



### Research Article

## Pakhtunwali and Its Elements: An Analysis of the Representation of Pakhtun Women in Pakistan

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**Abstract.** Women in *Pakhtunwali* are entitled to the claim they act and believe in, to the names they bear, and to the manifested position they exercise, both as body and gender. This study place the manifestation of Pakhtun women into the context of *Pakhtunwali* with a concrete analysis of its elements. This research is mainly concerned with gender relations and socialized patterns of Pakhtun's women in *Pakhtunwali*. It takes up three overlapping sets of issues. First, it sets to bring into a vivid illustrations of the existing debate about *Pakhtunwali* and its elements and practice. Secondly, it explores gender categorization of Pakhtuns (especially women) into groups. Thirdly, it builds on the first two by addressing assumptions about the gender segregation by questioning the presupposition of the manifestation of Pakhtun women. This research employs qualitative methods, a multidisciplinary approach, and historical methodology to analyze various theories, including the historical evolution and origin of the Pakhtun theory as well as sociological and anthropological models of Pakhtun kinship-based tribal systems. It contributes to existing literature on Pakhtunwali by addressing the underexplored representation of Pakhtun women in terms of gender relations and socialized patterns, patriarch values, and gender categories. The article identifies knowledge gaps and provides a new

interpretation of Pakhtunwali, revealing that historical discourse has largely overlooked the dichotomy of interior and exterior between Pakhtun men and women, interpreting women's contributions quite subjectively in nature and patriarchal in practice, thereby offering a theoretical understanding of gender representation in Pakhtunwali.

**Keywords:** Pakhtunwali, Pakhtun Women, Semiotics of Pakhto, Social Structure and Patriarchy

## INTRODUCTION

*Pakhtunwali* is the Pakhtun way of life and traditional customary law. Its unwritten nature, part-fiction and part-reality, and each tribe has different versions of codes that unified the whole structure of the Pakhtun society.<sup>1</sup> Many elements of *Pakhtunwali* are less predominant, but it signifies all traditions where Pakhtuns have identified themselves as an ideal and where they altogether distinguish from other non-Pakhtuns.<sup>2</sup> Pakhto and 'do Pakhto' symbolize the way of life of the Pakhtuns and have mixed up with thought and action. Pakhto is not only a language but also the name of a particular lifestyle. The Pakhtun nation has existed since Pakhto. Pakhtun is also a nation and a standard of character. These lifestyles, characters, and nationalities are considered to be the basic component of a unique civilization, called *Pakhtunwali*.<sup>3</sup> It is collectively an intricate system of morals and codes of behavior where speaking Pakhto is not considered as Pakhtun but 'doing Pakhto'<sup>4</sup> and following its rules is called Pakhtun.<sup>5</sup>

Working in the 1950s and 80s, anthropologists saw *Pakhtunwali* in a schematic model,<sup>6</sup> where values and rules of behavior were structured in the core concept of

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<sup>1</sup> Amina Ahmed, *Sorrow and Joy among Muslim women: The Pukhtuns of Northern Pakistan* (Cambridge: Cambridge University Press, 2006), 3. Saadullah Jan Barq, *Pashtun Aur Nasaliyat HinduKash* (Lahore: Sanjh Publications, 2018), 21-26 and 471-475. For more detail about the Pakhtun' origin and theory see Sayyid Jamal al-Din Afghani, *Tareekh Afghanistan*, trans., Movli Mahmood Ali Khan (Mandi Bahauddin: Sufi Printing and Publishing Company, n.d.), 20-26; Asar Jan, *Da Pukhtano Nasle Serrana* (Peshawar: Jadoon Press, 2012), 17-53; Rajwali Shah Khattak, *Pashtunwali* (Peshawar: Pashto Academy, 2008) 5-8. Tom Ginsburg, "An Economic Interpretation of the Pashtunwali," *University of Chicago Legal Forum* (April 15, 2011): 9; and Dipl. -Dolmetscherin Elke Limberger-Kastsumi, trans., *Analyse der Staatendokumenatation: AfPak Principals of the tribal & clan structure* (n.p. The Austrian federal Office for Immigration and Asylum, 2017), 27-35.

<sup>2</sup> Lutz Rzehak, "Doing Pashto: *Pashtunwali* as the Ideal of Honorable Behaviour and Tribal Life among the Pashtuns," *Afghanistan Analysts Network*, no. 1 (March 2011): 2-3. Pakhtun distinguish themselves from others people not only due to their culture, history, and language but also their behavior, or consciousness.

<sup>3</sup> Rajwali Shah Khattak, *Pashtunwali*, 5. Also see Muhammad Nawaz Tahir, *Largoni Fikroona* (Peshawar: Pashto Academy, 2015), 20-21 and 64-66; Jan, *Da Pukhtano Nasle Serrana*. 17-25.

<sup>4</sup> Limberger-Kastsumi, trans., *Analyse der Staatendokumenatation*, 10-27. 'Do Pakhto' denotes *Pakhtunwali* and to guide one's values and behavior which is based on the rules that Pakhtun would neither dishonor oneself nor others. See Lutz Rzehak, "Doing Pashto," 9.

<sup>5</sup> Lutz Rzehak, "Doing Pashto," 9.

<sup>6</sup> Ahmed, *Sorrow and Joy among Muslim Women*, 16; Rzehak, "Doing Pashto," 3-4. However, during the 1950s in Afghanistan, the intellectual enlightenment emerged and the appearance of the first written account on *Pakhtunwali* which was followed by the *Wesh Zalmiyan* movement (Awakened Youth movement). These developments not only trying to evaluate the history, tradition and local

honor. Originally, for centuries such ethics were transmitted orally from generation to generation. Various scholars have presented that under *Pakhtunwali*, Pakhtuns have maintained their traditional codes of life and tribal spirit from nomadic and tribal system to the Pakhtun tribal confederacy (Afghan State and Pakistan state). This article examines that *Pakhtunwali* was guided by Pakhtun actions and responsibilities and it grasped the roots and basics of the national (*milli*) tradition, historical greatness, and tribal spirit (*qaumi ruh*) with common patrilineal descent. This patrilineal descent has united and distinguished one tribal system from another. It finds that a different genealogical order either repelled each other strongly and yet such tribes, sub-tribes and other lineages also attracted each other<sup>7</sup> as a patrilineal descent where social prestige, inheritance, and tribal order come through the male pedigree.<sup>8</sup> In such situation, Pakhtun women maintain their life within traditions, rules and values, and social laws of the Pakhto and *Pakhtunwali*. They not only manage the house, looking after kids and family members within the four walls of their house but also take part in *gham-khadi* ceremonies (funerals and weddings),<sup>9</sup> and have access to empowerment i.e. both government, semi-government and private sectors in urban regions.<sup>10</sup> However, patriarchy has constructed gender dichotomy and established gender categories in terms of segregation and symbolized the body and sexuality of the Pakhtun woman.

### Historical Evolution of Pakhtunwali

Traditionally, Pakhtuns have described themselves, mainly as *qawm* (nation), as a species apart in their respective places what anthropologists called kinship-based tribal systems.<sup>11</sup> This system has closely connected with the rules of solidarity, conflict

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folklore of the Pakhtuns but also put forward the codes of *Pakhtunwali* for national awakening and social justice of the modern Afghan nation. Similarly, descriptive style of folkloric and anthropological accounts were published on *Pakhtunwali*. For more details about Pakhtun's historiography and public history see Masood, Danyal, "Rethink Pashtun's Historiography as a Narrative of Violence, Displacement and Resistance: Applied History in Waziristan Studies". *Shnakhat* 3, no. 3 (August 2024): 235-254; and "Sources, Nature and Narrative of Pashtun Public History: Historiographic Freedom and Responsibility". *International Journal of politics & Social Sciences Review (IJPSSR)* 3, no. III (2024): 30-43.

<sup>7</sup> Rzehak, "Doing Pashto," 1-8.

<sup>8</sup> Scott Atran, "A Question of Honor: Why the Taliban Fight and What to Do About It," *Asian Journal of Social Science* 38 (2010): 349.

