the superior party to restore the peace. The primary objective of the sacrifice in the form of *swara* marriage is to end the feud, and not necessarily to establish relations between the disputants. As mentioned above, *swara* does not necessarily bring disputants close and mend their relations, instead it only puts an end to a feud by appeasing the

superior party (*swara*-receiving party). The provision of girls in *swara* keeps the disputant (the superior party) at a distance, which not only reiterates the inferior and superior statuses of the *swara*-providing party (the sacrificer) and *swara*-receiving party (to which sacrifice is made), but also ensures the peace by virtue of the women compensating for the men who have been killed in the feud, the killing of whom triggered the feud in the first place. In this way, as the practice of sacrifice ends social disruption through reproduction of social relations, *swara* marriages end feuds through diminishing the lives of girls and the destruction of original sociality (their relations with natal kin) while realizing the quality of the women to produce new men in compensation for the men killed in feuds.

In regular marriages, the reproductive value of the women is significantly realized in terms of their contribution to the establishment of social relations between their natal and marital kin. In *swara* marriages, the reproductive value of the women is realized primarily in terms of compensation for the lost men through their biological and social reproduction of men for the *swara*-receiving party. From this perspective, *swara*-providing parties seem to be abandoning the women given in *swara* at a cost of foregoing the establishment of social relations that are created by regular marriages. The cost of foregoing the establishment of social relations as a result of *swara* is, however, not acknowledged by the parties involved in *swara* marriages. Instead, the function of *swara* marriages is considered to be the same to that of regular marriages, that is, establishing social relations and/or political alliances. Indeed, in theory, *swara* marriages are considered to be better in establishing social relations than regular marriages. This is evident from how local leaders and *jirga* members would describe the function of *swara* marriages as that of “turning bloodshed into love.” This description implies that the participants understood *swara* marriages to be superior to regular marriages in that they not only end feuds but also

establish close relations between the disputing parties. The claimed superiority of *swara* marriages over regular marriages is also evident from references of participants, particularly local leaders and *jirga* members, to *swara* as “honorable” and the “best” way of dispute settlement. One could argue that since the implied meaning of the description that *swara* “turns bloodshed into love” is that *swara* marriages achieve the objective of both establishing social relations—a function of regular marriages, as well—and that of ending feuds, *swara* marriages have superiority over regular marriages. But in practice, this is not the case. As mentioned before, although *swara* marriages do put an end to feuds, they are not successful in achieving the goal of establishing good relations between the disputing parties. This makes *swara* a quasi-marriage only.

Although intrinsic to the establishment of social relations, the reproductive capabilities of the women married through *swara* do not fully serve that function. The reproductive capability of the women is both biological and social, but their production of social relations is hampered in the context of *swara* by the situation of being given in *swara*. As mentioned before, although the women given in *swara* are expected to bridge the relations between the disputing parties, such expectations are not met because of the constraints put by the men on the women given in *swara* in terms of not allowing them to keep the natal ties as those are kept in regular marriages. This is key to the quality of women as sacrificial victims given in *swara*.

This may also be viewed in terms of the costs and benefits the sacrificer (*swara*-providing party) and the party to whom sacrifice is offered (*swara*-receiving party). In the context of *swara*, the cost for both the sacrificer (*swara*-providing party) and the receiver of the sacrifice (*swara*-receiving party) involves not being able to benefit from the reproductive capability of the women given in *swara* in terms of the reproduction of social relations between

them. In terms of the benefits of *swara* for the *swara*-providing and *swara*-receiving parties, the latter party reaps more benefits than the former. Although the benefit of *swara* in terms of its role to end the feud remains common for both the *swara*-providing and *swara*-receiving parties, the *swara*-receiving party reaps the additional benefits of having exclusive rights over the reproductive capabilities of the women given in *swara* and of accruing prestige through receiving women in *swara*.

From the above discussion, it follows that the provision of women in *swara* can be understood as a form of consumption on the part of *swara*-providing parties to pay for the restoration of peace in the community. This consumption can be seen as a form of cost rather than the complete destruction of the victim of sacrifice, that is, the girls given in *swara*. The girl given in *swara* is “consumed” to accrue the benefit of restoring the peace, thus she is the “cost” of accruing that benefit. The idea of sacrifice as an act of consumption implies that in order for the sacrifice to be a rational choice for the sacrificer, the benefits accrued from sacrifice should be greater than the object or person consumed for it (Miller 1998:88). In the context of *swara* it would mean that the *swara*-providing party should accrue greater benefits from providing a girl in *swara* than the perceived “value” of the girl. As mentioned in the above paragraph, the only benefit that the *swara*-providing party accrues from *swara* is the settlement of the feud, although this benefit is not exclusive to the *swara*-providing party because the whole community, along with the *swara*-receiving party, benefits from ending the feud. But the benefit of *swara* to put an end to feuds should not be understated. Since, except for Case 5, in all the studied cases it was the weaker parties that provided girls in *swara*, the settlement of the feuds through the provision of girls in *swara* in these cases was far more beneficial for the *swara*-providing parties than the perceived “value” of these girls for them. In the five cases (Cases 1, 2, 3, 4, and 6) in which the

weaker parties provided girls in *swara*, one of the most important factors that not only contributed to the weakness of these parties compared to their opponent parties, but also to their willingness to settle the disputes through *swara*, was the limited number of men they had available. Therefore, in order for these parties to preempt the loss of any more men, it was necessary to settle the feuds they were involved in as soon as possible.

One might argue that *acquiring* rather than *providing* girls in *swara* would have been the better option for the weaker parties in these five cases because it would have allowed them to bring in women for the reproduction of men. However, since their weaker position in the feuds hampered their ability to acquire girls in *swara* from the stronger opponents and left them vulnerable to more killings, their preferred option was to weigh the costs and benefits of providing the girls in *swara* marriages against regular marriages. As described above, the participants from the *swara*-providing parties in these cases described the provision of the girls in *swara* in terms of the absence of *walwar* (for instance in Case 4), or in terms of losing the opportunity that the *swara*-providing parties might have had through providing girls given in *swara* in exchange marriage to acquire a wife (as in Case 3). Both of these concerns of the *swara*-providing parties, however, did not surpass the need of ending the feuds through *swara* marriages. That is to say, although providing the girls in regular or exchange marriages instead of providing them in the *swara* marriages would have earned these parties social relations, political alliances, and/or women (in case of exchange marriage), this would not have achieved the most important objective of stopping the killings of the men. In other words, while these girls could have been provided in regular or exchange marriages, which would have either brought *walwar* for the *swara*-providing parties (which in turn could have been used to acquire wives) or have brought women directly in case of exchange marriages, doing so would have meant that the

risk of losing the limited number of men still available in the family. Also, the fact that the men of a party, particularly of a weaker party in a dispute, might find it hard to marry¹¹ when they are involved in a feud with a stronger party, the ending of feuds become necessary for the weaker parties to open up the way for regular marriages. In this way, for the *swara*-providing parties, the sacrifice of the girls in *swara* in Cases 1, 2, 3, 4, and 6 was far more beneficial than the benefit of providing these girls in regular/exchange marriages.

Conclusion

This chapter analyzed different aspects of *swara* marriages that contribute to its effectiveness in ending feuds. While participants talked about the financial costs of disputes in terms of their willingness to settle the disputes they were involved in, the most important underlying factor that pushed them to settle the disputes was the fact that they had a limited number of men available to continue the feuds. The scarcity of the men along with financial constraints meant that it was particularly the weaker parties in the disputes that had more at stake as compared to their opponents. The weaker position in the disputes also meant for these parties that they were more likely to provide girls in *swara*, which was the case in five of the six studied cases in which the weaker parties, in terms of both material resources and manpower, provided girls in *swara*. For the *swara*-receiving parties, the girls received in *swara* were not only a source of honor, but they were also a source of bringing men into the family. Although successful in ending feuds, the *swara* marriages failed to establish close relations between the disputing

¹¹ It is particularly hard for the men of the weaker party in a feud to acquire wives through regular/exchange marriages from outside *korenai* (e.g. marriages other than the FBD ones) during the feud because of the financial constraints they face in feuds which hinder their ability to pay *walwar*, but more importantly providing a wife to a man who is involved in a feud is not preferred because of the potential risk of his killing in the feud. These views were not explicitly expressed by participants, but are commonly held in the community and could be implied from the fact that those involved in feuds are thought to have brought disgrace to the lineage, as described in Chapter 4.

parties. While the responsibility of establishing relations between the disputing parties would be put on the girls given in *swara*, it was the control of the men over these girls that made it difficult for them to play their role in mending relations between the two parties, as was expected of them by the men.

