

DOI: 10.7596/taksad.v6i6.1106

Citation: Shafiq, M., Khan, A. A., Waseem, L. A., & Bakhsh, N. (2017). Tribal Legal System, Social Order and Conflict Resolution: A Case of Provincially Administered Tribal Areas of Pakistan. *Journal of History Culture and Art Research*, 6(6), 273-280. doi:<http://dx.doi.org/10.7596/taksad.v6i6.1106>

Tribal Legal System, Social Order and Conflict Resolution: A Case of Provincially Administered Tribal Areas of Pakistan

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Abstract:

This paper aims to explore the importance of kinship system in tribal areas (Fazla Kach) of province Punjab, Pakistan. An exploratory research was conducted by using the qualitative research tools for data collection including key informant interviewing and participant observation as the major tools for data collection. It was revealed through data analysis that kinship system plays a central role in tribal life. Kinship system merely serves as the code of tribal life of *Buzdar* tribe of *Fazla Kach*, Punjab Pakistan. Extended family system is lead and identified by the grandfather's name who possesses the ultimate decision-making power. Kinship system plays a pivotal role to maintain social order through repressive tribal laws which are executed through *Meal-Maraka* (indigenous conflict resolution body). Each minimal lineage is represented by *Sofaid Rish* (white bearded). Furthermore, data revealed that segmentary lineage kinship is decisive in formal electoral process. Ritual and ceremonies, property inheritance, communal land holding and sheep flock herding and conflict resolution are conducted via patriarchal kinship system. Females are very active in daily chores of life yet are invisible in socio-political and economic system of the tribe.

Keywords: Kinship and family System, Tribal code of conduct, Segmentary lineage, Kinship terms.

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Introduction

The kinship system of tribes of inner Asia and the Middle East should be perceived not only as of social organization based on blood and affinity relationships with complex rules for marriage and terminology but as a way of understanding and ordering the world (Lindholm, 1986). Kinship system is a major institution of tribal societies which provides the strongest of social bonds through which primitive societies maintain social order and social solidarity and regulate economic, marital and residential institutions (Moore, 2009). Kinship is defined as a social segment based on genealogical concept of social structure which means the society is divided into segments by a principle of descent from a common ancestor or from common ancestors which distinguish the tribes or the segments in the tribe from others through sharing closer genealogical links (Glatzer, 2002).

There are two perspectives analyzing the kinship: the expressionists who see kinship as an expression of material or ecological conditions, economic structures and activities, cultural values and normative symbols. Expressionists argued that kinship is an idiom or language that expresses a society's fundamental political, jurally, and economic relationships. On the other hand, the reductionists explain that kinship is rooted in either mankind's mental (psychological) or physical (biological) make up (Craig, 1979). So, that means the importance of kinship in tribal societies lies in the corporate nature of the kin groups, lineages and their segments rather than its familial and domestic aspects. (Alavi, 2008). The criteria of membership, descent trace a common ancestor through child-parent's links that creates a group called lineage with a common name, property, ritual or some activity in common and these groups are highly corporates units (Haviland, 2013; Fox, 1967; Fortes, 1953).

These corporate units are of segmentary characters which are defined in terms of unilineal descent and is a type of tribal integration based on kinship called segmentary lineage system composed of segments or parts each similar to other in structure and function autonomously. These established smaller units are called segments of lineages. Every local segmentation belongs to a hierarchy of lineages stretching farther and farther back genealogically from the minimal level to maximal level and vice versa. Hence, the minimal lineage is the segment of a bigger lineage which further is the segment of a maximal lineage. The maximal lineage is constant because it's based upon a founding ancestor which is the fixed center or locus of the lineage. Though the maximal lineage expands and proliferates consistently into minor units but this does not disequilibria the major segments. (Smith, 2014; Ember and Ember, 2007). Furthermore, in some of the areas these segments are interrelated network through the rule of the descent: classifying kinsmen and perpetuating alliances between segments, and in some of other areas when it comes to marriage exchange the exogamous rule of marriage relating the segments does not apply instead preferred cousin marriages creates an individual network of kinship ties within or across segments (Goody, 1973). Similarly, the segmentary lineages have a principle of moral relativity that has been called the principle of segmentary sociability that expects greater sociability and peacefulness which is a desirable norm within the close kin group that means anything that disturb the equilibrium of the high interaction rate is discouraged. It permits no feud and is the smallest social group unified within to stand against.

