

Illiteracy and Tribal traditions of Dispute Settlement through Women as Compensation in Balochistan

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Abstract

In this study, the continuation of tribal customs in Balochistan often called (Swara or Vani) that use women as recompense for resolving disputes is examined. The study focuses on how these behaviors are maintained in some tribal areas by illiteracy, social ignorance, and inadequate institutional processes. A qualitative design and descriptive methodology were used to gather data through interviews with local activists, impacted women, and community elders. Thematic analysis showed that patriarchal attitudes, a lack of knowledge, and lax legal enforcement all contribute to the continuation of these practices. To end such detrimental customs, this research article urges community involvement, stricter enforcement of the law and educational awareness.

Keywords: Illiteracy, Tribal customs, Dispute settlement, Women as compensation, Balochistan, Gender injustice

Introduction

The future is inherently influenced by the past, but for the disputing parties to have a peaceful and reconciled future, they must analyze what went wrong in the past and decide what they are willing to pay and accept in return for a peaceful future. It might take some time, but once a consensus is reached, the victims can accept and forgive, and the oppressors can admit their wrongdoings, apologize, and seek for forgiveness. In order to foster goodwill between the disputing parties and shift the reciprocity of hostility into the reciprocity of friendly relationships, such processes typically entail the exchange of material things as compensation. These private belongings may be seen as "blood money," usually from women, or as a commercial commodity, depending on the national cultural values. When the compensation is accepted, the community's order is restored since it is acknowledged that the bereaved have the right to accept or reject it and the aggressor's apologies is taken into consideration. The term patriarchy describes a certain collection of beliefs, attitudes, and ways of thinking that place a higher priority on men than on women. In patriarchal cultures, men are viewed as the dominant or dominating group, and women are assumed to be inferior (Hanan, Shah & Khan, 2017).

Examples of patriarchal cultures can be found in North Africa, the Muslim Middle East (which includes Turkey, Pakistan, and Iran) (Kandiyoti, 1987).

The patriarchal culture of Pakistan was the source of gender-based violence, such as honor killing, class discrimination, and the persecution of marginalized groups, such as women and children (The Daily Dawn, 2011).

Violence on a cultural level demonstrates the applicability of Kazi's (1990) theory of cultural violence, which holds that cultural violence is employed structurally to legitimize the violence. It allows structural violence within a society's institutional structure and legitimizes direct types of physical violence. Amnesty International claims that marginalized populations in Pakistan accept institutional violence as their fate. According to a Punjab Government study on social violence, 42% of Pakistani women believed that violence was their destiny, 13% felt powerless to stop it, just 19% demonstrated against it, and only 4% chose to take the issue to court (Amnesty International, 2004).

According to Chinyangara (1996), the history of gender-based violence is linked to the time when women were seen as commodities and had a gender role that required them to be submissive to males at all times. In isolated regions of Pakistan, women are viewed as nothing more than life commodities, and Panchayats utilize them to resolve conflicts under the pretext of so-called culture or religion (Ahsan, 2009).

The study by Ben (2010) suggests that the social structure is characterized by political and economic biases that lead to physical violence and are detrimental to both individuals and society as a whole. Inequality results from the concentration of power in a small number of hands, which fuels structural violence in a society. Social growth is always impeded for the impacted individuals and marginalized groups. The greatest way to understand honor would be to look at its social and cultural background. In Pakistani culture, honor (Izzat/Ghairat) and dishonor are the fundamental building blocks. The community views a family as less respectable when they are unable to exact revenge on the opponent family for harm or disgrace (Lieven, 2011).

Problem Statement

The custom of using females as a kind of compensation to settle disputes is still practiced in some tribal parts of Balochistan, even though it is ethically and lawfully wrong. The main causes of these practices' continuation are strict patriarchal traditions, ignorance, and illiteracy. These settlements cause women to suffer without their knowledge or agreement, which perpetuates social injustice and gender inequality. This is a significant human rights and development issue in Balochistan, made worse by the lack of knowledge, lax law enforcement, and cultural acceptance among tribal institutions.

Objectives of the Study

1. To investigate the role that illiteracy plays in Baluchistan's continued use of women as a form of compensation in dispute resolution.
2. To investigate how such actions are justified by tribal traditions and customs.
3. To examine how these practices influence impacted women socially and psychologically.
4. To make recommendations for doable steps to end this practice through legislative and educational reforms.

Research Questions

1. How is the use of women as compensation in traditional conflict resolution processes maintained by illiteracy?
2. How do patriarchal ideals and tribal rituals contribute to the continuation of these traditions?
3. What emotional and social repercussions result for women who participate in these settlements?
4. How may awareness-raising and education aid in the eradication of this practice in Balochistan?