Apart from that, *swara* marriages had an additional advantage for the *swara*-receiving parties in that it eliminated *paighor* (“taunting”). Receiving blood money or settling the dispute through the option of “forgiveness” runs the risk of *paighor* from people because for the offended party in a dispute both of these alternate settlement options are deemed as “selling one’s blood.” For the *swara*-providing parties, on the other hand, *swara* does not necessarily eliminate *paighor* completely. The possibility of getting *paighor* for a *swara*-providing party for providing girls in *swara* can occur in two different ways. The *swara*-providing party might either ignore the *paighor* for the sake of its relations with the *swara*-receiving party, or it might act upon the *paighor*, thus jeopardizing relations with the *swara*-receiving party and running the risk of renewing the feud. In either way, it is girls given in *swara* who bear the brunt of the *paighor* received by the men. One of the most important ways in which the brunt of *paighor* is borne by the girls given in *swara* is their breakdown of natal relations.

The overall brunt of *swara* marriages is also borne by the girls given in *swara*. This can be better explained through exploring *swara* as an act of sacrifice. Being the most valued entity, the women serve as sacrificial victims in *swara* marriages, wherein the peace is restored through sacrificing the most valued entity. *Swara* as sacrifice entails a difference in the social status between the sacrificer (*swara*-providing party) and the one to whom sacrifice is offered (*swara*-receiving party), wherein the former is inferior to the latter. In terms of the post-*swara* relations between the disputing parties, this difference in social status means that *swara* never bridges the

relations between the two parties, as officially expected. Instead, *swara* marriages only put an end to feuds. This also serves to ritualize the idea of ending one kind of violence (feuds in this case) through another kind of violence (*swara*).

Chapter 7

Summary and Conclusion

The research for this thesis started with wide-ranging research questions to explore men's perceptions of and roles in *swara*. Over the course of the fieldwork and the analysis of the gathered data, these research questions became focused on three key questions. Based on research with the men involved in *swara*, these questions were as follows. First, how do feuds and their settlement affect the honor of the men involved? Second, how does the social standing of the male-dominated parties involved in disputes impact *swara* decisions? And third, how do only women, and not blood money or any other form of compensation, achieve the ending of feuds?

Two different theoretical frameworks were adopted to explore these questions. The first and second research questions were explored through Bourdieu's (1977, 1986, 1990, and 2001) practice theory with an enhanced focus on gender. Particularly, Bourdieu's work on honor and marriage strategies among the Kabyle was utilized for a discussion on honor in the context of feuds and *swara* marriages and on the practical strategies of the men in *swara* marriages. By employing Bourdieu's concept of symbolic capital and its importance for social standing, practice theory provided a way to analyze different aspects of feuds and *swara* that were closely related to men's honor and their social standing. The most important source of men's honor are women, and therefore women, as well as being essential members of Pashtun society, are the most valued entity in the construction of men's honor. The utilization of the most valued entity as a sacrifice has been noted for societies where sacrifice is practiced. In such societies sacrifice is made in situations of social disorder and when there is a disruption in social relations (Firth 1963, Keesing 1982, Evans-Pritchard 1954, and de Heusch 1985). A valued person or object is

sacrificed to restore the peace. The practice of sacrifice reaffirms the existing asymmetrical relationship between the sacrificer and the entity to which the sacrifice is made, wherein the sacrificer is inferior to the entity to which the sacrifice is made (Firth 1963:12). The subordinate status of women makes them more susceptible to be used as sacrificial victims. Serving as “surrogate victims” (Girard 1977:2), women achieve the restoration of peace by shifting the violence perpetuated by men (feuds) to them being used as scapegoats. The violence inflicted upon the women as sacrificial victims is disguised by the men through putting the responsibility of ending the feuds and restoring relations between the involved parties on women. The displacement of the responsibility onto the women serves two purposes for the men: first, it shifts the blame of violence perpetuation from them to women; and second, it provides face-saving for them to escape the cycle of violence (feuds), without fully accepting responsibility.

With the stated theoretical frameworks, the thesis set out to provide background on related cultural elements of Pashtun society and a review of the existing literature regarding these. The Pashtun kinship system is one of patrilineal segmentary lineage. Although segmentary lineage kinship structure has been associated with acephalous societies where formal leadership is absent (Evans-Pritchard 1990, Fleuret 1985 and Greuel 1971), leadership among the Pashtun people varies regionally, with formal leadership available among some Pashtun people (Tapper 1981, Glatzer and Casimir 1983), and absent in others (Christensen 1982). Regardless of whether formal leadership is available or not, the social standing of men very much depends on their perceived honor in the community, which in turn is brought by different things such as land holding, religiosity, and the control of women. Holding these sources of honor contributes to men’s social standing, and to access to leadership among the Pashtun people where formal leadership exists. In theory, men of the same maximal patrilineal lineage are not only considered

equal in social standing, they are also considered superior to men of different maximal patrilineal lineages. In this way, men of the same patriline are in theory in alliance against outsiders. Particularly, male patrilineal parallel cousins are considered to be the strongest allies, but simultaneously the worst rivals because of their shared interest in land inheritance, which is important for acquiring leadership in the community. Women and control over them as a source of honor is manifested in marriages, where lineage endogamy—particularly FBD marriages—is practiced among a majority of the Pashtun people, although among some Pashtun people lineage exogamy is practiced (Anderson 1982).

Swara marriages have been noted for the Pashtun people of different regions (Ahmed 1980 and Tapper 1984), but they have not been explored in ethnographic depth. One of the reasons that *swara* marriages have remained unexplored is that when the studies on kinship and marriage among the Pashtun people of Afghanistan began to expand in the 1970s, the Soviet invasion in 1979 and the subsequent wars put an end to such studies in the region. The little information that is available about *swara* only provides an overview of the practice. *Swara* among the Pashtun people living in the rural areas of Jalalabad is practiced mostly in blood feuds. The official model of *swara* suggests that a guilty party in a blood feud will provide three girls of two different age groups to the victim party. One of the three girls is called a *urney* and should not be older than two years of age; the other two girls are called *paighle*, who can be any girl older than the *urney* girl. The *urney* girl can be retained by the guilty party if they provide half the bride price to the victim party instead. The official model of *swara* also dictates that a *swara* marriage take place on the day the *jirga* decides on it without any wedding celebrations.

The long wars in Afghanistan have caused deterioration in women's status. Although during the Soviet invasion women's status improved a little in terms of employment

opportunities and education for women, these improvements were limited to the urban areas only. In the subsequent Taliban era, women's status got the worst both in urban and rural areas of Afghanistan. Due to the absence of formal state power and, in particular, any formal justice system, the informal justice system remained dominant in the Taliban era as well. Although the Taliban adopted the *shari'a* law, the justice system remained informal in that no formal courts were established. Instead, local religious clerks were given the authority of dispensing decisions regarding law and order. These local religious clerks drew on the existing customary justice system to maintain law and order in the community. Of the informal justice system, *jirga* continues to remain the most influential customary court. Consisting of only men, the *jirga* is a council of local leaders and elders that resolves a wide range of disputes between men in the community. The *jirga* plays a particularly important role in resolving blood feuds in the community. The primary aim of the *jirga* is to restore peace to men in the community, and in the context of blood feuds this aim is achieved through the giving away of women in *swara* by the guilty party to the victim party. Women are not actors in either the blood feuds or in the deliberations among men that resolve the feuds. Women are sacrificed as girls in *swara* marriages that nominally restore social relations between the feuding parties at the expense of their own agency and sociality, and that in practice serve primarily to end killing and replace men in the victim party who have been killed in the feud.

To explore *swara* marriages in the backdrop of the given cultural background, a nine week fieldwork for the thesis was carried out in the rural areas of Jalalabad, Afghanistan. Participants for the research were recruited with the help of my own kin ties in Jalalabad. Given practical and ethical issues, only men were recruited for the research. The participants included local leaders, *jirga* members and men from six *swara* cases. Only those *swara* cases were

selected that involved only land disputes, predated the EVAW Law of 2009, and in which disputants were currently at peace with each other. While in one *swara* case men were selected from both the *swara*-providing and *swara*-receiving parties, in three cases men were recruited from the *swara*-providing parties, and in two cases men were recruited from the *swara*-receiving parties. Data were gathered through semi-structured interviews with the recruited participants. In most of the cases, only one interview was carried out with each participant. The duration of the interviews ranged from forty minutes to three hours. The interviews focused on wide range of questions with a shift toward any specific theme that would emerge in the course of interviews.