In kinship based societies the household may of any kind of composition is regarded as one distinct unit represented externally by its head, and internally organized under his leadership and alliance through marriage cement a household's social position, and contribute to its political power within the village (Nakane, 1969). Conflicts do occur but the mechanism of resolution is not force but effective because it is based in the principle of reciprocity (Uchendu, 2016). According to the alliance theory, by Levi-Strauss small-knits groups practice exogamous marriages for the cultural, political and economic interest that provides extensive alliances and interactions. (Schwimmer, 2003 On the other hand another perspective proposed that endogamous marriage is important as it keeps the kinship networks limited and not allowing broad diffusion (Murdock, 1949) within these societies. So, the marriage is union of two kin

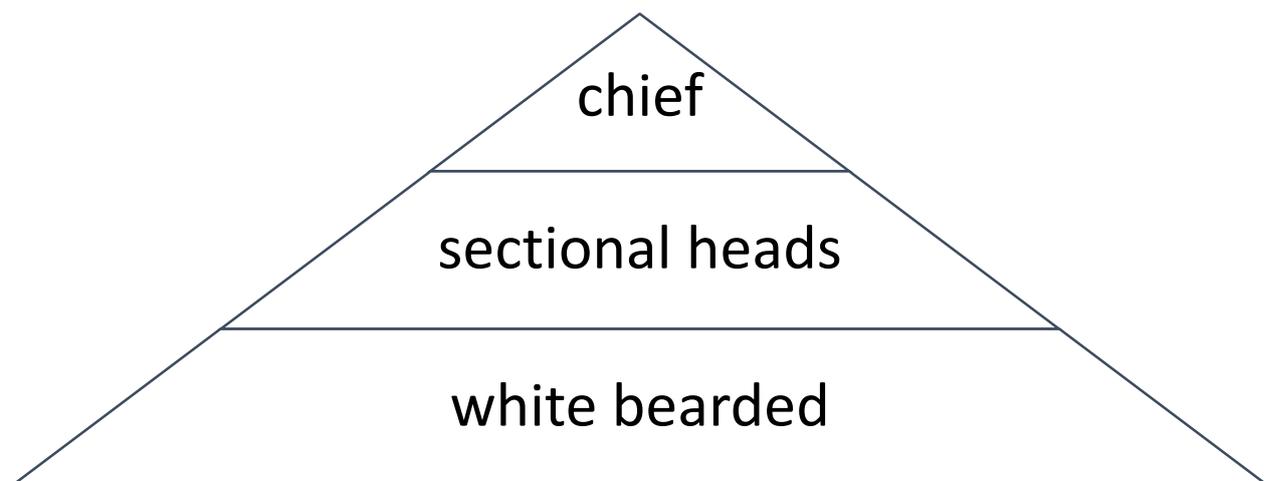
groups rather than individuals and arranged marriages are often found in societies that have elaborate social hierarchies.

Methodology

This study is based on an overwhelming majority of the *Balochi* speaking tribes of the Suleiman mountain range of Pakistan who lead a seminomadic life and manage to eke out a bare subsistence living by raising animals, mainly sheep and goat. This research seeks to study the life of one of the tribes namely *Buzdar* living in *Fazla Kach* area of district Dera Gazi Khan of Punjab province of Pakistan. Kinship system is the heart of social structure in the area of study as elsewhere in tribal life as it's deeply embedded in everyday affairs of the life whether it's family affairs, marriage patterns, political affairs, economic or social phenomenon. Families are widely extended including uncles and their children, land and other natural resources were owned collectively for generations but if an individual demand of his share then he would have gotten it but it was not liked in the tribal. The objectives of the study are to find out the role of socio-economic functions of segmentations and lineages in the tribal life and role of kinship system in conflict resolution and maintaining social order by applying the qualitative research method with the help of primary and secondary data. The data were collected through surveys, interviews by using interview guide and open-ended questions, direct observation, and participant observation. The study used key consultants and informal group discussions as well.