<sup>9</sup> Ahmed, *Sorrow and Joy among Muslim Women*, 2-14. Among the Pakhtun the term *gham-khadi* connotes segregated gatherings of both sexes within men's houses (*hujra*) and women's houses (*kor*). The scales of such occasions are to perform the funerals and weddings ceremonies, and activities of *tlal-ratlal* (going and coming) such as *ombaraki* (birth-visits), *sunnat* (circumcisions), *haqiqa* (naming and hair-shaving ceremonies), *rogh-ranzoor* (well-ill), and *tapoos-pukkhtana* (to ask inquiry visit) and so on. However, the social interaction during the *gham-khadi* within the house is segregated public.

<sup>10</sup> Humaira Nosheen, "Impact of Changing Women Status on Pakhtun Society," (PhD diss., University of Peshawar, n.d), 11.

<sup>11</sup> Atran, "A Question of Honor," 346. For more details see Abu Hurara, *Pakhtunwali, the Manifestation of Women and the Feminist Critique: A Case Study of Peshawar Valley* (Unpublished MPhil thesis, Quaid-i-Azam University, 2022).

resolution, historical memories, and political power.<sup>12</sup> Unlike Pakhtuns, the theoretical arguments on the origin and evolution of *Pakhtunwali* remain a neglected subject. Several arguments make us believe that *Pakhtunwali* is the way of life of Pakhtun via cultural values and rules of behavior. Due to its nature (transmitted orally or verbal code of life), *Pakhtunwali* defined the basic set of characteristics, traits, identity, gender, and social structure of Pakhtuns' life. That is why, for Pakhtuns, *Pakhtunwali* is sacrosanct and prestigious. Traditionally, it is believed that the culture of Pakhtuns existed before Islam, is millennia-old, and survives due to its rigid nature, tribal structure, and geographical isolations.<sup>13</sup> It is so, even though the place has been used as the highway of conquest where the strangers could live up with maximum potential.

Albeit, the social history of Pakhtuns was considered the foundation of the norms and values of *Pakhtunwali*, however, socio-cultural, the resembled habits, dwelling, and material things of many foreign strains have depicted the *Pakhtunwali* in terms of mixed race.<sup>14</sup> Likewise, it is narrated that traditional tribal code of Pakhto, *Tappah*, and *Pakhtunwali* were the old Aryan code of honor and Sanskrit hymns.<sup>15</sup> Various historical texts have interpreted that the Pakhtun nomadic way of life resemble the Caucasus, Central Asia, the Mediterranean, the Middle East, East Africa, and the Philippines.<sup>16</sup> Other historical discourses have constructed the arguments and traced that in the 5<sup>th</sup> century, the Central Asian immigrants: the inhabitants of Sakas, Kushans, Huns, and Gujjars, etc. evolved the process of *Pakhtunwali* indigenously.<sup>17</sup> In the context of Muslim rule in India, the argument was built during the time of the Mahmud of Ghazni, such social structure was termed 'Afghan'<sup>18</sup> i.e. 'hill tribe' (regions of Central Asia to South Asia) which later (in the 12<sup>th</sup> century) became the base for the Ghorid Polity. According to Robert Nichols that in the 11<sup>th</sup> century, Pakhtuns joined the army of Mahmud Ghazni into India in order to obligate the Islamic justices and settled as a landed rulers. The custom of *melmastiya* (hospitality) allowed Mahmud to accompany them. As military service Pakhtuns helped Mahmud for the purpose to establish the Islamic order in India. The tribal order and kinship structure of the Pakhtuns has recruited about 14000 horseman and 14000 footman from Afghan tribes. Similarly, majority of Pakhtun women also joined these forces as tradition to settle and stay there as a permanent occupation of territory.<sup>19</sup>

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<sup>12</sup> Bernt Glatzer, "The Pashtun Tribal System," *Concept publishers* (2002): 11, [https://www.nps.edu/documents/105988371/107571254/glatzer\\_pashtun\\_tribal\\_system.pdf/b0004d32-a1c2-4ade-94b5-a0d54d1b08b9](https://www.nps.edu/documents/105988371/107571254/glatzer_pashtun_tribal_system.pdf/b0004d32-a1c2-4ade-94b5-a0d54d1b08b9).

<sup>13</sup> Limberger-Kastsumi, trans., *Analyse der Staatendokumentenatation*, 26-27, 40.

<sup>14</sup> Sayed Wiqar Ali Shah, *North-West Frontier Province: History and Politics* (Islamabad: NIHCR, 2007), 5-6.

<sup>15</sup> Dr. Qabil Khan, *The Tappah: Reflection of Pakhtoon Culture in Pashto Folklore* (Peshawar: Pashto Academy, 2008), 8-10; Khattak, *Pashtunwali*, 5-6.

<sup>16</sup> Rzehak, "Doing Pashto," 5. A Russian writer, I. M. Reysner argues that from the Marxist perspective, Pakhtun nomadic tribes were settled between 14<sup>th</sup> and 17<sup>th</sup> centuries.

<sup>17</sup> Limberger-Kastsumi, trans., *Analyse der Staatendokumentenatation*, 41.

<sup>18</sup> Barq, *Pashtun Aur Nasaliyat HinduKash*, 476-480.

<sup>19</sup> Limberger-Kastsumi, trans., *Analyse der Staatendokumentenatation*, 30-31 and 41-42. Ghorid Polity is consider the first Pakhtun state which was break down and corrupted by the Mongols around

Later, in both Delhi Sultanate (1206-1526) and the Mughal era (1526-1857), the concept of *sialy* (equality), Pakhtun nationalism began to develop, particularly during the 15<sup>th</sup> and 16<sup>th</sup> centuries. In such revivalism, Pakhtun society evolved from a feudal stage, it did not experiences a distinct phase of the slavery as seen in other historical context. The class formation was not the ideal form for all Pakhtuns.<sup>20</sup> This transition goes along with violent conflicts and severe confrontations, however, as aptly narrated by Akbar S. Ahmed that “nor is Pakhtun society in a state of perpetual anarchy and war”.<sup>21</sup> Hence, modern social structure and capitalist economy have transformed both material and non-material culture and even customary laws to a considerable extent.

In the religious context and in literature as well, it is claimed that Pakhtuns accepted Islam and its teaching without any doubt or questions. Islam as a religion symbolized the social structure of the Pakhtuns and the unity of *Pakhtunwali*.<sup>22</sup> Although norms and values of *Pakhtunwali* and Islam are interdependent today, there are variances and differences when it comes to practice.<sup>23</sup> Therefore, that contradiction depends on the intensity of the tribe which practices the varying forms of *Pakhtunwali*. For instance, in the northern (District of Bajaur, Mohmand, some of the areas of Swat and Kohistan in Khyber Pakhtunkhwa) Pakhtun region of Pakistan, they prefer sharia over the customary law (or *Pakhtunwali*). However, an overwhelming majority of Pakhtuns practice and give precedence to *Pakhtunwali* over Islamic Law. According to a Pakhto proverb one should appeal against the decision taken by sharia but not under *Pakhtunwali*.<sup>24</sup>

In the same synoptic paradigm, there are often some divergence between Islamic sharia and *Pakhtunwali* such as in the case of *zina* (illicit sexual relation), attempt to rape, *Qisas* (death penalty), the right of marriage (betrothal), *miras* (inheritance), and so on. Even though Pakhtun society mostly follows the

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the 13<sup>th</sup> century; Robert Nichols, *A History of Pakhtun Migration, 1775-2006* (Karachi: Oxford University Press, 2008), 25-27. For more details see Abu Hurara, “Patriarchy and Gender Categories in Pakhtunwali: Family, Socialization and the Women Agency in Peshawar Valley,” *Dialogue Social Science Review (DSSR)* 3, no. 1 (January 29, 2025): 1487-1507; Danyal Masood, and Abu Hurara. “History of Childhood in Pashtun Society: A Concept of Cultural Labor”. *Journal of Childhood Literacy and Societal Issues* 4, no. 1 (June 22, 2025): 91-108.

<sup>20</sup> Limberger-Kastsumi, trans., *Analyse der Staatendokumentenatation*, 42. Also see Abu Hurara, Raheem Ullah, and Hassan Ali, “Segregation and Authority in Late-Medieval India: Women, the Harem, and the Humayun-Nama Perspective,” *International Journal of Contemporary Issues in Social Sciences (IJCISS)* 3, no. 3 (August 3, 2024): 208-219.

