

Journal of Peace, Development and Communication



Volume 06, Issue 02, June 2022
pISSN: 2663-7898, eISSN: 2663-7901
Article DOI: <https://doi.org/10.36968/JPDC-V06-I02-24>
Homepage: <https://pdfpk.net/pdf/>
Email: se.jpdc@pdfpk.net

| | |
|-------------------------------|---|
| Article: | TRADITIONAL AUTHORITY IN SOUTH WAZIRISTAN TRIBAL DISTRICT: OPERATIONALIZATION OF MAX WEBER’S THEORY |
| Author(s): | Mohib ur Rehman PhD Scholar, Pakistan Study Center, University of Peshawar |
| | Dr. Farmanullah Assistant Professor, Pakistan Study Center, University of Peshawar |
| Published: | 30 th June 2022 |
| Publisher Information: | Journal of Peace, Development and Communication (JPDC) |
| To Cite this Article: | Rehman, M., & Farmanullah. (2022). Traditional Authority In South Waziristan Tribal District: Operationalization of Max Weber’s Theory . <i>Journal of Peace, Development and Communication</i> , 06(02), pp. 346–358. https://doi.org/10.36968/JPDC-V06-I02-24 |
| Author(s) Note: | Mohib ur Rehman is a PhD Scholar at Pakistan Study Center, University of Peshawar |
| | Dr. Farmanullah is serving as an Assistant Professor at Pakistan Study Center, University of Peshawar |

Abstract

This research paper tends to operationalize Max Weber's theory in the context of South Waziristan tribal district, with special focus on one of its elements i.e., traditional authority. The study explains the *Pashtunwali*, which is a legitimized source in traditional authority, and its certain tenets like *Tarburwali* and *Badal* that lead to call for a *Jirga*; in which *Malik*, *Khan*, *Mutabar* and *Speengery* plays an authoritative role. The study also discusses many corelated topics such as hierarchical explanation of Pashtun tribes from the antecedent to South Waziristan's tribes, comparative analysis of classic traditional structure of Pashtun to evolve and modern traditional structure with emphasis on South Waziristan, the cohesive nature of Pashtun tribal dynamics to resist against intruders, the function of *Jirga* as a Dispute Resolution Council (DRC), four types of *Jirga* with South Waziristan as a case study, reasons for structural destabilization in leadership, distinctive forms of *Jirgas*, its decision implementation procedure and punitive penalties measure in South Waziristan. The study is qualitative and data has been collected from both primary and secondary sources. A total of twenty respondents have been interviewed through purposive sampling with the help of unstructured/open-ended interviews.

Keywords: South Waziristan, traditional authority, *Jirga*, *Malik*, *Khan*, *Pashtunwali*.

Introduction

According to Max Weber, in Authority (*Herrschaft*), the probability of the right to command and then obeying it by a group of persons, exists as a settled mutual expectation, which requires legitimization to rule and voluntarily compliance. He further divides Authority into three types: Traditional Authority, Rational-Legal Authority and Charismatic Authority. Traditional Authority rests on the belief in the sanctity of traditional customs, and the exercising authority requires legitimization under traditional grounds. This type of authority often resisted for social change and tends to be conservative in nature (Guenthor Roth & Claus Wittich, 1978).

By the contextual application of Max Weber's traditional authority among the Pashtuns in general and South Waziristan's tribal people in particular, lies in the hands of the *Malik*, *Khan* and *Jirga*, that legitimizes its rule through the Pashtun traditional values called as *Pashtunwali*.

1. General Classification of the Pashtun:

Pashtuns have been structurally dichotomized on the basis of socio- economic and political means in two ways i.e., first one is through *Qalang* and *Nang*, and the second division is through *Spin Gund* and *Tor Gund*.

Qalang and Nang:

According to Akbar S. Ahmad, *Qalang* Pashtun lives in *Hakumati* (government) land, that recognizes government authority, readies to pay taxes and rent to central government. While, *Nang* Pashtun lives beyond the *Hakumati* area, titled as *Yaghistan* (the land of rebels); where they try to maintain their independence from the control of centralized government. The later, considers *Pashtunwali* as an absolute law of the land, and adherence to it, is a defining factor of their Pashtun identity. *Nang* society believes in egalitarianism, and the only recognized traditional authority is *Jirga* (Ahmad, 1976).

