Egalitarianism and Means of Social Control among the *Swatis*

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This paper is an attempt to understand the means of social control among *Swatis* of District Batagram, Khyber Pakhtunkhwa, Pakistan. Conflict is inevitable and occurs in every human society due to a number of causes. However, human beings have created various strategies to prevent the society from total collapse. This research is basically focusing on the means of social control found in *Swatis'* society. In this connection it was found that cultural norms and indigenous laws are the major means of social control and support the society to function smoothly. Hence, "norms and laws protect the social order, without which societies cannot exist. Still, they are often ignored or violated, and the result may be conflict—the disruption of the social order" (Hicks and Gwynne 1996: 303). Moreover, human beings have created orderly and disorderly means to prevent the society from disruption. "Orderly methods of social control include dispute-resolving councils and committees; sanctions, either positive or negative, diffused or organised; courts; and divination. Disorderly methods of social control include feuds and wars, world wars, regional wars, and smaller-scale, intra-regional conflicts" (Hicks and Gwynne 1996: 315).

In this research the means of social control are classified in terms of their application i.e. those means of control which are applied by parities themselves and those, which are exercised by neutral third party. For example, self-help, litigation through court, arbitration, submission, and seizing the bier are the means of social control, which are applied by the disputing parties themselves. While the other means involving mediation are applied by neutral third party i.e. traditional leaders or religious leaders. All means of social control are discussed in detail as below.

Self-help as a means of social control

Swatis of Batagram are hotheaded; hence, to handle with a dispute they normally resort to the exercise of physical force to retain their glory and assert their powerfulness. In the outset of a dispute between two segments of *Swatis*, the parties normally do not opt for peaceful means of conflict resolution because show of power is a wish of every party to assert their autonomy. However, the practitioners of peaceful means of conflict resolution carefully observe the situation and keep on visiting the disputants to explore the possibilities of dispute settlement through mediation. The peacemakers strategically allow the disputing parties to check one another strength. When the combating parties exhaust of using force they tend to listen to the mediators. Likewise the mediators only inclined to interfere when they realize that the disputants are exhausted. The major indicator, which conveys a message of the disputants to the public that the parties are ready for settlement, is the informal discussion in which the disputants shrewdly express their desire for settlement. Now the time is matured for the interference of the mediators. Although in the beginning of a conflict the parties resort to the exercise of physical force as first priority to show their strength but according to the researcher's investigation none of the conflict was permanently resolved by force, finally mediation works to find sustainable solution to the issue. However, through the exercise of physical force the parties realize the military balance that exists between them. Both parties accept the strength of one another and understand that none of the party could be subjugated by force. Therefore, both the parties speak from the position of strength to accept the third party's solution, which is developed in conformity with the cultural traditions. Consequently, the disorderly means of conflict resolution shapes the form of orderly means, which is normally the process of mediation.

Courts

The formal court is an orderly means of conflict resolution. Formal court is fully functioning in District Batagram as in any other district of Pakistan. However, the *Swatis* use the court to inflict financial damages over the enemy. The court decisions are not whole-heartedly accepted. It is because the procedure of court is

not in conformity with the social value of *Swatis* i.e. social equality because according to the court decision one party is declared as winner and the other as looser. The looser takes the decision of the court in a way that his rival party won the game. However, under the perception of social equality none of the rival parties agree to let the opposite party to win. Hence, court decision mostly results into further violence between the rival parties.

Arbitration through Islamic Jurisprudence

Arbitration differs from mediation because of its very nature of ruling through Islamic jurisprudence. Dispute settlement on the basis of Islamic law is inherent to *Swatis* society because all of them are Muslims by religion. Islamic arbitration is deeply rooted in the history of Islam. With the beginning of the Islamic State, the Prophet Muhammad (Peace be Upon Him) became a political and religious leader of the community that includes both Muslims and non-Muslims. Because, the Holy Quran in economic, religious, social, and political dimensions commanded arbitration, hence, Muhammad (P.B.U.H) extensively used his arbitrator role in dispute settlement among Muslims. As an inter-religious arbitrator, he intervened in disputes between nations, and religions by using their divine laws.