<sup>21</sup> Akbar S. Ahmed, *Millennium and Charisma among Pathans: A Critical Essay in Social Anthropology* (London: Routledge and Kegan Paul Ltd, 1976), 6. Also see *Pakhtun Economy and Society: Traditional Structure and Economic Development in Tribal Society* (London: Routledge & Kegan Paul, 1980).

<sup>22</sup> Tahir, *Largoni Fikroona*, 31-33. Pakhtun is the only nation that is completely Muslim. They neither have any Hindu or Sikhs nor Jews, Christian, fire worships and sun worships. Pakhtun culture is tribal, reals and ideals.

<sup>23</sup> Limberger-Kastsumi, trans., *Analyse der Staatendokumentenatation*, 46.

<sup>24</sup> *Ibid.*

jurisprudence of the Hanafi School of thought,<sup>25</sup> however, Pakhtuns settled crimes and inheritance resolution based on customary legal norms of *Pakhtunwali*. These traditional codes of life have further re-enforced the constructed patriarchal tradition and further complicated the gender imbalance and gender categorization.

Nonetheless, since the 1940s, the Islamic revolutionary forces have triggered some elements in *Pakhtunwali* and organized aggressive impulses with hierarchically established revolutionary forces based on Islamic *Shariah* among the Pakhtuns. Moreover, in the 1980s these revolutionary forces emerged as a radical and violent movement against the foreign invasion in Afghanistan which was not only a traumatic realignment for the traditional forms of Pakhtun society but established the Islamic Khilafat system in the Pakhtun regions (areas like Swat, Malakand division and ex-FATA of Pakistan). These non-state actors (Taliban) smartly utilized and triggered the deprivation and frustrations of the Pakhtun masses which was created by both states of Pakistan and Afghanistan. In this situation, the offenders were becoming the torchbearers (elders) of *Pakhtunwali*. Thus these events not only destroyed the coordination between tribes and a state with society but also transformed the old traditional tribal order of the Pakhtuns to the new one (conservative interpretation of Islam). For instance, restrictions and ban on female education and movements supplanted the traditions of Pakhtun music and practiced those traditions which were deemed more Islamic.<sup>26</sup> Similarly, during 1998, the Taliban promulgated a decree to ban the un-Islamic traditions and customs in *Pakhtunwali*, such as the compensation of women to the victim's family by the offender, banned levirate marriages (to marry with her dead husband's brother), and declared that a widows' choice is mandatory for second marriage according to her will.<sup>27</sup>

On the other hand, both literary and socio-political in terms, it was Pakhto and 'do Pakhto' which symbolized the moral and political integrity of Pakhtuns against foreign encroachment. In terms of resistance, Pakhtuns meticulously observe tribal order like segment, kinship, honor, solidarity, and religion as well as gender, patriarchy, and even Pakhto. Along with other Pakhtun regions, in the valley of Peshawar, for instance, during the 18<sup>th</sup> and 20<sup>th</sup> centuries when external forces came into view through the smoke, both Khushal Khan Khattak and Abdul Ghaffar Khan emphasized Pakhto and 'do Pakhto' against the Mughals and the British respectively. In his works, Khushal Khan has described Pakhto and its meaning and representation and has portrayed the individual's abilities and virtues in 'do Pakhto'. Against the Mughal, Khushal Khan has thoroughly used the endeavors to be what he was called the Afghan *nang*, the Pakhtoon sovereignty.<sup>28</sup> As long as the literary works, and practical struggle of Khushal Khan, Pakhto was the credo of sovereignty or

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<sup>25</sup> Afghani, *Tareekh Afghanistan*, 117-18. Although most of the Pakhtun follow the Hanafi School of thought except Turi or Torai tribe (or sub-tribe) is Shia by religion. For more details see Hurara, *Pakhtunwali, the Manifestation of Women and the Feminist Critique*.

<sup>26</sup> Limberger-Kastsumi, trans., *Analyse der Staatendokumentenatation*, 44-45. To disrupt the old tribal order, they killed more than three thousand elders in the tribal area of Pakistan.

<sup>27</sup> Rzehak, "Doing Pashto," 17.

<sup>28</sup> Mian Syed Rasool Rasa, *Armaghan-e-Khushal*, 3<sup>rd</sup> ed. (Peshawar: University Book Agency, 2009), 21-35 and 146.

chieftainship. In *Dastar Nama*, Khushal Khan illustrated both the skills and qualities of statesmanship and leadership as the philosophy of life.<sup>29</sup>

In similar vein, every possible variety of external relations is needed to learn some control over ignoring the internal voice. In British India, *Pakhtunwali* and its social structure were transformed into a multitude of colonial institutional structures. The British established themselves as a colonizer of the people, under the circumstances, however, which seems to mark a difference between the British and Pakhtuns. The introduction of the institution of courts, police, land settlements, and revenue administrations in the settled regions of NWFP (now Khyber Pakhtunkhwa) imposed the draconic laws in the social structure of the Federally Administered Tribal Areas of Pakistan.<sup>30</sup> Additionally, the British Raj re-defined and re-shaped the Pakhtun identity while trying to build their status with existing territories. Despite these structural changes, *Pakhtunwali* maintained its dominant aspect and social order in regions.<sup>31</sup> Interestingly, these formal institutional developments by the colonization had little impact on the Pakhtun inhabitants in Pakistan in contrast to underlying social norms and attitudes.<sup>32</sup> This colonial social order was challenged by Pakhtun social reformists like Khan Abdul Ghaffar Khan by his non-violence movement, emphasizing the revival of the Pakhtun culture and language, to eradicate the social evils and closing blood feuds among the Pakhtuns which was in contrast to the Raj boasting honor and revenge.<sup>33</sup> For instance, the non-violence strategy of Abdul Ghaffar Khan led to the reduction of intra-Pakhtun violence, challenged the external aggression of the British Raj, enhanced local language as well as openly talked about the improvement of Pakhtun women. Under the literacy strategy, the 'Pakhtun' journal also challenged the subjugation of women, to emancipate their lives and to promote equality in property rights.<sup>34</sup>

Throughout the freedom struggle, the Peshawar valley women have supported their menfolk and voiced over their respective demands both under the platforms of Khudai Khidmatgars and Frontier Zanana Muslim League (FZML). However, gender categories and patriarchy shaped their ineffectiveness in terms of segregation, respect

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<sup>29</sup> Khushal Khan Khattak, *Dastar Nama (Afghanistan [?]: Pashto Tolana, 1966[?])*, 8-9; Hanif Khalil, *Genius Khushal: Life, Works and Thoughts* (Peshawar: Pashto Adabi Tolana, 2021), 68.

<sup>30</sup> Limberger-Kastsumi, trans., *Analyse der Staatendokumentenatation*, 43.

<sup>31</sup> Ibid.

<sup>32</sup> Abid Suleri et al., "The Role of Local Institutions in Conflict Affected Khyber Pakhtunkhwa, Pakistan," *SLRC Publications* (September 2017): 23.

<sup>33</sup> Shah, *North-West Frontier Province*, 75-88.

<sup>34</sup> Lesley Wexler, "Beyond Literacy: A Response to Tom Ginsburg's an Economic Interpretation of the Pakhtunwali," *University of Chicago Legal Forum* (2011): 126-28. Shabana Shamaas Gul Khattak and Akhter Hussain, *The Role of North West Frontier Province Women in the Freedom Struggle for Pakistan* (Islamabad: NIHCR, 2018), 59-64. Property rights and social evils customs were the basic for the Indians women. However, in the context of legal reforms, women's rights to property was introduced in the 1930s wherein the Muslim Personal Law Shariat Application Bill (1935) was passed by NWFP. It extended the inheritance to Muslim women included agricultural land. However, the practice of this law is still not implanted in real sense.

and morality.<sup>35</sup> In the late 19<sup>th</sup> century and early 20<sup>th</sup> century, feminist ideas (or modernization of gender relations) were set in motion in India due to colonialism (colonial modernity) and the social reform movement which developed 'the new women' as contrary to hegemonic patriarchy.<sup>36</sup> However, the life of modern women in the new middle-class family was subjected to the new patriarchy within the hegemonic construction of nationalistic discourse and was also culturally distinguished from the conceptualization of the west as well as also from the native tradition of patriarchy.<sup>37</sup> Thus, women in *Pakhtunwali* are entitled to the claim they act and believe in, to the names they bear, and to the manifested position they exercise, both as body and gender.