Spin Gund and Tor Gund:

Another division of Pashtun further split into two sections i.e., *Spin Gund* (white faction) and *Tor Gund* (black faction), that exists in the dominant regions of Afghanistan and Pakistan. *Spin Gund*, for instance, in Khost region of East Afghanistan are Mandozey and Dzadran tribes. While, *Tor Gund* in same region is Ismailkhel and Mangal tribes (Glatzer, 2002).

2. From Pashtun to South Waziristan's Tribes:

Pashtun/ Pathan:

Mostly orientalist prefer the term Pathan for the Pashtun tribe; even, Olaf Caroe often loosely employed the term Pathan and Afghan as synonymous. While, many considered Pashtun as the senior branch of the Afghan race. Moreover, they divided Pashtun into sections: Western Afghans like Durranis, and the Eastern Afghans like Yousafzais, and in between Western and Eastern Afghans are interposed the Highlanders, that include Mahsud and Wazir tribes respectively (Caroe, 1958).

Highlanders or Independent and Free Tribes:

The highlanders never fell under the effective sway of any recorded imperial authority, including South Waziristan's tribes. Their allegiance is always first to their own clan or tribe by invoking tribal and political loyalties such as, *Mizh Mahsit* and *Mizh Wazir*, means we

Mahsuds and we Wazirs. This tribal cohesion has so far been preserved them from subjection to any external authority (Spain, 1962).

It was the British colonial government, who penetrated their valleys, established forts and spread road infrastructures in all directions. But even she, neither administered the tribal areas wholly nor disarm them completely. Failure in imposing taxes or revenue generation on highlanders, especially on South Waziristan's tribals are the vital examples to get the status of independent and free tribes during colonial era. The tribal areas, popularly known as the former FATA region, were further divided into seven Agencies and six Frontier Regions, that regulated by Political Agents. The formation of two famous agencies i.e., South Waziristan and North Waziristan, came under the policy of bifurcating the larger Waziristan into two administrative zones in 1895 (Davies, 1932).

Family Tree of South Waziristan's Tribes:

There are six tribes residing in South Waziristan i.e., Mahsud, Ahmadzai Wazirs, Dotani, Sulaimankhel, Kamrani and Ormur (Burki). Pashtun family tree, in chronological order, connected with their founding ancestor Qais alias Abdur Rashid, who had four sons i.e., Ghurghusht, Bitan, Sarbanr and Karlanr. The popular two tribes Mahsud and Ahmadzai Wazirs are the descendants of Karlanr, Dotani and Sulaimankhel are the Pashtun sub-tribe of the Bitan, and Ormur is considered the adopted child of Sarbanr (Bangash, 2016).

3. Pashtunwali: The legitimized source in Traditional Authority

Pashtunwali has been constructed since long, which is shared from generation-to-generation, and Pashtun society agreed upon to be collectively followed. It is a set of tenets and a standard course of action to regulate the daily lives of all Pashtuns. Every action is socially acceptable, that can be legitimized through *Pashtunwali* (Junaid, 2014).

The key components of *Pashtunwali* are *Namus*, *Melmastia*, *Jirga*, *Badal*, gender segregation, *Tura*, *Nanawati*, *Tiga*, *Kheegara*, *Barabri*, *Tarborwali*, etc. (Abbas, 2014).

It is equally important to note that, different Pashtun tribes do not see and practice this traditional law with uniformity. Because it is un-codified, and thus, it has evolved dynamically with many tribes accordingly. However, there are certain tenets in *Pashtunwali*, which are less or more universally recognized and accepted among Pashtuns like *Tura*, *Badal*, *Jirga*, and many other tenets (Durkin, 2009).

4. Tenets of Pashtunwali that lead to call for Jirga:

There are certain doctrines of *Pashtunwali* that often lead to conflicts and violence, which are as follows:

Badal; Revenge or Reciprocity:

literally meaning of *Badal* is revenge, but in *Pashtunwali*, *Badal* is used for both revenge as well as reciprocity. A person feels obligated to return favor, while someone do good for him or her is considered as reciprocity in *Badal*. In revenge sense, it is every Pashtun's right and duty to revenge his own injuries, and do justice for himself. Proportional retribution is a recognized right, and considered it an honorable to seek the mode of redress. The retaliation policy often advances to new conflicts, and in many cases, transmitted from generation-generation (Shinwari N. A., 2010).