The ensuing data analysis is divided into two parts: the pre-*swara* context; and the *swara* and post-*swara* context. Chapters 4 and 5 focused on the pre-*swara* context and analyzed the data related to the concepts of honor, revenge and *ghairat* (“bravery”). In the context of the selected cases, Chapter 4 focused on the idea of honor at different stages of the disputes. In the dispute settlement process, the idea of honor played a “positive” role in the sense that it would be invoked by local leaders and *jirga* members to convince disputants to resolve their dispute. In the context of disputes between men of the same lineage the idea of honor would be utilized by local leaders and *jirga* members by terming disputes as a disgraceful act. Fighting between men of the same lineage was considered to be detrimental to overall lineage honor, as it was considered to be dangerous for lineage harmony. Since lineage honor and harmony are given more importance in resolving feuds that involve men of the same lineage, *swara* marriages in such feuds are more likely to happen. In feuds that involve men of different lineages, on the other hand, the idea of honor in the settlement process plays out differently. In that type of feud, local leaders and *jirga* members from each side emphasize the loss of honor in the dispute, instead of evoking the idea of fighting as a disgraceful act. Given that, in feuds among men of different lineages the

probability of *swara* marriages decreases because each party tries to receive women in *swara* rather than to provide them to other party. Since other options of dispute settlement, such as forgiveness and blood money, are not preferred in settling feuds, for both parties in a feud receiving women in *swara* becomes a source of honor restoration. Therefore, in inter-lineage, *swara* is particularly considered to be an “honorable” settlement arrangement by the victim party because of the understanding that its honor has been restored through receiving women from the rival party.

Honor plays a negative role during disputes, and it is manifested by disputants through compliance to the concepts of revenge and *ghairat*. *Ghairat* as a concept among Pashtun men is closely associated with the concept of honor, but it has been understood more in terms of physical bravery. In the context of feuds, the concepts of revenge and *ghairat* are intertwined in the sense that upholding the former brings a man the title of the latter, that is, *ghairatmand*, a brave man. In feuds, it is necessary that a man manifest his *ghairat* publically through resorting to exacting revenge for a previous killing. The more a man has *ghairat*, the more he has honor and is respected in the community. In this way, manifesting one’s *ghairat* through seeking revenge for a previous killing directly contributes to one’s honor. This direct relationship between revenge, *ghairat* and honor leads to the negative role of honor in feuds in terms of its contribution to the perpetuation of feuds. If a party fails to exact revenge for a previous killing of one of its family member in the feud, all men of the family are considered to have lost both *ghairat* and honor. In the studied cases, while in all cases the perpetrators of the initial killing in the feuds were known to the aggrieved party, in five of the cases the perpetrators of the subsequent killings were not known to the respective disputants. Not disclosing the perpetrator of the subsequent killings in five of the studied cases transformed the concept of *ghairat* as a

personal quality into a group/communal quality in the sense that the whole group would be considered to have carried out an act of *ghairat*, that is revenge.

Seeking revenge on the other hand had two positive implications regarding feuds. On the one hand, revenge served as deterrence against the perpetuation of the disputes in the sense that the fear of revenge pushed disputants to settle their feuds. This was particularly true when a party that had carried out the latest killing had limited number of men still available in the family. Such a party would be more willing to settle the dispute before its disputant would seek revenge. If a party had suffered the latest killing on their part and had a limited number of men available, they would strategically delay seeking revenge. While delaying the revenge would add to the longevity of the dispute, it also had a negative implication in terms of *ghairat* for the party that had suffered the latest killing. Delaying revenge on part of that party would potentially mean that their men do not have enough *ghairat* to seek revenge for the killing. The second implication of revenge was that the party that had carried out the latest killing in a feud would fear outside intervention in the dispute. Particularly if that party was simultaneously involved in more than one dispute, then it would fear intervention from someone from another dispute. Intervention from someone of the same lineage would be feared the most, as men of the same lineage, especially male patrilineal parallel cousins, would be considered able to harm one the most because of their closeness. Therefore in case a party was involved in both inter-lineage and intra-lineage disputes simultaneously, the settlement of the intra-lineage dispute would take precedence over the inter-lineage dispute. Although these implications of *ghairat* provided the favorable ground for settling the disputes, they did not contribute significantly to the willingness of disputants to settle their feuds. Instead revenge as a precursor of *ghairat* played the negative role of perpetuating the feuds.

It was factors such as financial costs of the disputes and the numbers of men a party had available that contributed to the willingness of the disputants to settle the feuds in the studied cases. For disputants, getting involved in feuds had financial costs, and continuing a feud meant the continuous loss of material resources as well as of manpower. Since feuds in all the studied cases were related land issues, the major financial cost of getting involved in the feuds was the loss of not only agricultural land over which the disputes had started in the first place, but also losing access to other land and material resources. The loss of access to land and other material resources was particularly worrying for those disputants who had a limited number of men available, as men were necessary to take revenge and also to regain the lost resources and to protect them. The protection of the resources would be expressed in terms of providing for the women in the family. Therefore the underlying worry of disputants would be about the “protection” of women of the family in case they lost all its men. Although some participants expressed more concern over the loss of economic resources in feuds than over the loss of men, the most important and practical concern was about the loss of men, as they had an intrinsic value wherein they were necessary not only for the feuds but also for the production and protection of the economic resources.

The importance of the men as defenders in the feuds and as producers and protectors of the economic resources was, for instance, evident in Case 5 in which the victim party had lost access to agricultural land, but when the dispute was settled it did not ask for getting back its lost land. Instead, it demanded a girl in *swara*. The demand for *swara* in this case can be explained through the ability of women as a source of reproduction and thus a source of forging relationships between the disputants, and through the contribution of women to the honor of the men in terms of men’s control over them. The reproductive ability of the women made *swara* the

“best” settlement mechanism in the sense that the provision of the women was a source of bringing more men for the victim parties. Also, particularly in the inter-lineage disputes, receiving girls in *swara* and therefore control over them was a source of honor for the *swara*-receiving parties. In this way, while the feuds had emerged because of conflict over material resources, settling them through *swara* marriages meant that they were resolved through transaction of an entity that surpassed the value of material resources. .

In the feuds between men of the same lineage, *swara* was significant in ending feuds in terms of its relational aspect. That is to say, *swara* marriages between men of the same lineage were effective in in establishing relations between the disputants, although not as effective as regular marriages are. One of the reasons for this was that in such *swara* marriages the girls given in *swara* were able to play an active role in bringing the disputants close because of the relatively less restriction put on them by the men in terms of natal visits. In feuds between men of different lineages, on the other hand, natal ties were more restricted and it was the aspect of symbolic value of the women given in *swara* that played the key role in ending feuds. In such feuds, the value attached to acquiring out-of-lineage women along with the biological reproduction capability of women contributed to the prestige of the *swara*-receiving parties. The objective of *swara* to “turn bloodshed into love” was not achieved fully in either of the inter-lineage and intra-lineage feuds, although it did achieve the objective of ending the killing. Specifically, although the post-*swara* relations between the disputing parties were improved more in the intra-lineage cases than they were in the inter-lineage cases, *swara* in the intra-lineage cases failed to establish closer relations between the disputing parties because it led to the development of an asymmetrical status between them. That is to say, *swara* in the intra-lineage feuds resulted in creating a difference in status of the involved parties which are

otherwise formally of equal social status. This development of an asymmetrical status was particularly detrimental to the relationships between men of the same lineage because it dismantled the perception that men of the same lineage are equal in prestige. *Swara* transformed the existing status difference between the disputants in terms of access to material resources and manpower into prestige difference between them. On the contrary, in the inter-lineage feuds *swara* further widened the existing perceived difference between the prestige of the disputing parties. In terms of post-*swara* relations, the differing effects of *swara* on the prestige of intra-lineage and inter-lineage disputants meant that the former type of disputants had a better chance of having close relations as compared to the latter type of disputants.

Along with that, the concept of *paighor* also played a crucial role in how post-*swara* relations between the disputants unfolded. For the victim parties the acquisition of women in *swara* eliminated the possibility of getting *paighor*, taunting or public shaming. Resolving feuds through any other option, such as through blood money or forgiveness, carries a strong possibility of *paighor* for the victim parties. For *swara*-providing parties, on the other hand, the possibility of getting *paighor* does not get eliminated with *swara*, rather it remains forever. It is this contradictory outcome of *swara* in terms of *paighor* for the *swara*-providing and *swara*-providing parties that the post-*swara* relations between disputants always remain precarious. That is to say, the fact that *swara* does not necessarily eliminate *paighor* for the *swara*-providing parties means that the post-*swara* relations between the disputants are always at risk due to the possibility that a *swara*-providing party might act upon the *paighor* and thus might renew the settled feud.

Although not successful in establishing relations between the disputants, *swara* does achieve the important objective of ending feuds. The fact that *swara* restores the peace by ending

feuds but does not necessarily help establish good relations between the disputants, *swara* marriages resonate with the concept of sacrifice. Many similarities can be drawn between *swara* marriages and sacrifice and the former can be seen as an act of sacrifice. Just like sacrifice, in *swara* it is the most valued resource (women) that is used as the sacrificial victim to restore the social order (settle feuds). In all the studied cases there was an existing status difference between the disputing parties, and in all of the cases, except for Case 5, it was the weaker party that provided the girls in *swara*. The provision of the girls in *swara* by the weaker parties to stronger parties in these cases meant that the girls given in *swara* were sacrificed by an inferior party to a superior party to restore the peace. In this sense, the girls given in *swara* were a price that the inferior parties needed to pay to the superior parties to end feuds. But as is the case in sacrifice, the *swara* marriages did not succeed in establishing relations between the inferior (*swara*-providing) and the superior (*swara*-receiving) parties. Instead, the *swara* marriages stopped the feuds by keeping the disputants at a distance. The restrictions on the women to have ties with their natal families contributed significantly to maintaining distance between the disputants.