### Semiotics of Pakhto

The word 'Pakhtun' is made up of five values.<sup>38</sup> These values are considered the basis of *Pakhtunwali* and the principle structure of Pakhtun's cultural and moral system. In terms of character, the letter 'p' means *pat* (hidden) which means *ghairat* (honor and dignity), love, kindness, relationship, respect, *namoos* (chastity of women) shame and humiliations, etc. To keep *pat* and to walk on the path of *pat* are the core features of Pakhtuns. Both Khushal Khan Khattak and Rahman Baba considered *pat* as the highest qualities of the Pakhtun (or human).<sup>39</sup> Therefore, *pat* is considered as collective as well as an individual character in the values of Pakhtuns.

<sup>35</sup> For more details of Pakhtun women who actively engaged with their menfolk in this region see Khattak and Hussain, *The Role of North West Frontier Province Women in the Freedom Struggle for Pakistan*, XVI-XVIII, 20-30 and 163-180; and Shah, *North-West Frontier Province*, 117-128.

<sup>36</sup> Sarbani Guha Ghosal, "Major Trends of Feminism in India," *The Indian Journal of Political Science* 66, no. 4 (2005): 794. Throughout the pre-independence epoch, the question of women focuses on abolition of Sati culture, remarriage of a widow, banning child marriage, age of consent, and developing education but within a degree of characteristics or limited only with the upper caste Hindu (bhadracharyas) which Anupama Rao dubbed as Brahminical feminism.

<sup>37</sup> Kumkum Sangari and Suresh Vaid, eds., *Recasting Women* (New Delhi: Kali For Women, 1997), 233-244. The liberal ideas (penetration of western ideas) generated by the leaders of Bengali renaissances were narrow and confined nature of gender issues or women's questions. Because neither they reformed social conservatism of society, the authority of family and patriarchy nor an important autonomous strive by women themselves to transform within or outside the family. See also Partha Chatterjee, *The Nation and its Fragments: Colonial and Post-Colonial Histories* (New Jersey: Princeton University Press, 1993), 132-133. The women's question vanished from the sight has different grounds. Firstly, the nationalist do not want to take the women's question as their political stance or discussion with the British Raj. Secondly, female emancipation issues has disappeared, not by the acquisition of the nationalist political power but the rapid transformations in the lives of women (middle-class) which happened in the 19<sup>th</sup> century was precisely within the period of nationalism movement or outside domain of political agitation. Thirdly, unlike the west or America, at all there were no sovereign and self-governing body by women themselves for equality and freedom.

<sup>38</sup> Ahmed, *Sorrow and Joy among Muslim women*, 17.

<sup>39</sup> Khattak, *Pashtunwali*, 28-36. As Khushal Khan says that world is the name of shame and honor, if it is not, then considered the world like a desert. For him *pat* was the ideal morality. While Rahman Baba says that a dead man is better than that who do not have *pat*. Also see Tahir, *Largoni Fikroona*, 39-42. The custom of *pat* was also exist in Aryan culture while in the languages of Hindu Sanskrit which literary connotes man and woman and the relation of family.

The second value that comes after *pat* is the letter(s) 'kh' which means *Khegara* (goodness and kindness or perhaps public and national sympathy). It is used in many ways, first, in certain situations, it is closer to the values of *nang* (honor) in which *khegara* is considering the member of one's own tribe or nation. Secondly, *khegara* is for all, without kindness and compassion. *Khegara* is a developmental contract in Pakhtun social life.<sup>40</sup> This is followed by the letter 't' which connotes *tura* (sword) but terminologically, it symbolizes courage, fighting spirit, and bravery. Here, the word sword does not refer to this particular weapon but a Pakhtun uses this word as a promise, determination, and steadfastness.<sup>41</sup>

After *tura* (sword), *wafa* (fidelity and loyalty) is the Pakhtun value which is a symbol of the letter 'u' (or 'o'). In Pakhto, loyalty comes in fulfilling promises, cause, and living life with modesty and under the rules of *Pakhtunwali*.<sup>42</sup> The last letter 'n' is the value of *nang* (honor) which is considered an important social value, the essence of social behavior, and the identity of the Pakhtun as well as a symbol of *Pakhtunwali*'s philosophy and romantic thought which has been admired in every age.<sup>43</sup> According to Pakhto phrases, for example, you do not have the slightest bit of Pakhto or I did Pakhto with him/her or he/she did not do Pakhto with me.<sup>44</sup>

### Elements in Pakhtunwali and Pakhtun women: An Analysis

For centuries, the whole life of *Pakhtunwali* continues with tribal social order and its structure. *Pakhtunwali* was categorized according to social patterns, codes of life, and locality. Its elements vary in proportions, forming with the tribe, and sub-tribe, etc. Similarly, there are variations in *Pakhtunwali* because of its tribalism, geographical and physical nature, internal and external manifestations, developed and underpeopled perceptions, urban-rural social structure, and so on. However,

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<sup>40</sup> Khattak, *Pashtunwali*, 37-44; Tahir, *Largoni Fikroona*, 42-45. *Khegara* is the ideal nature of *Pakhtunwali* which is used in both the context of religion (forgiveness) and culture aspects.

<sup>41</sup> Ibid., 44-49. The word *tura* is masculine. According to Khushal Khan Khattak, if one's does not like weapons he should not call himself a man. In the second place, he says that either be a man of white sword or beloved, that you may be remembered in songs and hymns. Similarly, though both sexes would take part in warfare both morally and physically. But women were judge in the context of masculinity. Also see Rzehak, "Doing Pashto," 11. In many genres of the Pakhtun folklore i.e. in *landai* (short verses) women express their feelings to cheer their husbands and sons and one of them is; she says that there was a war cry, my dear make up the bed, by heart he would not wounded at the back. Unequivocally, one of the same story which took place during the battle of the Afridi tribe (1897/98). There was an old woman who searching and collecting bodies, one of the British officers watched this whole thing carefully. The officer was surprised when she kissed six men and slapped the seventh in the face. Later, when the officer found that all these wounded were her sons. She kissed, because of their bravery to fight and wounded on the front side, while the seventh was slapped and wounded on the back, by which she said a 'cuckold deserves nothing but a slap in the face. For more detail see Tahir, *Largoni Fikroona*, 45-48.

<sup>42</sup> Khattak, *Pashtunwali*, 50-53. The heavy burden of loyalty is often placed on the shoulders of women when they deals with the masculine honor.

<sup>43</sup> Ibid., 53-61. For Khushal Khan, *nang* is the symbol of power. He says that I like to be buried next to a man (who should be ideal and have strong masculinity) after my death. My grave should not be built near an immature person. Also see Tahir, *Largoni Fikroona*, 48-49.

<sup>44</sup> Barq, *Pashtun Aur Nasaliyat HinduKash*, 473.

these elements are *Melmastiya* (hospitality), *Nanawatai* (seeking forgiveness), *Ghairat* (dignity) and *Nang, Namoos* (chasteness, conscience, honor, and esteem), *Badal* (exchange, reciprocity, and revenge), *Mehran a* (courage), *Mazaka* (land or one's ancestors), *Cheegha* (call for action), etc. manifested in the social and internal affairs of the Pakhtuns. Besides, the democratic and legal affairs consist of the system of *Jirga* and *Maraka* (council of elders to resolve minor issues) which deals with the internal conflicts through *Narkh* (Set of laws covering punishment for crimes), *Tigah* (ceasefire), *Nogha* (fine), or with an executive mechanism like *Lashkar* (civil Militia), *Tsalwashtees* (peace forces)<sup>45</sup> and so on. All these happen mostly in the men house or male community centers (*Hujra* or Mosque)<sup>46</sup> Apart from these, there are many traditional codes and traits which redefine the ethical system, tribal life, and customary legal system of the Pakhtun.<sup>47</sup>

### (a) *Melmastiya*<sup>48</sup> (Hospitality)

In *Pakhtunwali*, *melmastiya* is a social code and trait of demonstrating *sakhi* (generosity) which Pakhtuns have to provide, it is care for their guests (or visitors) without knowing or need to know the guest's background, religion, personal details as well as without any hope of remuneration.<sup>49</sup> Conventionally, the original tradition of Pakhtun hospitality has been different from time immemorial. The rules of hospitality were socially organized, hierarchical, defined and complex. It is the responsibility of the family, village, and tribe to protect and provide security to the visitors and guests but sometimes that granted security takes the edge off *badal*,<sup>50</sup> for instance, *badraga* (escorting).<sup>51</sup> These traits were an apple of discord between the British Raj and the tribal Pakhtuns.<sup>52</sup> Moreover, the protection and shelter of the guests are necessary, even if the person is a criminal but *por* (fine or debt) will be

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<sup>45</sup> In Pakhto *tsalwekhtee* (civil militia) is used for the protection of common tribal property and mutual foreign enemy. Therefore to protect themselves, the armed men (more than fifteen) assigned by the *jirga* should take action against their common offenders before sunrise. This group is called *tsalwekhtee* (civil militia) whose duty to impose *nogha* is determined by *jirga*. Limberger-Kastsumi, trans., *Analyse der Staatendokumentenatation*, 40-41; Suleri et al., "The Role of Local Institutions in Conflict Affected Khyber Pakhtunkhwa, Pakistan," 13-14.