Tarburwali or Agnatic Rivalry:

Tarbur denotes for male fathers'-side first cousin, and among Pashtun, it symbolizes for enemy. *Tarburwali* reflects rivalry among the patrilateral parallel cousins, for the ancestral

property such as, rivalry raised from the consequences of a land tenure system that structured genealogical (Charles Lindholm & Michael E. Meeker, 1981).

Swara or Vani:

It is the atrocious practices among the Pashtun, to settle crimes or wrongdoings, such as *Zina* (fornication or adultery), murder, settling debts, or compensation for abduction. In *Swara* practice, a girl or girls of killer family are given in marriage to the victims' family for the reparation to settle blood feuds. On one side, it ensures peace among fiercely tribesmen, but on other side, women are used as a scapegoat for the wrongs that the men committed (Khan, 2012). In South Waziristan, a girl or two are given in compensation by looking into the nature of blood-feuds. Nowadays, *Swara* practice is rarely found in South Waziristan (Atiq, 2021).

Hamsaya (Asylum):

In *Hamsaya* custom, a person demands shelter especially from influential *Malik* or *Khan*, at the time of crisis like murder, to bring under the shadow of his *Naik* or protector to protect him or her from enemy. In rare cases, poverty also compels people to ask for *Hamsaya*. In return, *Hamsaya* people perform menial tasks such as cultivation of *Naik's* land. Among the Ahmedzai tribe, this practice indicates a weaker family position, who demands help from more powerful person or kin against the stronger one (Wazir, 2021).

Melmastia:

Literally meaning of *Melmastia* is hospitality. It is every Pashtun's duty and consider it an honor to offer hospitality, irrespective of nationality, creed, tribe, caste, or community. Sometimes, in *Melmastia*, guests can demand protection, which means, here *Melmastia* supersedes *Hamsaya*. Guest shall take *Badal*, in mentioned circumstances, if any harm happens to guest from his/her enemies (Dawar, 2019).

Nanawati or Supplicating for Mercy and Peace:

Nanawati is a verbal noun, which means coming in. The tribal custom of *Nanawati* in South Waziristan is contradictory to the doctrine of *Badal*. In this practice, offender completely surrenders in front of aggrieved family and asks forgiveness. The application of doing *Nanawati*, sometimes, vary such as, the aggressor family goes to the graveyard for the dead funeral along with many sheep and slaughter it on the grave in front of whole tribe; then they demand forgiveness for the wrong deed (Bruce L. Benson & Zafar R. Siddiqui, 2014).

Tura (Sword) and Aql (Reason):

The heroic and martial behavior of Pashtun man to protect the *Pashtunwali* values to get him/her readies for violence and war is called *Tura*. While a man of *Aql*, is the one with reasons and acts in an integrative social way of life such as, he grants asylum to whom it required (Glattzer, 1998).

Nang and Namus:

Nang, in *Pashtunwali*, means honor and dignity. It is *Nangialay*, who brings fame and honor to his tribe, and *Benangi* (dishonored) is the worst possible menace to a social position of the degraded. While, *Namus* refers to the modesty and integrity of women. It is the absolute duty of Pashtun man to be a *Nangialay*; to keep the privacy and protection of women sanctity (Yousaf, 2019).

Ghairat (Courageous):

A *Ghairati* Pashtun is those, who tries to keep his own prestige, of family and tribe. Generally, it has two connotations; first one to sustain *Namus* and the second one is the reckons of weakness, if he complains before a *Jirga* (Elphinstone, 1815).

5. Key Terms:**Malik:**

Malik is a sub-tribal or tribal chief, who holds a key position in all matters of social and political activities. His influence in society is deeply-rooted, that whenever he acts as an arbitrator, his words is considered final and acceptable. He is a source of inspiration to all especially, in tribal society, and every one gives due respect to his words (Malik, 2013).