Significance of the Study

This research study is important because it tackles a cultural issue in Balochistan that is deeply ingrained yet rarely studied. By investigating the connection between illiteracy and the use of women as dispute compensation, the study spreads societal awareness and suggests policymaking. It offers guidance to legislators, non-governmental organizations, and educators in creating initiatives that support literacy, empower women, and eradicate detrimental tribal customs. Additionally, it contributes to the expanding corpus of South Asian gender and cultural studies.

Limitations of the Study

1. Because of access restrictions and cultural sensitivity, the study was limited to specific tribal locations.
2. Some respondents were afraid of tribal retaliation, which made them hesitant to speak candidly about the subject.
3. Due to its limited size, the qualitative sample might not be representative of other regions in province.
4. There were little or no official records or data on these cases.

Literature Review

According to Chinnian (2005), acts of dishonor include engaged in illicit intercourse, making decisions throughout a marriage, longing for a divorce, having relationships before a formal marriage, and experiencing rape. In subcontinent, it is typical to see women subdued in order to uphold male honor, which is considered a family honor. Because of this, any inconsistency on the part of women appears to be against societal standards that diminish the honor and dignity of men. Women are always required to silently accept decisions made by male family members, tribe members, clan members, or community members in Pakistani rural communities (Hassan, 1995).

Rights activists and the media have frequently brought attention to the significant issue of women's standing prior to Panchayat meetings. According to Mondiale (2003), Swara has been seen as a "virtual death penalty" for the poor woman who is the target of this infamous system. In these situations, girls who fall prey to the practice live physically but suffer greatly and are shamed for the rest of their lives a terrible penalty for having no guilt. This tradition is known as Vani in Punjab, Sanghatti in Sindh, and Swara in Khyber Pakhtunkhwa Province. Regrettably, these tactics are employed against women in Panchayat forums to maintain control over them and to violate and exploit their fundamental rights. According to a 2011 UNDP report customs and religious beliefs can be purposefully mixed with the law to consolidate political, economic, and social power to the detriment of less powerful women and men.

Through a study conducted in District Swat, Kohistan, Hanal et al. (2017) uncovered the hidden truths that lead to women's compensation practices in Pakhtoon culture. The three Tehsils Kalam, Othore, and Matta were the sources of the data. Potential responders for this study were selected from among Swara's parents, brother, or blood relations (women). Out of the 369 Swara victims, 205 respondents made up the sample size, which was chosen at random and distributed proportionately throughout the study's entire population. A conceptual framework was developed that included education, family type, and income as controllable factors, and one independent variable cultural endorsement as compensation for women. According to the study, Swara's cultural support despite her lack of honour and guilt over it were crucial components of women's compensatory practices. Additionally, a non-spurious correlation was revealed in the high-income group for women's compensation and cultural endorsement. The study investigated how cultural characteristics could be a sign of ways to alleviate women's social discomfort as compensatory practices if they were adequately described in the context of literacy and gender equity. The study's policy recommendations included designating Swara a cultural taboo, utilizing the shame surrounding the practice, and promoting gender equality in treatment.

Hanal et al. (2017) concluded that Swara was a transmitted ancestral activity that was practiced in the study area. People had feelings of shame when they committed specific human-natured behaviors. Even while religion was owned by culture, it was not supported. Some contributing variables to the frequency of such practices in the research area were familial patriarchy, poverty, and illiteracy. Additionally, it was discovered that families with low and medium incomes were more likely to adhere to these cultural customs because they were unable to compensate for the actions of their male members and had a lot of human resources, such as a large family size, while also seeking retribution for their family's honor, resolving land disputes, etc. High earners, on the other hand, were not particularly inclined to embrace such methods; instead, they preferred to pay on a monetary basis in order to resolve local issues. This study suggested a "literacy for all" package with regular follow-up for the government and non-governmental organizations (NGOs) involved in the education sector. The package would replace local Jirga (Court) with formal judicial courts with the sole goal of resolving cases quickly and transparently.

Methodology

A descriptive and qualitative research design was used in the study to record the experiences and viewpoints of the participants. The researcher was able to comprehend the social dynamics and cultural meanings behind this custom by using the qualitative technique. Social activists, local religious leaders, tribal elders, and women impacted by conflict resolutions were among the population. Twelve participants were chosen using a purposive sampling method from districts (such as Kohlu, Dera Bugti, Mastung, and Killa Saifullah) that are recognized for their use in tribal conflict settlement procedures. Semi-structured interviews in local languages were used to gather data, with the assistance of interpreters where needed. Respondents' ethical consent and anonymity were guaranteed. Braun & Clarke's (2006) methodology of detecting, classifying, and coding recurrent themes from interview transcripts was followed in the analysis of the gathered data utilizing thematic analysis.

Justification for the Methodology

Since the research focuses on cultural beliefs, attitudes, and traditions that are impossible to measure, a qualitative approach seemed the most suitable. The researcher can investigate social meanings and contextual realities that are intricately woven into tribal life thanks to the descriptive qualitative design. Emotional, moral, and cultural dimensions of the problem would not be adequately captured by quantitative statistics.