<sup>46</sup> Tahir, *Largoni Fikroona*, 55.

<sup>47</sup> Farzana Rasool Sanam, *Po Zela Mardan ki da Khazo Kaltoori Rasamoona Riwojoona* (Mardan: Sanghar Publishers, 2019), 81-88. For more details see Qudratullah Hadad Farhad, *Da Milli Tareekh Falsafa aw Pakhtunwali* (n.p.: 1992), 39-69. This work explains fifty three codes of ethics in *Pakhtunwali*.

<sup>48</sup> Khattak, *Pashtunwali*, 72-74. Pakhtun consider hospitality their pride. For them it is a sign of generosity. Pakhtun greet the guest with saying a words '*stary mashy*' (that you never get tired), '*Khair raghly*' (come on with peace), '*kha cha re*' (keep your work good as usual) in southern, northern or middle regions respectively.

<sup>49</sup> Rzehak, "Doing Pashto," 15; Limberger-Kastsumi, trans., *Analyse der Staatendokumentenatation*, 28.

<sup>50</sup> Khattak, *Pashtunwali*, 74; Rzehak, "Doing Pashto," 16.

<sup>51</sup> Farhad, *Da Milli Tareekh Falsafa aw Pakhtunwali*, 50. In *Pakhtunwali*, the one of the feature of the *melmastiya* is *badraga* (escorting). It is like a guidance for travelers or guest from the harm of local tribesmen.

<sup>52</sup> Limberger-Kastsumi, trans., *Analyse der Staatendokumentenatation*, 29.

payable if someone harms or injures the guest due to a violation of the guest's honor.<sup>53</sup> In the women's genre, for every individual or usually for a new bride, the first two days they are considered as a guest and the third day a household member.<sup>54</sup>

**(b) *Nanawatai*<sup>55</sup> (Dispute Settlement, and to give Asylum or Rituals of Forgiveness)**

In *Pakhtunwali*, the code of *melmastiya* ensuring the security of the guest(s) and providing shelter to anyone or give asylum or rituals of forgiveness is called *Nanawatai* (entering to offended party's house). Moreover, a blood feud does not need bloodshed or revenge but sometimes it must solve through a ritual of forgiveness by providing asylum to offender. There are various interpretations of this term. First, to admit guilt, the offender comes to the opposing party's house. Secondly, to send the mullah, tribal elders, or an elder woman to announce a *nanawatai*. Thirdly, to perform the *Nanawatai* ritual, the offender has to carry a tuft of grass in his mouth and cord around his neck while admitting guilt.<sup>56</sup>

To avoid further revenge, the offender must give a *khunbaha* (blood money) as compensation to the victim's family. That compensation defends tribal variations and damage. For instance, *walwar* (average bride price) is the basic unit<sup>57</sup> in a particular region. According to the rules, two bride prices to be paid if a male is killed and half of that amount (or one average bride price) if a woman is killed. If the offender's family is unable to give an average bride price, they should give one or several marriageable girls to the victim's family.<sup>58</sup> However, in some situations, *nanawatai* is not acceptable especially when there are sexual intercourse with women and an assault to *namoos*.<sup>59</sup>

**(c) *Nang* (Honor) and *Gherat* (Dignity)**

Literally, the word *nang* (*gherat*) in Pakhto implies honor and dignity. It is a social value and is considered as a basic code of *Pakhtunwali*. It looks after the generosity, courage, manners, respect of women, and other ethical qualities of the

<sup>53</sup> Ginsburg, "An Economic Interpretation of the Pashtunwali," 9-10.

<sup>54</sup> Benedicte Grima, *Secrets from the Field: An Ethnographer's Notes from Northwest Pakistan* (Karachi: Oxford University Press, 2005), 20.

<sup>55</sup> Khattak, *Pashtunwali*, 70. Forgiveness of a crime is an old custom, in Pakhtun tradition it is called *nanawatai*. *Nanawatai* is the Pakhto term that has a two-fold meaning. Firstly, to provide shelter to someone without knowing or unknowing them. Secondly, to admit guilt while offender comes to opposing party. However, the word *nanawatai* connotes forgiveness or complete surrender against one's antagonist and forget the *badal*. Also see Limberger-Kastsumi, trans., *Analyse der Staatendokumentenatation*, 31. To depend on the culprit, Pakhtun should protect and shelter them as a matter of honor. By way of illustration, somewhere at once, gangsters attacked a village. All of them defend themselves and their home but two of the robbers took *nanawatai* in the house of the old woman. Despite both of them were killed her two sons but did not violate the norms of the *nanawatai*.

<sup>56</sup> Ibid., 70-72; Rzehak, "Doing Pashto," 18. Farhad, *Da Milli Tareekh Falsafa aw Pakhtunwali*, 49.

<sup>57</sup> Rzehak, "Doing Pashto," 18-19. In some region or tribe, the basic unit is based on one *Khun* (blood) or one *nek* (good man).

<sup>58</sup> Ibid. The custom of the compensation of the average bride price enables the victimized family to marry a girl who can birth to a male child while replace for the killed person as a patrilineal descent

<sup>59</sup> Limberger-Kastsumi, trans., *Analyse der Staatendokumentenatation*, 30.

Pakhtun. Among the Pakhtuns, *nang kowal* (practicing honor) and die in *nang* examine the binding order and this identity sets Pakhtuns apart from other nations.<sup>60</sup> In tribal law, the concept of *nang* has different connotation, meaning, and referred to as positive reputations. For instance, *tarboorwali* (cousin both as binding force and enmity) and *siyali* (status envy) are the basic codes of centrifugal pressure among the Pakhtuns.<sup>61</sup> In a stateless society, preserving honor is an essential element among the Pakhtuns. Therefore, it is a most complex principle and has a nature of self-esteem, modesty, passion, and bravery. Among the Pakhtuns, if someone does not have a sense of honor, he (or she) does not deserve to be called a Pakhtun. For the Pakhtun, pride, and honor of oneself and others is an imperative social value.<sup>62</sup>

Similarly, its tribal structure and segmentary groups, dishonoring among the Pakhtuns and their women are practiced and are the cause for conflict and by-conflict. Due to its patriarchal structure, women in *Pakhtunwali* are inferior and subordinate, however, the core of honor and *gherat* are equal for both sexes when they practice such codes of life.<sup>63</sup> The *nang* (and/or *gherat*) is a basic unit of *namoos* while stressing to keep the *namoos*. For example, in *Pakhtunwali*, if a woman becomes *toor* (disgraced woman or a woman found guilty of illicit sexual relationships), it is the matter of honour to kill her along with her partner,<sup>64</sup> and what Diane E. King represents as “reproductive sovereignty”.<sup>65</sup>

Therefore, Pakhtun custom is attributed to men’s value-oriented i.e. patriarchal self-expression, and the core of honor and *peghore* (satire). Within *purdah* (veil)<sup>66</sup> by preserving the honor of the Pakhtun, women’s behavior is restrained, not to undertake any acts which weaken their modesty. If they violate that behavior by

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<sup>60</sup> Khattak, *Pashtunwali*, 8, 53-55; Limberger-Kastsumi, trans., *Analyse der Staatendokumenatation*, 32.