The Tribal Organization and Leadership

The Baloch tribes have a hierarchical leadership with *Sardar* or *Tumandar* as the overall and supreme leader at the top followed by sectional heads (*Malik, Mokaddim, or Wadera*) down to the extended family head (*Safed Rish*). The *Sardar*, the *Malik*, and the *Safed Rish* of the tribe together are responsible for administering tribal affairs, although the *Sardar's* position is normally hereditary. Normally the elder son of the chief succeeds him on his death but the tribal elders have the right to deny the elder son's appointment in favor of his younger brother or a cousin. These tribal elders make all important decisions concerning dispute settlement and matters of war and peace within the tribe and with other tribes. In the political structure of *Buzdar* tribe the family heads involved shows that every family is involved in the power structure.



The Baloch tribes have a hierarchical leadership with **Sardar** or **Tumandar** as the overall and supreme leader at the top followed by **sectional heads**, who are white bearded or head of different clans act together at the same platform order to prevent disputes or put end to war, down to the clan or extended

family heads (*Safed Rish*), who take part to resolve serious conflicts like homicide or honor killing in order to prevent society from lethal conflicts. The Buzdar tribe has a chief with many sectional heads and white bearded according to the area if for example all the Chakarani are living within the same area then they would have the same sectional head but as they are living in different areas so they have more than one sectional head actually the sectional head is used for the person who is the head of the tala or maximal lineage, and white bearded term is used for the family heads who are the eldest in their families each representing his family in the power structure of the tribe. The small issues like water related, theft, cutting the tree branches, grazing land are resolved by the family heads if the issue gets critical then the sectional heads get involved and in severe cases or in case with another tribe the chiefs (Sardar) of different tribes gets involved. This body of council elders is called Meal-Maraka which may mean group negotiation to some extent.

Kinship role in Social Organizations

Domestic organization of Buzdar tribe relates to the patrilocal residence, through that the sons remain dependent on their father until his death and women after the marriage migrate to their husbands' households which result into a patrilocal joint family, that includes the head of the house, his wife, sons and their wives and children. The male head of the household controls the domestic economy, like farm lands, animals, family assets and makes his son work under his direction, the extended family owns just one flock of sheep or goats with maximum number of animals. The household also has just one hearth as the household cooks and eats in one place. The extended family owns just one flock of sheep or goats with maximum number of animals. The household also has just one hearth as the household cooks and eats in one place. The household women are affinely related apart from the unmarried daughters and all of the women in the household are governed by mothers-in-law.

As far as the head of the family is alive the integrity and residential importance of the family is maintained and as he dies the family splits. The sons divide the property equally among themselves and each forming a new domestic unit with their wife and children. This is a continual cycle. Among Baloch of Sulaiman mountain ranges a daughter receives no share of the father's animal and other property in inheritance. Among the Baloch of Sulaiman mountain ranges a daughter receives no share of father's animal and other property in inheritance. This new domestic unit forms its new house near to the house of the parents and the brothers continue the relations under the same name of the patrilineal group. After the death of the head of the family the descent group controls the inheritance and succession if the head held an office or a status, i.e. *grandfather or dada or safed rish*, that would be inherited by eldest relative in the newly formed units, mostly a son or brother. While among Buzdar the *grandfather* plays a vital role in social identity and participation in the society.

The marriage pattern in Buzdar tribe is endogamous with patrilocal residence. Marriages generally, take place between members of the same tribe and between close kin preferably first cousins and only rarely between the members of different tribes. A man is to get his sons married according to their birth order and he is also to give the bridal payment from his property. The bridal payments were normal, consisted on an average of 30-50 sheep or goats. The concept of Levirate also exists in Buzdar tribe but only practiced in *mirkani sub-tribe*. All the members of *Kahaul* help each other in the preparation of the marriage ceremony and also help each other economically.