It is the reaffirmation of the status difference between the disputants as a result of *swara* marriages that means that the ground for good post-*swara* relations between them is never favorable. In theory, *swara* marriages are considered to achieve more important objectives than regular marriages in the sense that while the latter kind of marriages create social relations and political alliances, the former kind of marriages have a greater task to achieve in terms of not only ending feuds but also establishing social relations and/or political alliances. In practice, however, *swara* marriages fail to achieve this greater perceived task, as they mend feuds but not relations. The question arises then that if *swara* marriages do not achieve one of their two perceived objectives, that is, of mending relations, why are they practiced? The answer to this

question lies in understanding the importance of *swara* for ending feuds. The function of *swara* to end feuds surpasses in importance its other perceived objective of mending relations between disputants. While for the *swara*-receiving parties the women in *swara* serve as a source of reproduction of men, for the *swara*-providing parties settling feuds as a result of *swara* opens up the space for the men to acquire wives through regular marriages, which is hard to do if they are engaged in feuds.

In all of this, the only beneficiary is the men, whether on the *swara*-providing side or on the *swara*-receiving side. The women given in *swara* only play the role of a sacrificial victim, which is sacrificed for the benefit of men. It is through the sacrifice of the women that the cycle of violence comes to an end, but at the cost of their violent “consumption.” The very fact of women being the most valued entity to be given in *swara* to end feuds becomes a source of their subordinate status and thus renders them readily available scapegoats who are made to pay for the crimes of men. For this reason, in order to explore *swara* more comprehensively, that it is necessary for it to be explored through the lens of women as well. Although this thesis contributes to the understanding of *swara* to some level, it still has some limitations that warrant for future research in this area. One of the key limitations is the exclusion of women. The exclusion of women does not allow for a comprehensive understanding of *swara*. Being the most important party in the practice of *swara*, women need to be the main focus of any future research that seeks to explore *swara* in totality.

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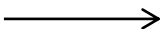
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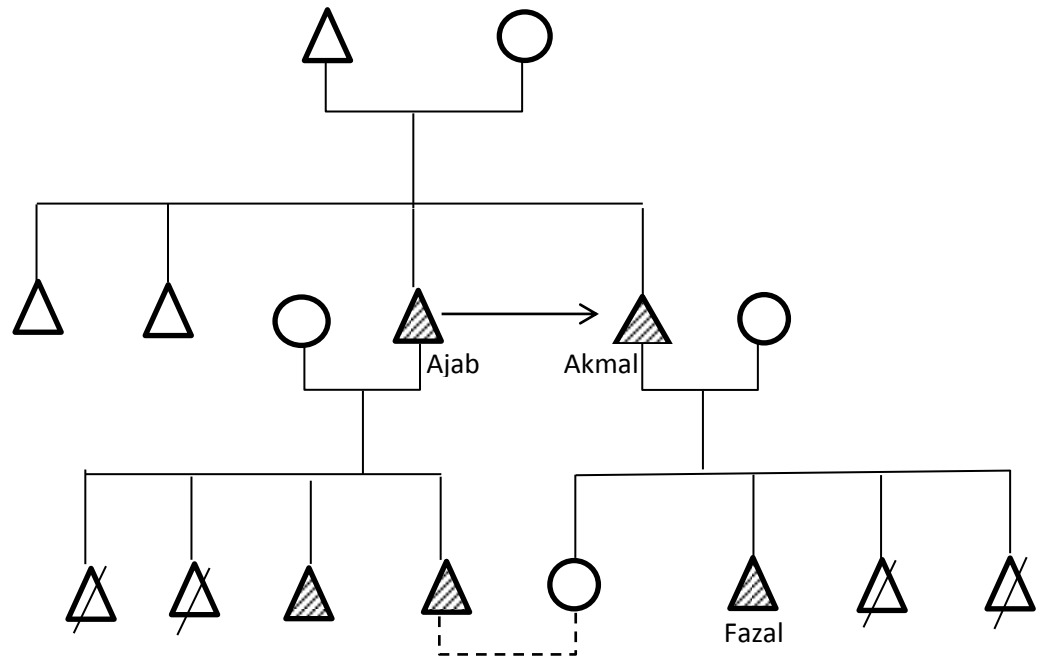
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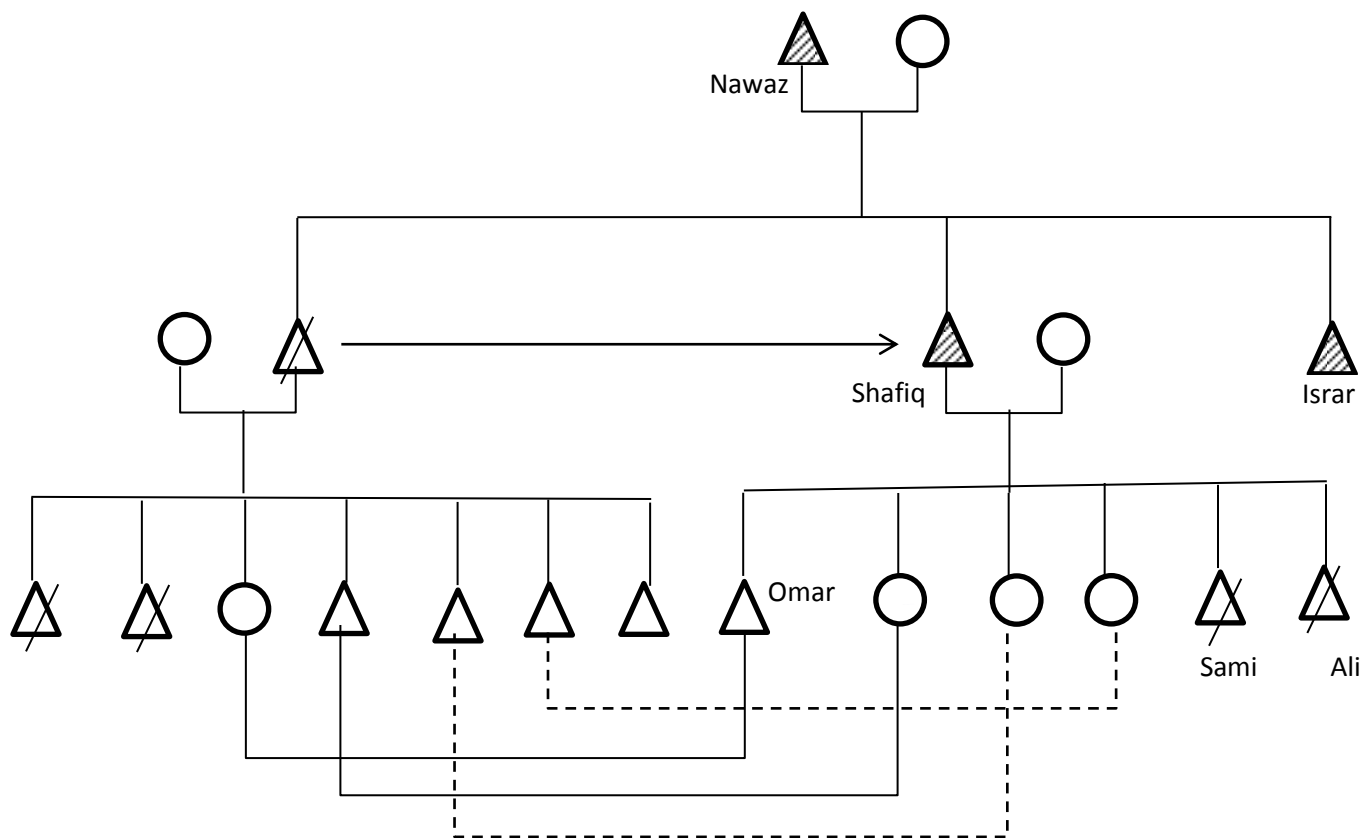
Appendix A
Kinship Diagram