<sup>61</sup> Ginsburg, “An Economic Interpretation of the Pashtunwali,” 6.

<sup>62</sup> Khattak, *Pashtunwali*, 54-59. In the works of Khushal Khan Khattak *nang* is the central of Pakhtun’s identity. One who does not have *nang*, Khushal Khan excludes him (or her) from *Pakhtunwali*. For him *nangyali* (honorable) is the ideal Pakhtun. As he says, if there is not word of *nang* (honor) then the word should be deserted. See also Rzehak, “Doing Pashto,” 16.

<sup>63</sup> Ahmed, *Sorrow and Joy among Muslim Women*, 17; Ginsburg, “An Economic Interpretation of the Pashtunwali,” 6; Samandar Khan Samandar, *Pushtaney* (Islamabad: NIHCR, 2006), 1-110. In his book, Samandar Khan Samandar narrated those stories and events which illustrates that in Pakhtun society, history remembered only those women who did Pakhto in non-segregated sphere.

<sup>64</sup> Limberger-Kastsumi, trans., *Analyse der Staatendokumenatation*, 32.

<sup>65</sup> Diane E. King, “The Personal is Patrilineal: *Namus* as Sovereignty,” *Identities: Global Studies in Culture and Power* (2008), 317-342. Paternity determines one’s honor and reputation. Women’s honor is the strategy of “defense honor”.

<sup>66</sup> Limberger-Kastsumi, trans., *Analyse der Staatendokumenatation*, 51. Women are required to observe a strict *purdah* and should leave the house to face a *purdah* while accompanied by a men family member. However, the restriction regarding the veil is not fixed. During times of situation of emergency and conflict, women *purdah* is relaxed and flexible. Also see for more thorough gender boundaries transformation by external forces Saria Bano Orakzai, “Conflict in the Swat Valley of Pakistan: Pakhtun Culture and Peacebuilding Theory-Practice Application,” *Journal of Peacebuilding and Development* 6, no. 4 (2011): 35-46.

sexual dishonesty (abduction and adultery etc.) they are either killed or punished depending on the acts they did.<sup>67</sup>

Experiences have evolved working principles which are internalized by every individual in terms of social identity, cultural honor and gender identity. The position of the Pakhtun women is defined with the honor of tribe, man, and the whole community. In the patriarchal structure of the society, men are bound to protect *namoos*<sup>68</sup> for their reputation, and even a newborn girl is also a part of it. A Pakhto proverb says that “*mal tar sar jar, sar ta namoos*” which means that to sacrifice property to protect the head, to sacrifice head to protect *namoos*.<sup>69</sup> For men, women are the repository of honor for family and tribe where every action and every thought symbolizes a genuine fear of honor and respect.

Patrilineal descent defines the position of women both within the relationship of descent and marriage. These relationships are shaped through difference of both sexes on their birth, estate, levirate,<sup>70</sup> and cross-cousin marriages. Pakhtun man has to protect the other sex such as wives, daughters, sisters, mothers, and even the entire female members of their tribe and family. Here, the honor of females is defined by the male. Therefore, females’ seclusion in the four walls of the house means to defend their honor and reputation. Because if they are invisible in the eyes of others then they should not dishonor themselves in the eyes of others. If she does then she will be killed along with her lover by the male of her family or tribe.<sup>71</sup>

Nevertheless, in Peshawar valley, honor, and reputation are nothing more than a balanced approach among men rather than to women. As a source of pride and honor, *Pakhtunwali* is a mechanism through which every act bequeathes upon men to hold woman, her choice and voice. Hence, the notion of honor is deficient without the component of women in traditional Pakhtun society. Traditionally, the manifested position of women was designed within the framework of authority, reputation, honor, and power. In such manifestations, the gender hierarchies have

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<sup>67</sup> Khattak, *Pashtunwali*, 103-106. For instance, the punishment of the kidnapping of married women, in this case, if peace occurred then the ransom will be like seven murders. Similarly, if someone kills or injures his wife, he either simply justify it or to pays *por* to her family. Also see Limberger-Kastsumi, trans., *Analyse der Staatendokumenatation*, 51. Nevertheless, there are variations of women's mobility among the Pakhtun. For instance, women of the Peshawar valley and Quetta in Pakistan are autonomous enough to take and performed their duties within and outside of the four walls of the houses. Also see for further detail see Ginsburg, “An Economic Interpretation of the Pashtunwali,” 14-15.

<sup>68</sup> The word *namoos* have different meaning and can be summarized as chasteness, conscience, honor and esteem.

<sup>69</sup> Limberger-Kastsumi, trans., *Analyse der Staatendokumenatation*, 52.

<sup>70</sup> In Pakhtun society, if a woman’s husband dies, she is called *kunda* (widow). Therefore, in the codes of *Pakhtunwali*, she (widow) should be married to her brother-in-law or her husband’s cousin (*tarboor*). Rzehak, “Doing Pashto,” 10. In Pakhtun society patrilineal descent is obligated to get marry both a brother of the deceased man and his widow which is also considered the part of *namoos*. Himayatullah Yaqubi, “Bayazid Ansari and Roushaniya Movement: A Conservative Cult or a nationalistic endeavor?” *J. R. S. P.* 50, no. 1 (2013): 15. Historically, this culture prevailed among the Pakhtun. In the 16<sup>th</sup> century, Bayazid Ansari’s mother, Amina was the widow of his uncle Abdullah, who later married his deceased brother, Abdullah. This new couple gives birth to Bayazid.

<sup>71</sup> *Ibid.*, 10.

developed the dichotomy of gender. It has constructed the notion of power and authority where there exists the strategy of female dispersal by the name of *swara* (female or minor girl servitude to an aggrieved family as compensation) at the time of tribal disputes. It is a very severe condition for a woman both physically and mentally, even though sometimes *swara* became a symbol of *toor* (a woman found guilty of illicit sexual relationships).<sup>72</sup> Similarly, it is tribal orders which have determined the notion of gender, for example, the Pakhtun woman is usually the worst victim of taboos because of her gender. In Pakhtun society, *nang* is the symbol of a woman. In a public place, calling a woman's name is considered taboo. For instance, *kanzala* (name-calling and abusive language) is taboo. If someone abuses unknowing women then the offender either pays *tawan* (guilty payment to the opponent) or seeks *nanawatai* or sometimes it can lead to bloodshed.<sup>73</sup>

#### (d) *Badal*<sup>74</sup> (Exchange, Reciprocity and Revenge)

Generally, in *Pakhtunwali*, *badal* is the fundamental code and value which is based on any injustice or wrongdoing. It is a very old tradition among the Pakhtuns and is considered as one of the main pillars of *Pakhtunwali*. It is very severe, therefore sometimes Pakhtuns restrain themselves to maintain peace and order while sometimes it leads to a blood feud but it can be avoided with the values of *nanawatai* or with the help of reconciliations by the Jirga and Maraka.<sup>75</sup> According to a Pakhto proverb, "the Pakhtuns who took revenge after hundred years said, I took it too quickly".<sup>76</sup> In the Pakhto literature and historiography, the concept of *badal* is masculine both in nature and practice. In the proverb, it is implied that he is not a Pakhtun, who is not able to give a blow for a pinch.<sup>77</sup>

In *Pakhtunwali*, it is sinful to accustom well without reciprocation, however, *badal* is not only revenge but it sometimes expresses the obligation of help and compensation to avoid further conflicts. In addition, in the reputational sanction parlance, if someone fails to seek revenge, he is thought of as a coward. For instance, it is the reputational sanction for someone to take revenge on one's relative.

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<sup>72</sup> Zarin M. Anzoor, *Feminism and Adabiyat* (Jalal-Abad: Hashimi Books Publishers, 2020), 52-57. A story of women who became a victim of *swara* between Zabar Khel and Alizai tribe of the Pakhtun and later she was killed under the code of *toor*. Limberger-Kastsumi, trans., *Analyse der Staatendokumenatation*, 52-54. This system has been given less importance by some of the tribes themselves and has been eradicated by the government and also by Pakhtun intellectual and reformists. Even though it exists in some parts of the Pakhtun areas. For instance, some areas of ex-FATA of Pakistan and Afghanistan's provinces like Patkiya, Jalalabad, Kunar, Helmand, Nangarhar, and Nazyan. Second, *talaq* (divorce) is discouraged in Pakhtun culture. In Pakhto, the word *Zantalaq* (a man who divorced his wife) is used in an abusive sense which sometimes becomes a blood feud.