Khan:

The chief of *Olus* (tribe) is called *Khan*, who is selected preferably from the oldest family of the *Olus*. Kings in Afghanistan could remove a *Khan* at his will and appointed one of his relations in his lieu. In some tribes, *Khan* is elected by the people through *Jirga*. In both cases, consideration is given to the primogeniture; along with his experience, age and character. He could not raise tax from *Olus* generally, but he collects infidel tax on Hindus, custom tax on merchandise goods which is passing through the tribal land, and the regular tax on *Hamsayahs* (Elphinstone, 1815).

Jirga or Jarga:

Jirga is a conflict resolution institution having unrivaled potentials, that exists in the Pashtun belt of Pakistan and Afghanistan. It works in a strategic exchange phenomenon between two or more parties, to tackle an issue through a verbalized communication and look for an acceptable solution acceptable. It includes different cadres of people i.e., *Spingiris* or white bearded, *Masharan* or influential elders, locals, official *Maliks* and *Khans*, who carry out dispute resolution primarily through the process of mediation and arbitration. It guarantees fast and economical justice to the Pashtun. *Jirga* is a judicial institution based on *Pashtunwali* in which cases are tried, and then inflicted punishments or given rewards (Farooq Yousaf and Syed FurrukhZad, 2020).

6. Transformation from Classic to Modern Traditional Structure:**6.1 Classic Traditional Structure of Pashtun:****Evolution of Jirga:**

Jirga system traced back to the Aryan tribes. They gave verdicts according to the prevailing customs, and used it for resolving conflicts and disputes. Sultan Bahlol Lodhi (1451-1489), in India, formed the *Jirga* of elder people to resolve political and social issues. The popular Ahmad Shah Abdali was nominated as king in the *Loya Jirga* (Grand *Jirga*) of all Afghan Pashtun tribes at Qandahar in 1747 (Amna Mahmood, Shaukat Ullah & Shughla Ashfaq, 2018).

Jirga in Classic Traditional Structure:

It was the *Khans*, *Masharan* (elders), *Mutabar* (respected), *Spingeray* (white bearded) and *Maliks*, who carried out the internal mechanism of the *Olus*, and also led the assemblies (*Jirgas*). The system of appointment, representation and hierarchies in the *Jirga* resembles similarly to Soviet system, in which *Kundi* (hamlet or ward) sent representatives to the village *Jirga*, and then eventually representation from each tribe joins *Loya Jirga* (Beatties, 2011).

Arbaki or Tribal Militia:

Arbaki or *Lasghari* was the local ad-hoc militias in classic traditional structure, still found with warlords in Afghanistan, of Pashtun society for the implementation of *Jirga* decisions, or execute penalties upon the non-adherence of *Jirga's* verdict (Glatzer, 2002).

6.2 Modern Traditional Structure:**Transformation in Traditional Structure:**

After the formation of Durrani dynasty in Afghanistan, transformation occurred in such a way, that *Pashtunwali* explicitly served as a model and an orientation of education, used in Pashtun system of norms and values, an invitation pass for peaceful visitors, assessment of values for conflict resolution, and served as a deterrent to belligerent visitors (Glatzer, 1998).

Impacts of Migration and Invasion on Transformation:

According to C. Collin Davies, who quotes Imperial Gazetteer of India of 1908, that tribal people contain numerous ethnological layers formed by different streams of immigration and invasion. Local anecdotes reveal that, different tribes such as Niaziz, Marwats, Wazirs and Mahsuds resided in South Waziristan, to prove this notion. Traditional structural transformation takes decades and even centuries in this sort of mechanism (Davies, 1932).

Jirga Mechanism:

Mechanism of *Jirga* varies according to place and tribe. Generally, the elders (*Spingiris* or *Masharan*) act as a Judge and other participants (*Malik, Khan* and *Qazi*) work as a Jurists in traditional *Jirga*. Reservation on any *Jirga* members can be changed in pre-mediation discussion stage. *Jirga* hears issue, examines the parties and witnesses are called to discover the facts of disputes. After probing inquiries and looking into the gravity of the conflict, it may take few days to find an unbiased and acceptable solution of the problem. In crucial cases, *Jirga* ask parties to swear on the Holy Quran to clear themselves of the charges, which is prevalent practice among the Pashtun, and the conflict resolve at the point (Hassan M. Yousufzai and Ali Gohar, 2005).