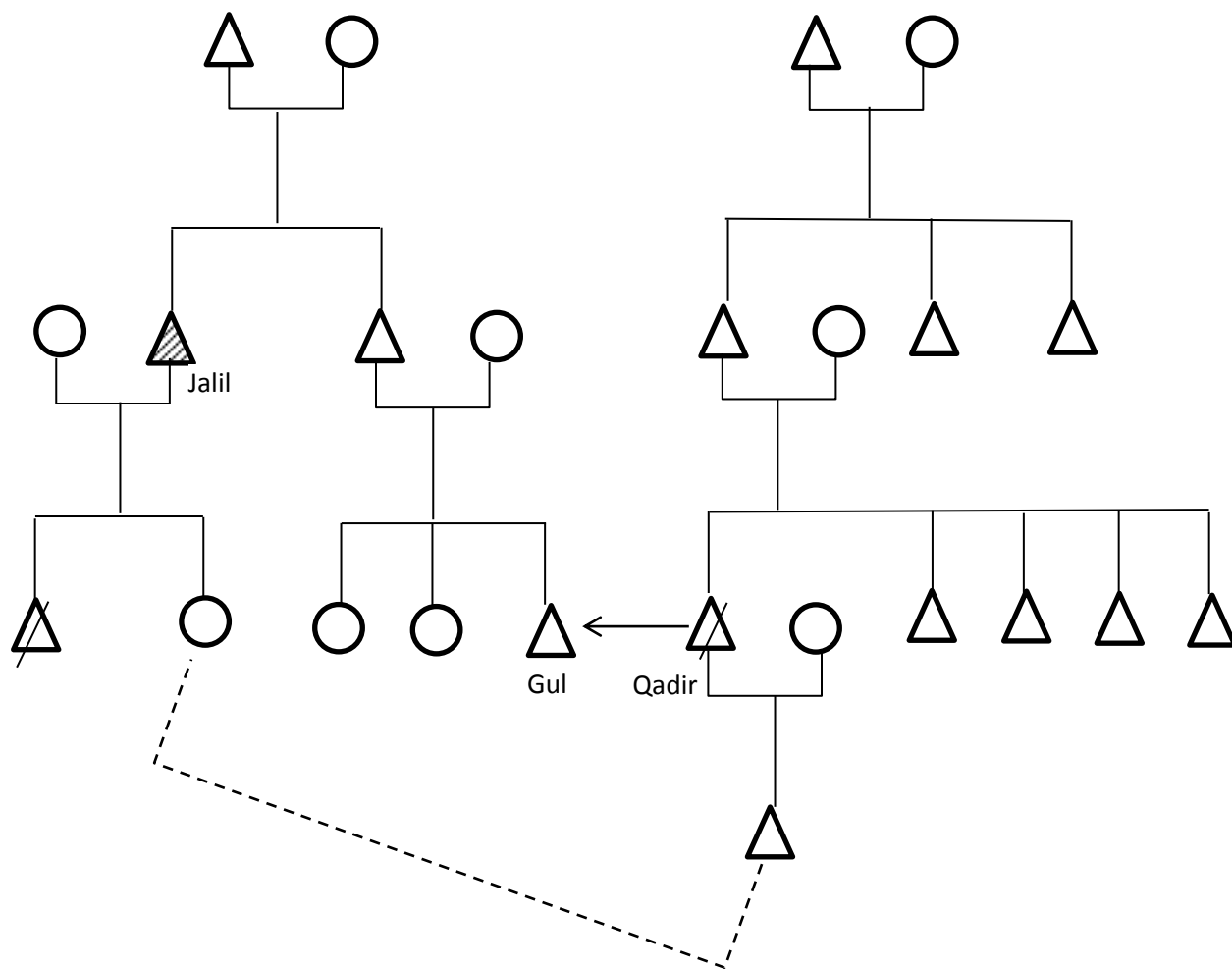
Diagram Guide:

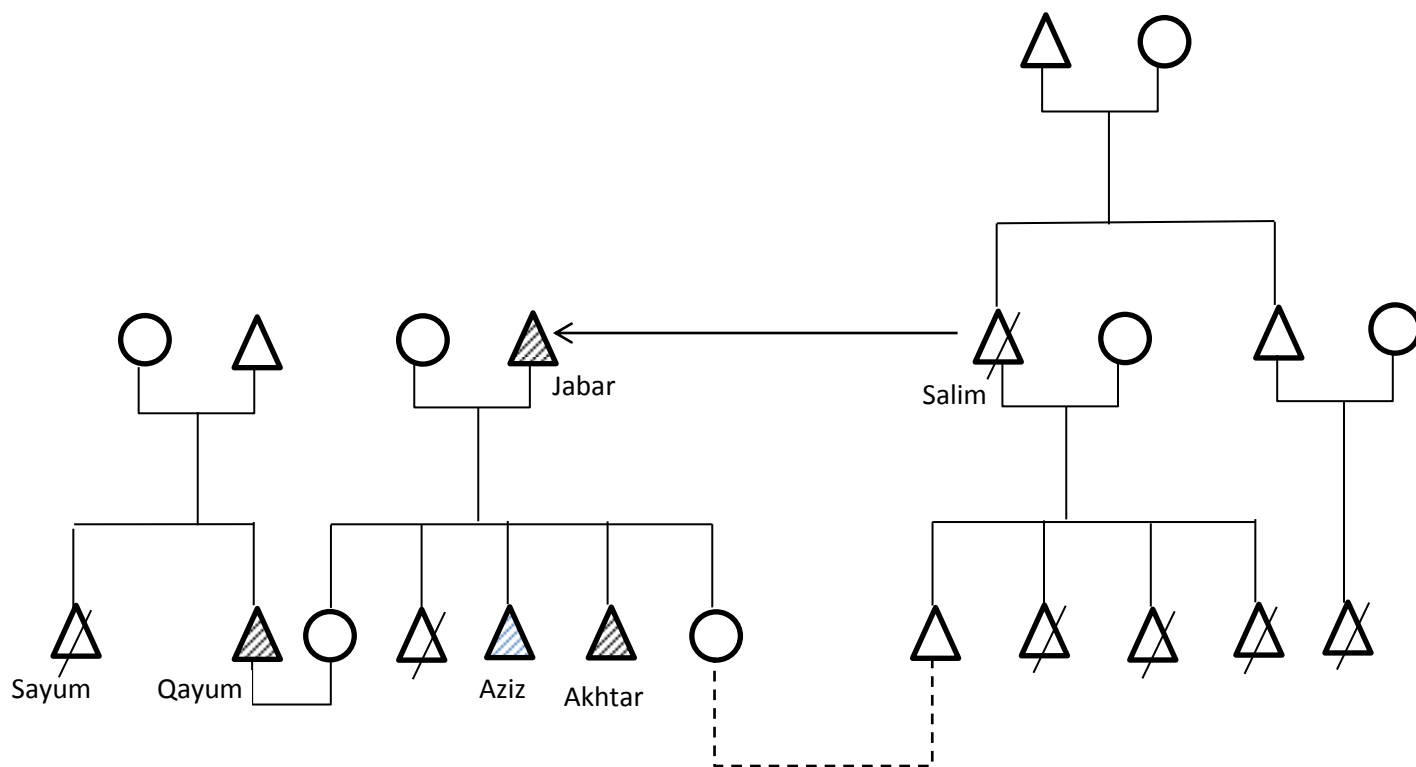
	Female
	Male
	Interviewed men
	Men killed in dispute
	<i>Swara</i> marriage
	Exchange marriage
	Disputing parties. The arrow points toward the party that initiated killing in the dispute

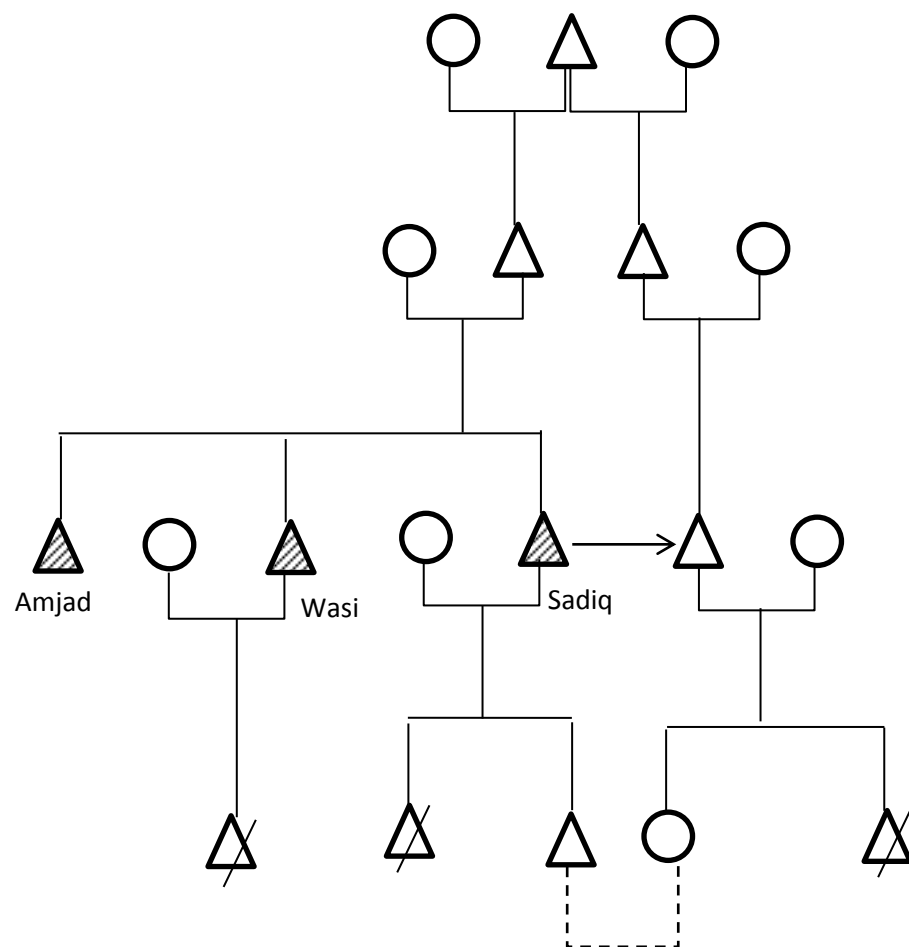
Case 1.