<sup>73</sup> Limberger-Kastsumi, trans., *Analyse der Staatendokumenatation*, 53.

<sup>74</sup> Rzehak, "Doing Pashto," 14. In Pakhto language and doing Pakhto, the word '*badal*' has a different meaning such as exchange, compensation and retaliation, however, in western publications, *badal* is much understood as a blood feud and revenge.

<sup>75</sup> Khattak, *Pashtunwali*, 85-87; Limberger-Kastsumi, trans., *Analyse der Staatendokumenatation*, 30; and Ginsburg, "An Economic Interpretation of the Pashtunwali," 10.

<sup>76</sup> Akbar S. Ahmad, trans., *Mataloona: Pukhto Proverbs* (Karachi: Oxford University Press, 1975),

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<sup>77</sup> Ginsburg, "An Economic Interpretation of the Pashtunwali," 10.

Unequivocally, for Pakhtuns, revenge is not merely a course of action but a duty. To maintain the low levels of collective violence sometimes a mandatory blood feud is needed to make the society equal. However, a culture of honor always escalates a blood feud among the Pakhtuns.<sup>78</sup>

Despite the masculine interpretations of *badal*, in Pakhtun women genre, Pakhto and 'do Pakhto' means *badal* i.e. "everything is done by badal".<sup>79</sup> For women, *gham-khadi* (weddings and funerals) is a type of exchange and reciprocity of visits and gifts wherein performance and expectation are the reflection of *badal* i.e. balanced and unequal reciprocity.<sup>80</sup>

#### (e) *Mazaka* (Land or one's Ancestors)

Generally, *mazaka* denotes a Pakhtun's land or agricultural plot, however, symbolically *mazaka* means one's ancestors. It is also considered a part of *namoos*. If someone sells *mazaka*, then in Pakhto it is said that "*Da plar nikah haduki ye khars krhal*" which means that someone has sold his father and grandfather's bones. Similarly, in tribal areas of Pakistan, the word *mazaka* symbolizes a *moor* (mother) because among the Pakhtun *moor* is honor, dignity, and respect.<sup>81</sup>

#### (f) *Cheegha*<sup>82</sup> (Call for Collective Work)

It is a Pakhto word which means a call for help in time of approaching imminent danger and for collective work usually by drumming or blowing a trumpet. Whenever *cheegha* is heard, everyone runs with arms where *cheegha* is called, from where they go to *jirga*. Similarly, in *cheegha* there is no *nogha* (compromise). According to the Pakhto proverb to hear the midnight *cheegha* clearly means that something serious is happening.<sup>83</sup> Due to its ancient roots, the drums are skillfully drummed to announce danger through drumbeats. For instance, different drumbeats are used from threatening *Chapaw* (attack or looting without warning) to announce for the natural disasters such as flood or fire. Moreover, in Pakhtun society, they also categorize people who arrive late and regard them with contempt and penalize them while those who reach first are considered with honor and *mehrana* (courage).<sup>84</sup>

<sup>78</sup> Ibid., 10-12; Rzehak, "Doing Pashto," 14.

<sup>79</sup> Benedicte Grima, *The Performance of Emotion among Paxtun Women: The Misfortune which have Befallen*

*Me* (Austin: University of Texas Press, 1992), 70. According to Bushra Khatoon in Swabi most of marriages have based on *badal*. Marriage agreement as a fair of exchange i.e. sister exchange. Hence, choice of women is limited to pre-determine structured. This exchange also creates a sorts of insecurity for both wives. The insecurity of life, relationship and even being. Bushra Khatoon, *Da Swabai da Saqafat Hindara* (Peshawar: The Printman Printers and Publisher, 2012), 121-126.

<sup>80</sup> Ibid., 71-74.

<sup>81</sup> Limberger-Kastsumi, trans., *Analyse der Staatendokumenatation*, 54.

<sup>82</sup> The word *cheegha* is used in the part of eastern and southern part of Afghanistan while in western part of Pakistan called it *Nara*.

<sup>83</sup> Limberger-Kastsumi, trans., *Analyse der Staatendokumenatation*, 34-35.

<sup>84</sup> Ibid., 32-35. In Pakhto, '*mehrana*' comes from the word '*Mehra*' means husband or member of a tribe which connotes home and an act of courage. In *Pakhtunwali*, Pakhtun must establish *mehrana* at the time to protect themselves and to overcome their rivals. It is a very essential trait because home identifies Pakhtun's culture, civilization, and prosperity, and wellbeing.

## Institutions and Forums in Pakhtunwali

### (a) *Jirga*<sup>85</sup> (Gathering for Resolving an Issue)

In *Pakhtunwali* the concept of *jirga* is like a tribal multi-purpose assembly where the tribal *Masharans* (elders), *Spingrey* (white beard elders) gather to investigate and settle a disputed issue to find a *lyar* (way out), for instance, issues like conflict between tribes, sub-tribes, individually or collectively, and so on.<sup>86</sup> Under the *jirga*, both the parties in conflict give *waak* (authority) to the tribal elder to investigate the real problems through local *riwaj* (custom) or the sharia.<sup>87</sup> Similarly, to maintain coordination each side is given equal status and equal proportions.<sup>88</sup> Moreover, if anyone violates the decisions of the *jirga* then they are punished according to the circumstances such as fine, the specifications of a *por*, expelling the violators from his local region or demolishing their houses, and imposing the *swara* (compensations through marrying a girl to victim's relatives).<sup>89</sup> Before the *jirga* session, the elders of the *jirga* accumulate a bond (guns, property, and cash) from each party to enforce the pledged and guaranteed decision. But if any party violates the *jirga* then the bond is charged as a sanction, however, if *jirga* fails to solve the issues then the disputed parties can ask for the second *jirga* when they feel unsatisfied or seek an alternative.<sup>90</sup> Nevertheless, the *jirga* resolves the conflict on the first try and try to show positive and successful results through careful pre-negotiations and times for multiple sessions.<sup>91</sup>

Traditionally, *jirga* is held in *hujra* (or mosque) which is considered the man's house, therefore, women cannot and will not take part in *jirga*. Women are segregated and not allowed to participate in the decision-making process which happen outside the four walls. However, recently, in Afghanistan, women were given right to participating in *Loya jirga* (National Assembly), and while in Swat valley, to resolve the issues of marginalized and unprivileged women a female *Jirga* has also been set up in Pakistan.<sup>92</sup> In Swat, Khwendo Jirga (Sisters' Council), founded by Tabassum Adnan in 2013, brought tremendous changes to the social structure of Pakhtun society. It actively addressed issues such as the sale of girls into marriage, murder cases, and the trafficking of women as well as promoting awareness about health, hygiene, and nutrition in underdeveloped areas. It resolved more than 1,000 cases, the majority of which were related to domestic violence and other women-related

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<sup>85</sup> There are variations of *jirga* such as *Loya Jirga* (Grand assembly) and *Rogha* (A custom for settling of disputes) which depends on disputed issues and the area which it emerged.

<sup>86</sup> Suleri, et al., *The Role of Local Institutions in Conflict Affected Khyber Pakhtunkhwa, Pakistan*, 9; Limberger-Kastsumi, trans., *Analyse der Staatendokumentenatation*, 36; Glatzer, "The Pashtun Tribal System," 7.

<sup>87</sup> Limberger-Kastsumi, trans., *Analyse der Staatendokumentenatation*, 37.

<sup>88</sup> Ginsburg, "An Economic Interpretation of the Pashtunwali," 7.

<sup>89</sup> Limberger-Kastsumi, trans., *Analyse der Staatendokumentenatation*, 37; Ginsburg, "An Economic Interpretation of the Pashtunwali," 7.

<sup>90</sup> Ginsburg, "An Economic Interpretation of the Pashtunwali," 7.

<sup>91</sup> Frederick W. Kagan, et al., *Defining Success in Afghanistan* (Washington, D.C: American Enterprise Institute, 2011), 24.