Partiality and Impartiality of Jirga:

Tribal people acknowledge the pivotal role of *Jirga* to resolve decade old conflicts, dispensing justice and preventing bloodshed. But still, members of *Jirga* cannot be exempted from the access to solicitation for bribes, the influence of relationship and fear of enmity. In most case, decision of *Jirga* is considered impartial and biased free (Shinwari N. A., 2011).

Haaq and Waaq:

Haaq means right while, *Waaq* denotes authority. *Jirga* proceeds and passes judgment on the basis of *Haaq* and *Waaq*. Each party, in *Haaq*, has the right to oppose or refuse to accept the decision of *Jirga* by referring to *Narkh* (rules and precedents), to defend their point of view. Another *Jirga* can be called to re-examine the matter, but the decision given in the second or third time usually considered final. In the case of *Waaq*, both parties rest their full confidence on the *Jirga* and empower it to decide the issue according to its best judgment and discretion. Parties follow this custom, cannot challenge the decision of *Jirga* and they have to abide by it (Zahid Shahab Ahmed and Farooq Yousaf, 2018).

7. Reasons for Structural Destabilization in Leadership:

Pashtun tribes are structurally stable, but tribal leadership is not. It is hard for tribal leadership to shape their power alone, due to the egalitarian and acephalous nature of Pashtun society. They constantly endeavor by their charismatic qualities and fulfill traditional

requirements such as, skills to provide patronage, and prove leadership in time of battlefield to convince tribe and adversaries. Tribals disappoint quickly and may shift loyalties overnight to another one (George Pfeffer & Deepak Kumar Behera, 2002).

8. Four Types of Jirga:

Shakhsi or Korany Jirga:

Shakhsi or Korany Jirga is devised when a dispute occurs between two individuals or two families. Mutual consent of both parties is necessary for the selection of *Jirga* members. Unprejudiced and neutrality of *Jirga* are significant approaches to achieve just settlement, that is acceptable to both parties (Farooq Yousaf and Syed FurrukhZad, 2020).

Qumi or Olusi Jirga:

Literally meaning of *Qum* is community and *Olus* means tribe or tribal people. In this sort of *Jirga*, every family sends one member as a representative to constitute *Qumi Jirga*, that raise tribal issues of collective importance such as, selection of site for developmental projects, disputes in property rights with other tribes, community share in natural resources, distribution of irrigation water and dealing with the outlaws (Amna Mahmood, Shaukat Ullah & Shughla Ashfaq, 2018).

Sarkari or State-controlled Jirga:

British India, after attaining preliminary colonial control in the tribal areas, promulgated Frontier Crimes Regulation (FCR) in 1901 to operate the hybrid political administrative system smoothly. Chapter III (Section 8-20) in FCR gives all details about the procedure of *Sarkari* (official) *Jirga*. This regulation transformed the traditional structure of Pashtun by altering traditional *Jirga* into *Sarkari Jirga*. The appointment and selection of official *Maliks* and *Khans*, to trial civil or criminal cases, were on the disposal of Political Agent (PA), Assistant Political Agent (APA) or *Chota Sahib*, Assistant Political Officers (APO) or *Khan Bahadur Sahib*, Tehsildar, Political Naib Tehsildar and Political Moharar. The status of *Sarkari Jirga* seized to exist due to abolishment of FCR through the 25th Amendment in 1973 Constitution, that led to merge former FATA region in Khyber Pakhtunkhwa province of Pakistan (Fakhr-ul-Islam, Khan Faqir & Malik Amer Atta, 2013).

Loya (Grand) Jirga:

Loya Jirga (grand council) is the highest of all categories that originated in Afghanistan, and the session is convened on need basis. Various tribes send representatives to *Loya Jirga* to discuss problems, when confronted with internal matters or issues with foreign countries. It achieved legitimacy in the Article 110-115 of Chapter 6 of the former Afghanistan's constitution (The Constitution of Afghanistan).

Loya Jirga, in former FATA region, formed to debate an issue with government officials on territorial redistribution or to discuss matters with the adjoining tribal agency's *Jirgas*. This sort of dispute resolution council might be developed to raise FATA's collective issue with the government (Hassan M. Yousufzai and Ali Gohar, 2005). Both popular tribes of South Waziristan i.e., Mahsud and Wazir got allegiance with Pakistan through *Loya Jirgas* in 1948 (Agreement of allegiance and cooperation with the Mahsuds and the Wana Wazirs, 1948).