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

Submission (*Nanawate*)

Nanawate is a traditional method of conflict resolution applied by the offender party themselves. *Nanawate* means entering the home of an opponent. If one of the disputing parties realizes that he was guilty he then entered to the home of opponent in order to seek apology. Normally the men entered the house of the opponent to express their guilt. In extreme and serious issues, women holding the Holy Quran on their heads, enter the house of the opponents to express guilt on the part of their men. Traditionally, the parties who enter the home of the opponent as *nanawate* are respected and are usually pardoned. Consequently, the enmity ceases to exist. All *Swatis* claim to be equal; therefore, seeking the pardon by the co-equal is almost honoured in order to prevent further loss and damage. The tradition of *nanawate* is also found in other Pukhtun areas (Ahmed 1980: 90).

Seizing the Bier (*Kat Newel*)

Seizing the bier is also a traditional method of conflict resolution exercised by the offenders. When the offender became tired of keeping the enmity continued adopt this method to resolve the conflict. The time a member of offended party dies of natural death. The time when the corpse is going to be shifted to graveyard for burial; the members of tired party all of sudden enter the house and hold the bier upon which the corpse is placed with proclamation that the corpse would not be allowed for burial until they were pardoned. This is a very provocative scene, which develops tremendous amount of social pressures for pardon. It is because hundred of people attending the funeral ceremony are witnessing the situation. The strong tradition is to pardon the party who had held the bier.

Public Meeting (*Jirgah*)

Jirgah is a public meeting organised for various purposes to find out solution to a given situation. However, there is no formal membership of *jirgah*. *Jirgah* is an "assembly of elders who are called to decide specific issues and whose decisions are binding on parties in conflict" (Ahmed 1980:90). "A *jirga* is an egalitarian body composed of all men concerned with a specific issue, plus other individuals who are respected for their skills in negotiation and reconciliation" (Southwold-Llewellyn 2006: 638). The term *jirgah* is however used in its broadest sense for consultation. Moreover, this term is also expressed for various levels of consultations. For example, the meeting on an issue among father and his sons, brothers, and paternal cousins is named as *de kor jirgah* (domestic meeting). If the issue is related with lineage members it is called *de tabarwalai jirgah* (meeting of lineage members). Likewise if the issue is related with the members of a sub-tribe the *jirgah* is known as *de azizwalai jirgah* (meeting of a sub tribe). The meeting of a sub-tribe is known by the name of the sub-tribe meet to discuss some issue. The participation of members in the *jirgah* depends on the situation concerned. The *jirgey* (plural term), which are convened at various level of genealogical structure, has ethnic orientations. While the *jirgah* regarding the matters of *gham khadi* (sorrow and happiness) at village level in which all people irrespective of their ethnic belonging can participate is called *de keley jirgah* (meeting of villagers).

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

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

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

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

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

> "An elderly and respected spokesman, a *mashar* as opposed to a *kashar* or "young hothead", is always selected in advance by the participants in order to officiate at any *jirga*. Nobody can refuse to attend a *jirga*, for if he does, a *lakhkar* or raiding or war party is formed at once to descend on his

house and burn it. Contending parties to any dispute sit apart from each other but near the main body of the *jirga* in order to explain their grievances. When each side has done so, the *jirga* then appoints some ten to twenty of its members as arbiters, and when they come to an agreement, the number of arbiters is then generally reduced to four or five. They now inform the *jirga* of their decision; and this decision is final" (Hart 1985: 70-71).