Role of kinship in Social Order and Maintenance

Kinship provides the basic framework for the tribal political organizations through joint extended families tracing their ancestors with 8 to 10 generations and on the behalf of segmentations all the lineages are

corporate in every sphere of political life because the more your strength and mutual cooperation within clan, descents group, lineage or segment the more you are powerful in tribal political structure. To exercise power in tribal structure it is compulsory for the sectional heads to unite all the members of its clan, without this he would not be able to enjoy the power exercise.

Kinship plays a vital role to maintain the order of society in Buzdar tribe. The concept of *Guandi* (neighbors); are called *saheg* (that means shadow of a tree) and neighbors are *bahoot* (consignation) and if any individual tries to harm the neighbors is discouraged in the society by the community action. That is when an individual continuously disturbs the peace of the society by his deviant behaviors then all the white bearded or family heads of the village go to the person's house and warns his family members that they should make him understand and if the family replies that he should be forgiven and they would make him understand then he is forgiven and if the family says that *may mard berahen* (he is free) then the family heads would decide what to be done with him, he may be beaten by the village members or may be forced to leave the village. Another example that would clarify that how kinship in Buzdar tribe function to maintain the social order and as well as in mutual support in the form complementary opposition; that means that segments will unite on in confrontation with some other group. In 2002, there occurred a Tribal dispute between Buzdar and *Jaffar* (a sub-tribe of Pukhtoons) because of a kidnapping from Taunsa city. The kidnapers were from the jaffar tribe who kidnapped a Buzdar from the Taunsa city and were taking him to Balochistan through the mountainous range of koh-e-sulaiman where the Buzdar tribe inhabits. Then through a source some of Buzdars were informed and they caught the kidnapers in Gulki a place near Fazla and as the two groups confronted each other there started battle and that lead to feuding; and 6 members of Buzdar tribe were killed and two members of *Jaffar* tribe including a sub-tribe head. Latterly the conflict was resolved by neighboring tribes head: *Qaisrani, Khosa, Lagari*, and both of the disputants. Similarly, the alliances are not formed only in conflicts between the Tala (lineages) but it has political functions as well in Buzdar tribe as the voting pattern is collective and there is no concept of individual vote. Every tala would support its candidate who would be as a representor of tribal area in government. Alliances are formed between the tala against another tala like, the alliance between *Dostlani* and *Sadrani*, against *Rostomani* and *Moosyani*. Ragging is must if any polling station falls in anyone's area. There also occur severe disputes every year between sub-tribes because of elections even that lead to bloodshed. So, in order to maintain the social order, the severe polling stations would be under the white bearded of different sub-tribes to reduce the chances of any dispute. Issues like water stealing or cutting the trees of any other person may cause disputes but are solved by the family heads; and the family of the thief discourages him for such shameful act.

Most Frequent Conflicts

The nature of cases discussed in Meal-Maraka are land-disputes, water stealing, premarital or post marital sexual relations or elicit relations (which is called *SEYAI*, blackening the face,) and marriage refusal. In case of water disputes people steal the perennial water (*siyah aaf*) that is a river (channel) or a stream that is continuously flowing through the stream bed during seasons of normal rainfall, like taking more time or turning the water to his fields or taking somebody's else share. Then the conflict arises which may not severe and is resolved by the Family heads of the disputants or Tribal elders of different clans. Secondly the land in the area is own collectively and this collective ownership of the land creates conflicts as the boundaries of the lands are not marked clearly but by boundary stone (*Choorā / see*), a stone marking a boundary, sometimes giving information such as the initials of the local authority in whose jurisdiction the boundary is. And if somebody moves the stone or if in case of no boundary mark then conflict arise which is resolved through Oaths, consulting tribal elders or Arbitration: mechanism of settling disputes in that both sides of the people put their stances in front of the third party. Thirdly, in

case of stealing livestock or weapons the thief is to prove himself innocence through Oaths (*pathsakh*) a ritualistic action of addressing a supreme being or a deity to be the witness whether whatever the one says is truth. and Ordeal ritualistic act of proving guilt or innocence in which one is to pass through a dangerous or life risky tests that they believed are under the control of the supreme being or deity as the accused to dive in the water and sit under the water for a specific time or walk over the burning coals or lick a burning iron.. Lastly, in case of *Siyahie* (elicit relations) the conflict is resolved through Mael-Maraka where the tribal elder put penalty upon the male.