9. Distinctive Forms of Jirga in South Waziristan:

Maraka and Jirga:

Both *Maraka* and *Jirga* are considered identical in nature. But some says that, there is a minute difference i.e., *Maraka* probes the problem in minor level while, *Jirga* investigates

grave issues with mostly tribal concern. According to Hassan M. Yousafzai and Ali Gohar, in *Maraka*, both parties give consent to refer matter to interveners for friendly settlement of dispute, through the expert's opinion that sought to clarify the issue (Hassan M. Yousufzai and Ali Gohar, 2005).

Advisory *Jirga* of Wazir and Mahsud Tribes:

Jirga, among the Durranis, conclusion possess the force of law and had had fines on resisting the decree, but in tribes like Mahsud and Wazir, another form of *Jirga* also exists i.e., advisory *Jirga*, in which verdict has relativity; either obey it or refuse it with veneration (Liebl, 2007).

***Qazi* (Islamic clergy) *Jirga* and Wazir *Jirga*:**

Jirga Mutabars (tribal and respectable elders), in Waziristani dialect, are known as Wazir who resolve issues through the Waziristani tribal tradition. When one or both parties do not accept Wazir's judgements, then *Qazis* (clergy having Islamic as well as traditional knowledge) are invited to hear and judge the case according to the Islamic Jurisprudence (Khan M. A., 2021).

10. Implementation Procedure in South Waziristan:

The execution of verdict given by South Waziristan's tribal *Jirga* is fundamental to the integrity and credibility of *Jirga*. To operationalize and strengthen the credibility of *Jirga*'s decision, there are different mechanism which are as follows:

***Chalwaishtai* (40's), *Badraga* and Committee:**

Literally meaning of *Salwaikhtee* or *Chalwaishtai*, in Pashtu, is forty. But it is used symbolically for tribal *Lashkar* (war party), having numerical strength possibly more than 40. Sometimes, in South Waziristan, when *Jirga* decision is binding especially verdict of punitive measures, then *Mutabars* implement judgment through *Chalwaishtai*. Certain elders lead the *Chalweshtis* are called as Committee members. The term *Badraga* are also applied for tribal *Lashkar*, who guarantees the security and protection of all the members of *Jirga*. The armed men in both *Chalwaishtai* and *Badraga* are mostly volunteer, but some are paid (Beattie, 2017).

***Teega* (Truce) or *Teezha* (In Waziristani Dialect):**

Teega, in Pashtu, means stone while in *Pashtunwali*, it applies for a sort of temporary cease-fire upon the combating parties, in order to disengage them from further fighting. This norm is very prominent among Mahsud and Wazir tribes. If any party breaches *Teezha* then they face harsh consequences in the form of *Tawaan* (fine), and expel them from tribe or set his house on fire (Bruce L. Benson & Zafar R. Siddiqui, 2014).

***Shwinai* (Bond or Guarantee):**

Both parties are requested to deposit *Shwinai* or *Gravey* as a surety bond, in which money, weapons or cattle keep it as a guarantee bond with *Jirga* members. *Shwinai* may be confiscated from the non-compliance party and given it compliant (Ginsburg, 2011).

11. Penalties:

Except advisory *Jirga*, all sort of *Jirga*'s decision is binding. If any party does not abide the verdict of *Jirga*, then it is subject to punitive measures based on *Narkh* (precedents or tribal rules). Penalties can be heavy sanctions such as, ex-communication of the non-compliant party, impose heavy fines and to burn down the non-compliant party's house (Hassan M. Yousufzai and Ali Gohar, 2005).

Makhtory or Makhtorai:

Literally meaning of *Makhtory* is black face and it is used symbolically, in *Pashtunwali*, for any person who commits action that perceived as a taboo, deviant, or against cultural norms especially, adulterer is considered as *Makhtory*. It is considered an unpardonable crime i.e., to kill him or her (Khan W. , n.d.).

12. Conclusion:

Traditional Authority is one of the three types of Authority put forwarded by Max Weber, Sociologist-economist and Political Scientist, in which obedience of subordination is owed to those institution or people who occupies traditionally sanctioned position. The sanctioned authority legitimizes its rule over the ruled through the traditional norms and values.