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

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

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

Go-between

After a conflict a number of people visit the disputant parties and ask the concerned parties for *rogha*. The agreement of the disputing parties on a particular person, as mediator is the first step towards conflict resolution. Once the disputing parties select a particular person for *rogha*, he is allowed to organise *jirgah* for conflict resolution. First, the delegation of elders attempts to collect information about the nature of dispute. As a fact-finding function, they first go to the home of the victim or injured party or the eldest person involved in the dispute. They then move to the home of the opposition party to listen and ask questions about the conflict. Following the fact-finding stage, they review the evidence and the history of the disputants and their families. In this part, many techniques and mechanisms are employed to force the disputing parties to accept third party role for conflict resolution. For example, the elders may exclude certain parties from the process, impose sanctions and positive incentives toward one party or both revert to the religious and traditional values and norms such as shame, public embarrassment, and guilt. Most importantly, the utilization of rituals has a powerful effect in the process e.g. the delegation of the elders refuse to take a cup of tea, refuse to leave the mediation setting until their request has been honoured. However, the success of the mediation is based on the necessity and desirability of preserving and restoring ongoing relations in the community.

Dyadic Negotiation

For conflict resolution the major strategy adopted by the *jirgah* is to develop consensus among the disputing parties. According to a key informant 'we don't impose our decision but we develop consensus between disputants'. In the given society those members who work for the conflict resolution are greatly respected because resolving the conflicts has significant social value. Therefore, a competition is observed for

involving oneself in the process of conflict resolution. Social respect of a member increases who has the skill of resolving conflicts successfully. However, the peacemaker should be a neutral third party (*dremgharhay*). It is because the closer agnates are expected to be active supporters. Closer agnates support in self-help, which is often violent. The role of closer agnates in the shape of peacemaker is not appreciated.

The mediator starts separate meetings with the disputing parties in order to know their views. In murder cases usually this process starts only after the people killed at both side become equal in numbers. However, for extra number of injured members, the mediator may persuade the concerned party for accepting compensation. The leaders of disputing parties normally put forward the conditions for *rogha*. The role of the mediator is to evaluate those conditions in accordance to the norms of the society. A hotheaded person may advance very tough conditions for *rogha* but the mediator through a series of discussions tries to bring him down to the norms of the society. It is because according to a proverb *'de kely oza de nerkha ma oza'* (Tair 1975: 247) (you may leave the village but do not violate the norms). The mediator may suspend the efforts for *rogha* if the tough conditions are not withdrawn. However, after a series of meetings if the mediator was successful to develop a consensus between the disputants on certain conditions the mediator then fix a date in consultation with the disputants. For the specific day the disputing parties invite their relatives particularly the closer agnates to participate in the final meeting organised for *rogha*. However, during the negotiation various cultural options are elaborated between the negotiating parties for resolving the issues. Those cultural options are outlined as below.

Compensation (*Uzar*)

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

Blood Money (*Saz*)

Normally, the closer blood relatives of the slain are responsible to get revenge of the murder. However, occasionally the *Jirgah* might come out with successful ideas to convince the aggrieved family for truce in return for blood money. This can be achieved as a result of the apologetic gestures of the offensive party communicated to the *Jirgah* member(s). *Jirgah* member(s) then hold meetings with the aggrieved family in order to convey apology on behalf of the offensive party. The members of aggrieved family hold their own *Jirgah* and in case of consensus among them over the acceptance of blood money they deliver their attorney to the *Jirgah* to make a truce. For example, they may say, 'we accept that our case will be in your hands, and it is on your conscious.' This way the disputants throw the whole burden on the shoulders of mediators. Mediators remain very careful in listening to the parties because one forgotten word, one simple mistake in the process of *rogha* may result to spoil the whole process. Therefore, *rogha* must be set up on the very solid foundation, step by step, with no misunderstanding. The *Jirgah* then organise final round of meetings with the concerned parties. Finally, both the parties are brought face to face, in which the members of *Jirgah* offer greater amount of money to the aggrieved family as *Saz* on behalf of the offensive party. The offer of very high amount of money is a sign of respect. The leading member of the aggrieved family knows the fact underlie the offer of greater amount of money. Therefore, the leading member of aggrieved family picks up the amount of money, which is accordance to the norms of *Saz*. Consequently, the priest concludes the *rogha* of both the parties with *Doa* (prayers) and a food is served to the participants. Barth has noted the same norm of revenge and compensation in a Kohistani community:

> "The killing of a person (apart from purely accidental killing) when one has no pre-established right to do so, gives the relatives of the deceased the right to blood revenge, subsidiary

compensatory payment. Revenge is directed mainly towards the murderer himself. Only if he cannot be reached, it is directed against one of his close agnatic relatives, primarily the senior man of his close family – a father, brother, or father's brother.