With the passage of time the members of the council that resolve the conflicts encroached officials like school headmaster or political activist. Apart from this informal body of elders for conflict resolution there also exist a formal structure functioning together whose purpose is to maintain law and order in the area which is B.M.P, Border Military Police Dera Ghazi Khan: A traditional police force in the hilly areas (tribal areas) of District Dera Ghazi Khan. Officials of Border Military Police usually represent their subtribe during dispute settlement.

Economic Functions of Segmentations and Lineages

The lineages function as corporate units that support and cooperate mutually among their members like organizing marriage alliances, settling disputes, standing against third group in condition of feud. The lineages of buzdar tribe function economically also as there exist a concept of *Chatti* (crime compensation/ blood money) as the victim of the crime you may be entitled to compensation for what has happened to the victim. For example, if any male or female is caught in premarital or post marital sexual relationship with someone then the male would be fined 80 lakhs mostly and if the women is married then she may be divorced and if she is not married then she is sent to one of white bearded house who by consulting with her family members gets her married to another man. The point here is that the male who is fined sends his message to all the members of his tala or maximal lineage for the help. The total money is divided to the all families within the maximal lineage and every family has to pay the money. As if the money is not paid then there starts the feud between the male and female family. So, the political authority, in other words, the family heads force the family of the male to pay the money and thus the conflict would be resolved. The same conditions apply in condition of murdering somebody the victim family is to be paid 80 lakhs if the family of the murderer does not want to fight. *Chatti* (crime compensation/ blood money) is not fixed it varies accordingly if the problem is within the same *Kahaul*, *Saghar* or *Thala* it may be less and it may be more if the problem is with another *Kahaul*, *Saghar* or *Thala* and even higher in case of with another trib. Apart from this the lineages share common cattle grazing rangeland like a place Marri (a grassy mountain with valleys) and also each family has its own land for grazing the flock. As the area is mountainous and riverine so the lineages share collective land and water ownership. The source of the water for the farms are the rivers so water is divided by time that may be by hours or days. Another economic function of the lineages is sharing Wedding gift that may be in form of cash or domestic animal like sheep or goats.

There is exist a generalized form of reciprocity in Buzdar tribe. There exists a concept called *Malo*. It is a concept referred to collective labor or work in a sense. When somebody is to make *Chat* (the rope of house), hut or *Chab* (band) he goes to the friends and relatives for the Human resource assistance then the relatives and friends come for the help and in exchange that person help them in any other kind of physical labour. The *Malo* is done for the mutual interest. Secondly, they help each other in organizing management events like in case of death or digging the grave, serving food to the guest in marriage and also financial assistance like giving cash and goats as gift. It is generalized form of reciprocity. Apart from this, the *Lohar* (blacksmith) who makes knives, axes and other tools free for the community though out

the year in return he gets 1/20 of the crops yearly which is 5% of the crops and it is fixed and the *Domb* also gets his share but his share is not fixed.

Conclusion

Kinship system has profound importance in Pakistan's rural and tribal areas. The structure and functions of descent groups, lineages and other segmentations play a major role in socioeconomic and political life of these tribal people. Kinship system is the heart of social structure in *Fazla Kach* as elsewhere in tribal life as it's deeply embedded in everyday affairs of the life whether it's family affairs, marriage patterns, political affairs, economic or social phenomenon. Families were widely extended including uncles and their children, land and other natural resources were owned collectively for generations but if an individual demand of his share then he would have gotten it but it was not liked in the tribal society but the situation is different these days due to the effect of globalization and high migration towards the nearby cities. Social status and position is ascribed and inherited. People know each other through their lineages which is the identity of every tribe men and the people even in informal meetings tease each other by attributing characteristics to each other's lineages or descent groups, marriages are endogamous like cousin marriages. Political decisions are taken by family or lineages' heads who are white bearded and each lineage or descent group used to live within their own marked territorial boundaries and within the marked territory of the politically independent tribe but these days there is no spatial layout and politically the government has no influence that much.

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