By the contextual application of this theory, traditional authority among the Pashtun lies in the hands of *Jirga*, *Khan* or *Malik* who legitimizes its rule through the Pashtun traditional code of conduct called as *Pashtunwali*.

Pashtun has been structurally dichotomized, on the basis of socio-politico and economic means, into *Nang* and *Qalang*. Due to relatively control in the *Qalang* areas, Pashtun pays certain amount of taxes and rent to central government. It was the *Nang* Pashtun who never fell under the effective sway of any recorded imperial authority, and they were considered as free and independent tribes including the tribes of South Waziristan. *Pashtunwali* considers as culturally agreed law among the Pashtun for their internal relationship and daily routine activities. Some of the tenets of *Pashtunwali* such as *Swara*, *Badal*, *Tarburwali*, *Tura*, *Melmastia*, *Hamsaya*, *Ghairat*, *Nang*, *Namus*, and *Nanawati* mostly resulted in different nature of disputes, which leave a place for *Jirga* that works as Dispute Resolution Council (DRC). *Malik*, *Khan*, *Qazi*, *Spingiray*, *Mutabar*, and *Masharan* are the noteworthy members of *Jirga*. *Jirga* decides all civil and criminal cases according to the *Pashtunwali*. The implementation of verdict as carried out by the *Jirga* is taken through *Arbaki* in Afghanistan, *Lashkar* in Afridi, *Rapakian* in Kurram and *Chalwaishtis* 40's in Waziristan.

References

- Abbas, H. (2014). *The Taliban revival: Violence and extremism on the Pakistan-Afghanistan frontier*. New Haven: Yale University Press.
- Agreement of allegiance and cooperation with the Mahsuds and the Wana Wazirs. (1948). Peshawar: Reference and Archival Library Governor's Secretariat FATA, N.W.F.P.
- Ahmad, A. S. (1976). *Millennium and charisma among Pathans. A critical essay in social anthropology*. London: Routledge and Kegan Paul.
- Amna Mahmood, Shaukat Ullah & Shughla Ashfaq. (2018). The evolution of Jirga system: A conflict resolution mechanism in FATA. *Liberal Arts and Social Sciences International Journal*, 2(1), 21-28.
- Atiq, M. (2021, 04 08). Swara in South Waziristan. (M. u. Rehman, Interviewer) Tank.
- Bangash, S. (2016). *The Frontier tribal belt: Genesis and purpose under the Raj*. Karachi: Oxford University Press.
- Beattie, H. (2017). *Tribe and State in Waziristan 1849-1883*. Ann Arbor: ProQuest LLC.
- Beatties, H. (2011). Negotiations with the tribes of Waziristan 1849-1914- the British experience. *The Journal of Imperial and Commonwealth history*, 39:4, 571-587.
- Bruce L. Benson & Zafar R. Siddiqui. (2014). Pashtunwali- law for the lawless, defense for the stateless. *International review of Law and Economics*, 37(C), 108-120.
- Caroe, O. (1958). *The Pathans with an epilogue on Russia*. London: Oxford University Press.
- Charles Lindholm & Michael E. Meeker. (1981). History and the Heroic Pakhtun. *Man*, 16(3), 463-468.
- Davies, C. C. (1932). *The problem of the North-West Frontier 1890-1908*. London: Cambridge University Press.
- Dawar, A. I. (2019). Transnational ideologies, violent conflict, and Pashtun social identity. *Journal of Social and Political Sciences*, 2(2), 276-284.
- Durkin, M. J. (2009). *Authority, legitimacy, and the Qawm: Historical perspectives on emergent governance in Afghanistan*. School of advanced military studies. Kansas: School of advanced military studies United States Army Command and General Staff College Fort Leavenwor.
- Elphinstone, M. (1815). *An account of the Kingdom of Caubul*. London: Cambridge University Press.
- Fakhr-ul-Islam, Khan Faqir & Malik Amer Atta. (2013). Jirga: A conflict resolution institution in Pukhtoon society. *Gomal University Journal of Research*, 29(1), 87-95.
- Farooq Yousaf and Syed FurrukhZad. (2020). Pashtun Jirga and prospects of peace and conflict resolution in Pakistans tribal frontier. *Third World Quarterly*, 41, 1200-1217.
- George Pfeffer & Deepak Kumar Behera. (2002). *Contemporary society tribal studies*. New Delhi: Concept.
- Ginsburg, T. (2011). An economic interpretation of the Pashtunwali. *University of Chicago Legal Forum*, 1(1), 89-114.
- Glatzter, B. (1998). Being Pashtun-being Muslim: Concepts of person and war in Afghanistan. *Essays on South Asian society: Culture and politics*, II, 83-94.