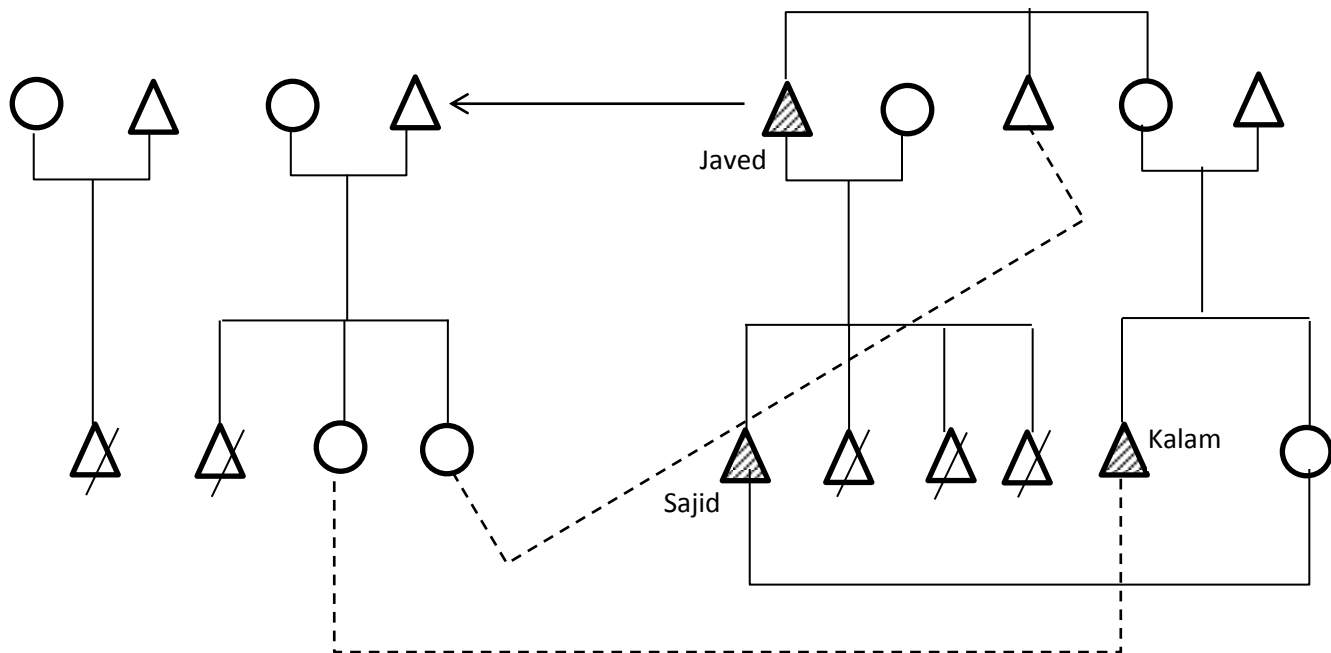


Case 2:

Case 3:

Case 4:

Case 5:

Case 6:

Appendix B

Consent Forms

Consent Form for Local Leaders and *Jirga* Members

Research Project Title: An Ethnographic Investigation of *Swara* Among the Pashtun of Jalalabad, Afghanistan: Exploring *Swara* as a Conflict Settlement Mechanism from the Perspective of Men.

Principal Investigator and contact information: Masood Khan, MA anthropology student at the University of Manitoba. Email: khanm312@myumanitoba.ca

Research Supervisor and contact information: Dr. Ellen Judd, Professor in the Department of Anthropology at the University of Manitoba. Email: ellen.judd@umanitoba.ca

Consent Form

This consent form, a copy of which will be left with you for your records and reference, is only part of the process of informed consent. It should give you the basic idea of what the research is about and what your participation will involve. If you would like more detail about something mentioned here, or information not included here, you should feel free to ask. Please take the time to read this carefully and to understand any accompanying information.

Research Project Description

Focusing on two or three *swara* cases that are related to land disputes, this research project seeks to investigate the practice of *swara* related to land disputes from the perspective of men. The main objective of the research project is to understand how *swara* works as a settlement mechanism among the Pashtun in this community. The practice of *swara* will specifically be explored in the context of its preceding conflict between two parties.

Data for this research project will be collected through interviews with local leaders, *jirga* members, and men from parties involved in the selected *swara* cases. Interviews will be conducted in-person and one-to-one. Time and location for interviews will be set up in consultation with you in advance. An interview will take approximately 60 to 80 minutes, and, if required, more than one interview can be conducted. The interview will focus on talking about land disputes and their resolution through *swara* in general. Particularly, you will be asked of your knowledge about *swara* and land disputes in the community. Along with that, the interview will also focus on talking about your role in *jirga* and *swara* over time and currently. Specifically, benefiting from your experience in and knowledge of *jirga* and *swara*, the interview will seek to inquire about the selected *swara* cases in terms of their nature and how they are different from other *swara* cases you have dealt with over the years. If permitted by you, your responses to interview questions will be recorded on an audio recorder device, otherwise manual notes will be taken to record your responses.

Please note that this research project is conducted as a part of my M.A degree in anthropology at the University of Manitoba, Canada, and it does not have any other motives apart from academic. Undertaking this research project in this community is solely my own decision; it has not been imposed on me by my university or any other organization or person.

Withdrawing Your Participation and/or Data

Participation in this research is completely voluntary. Similarly, you can withdraw your participation and/or any information you provided by July 15, 2015. Given your request for withdrawal of information is made before July 15, 2015, that is, before the research findings are published in the form of thesis document in August 2015, all of your data will be destroyed and will not be included in any resulting document. You will be made aware of any changes in the research project, so you can reevaluate your participation in the research project accordingly. Any of your decisions regarding opting in or out of the research project will in no way affect the nature of your relationship with the researcher. Please also note that in order avoid the potential risk to the relationship between parties involved in dispute, in the event of one party's withdrawal from the research, interviews will be terminated with the corresponding other party.

Confidentiality

All the information you provide will be kept confidential, and no one will have access to it apart from the researcher. However, in order to ensure a fair evaluation of the research project, the University of Manitoba and my research supervisor may look at your research records, but none of your identification information will be disclosed in your research records. Apart from that, all of your data will be electrically stored on a password protected computer. The consent forms and any other document in hardcopy form will be kept in locked cabinets to which only the researcher will have access. All of the documentation concerning the research that is identifiable will securely be kept for six years, until 2020, for the purpose of any future studies. After six years, the consent forms, interview recordings and any other related documents that might allow the data to be identified with specific participants will be destroyed. However, if participants do not want the researcher to retain his data beyond the purpose of this project, their data will be destroyed as soon as the thesis is approved, this will not be later than August 2015. Unidentified data, on the other hand, might be retained for an indefinite time.

Given the close-knitted nature of the community, your participation in the research is likely to be known to other people in the community. However, to ensure that you exchange the information/data confidentially, you are requested to give the interview at a location where you think you would have greater privacy and fewer interruptions. Similarly, your actual name will not appear in any resulting publications, instead a pseudonym will be used. Realizing the fact that some of your provided data might be too sensitive to make it part of the resulting publication, you will be consulted in the post-interview period to evaluate your provided data for sensitive information. Any information that you identify as sensitive will be destroyed. If you do not wish to participate in the evaluation of your data or if you are not got in touched with by the researcher, the evaluation of your data for sensitive material will be carried out by the researcher himself. Similarly, any of your recordings and photographs will not be reproduced without separate and specific written consent.

As a *malak/jirga* member, your participation in this research project will be helpful in getting other male participants to take part in the research, as your participation will be helpful for me to earn trust of other community members. In order to take that benefit of your participation in the research, you are requested to allow for showing your signed consent form to other research participants, if they ask for it. However, giving this permission is completely optional. In case you permit showing your signed consent form to other participants, nothing else apart from your signed form will be shown to other participants. On the other hand, if you do not wish to give this permission, your signed consent form along other data will be kept confidential, as described above.

Risks and Benefits

The current design of this research project does not pose any risks to you. In case the research project changes in any way, you will be made aware of any direct or indirect risks that might come along with the new changes in the project. Similarly, although this research does not benefit you on the personal level, it will benefit the overall community in terms of contributing to the production of knowledge about this community.