The right—and responsibility—to revenge devolves on the closest agnatic male relative of the deceased, in the order son—father or brother—father's brother. More distant agnatic relatives have the right only if no closer relative exists, i.e. the right to revenge is passes in the same manner as inherited property, and the nearer relatives exclude the more distant. The close relative may forego their right to revenge and seek a settlement by compensation. The amount of compensation is stipulated by the village council, or a mediator; an important element is usually the giving of a woman in marriage from the family of the killer to a relative of the deceased" (Barth 1956: 45-46).

Compensatory Marriage of a Girl (*Swara*)

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

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

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

Truce (*Rogha*)

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

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

elaborate than the mediation itself. First of all, the size of the *Jirgah* is bigger than the other cases. It is also based on forgiveness, reutilisation, and symbolisation.

According to the *Swatis* tradition, the family has the right to revenge. However, the third party intervention aims to restore the honour of the victim's family. If there is an agreement between the parties, there is ritual process that is the pillar of the *rogha*. The agreement should be announced in public place and openly. The killer goes toward the offended family members and shakes their hands one by one. A notable or respected man makes a speech about the importance of forgiveness and religious values. Then, the mediators put a knot (*Ghota*) on the decision resulted in *rogha*. The term knot represents that both parties will tightly follow the agreement.

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

The ritualistic and ceremonial side of the reconciliation shows the importance of forgiveness and reconciliation as well as the restoration of societal unity. The value of peace making (*rogha*) is symbolic which reflects the public demonstration of reconciliation and forgiveness that help the disappearance of hard feelings and revenge. Its impact is pragmatic that helps in restoring the social relations. The rituals help the one party to express his acknowledgement through the embracing opponents, the eating of a common meal.

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

Conclusion

Swatis are not equal in terms of economic status but they have a strong sense of social equality, which stimulates for the regulation of their social activities in the framework of egalitarianism. Sense of social equality generates competition that forces the members to maintain the status of social equality and restore it when it is threatened. Causes of conflicts and patterns of conflict resolution can only be understood to put them in the frame of egalitarian ethos. It is because of the fact that action directed against one's object is not only retaliated but the action in larger context is interpreted, as the defender is perceived as lower. The defender, therefore, strongly retaliate to restore the condition of equality and remove the stigma of submissiveness. The cultural notion of equality force the individuals for retaliation which itself create a strong barrier against the eruption of feuds. However, if any of the members takes an action against his equal member violating the cultural value of egalitarianism create conflict, which is resolved in order to restore the condition of equality. Egalitarianism has two roles in relation to conflict. One it plays before the occurrence of actual conflict that it prevents the people from entering into conflict because the rival will take revenge and a long blood feud may ensue. Secondly, the institution of egalitarianism forces to resolve the conflict through traditional methods so as to restore the social position of offended group. Traditional as well as religious leaders resolve conflicts by exercising traditional methods.

References

Ahmed, Akbar S, 1980, *Pukhtun Economy and Society: Traditional Structure and Economic Development in a Tribal Society,* London: Routledge and Kegan Paul.

Barth,Fredrik, 1965 (1959), *Political Leadership among Swat Pathan,* London: Athlone Press.

Barth, Fredrik, 1956, *Indus and Swat Kohistan,* Studies honouring the centennial of Universitets Etnografiske Museum, vol.2, Oslo.

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

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

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

Tair, M. Nawaz, 1975, *Rohi Matalona,* Peshawar: Pukhtu Academy Peshawar University.