- Glatzer, B. (2002). The Pashtun tribal system. *Contemporary society: Tribal studies*, 5, 265-282.
- Guenthor Roth & Claus Wittich. (1978). *Max Weber, economy and society: An outline of interpretive sociology*. California: University of California Press.
- Hassan M. Yousufzai and Ali Gohar. (2005). *Towards understanding Pashtun Jirga: An indigenous way of peace building and more....* Peshawar: Just Peace International.
- Howell, E. (1979). *Mizh: a monograph on governments relations with the Mahsud tribe... by (1979)*. Karachi: Oxford University Press.
- Hussain, S. I. (2000). *Some major Pukhtoon tribes along the Pak-Afghan border*. Peshawar: Area Study Centre and Hanns Seidel Foundation.
- Jan, M. S. (2021, 04 01). Qumi Jirga in South Waziristan. (M. u. Rehman, Interviewer) Dera Ismail Khan.
- Jan, S. (2021, 04 11). Sarkari Jirga in South Waziristan. (M. u. Rehman, Interviewer) Tank.
- Junaid, M. (2014). *Living the code of honor: Pashtunwali and entrepreneurial identity of Afghans in Peshawar Sept 2014*. Queen Mary University of London. London: University of London.
- Khan, K. F. (2021, 03 30). Korany Jirga in South Waziristan. (M. u. Rehman, Interviewer) Tank.
- Khan, M. A. (2021, 04 17). Qazi Jirga and Wazir Jirga. (M. u. Rehman, Interviewer)
- Khan, M. M. (2021, 04 07). Hamsaya in South Waziristan. (M. u. Rehman, Interviewer) Dera Ismail Khan.
- Khan, N. A. (2012). Socio-Economic and Political status of women in FATA- The process of development and phenomenon of militancy. *Tigah: a Journal of Peace and Development*, 2, 1-21.
- Khan, W. (n.d.). *Zadran traditions*. Retrieved 04 15, 2021, from <http://zadrans.blogspot.com/p/pashto.html>
- Liebl, V. (2007). Pashtuns, tribalism, leadership, Islam and Taliban: A short view. *Small wars and insurgencies*, 18(3), 492-510.
- Malik, D. M. (2013). Role of Malik in tribal society: A dynamic change after 9/11. *Pakistan Annual Research Journal*, 49, 103-112.
- Ormur. (n.d). Retrieved 12 13, 2021, from Google Arts and Culture: <https://artsandculture.google.com/entity/ormur/m0fqpt5?hl=en>
- Shinwari, N. A. (2010). *Understanding FATA: Attitudes towards governance, religion & society in Pakistan FATA*. Islamabad: CAMP.
- Shinwari, N. A. (2011). *Understanding Jirga: Legality and legitimacy in Pakistan FATA*. Islamabad: CAMP.
- Spain, J. W. (1962). *The way of the Pathans*. London: Oxford University Press.
- The Constitution of Afghanistan*. (n.d.). Retrieved 04 07, 2021, from Ministry of Foreign Affairs Islamic Republic of Afghanistan: <https://www.mfa.gov.af/constitution/chapter-six-loya-jirga.html>
- Wazir, A. (2021, 12 14). Hamsaya. (M. u. Rehman, Interviewer) Dera Ismail Khan.
- Yousaf, F. (2019). Tribes and intrastate conflict: using indigenous methods for conflict resolution in Pakistan's tribal frontier. *PhD Thesis*. Callaghan: University of Newcastle.

- Yousafzai, A. (2018, 7 1). *The News*. Retrieved 12 11, 2021, from <https://www.thenews.com.pk/tns/detail/565833-bringing-ormuri-back-dead>
- Zahid Shahab Ahmed and Farooq Yousaf. (2018). Pashtun Jirgas, their potential in Pak-Afghan reconciliation and national reconstruction. *South Asia Research*, 38(1), 57-74.