Please also note that *swara* and the preceded killings are illegal under Afghan laws. In 2009, the government of Afghanistan enacted the Law on the Elimination of Violence Against Women (EVAW Law), which outlaws *swara* and marriage before the legal age of 16 for girls and 18 for boys. However, please also note that the law criminalizing *swara*—the EVAW law enacted in 2009—is not retroactive and therefore it does not apply to the *swara* case(s) we will talk about in this study.

Dissemination of Research Results

The resulting written thesis document of this research project is expected to be available by July 2015. However, a brief summary of research findings will be provided to you upon a request in May 2015. For your better understanding, the summary of research findings will be provided in Pashto language. You will receive the brief summary results through your indicated mechanism, either email or mail. In case participants are not able to read the document and neither have someone in the family to help them read the document, the researcher will seek the help of his kin ties in the community to help participants read the document. The results of this research will be disseminated in a thesis, conference papers and talks and in publications. While the target audience is other researchers, these are public channels and information may also become available to people you know. While every effort will be made to preserve confidentiality and anonymity, you are asked to understand that some information, limited by your consent, will be available in the community through these channels as well as through the summary of research findings provided to all participants who request it.

Signature on this Form

Your signature on this form indicates that you have understood to your satisfaction the information regarding participation in the research project and agree to participate as a subject. In no way does this waive your legal rights nor release the researchers, sponsors, or involved

institutions from their legal and professional responsibilities. You are free to withdraw from the study at any time, and /or refrain from answering any questions you prefer to omit, without prejudice or consequence. Your continued participation should be as informed as your initial consent, so you should feel free to ask for clarification or new information throughout your participation.

The University of Manitoba may look at your research records to see that the research is being done in a safe and proper way.

This research has been approved by the Joined-Faculty Review Ethics Board (JFREB). If you have any concerns or complaints about this project you may contact any of the above-named persons or the Human Ethics Coordinator (HEC), Margaret (Maggie) Bowman, at +1 204 474-7122 or at margaret.bowman@umanitoba.ca. A copy of this consent form has been given to you to keep for your records and reference.

Participant`s signature/thumb impression: _____ Date: _____

Researcher`s signature: _____ Date: _____

If you wish to participate in the post-interview consultation, please provide your preferred address at which you can be reached.

Email: _____ or Postal Address: _____

Please select one of the following options regarding showing your signed consent form to other participants, if they ask to see it

- I permit showing my signed consent form to other research participants, if they ask/wish to see it.
- I do not permit showing my signed consent form other research participants.

Please provide a preferred address to which a brief summary of research results can be sent out to you.

Email: _____ or Postal Address: _____

Consent Form for Male Participants from Parties Involved in *Swara*

Research Project Title: An Ethnographic Investigation of *Swara* Among the Pashtun of Jalalabad, Afghanistan: Exploring *Swara* as a Conflict Settlement Mechanism from the Perspective of Men.

Principal Investigator and contact information: Masood Khan, MA anthropology student at the University of Manitoba. Email: khanm312@myumanitoba.ca

Research Supervisor and contact information: Dr. Ellen Judd, Professor in the Department of Anthropology at the University of Manitoba. Email: ellen.judd@umanitoba.ca

Consent Form

This consent form, a copy of which will be left with you for your records and reference, is only part of the process of informed consent. It should give you the basic idea of what the research is about and what your participation will involve. If you would like more detail about something mentioned here, or information not included here, you should feel free to ask. Please take the time to read this carefully and to understand any accompanying information.

Research Project Description

Focusing on two or three *swara* cases that are related to land disputes, this research project seeks to investigate the practice of *swara* related to land disputes from the perspective of men. The main objective of the research project is to understand how *swara* works as a settlement mechanism among the Pashtun in this community. The practice of *swara* will specifically be explored in the context of its preceding conflict between two parties.

Data for this research project will be collected through interviews with local leaders, *jirga* members, and men from parties involved in the selected *swara* cases. Interviews will be conducted in-person and one-to-one. Time and location for interviews will be set up in consultation with you in advance. An interview will take approximately 60 to 80 minutes, and, if required, more than one interview can be conducted. The interview will focus on talking about the *swara* and the preceding land dispute along with basic information about you and your household composition. Specifically, the interview will inquire about case history of the land dispute and how it led to its resolution through *swara*. Similarly, you will be asked questions about your relations with your disputant party both in pre- and post-*swara* time. If permitted by you, your responses to interview questions will be recorded on an audio recorder device, otherwise manual notes will be taken to record your responses.

Please note that this research project is conducted as a part of my M.A degree in anthropology at the University of Manitoba, Canada, and it does not have any other motives apart from academic. Undertaking this research project in this community is solely my own decision; it has not been imposed on me by my university or any other organization or person.

Withdrawing Your Participation and/or Data

Participation in this research is completely voluntary. Similarly, you can withdraw your participation and/or any information you provided by July 15, 2015. Given your request for withdrawal of information is made before July 15, 2015, that is, before the research findings are published in the form of thesis document in August 2015, all of your data will be destroyed and

will not be included in any resulting document. You will be made aware of any changes in the research project, so you can reevaluate your participation in the research project accordingly. Any of your decisions regarding opting in or out of the research project will in no way affect the nature of your relationship with the researcher. Please also note that in order to avoid the potential risk to the relationship between parties involved in dispute, in the event of one party's withdrawal from the research, interviews will be terminated with the corresponding other party.

Confidentiality

All the information you provide will be kept confidential, and no one will have access to it apart from the researcher. However, in order to ensure a fair evaluation of the research project, the University of Manitoba and my research supervisor may look at your research records, but none of your identification information will be disclosed in your research records. Apart from that, all of your data will be electrically stored on a password protected computer. The consent forms and any other document in hardcopy form will be kept in locked cabinets to which only the researcher will have access. All of the documentation concerning the research that is identifiable will securely be kept for six years, until 2020, for the purpose of any future studies. After six years, the consent forms, interview recordings and any other related documents that might allow the data to be identified with specific participants will be destroyed. However, if participants do not want the researcher to retain his data beyond the purpose of this project, their data will be destroyed as soon as the thesis is approved, this will not be later than August 2015. Unidentified data, on the other hand, might be retained for an indefinite time.

Given the close-knitted nature of the community, your participation in the research is likely to be known to other people in the community. However, to ensure that you exchange the information/data confidentially, you are requested to give the interview at a location where you think you would have greater privacy and fewer interruptions. Similarly, your actual name will not appear in any resulting publications, instead a pseudonym will be used. Realizing the fact that some of your provided data might be too sensitive to make it part of the resulting publication, you will be consulted in the post-interview period to evaluate your provided data for sensitive information. Any information that you identify as sensitive will be destroyed. If you do not wish to participate in the evaluation of your data or if you are not touched with by the researcher, the evaluation of your data for sensitive material will be carried out by the researcher himself. Similarly, any of your recordings and photographs will not be reproduced without separate and specific written consent.

Risks and Benefits

Your participation in this research project carries both risks and benefits. Some of the risks that your participation might expose you to include:

- You might experience emotional and psychological stress due to talking about a history of conflict and its subsequent settlement through *swara*.
- Talking about the conflict might lead you to develop a new awareness of it, which can potentially trigger anger toward your disputant party. This, in turn, might affect your relations with your disputant party.

Unfortunately, no counseling facility is possible to be made available to you in the event of stress during the interview. However, you are suggested to provide the researcher with the contact information of a person(s) in whom you can confide. In the event of emotional stress, this person will be made available to you for psychological counseling.

Although this research does not benefit you on the personal level, it will benefit the overall community in terms of contributing to the production of knowledge about this community.

Please note that *swara* and the preceded killings are illegal under Afghan laws. In 2009, the government of Afghanistan enacted the Law on the Elimination of Violence Against Women (EVAW Law), which outlaws *swara* and marriage before the legal age of 16 for girls and 18 for boys. However, please also note that the law criminalizing *swara* —the EVAW Law enacted in 2009— is not retroactive and therefore it does not apply to the *swara* case(s) we will talk about in this study.

Dissemination of Research Results

The resulting written thesis document of this research project is expected to be available in May 2015. A brief summary of research findings will be provided to you upon a request. For better understanding, the summary of research findings will be provided to participants in Pashto language. Participants will receive the brief summary results through your indicated mechanism, either email or mail. In case participants are not able to read the document and neither have someone in the family to help them read the document, the researcher will seek the help of his kin ties in the community to help participants read the document. The results of this research will be disseminated in a thesis, conference papers and talks and in publications. While the target audience is other researchers, these are public channels and information may also become available to people you know. While every effort will be made to preserve confidentiality and anonymity, you are asked to understand that some information, limited by your consent, will be available in the community through these channels as well as through the summary of research findings provided to all participants who request it.