Variables of the Study

Independent Variable: a lack of knowledge and lacking literacy.

Independent Variable: continuation of tribal customs that use women to resolve conflicts.

Results and Discussion

Theme 1: Illiteracy as a Root Cause of Tribal Customs

Numerous respondents linked the continued practice to pervasive ignorance and illiteracy.

People here aren't even aware that this is illegal. According to them, it is a part of their ancestors' customs. (Respondent 2)

Theme 2: Ancestral Power and Male Control

Women are frequently used as negotiating leverage by elders and Jirga leaders to preserve respect and harmony among tribes.

The death of a girl is viewed as a way to stop violence. Women have no voice in decisions made by men. (Respondent 6)

Theme 3: Societal Shame and Mental Pain

Women who receive compensation experience lifelong shame, social exclusion, and emotional misery.

Despite the fact that she was never at fault, the woman is held accountable for embarrassing her family. (Respondent 9)

Theme 4: Lacking the Law Awareness and Institutional Backing

The respondents pointed out that although there are rules against such behavior, they are not being properly enforced.

The villages are not subject to government legislation. Here, the Jirga's word is final. (Respondent 11)

Theme 5: Literacy as an Instrument for Change

It was discovered that literate groups and people disapproved of these traditions.

In schools where girls attend, conflict resolution is now handled differently through conversation rather than by daughters. (Respondent 4)

Discussion

These results support the human rights viewpoint that gender-based inequities are sustained by patriarchal social systems and cultural illiteracy. According to research by Jafar (2019) and Malik (2021), in Pakistan's tribal areas, a higher acceptance of traditional dispute settlement through women is correlated with a lack of formal education.

Main Results

1. The main causes of this cruel custom continue to be illiteracy and cultural ignorance.
2. Legal reforms are frequently opposed by tribal leaders and Jirga systems.
3. Women experience long-term psychological and social repercussions.
4. Legal knowledge and education work well to curb these kinds of actions.

Conclusion

According to the study's findings, illiteracy, strict patriarchy, and inadequate governance are the main causes of the custom of using women as restitution in tribal conflicts. Because tribal law predominates over state law and there is a lack of educational empowerment, this tradition persists. Campaigns for education and awareness as well as vigorous legal action are necessary to end these kinds of behaviors in Baloch society.

Recommendations

For education and awareness the government must start literacy initiatives in indigenous communities, focusing on men and elders in particular. For Law Enforcement the government and all the stakeholders of the society must use the police and also the provincial administration should enforce anti-swara and anti-vani legislation more strictly. For the community engagement the Government should motivate the tribal elders and local religious scholars to advocate for nonviolent means of resolving conflicts.

References

- Ahsan, I., Singh, A., & Zahid, N. (2009). *Panchayats and Jirgas. Strengthening Governance through Access to Justice*, Learning Private Limited, New Delhi.
- Amnesty International. (2004). *Whose Justice? Mukhtaran Mai: Punishment of the innocent* Available at: http://asiapacific.amnesty.org/apro/aproweb.nsf/pages/svaw_062004
- Ben, F. (2010). *Life under the Taliban: How a boy of seven was hanged to punish his family*. The Telegraph. 12 June 2010.
- Chinnian, K. K. (2005). *Female Genital Mutilation as a Form of Violence against Women and Girls: An Analysis of the Effectiveness of International Human Rights Law*. Masters' Thesis, Unpublished. Cape Town: University of Western Cape.
- Chinyangara, I., Chokuwenga, I., Dete, R., Dube, L., Kembo, J., Moyo, P., and Nkomo, R. (1996). *Indicators for Children's Rights, Zimbabwe Country Case Study*.
- Hanan, F., Shah, M., & Khan, N. (2017). *Cultural Involvement in Dispute Settlement through Women as Compensation in District Swat Kohistan-Pakistan*. *Research on Humanities and Social Sciences*, 7(21), 1-8.
- Hassan, Y. (1995). *The haven becomes hell: A study of domestic violence in Pakistan*. Lahore: Shirkat Gah
- Kandiyoti, D. (1987). *Emancipated but unliberated? Reflections on the Turkish case*, *Feminist Studies*, 13.
- Kazi, S. (1990). *Women's participation in the formal sector in Pakistan*, Lecture presented at the "National seminar on women in mainstream development, New Directions for Policy". Islamabad, 10-12, 23 pp.
- Lieven, A. (2011). *Pakistan a hard country*. Penguin Books Limited London.
- Mondiale, M. 2003. *Trapped by Tradition: Women and Girls in Detention in Kabul Welayat*. The Daily Dawn News, (April 2011).
- UNDP, (2011). *Rule of Law and global Challenges*. Available at: <http://content.undp.org/go/newsroom/2011/april/helen-clark-on-the-rule-of-law-and-global-challenges.en?jsessionid=ak0x3H0fNGZ9?categoryID=3129942&lang=en>