<sup>92</sup> Limberger-Kastsumi, trans., *Analyse der Staatendokumentenatation*, 40.

issues. However, it faced challenges such as patriarchal structure, socio-religious and financial constraints, a weak organizational structure, lack of capacity-building training for women, and resistance from the patriarchal structure of traditional society.<sup>93</sup>

### (b) *Narkh* (Set of Laws covering Punishment for Crimes)

In the Pakhtun customary law, the term *narkh* refers to all kinds of crimes and offenses through punishment and penalties. Although its principle for all is the same such as fine or compensation for liability, however, due to tribal structure, there are variations<sup>94</sup> of *narkh*. Though the value of *narkh* is changed and replaced by modern civil courts, it is a basic trait and one of the binding units among the Pakhtuns. There is a proverb that “*Da watan wowzakhi day Narkha ma woza*” which means that one should leave one’s homeland but cannot forget its *narkh*.<sup>95</sup>

### (c) *Tigah* (Ceasefire) and *Nogha* (Fine and Restriction)

If two warring tribes or families continue to fight and there is heavy loss of life and property on both sides, either the family by itself or by other non-aligned people start a reconciliation between them by temporary ceasefire which is called *tigah*. However, no one violates such *tigah* and if someone does, then the culprit will be imposed by *nogha*. *Nogha* is imposed fine on the culprit who violated *tigah* (or resolute in *narkh*) but depends on the degree of crime and varies from region to region. For instance, the degree of *nogha* is different from theft to *Mirata*<sup>96</sup> (killing all the male members of the family). To avoid another *nogha* to pay *nogha* is mandatory. It can subside but tribal rules consider it as a dishonor for the whole tribe.<sup>97</sup>

<sup>93</sup> Sumara Gul and Sadia Fayaz, "Role of Women in Dispute Resolution and Peace Building in Khyber Pakhtunkhwa: A Critical Analysis of Khwendo Jirga (Sisters' Council)," *Pakistan Journal of Social Research* 4, no. 2 (April–June 2022): 1163–1173; Fasih Ur Rehman, Maham Nawaz, and Sana Saeed, "Transgressing Pashtun Boundaries: A Spatial Critique of the Pashtun Woman's Position in Pashtunwali," *Journal of Social Sciences Review* 4, no. 4 (2024): 68–76.

<sup>94</sup> Khattak, *Pashtunwali*, 93–96. For centuries, Pakhtun maintains the rules and laws of crime both orally and culturally. This is not a written law (or constitution) but its education has been passed down from chest to chest. These customary laws have been effective in all kinds of situations throughout history and so far, they are firmly placed in some Pakhtuns regions. In this context, the *narkh* has variations. Firstly, Ahmadzai *Narkh* (the region from Ghazni to Nangarhar and some Afghan's province of Patkiya and Logar) which contain Issa *Narkh* and Mussa *Narkh*. Secondly, Razmak *Narkh* which is practiced in the certain region of Pakistan and Waziristan. See also, Ginsburg, "An Economic Interpretation of the Pashtunwali," 9–10; and Limberger-Kastsumi, trans., *Analyse der Staatendokumenatation*, 33.

<sup>95</sup> Limberger-Kastsumi, trans., *Analyse der Staatendokumenatation*, 33–34. In the western region of Afghanistan, *narkh* lost its existence and replaced by civil courts. Moreover, instead of that the term *Jura* (reconciliations) and *Rogha* (reconciliations) preserved and used in a settlement between two persons or two families in the western, eastern, and southern regions of the country respectively. While *narkh* became its tribe in eastern and southern parts of Afghanistan.

<sup>96</sup> In Pakhto the term '*Mirata*' is also used for those women whose husband is died.

<sup>97</sup> Khattak, *Pashtunwali*, 76–78, 96. The customary law, *tigah* for wounded or harm someone is different in Mohmand and Afridi tribe which is divided into heavy (first class) and light (second class) *tigah*. Also see Farhad, *Da Milli Tareekh Falsafa aw Pakhtunwali*, 48; Limberger-Kastsumi, trans., *Analyse der Staatendokumenatation*, 34.

**(d) Hujra (Men's House or Community Centers)**

In Pakhtun society, *hujra* is an ancient institution where men perform their public and private matters and stage events, for instance, the performance of marriage, funerals, *jirga*, etc.<sup>98</sup> The structure of the *hujra* represents the honor of the Pakhtuns and symbolizes ownership of tribes where the *kashar* (youngster) can learn the values and codes of *Pakhtunwali* from their elders. But lower class and women are excluded and do not have equal access to *hujra*. Gender norms are strictly imposed in *hujra*. Women do not have access to *hujra*. But elderly women can take part in *hujra* when men ask for them for important consultations and information.<sup>99</sup>

**CONCLUSION**

*Pakhtunwali* is a way of the Pakhtuns; naturally, it is unwritten and quasi-legal; practically, it is gender-segregated and patriarchal; and structurally, it is ethical, social, tribal, and stateless as well as generally, it is the code of life and the code of the hills. The article finds that the representation of Pakhtun women in *Pakhtunwali* is a contemporary subject but too vast for inquiry, to enter into details. The second custom (society) reward and encourage some individuals and their activities while punishing and suppressing others. In such categories, the Pakhtun woman thereby becomes the victim of her gender identity, expression/role, and sexual orientation both in the inner world and outside the female circle. In Pakhto and 'do Pakhto,' the personal identity of the Pakhtun woman is, the ability to bestow value, which then gives her greater value in the sense of security and reciprocity in relationships. From diverse claims and various complexity of power dynamics, patriarchy has constructed the institutionalization of restrictive codes as patriarchal orders.

This article argued that the elements of *Pakhtunwali* are varied due to regional, social and cultural orientation. Various elements are more concerned about the honor, reciprocity and pride as well as societal structure, playing with the gender binary, with moral questions and patience in the traditional hierarchies. *Pakhtunwali* and most of its elements are patriarchal and male-dominated. Under patriarchal values, Pakhtun customs are value-oriented, in which men's virtues are a dominant force and it is men who define the rules of every individual and collective behavior. The family is used as a security mechanism for its subjects, and its provision for women are defined and established. And it is the family which becomes the mediating and forming patriarchal power between individuals and social structure. Along with eternal play among the women themselves i.e. women's cycle of subordination, it is the cultural norms that undermine the position of women for community self-expression or kinship when they perform in emotional rituals.

The article concluded that there are variations in *Pakhtunwali* because of its tribalism, geographical and physical nature, internal and external manifestations,

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<sup>98</sup> Suleri et al., "The Role of Local Institutions in Conflict Affected Khyber Pakhtunkhwa, Pakistan," 13; Limberger-Kastsumi, trans., *Analyse der Staatendokumentenatation*, 40.

<sup>99</sup> Limberger-Kastsumi, trans., *Analyse der Staatendokumentenatation*, 40-41; Suleri et al., "The Role of Local Institutions in Conflict Affected Khyber Pakhtunkhwa, Pakistan," 13-14.

developed and underdeveloped perceptions, urban-rural social structure, and so on. The vast geographic belt has shown that the cultural variations were not systematically shared by all Pakhtuns, thus in some measure, Pakhtun society is not homogeneous. However, still there is no compromise on some basic values of *Pakhtunwali*. From birth to death, these values govern and regulate almost every aspect of Pakhtun lives and relationships. The norms and values of such relations were structured in *Pakhtunwali* which has preserved Pakhtuns traditional values and maintained the ethnic identity of Pakhtuns both socially and politically, despite long and continuous conflicts with foreign kingdoms, and modern states.

The representation of Pakhtun women in *Pakhtunwali* is a contemporary subject but too vast for inquiry, to enter into details. The following recommendations are suggested for future academic research: it must examine questions related to Pakhtun sexuality and reproductive sovereignty, and reflections on the culture of equality and inequality in terms of body, security (honor-shame complex), and women's lives (equality and autonomy). Future studies should also explore how kinship, tradition and egalitarian order shape hierarchical social structures. Similarly, aspects beyond women's contribution in Pakhtun society need further attention, including gender binary thinking and practice, and their roots in the self, family, kinship and tribe. The complex relationships of power and sexuality, the history of Pakhtun family, and women's cycle of subaudition also require systematic and in-depth exploration.

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