Signature on this Form

Your signature on this form indicates that you have understood to your satisfaction the information regarding participation in the research project and agree to participate as a subject. In no way does this waive your legal rights nor release the researchers, sponsors, or involved institutions from their legal and professional responsibilities. You are free to withdraw from the study at any time, and /or refrain from answering any questions you prefer to omit, without prejudice or consequence. Your continued participation should be as informed as your initial consent, so you should feel free to ask for clarification or new information throughout your participation.

The University of Manitoba may look at your research records to see that the research is being done in a safe and proper way.

This research has been approved by the Joined-Faculty Review Ethics Board (JFREB). If you have any concerns or complaints about this project you may contact any of the above-named persons or the Human Ethics Coordinator (HEC), Margaret (Maggie) Bowman, at +1 204 474-

7122 or at margaret.bowman@umanitoba.ca A copy of this consent form has been given to you to keep for your records and reference.

Participant`s signature/thumb impression: _____ Date: _____

Researcher`s signature: _____ Date: _____

If you wish to participate in the post-interview consultation, please provide your preferred address at which you can be reached.

Email: _____ or Postal Address: _____

Please provide a preferred address to which a brief summary of research results can be sent out to you.

Email: _____ or Postal Address: _____

Verbal consent script for local leaders and *jirga* members

Introduction:

Hello. My name is Masood Khan. I am conducting a research study on the practice of *swara* related to land disputes. This research is being conducted as part of my Master's degree in anthropology at the University of Manitoba, Canada. I am working under the supervision of Dr. Ellen Judd, who is a professor in the Department of Anthropology at the University of Manitoba, Canada.

What is this research about?

Exploring the practice of *swara* from the perspective of men, this research particularly focuses on how *swara* plays out in land disputes among people in this community, and how it works as a settlement mechanism.

What does participation involve in this research?

To gather data for this study, I will be conducting one-to-one interview(s) with you at your preferred location. The interview will take approximately 60 to 80 minutes. The interview will focus on talking about land disputes and their resolution through *swara* in general. Particularly, you will be asked of your knowledge about *swara* and land disputes in the community. Along with that, the interview will also focus on talking about your role in *jirga* and *swara* over time and currently. I will use an audio recorder to record your responses, but if you do not permit it, I will take manual notes. If you permit, more than one interview will be conducted with you in case it is needed. In case participants from one of the two parties involved in conflict withdraw from the research, interviews with the participants from the other party will be terminated.

Can I withdraw from the research?

You can withdraw your participation/data from the research by July 15, 2015, that is before the research findings are published in the form of thesis document in August 2015. In case of your withdrawal from the research project, your provided data will be destroyed. Your decision of withdrawal from the research will not affect our relationship in any way.

How will my confidentiality be ensured?

All your provided information will be kept confidential. None of your personal information will be shared with anyone, except with the University and my thesis supervisor, if they wish to see it. However, none of your identification information will be shared with the University my thesis supervisor or anyone else. Similarly, your name will not appear on any resulting publication material, rather a pseudonym will be used. I will retain your provided data until 2020 for my future studies. However, if you do not want your data to be retained beyond the purpose of this research project, I will destroy your data as soon as my thesis is approved by the University; this will likely be no later than August 2015.

As this is a close-knitted community, your participation in the research will be known to other people in the community. You might not want that certain kind of your provided data be read by other people of this community, or by anyone outside the community. Therefore to ensure that

such data are not included in any resulting publication material, I will consult you to in the post-interview time to evaluate your provided data for identifying sensitive information. I will not use your identified sensitive information in any resulting publications, as such data will be destroyed.

Does this research involve any risks and benefits to me?

This research project does not involve any direct and/or indirect risks to you.

In terms of benefits, this research project will not benefit you at personal level. However, it will help me and other people from different cultures to understand *swara* through the lens of the people who practice it. Particularly, it will help people understand how *swara* as conflict resolution mechanism works in the context of land disputes among people in this community. Similarly, this research will contribute to prepare the ground for future studies in this community, which will in turn help highlight the local issues that have long been ignored. And finally, this research project will contribute to the process of knowledge production.

Where will the findings of this research be disseminated?

The results of this research will be disseminated in a thesis, conference papers and talks and in publications. While the target audience is other researchers, these are public channels and information may also become available to people you know.

Can I get a copy of the research findings?

The written research findings document is expected to be available in May 2015. I will provide you a summary of the findings written in Pashto language to your preferred addressed. In case you are unable to read and neither have someone to help you read the document, I will seek the help of my kin ties in this community to help you read the document.

Who approved this research?

This research has been approved by the Joined-Faculty Review Ethics Board (JFREB) of the University of Manitoba.

Contact information

This research has been approved by the Joined-Faculty Review Ethics Board (JFREB) of the University of Manitoba. If you have any concerns or complaints about this project you may contact me at khanm312@myumanitoba.ca or Ph (Afghan ph no), my advisor, Ellen Judd, ellen.judd@umanitoba.ca , or the Human Ethics Coordinator (HEC), Margaret (Maggie) Bowman, at +1 204 474-7122 or at margaret.bowman@umanitoba.ca .

Questions

Do you have any questions or need additional details?

Do you agree to participate in this research?

Verbal consent script for men involved in swara

Introduction:

Hello. My name is Masood Khan. I am conducting a research study on the practice of *swara* related to land disputes. This research is being conducted as part of my Master's degree in anthropology at the University of Manitoba, Canada. I am working under the supervision of Dr. Ellen Judd, who is a professor in the Department of Anthropology at the University of Manitoba, Canada.

What is this research about?

Exploring the practice of *swara* from the perspective of men, this research particularly focuses on how *swara* plays out in land disputes among people in this community, and how it works as a settlement mechanism.

What does participation involve in this research?

To gather data for this study, I will be conducting on-to-one interview(s) with you at your preferred location. The interview will take approximately 60 to 80 minutes. In the interview, I will be asking you questions about *swara*, the preceded land dispute, your relationship with the other party, along with basic background information about you and your household composition. I will use an audio recorder to record your responses, but if you do not permit it, I will take manual notes. If you permit, more than one interview will be conducted with you in case it is needed. In case participants from one of the two parties involved in conflict withdraw from the research, interviews with the participants from the other party will be terminated.

Can I withdraw from the research?

You can withdraw your participation/data from the research by July 15, 2015, that is before the research findings are published in the form of thesis document in August 2015. In case of your withdrawal from the research project, your provided data will be destroyed. Your decision of withdrawal from the research will not affect our relationship in any way.

How will my confidentiality be ensured?

All your provided information will be kept confidential. None of your personal information will be shared with anyone, except with the University and my thesis supervisor, if they wish to see it. However, none of your identification information will be shared with the University my thesis supervisor or anyone else. Similarly, your name will not appear on any resulting publication material, rather a pseudonym will be used. I will retain your provided data until 2020 for my future studies. However, if you do not want your data to be retained beyond the purpose of this research project, I will destroy your data as soon as my thesis is approved by the University; this will likely be no later than August 2015.

As this is a close-knitted community, your participation in the research will be known to other people in the community. You might not want that certain kind of your provided data be read by other people of this community, or by anyone outside the community. Therefore to ensure that such data are not included in any resulting publication material, I will consult you to in the post-interview time to evaluate your provided data for identifying sensitive information. I will not use your identified sensitive information in any resulting publications, as such data will be destroyed.

Does this research involve any risks and benefits to me?

There are two risks that this research study might expose you to. First, you might experience emotional and psychological stress due to talking about a history of conflict and its subsequent settlement through *swara*. Second, Talking about the conflict might lead you to develop a new awareness of it, which can potentially trigger anger toward your disputant party. This, in turn, might affect your relations with your disputant party.

I request you to provide contact information for a person in whom you can confide. I will make that person available to you in the event of your emotional stress caused by the participation in this research.

In terms of benefits, this research project will not benefit you at personal level. However, it will help me and other people from different cultures to understand *swara* through the lens of the people who practice it. Particularly, it will help people understand how *swara* as conflict resolution mechanism works in the context of land disputes among people in this community. Similarly, this research will contribute to prepare the ground for future studies in this community, which will in turn help highlight the local issues that have long been ignored. And finally, this research project will contribute to the process of knowledge production.

Where will the findings of this research be disseminated?

The results of this research will be disseminated in a thesis, conference papers and talks and in publications. While the target audience is other researchers, these are public channels and information may also become available to people you know.

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Is this research project approved by the University?

This research has been approved by the Joined-Faculty Review Ethics Board (JFREB) of the University of Manitoba.

Contact information

This research has been approved by the Joined-Faculty Review Ethics Board (JFREB) of the University of Manitoba. If you have any concerns or complaints about this project you may contact me at khanm312@myumanitoba.ca or Ph (Afghan ph no), my advisor, Ellen Judd, ellen.judd@umanitoba.ca, or the Human Ethics Coordinator (HEC), Margaret (Maggie) Bowman, at +1 204 474-7122 or at margaret.bowman@umanitoba.ca.

Questions

Do you have any questions or need additional details?

Do you agree to participate in this research?