

Dispute Settlement in Pukhtoon Culture through Women as Compensation in Tehsil Kalam Khyber Pakhtukhwa-Pakistan

Dr. Fazal Hanan,
Department of Sociology, the University of FATA/ FR Kohat

Prof. Dr. Mussawar Shah
Department of Rural Sociology, the University of Agriculture Peshawar

Dr. Naushad Khan
Institute of Developmental Studies, the University of Agriculture Peshawar

Abstract

The present study was aimed at discovering the hidden facts causing the women as compensation practices in pukhtoon culture. A cross-sectional study was carried out in Disttswat, four union councils namely Proper Kalam, Othrore of tehsil Kalam and Chupreyal, Bartanaof tehsilMatta. Parents, brother or blood relatives of Swara and Swara (Women) were a respondents of this study. A sample size of 205 respondents out of 369 were randomly selected and subsequently proportionally allocated to the whole universe of the study. A conceptual frame work comprised of 7 independent and one dependent variables with education, family type and income as controlled variables was chalked out. The collected data was analyzed through simple frequency distribution, bi-variate and multi-variate to assess the layout, level of association and effects of extraneous variables while ascertaining the level of relationship between independent and dependent variables respectively. Moreover, reliability analysis was carried out and reliability coefficient was declared as 0.74. The study found that the formal law was in practice for social control, but with little effects to disposing off cases within due time. However, it had cultural endorsement despite of no feelings of honor rather getting ashamed of it. Most women felt victims to this practice although incidents of giving land and paying of cash was found but with little encouragement. Community had a high degree of onwness to it with execution through Jirga. People had high reservation over educating their female despite the existence of schooling facilities for them due to pardha and fear of acceding to their participation in decision making process. Religion was the most misunderstood and misinterpreted as it was found instrumental tool in social control. Moreover, a strong tribal structure with little room for formal laws and formal court with a profound system of disposition of cases through local council due to easy access were some other instrumental factors in women as compensation practices. At Bi-variate level, association of dispute resolution through formal law, use of formal law for social control, Swara as cultural practice, ancestor did carry out Swara practice, feel shame on giving Swara, Swara is demanded as compensation, no money leads to Swara practice, low income, had unmarried female at home and women exchange, pressure from community, non-compliance lead to migration from native area, decision of Swara by Jirga, wish for formal female education, but failed as female education was against the honors of local, religion does not allow for women as compensation and awareness regarding religious teachings on women education, Jirga as strong institution, resolution of dispute through Jirga as an effective tool, Jirga rules are followed and Jirga restore disputes in shorter period were found positive and significant with women as compensation. While indexing independent and dependent variables, cultural endorsement, economic importance, community based support, illiteracy, poor religious fallacy and tribal structure were found positive and significant except legislative failure as negative and significantly related with women as compensation practices. Likewise, a complete synergy was found between legislative failure and women as compensation for literate and illiterate, cultural endorsement and women as compensation for literate, economic importance and women as compensation for both illiterate and literate while controlling literacy in the form of non-spurious in relationship at bi-variate level. Moreover, while controlling family type a non-spurious result were discovered between legislative failure and women as compensation in the joint family system. A non-spurious relationship was further explored between legislative failure and women as compensation in the medium and high income group while controlling income. A non-spurious association was further disclosed in high income group for cultural endorsement and women as compensation and non-spurious in medium and high income group for religious fallacy and women as compensation along with non-spurious outcomes detected in low, medium and high income group for tribal structural approach and women as compensation while controlling income. Equality in gender treatment, exploiting the feeling of shame over Swara practice, provision of jobs, quick disposition of justice through formal courts through structural and functional synergy and declaring Swara as cultural taboo with the help of social and religious leaders were some of the policy recommendation in light of the study.

Keywords: Community Based Support, Women as Compensation, Dispute Settlement, Blood, Honor and property.

Introduction

Matavire (2012) reflects that even in African culture where individual rights are more important than institutions' authority or collective prosperity, sometimes preference is given to family's or group interest rather than the individual member of the community. The girl's parents, often poor ones are compensated with stock or money secretly for their subsistence. This research has revealed that in Muzarabani, the family remains a unit of similar interests. It is an institution whose members make joint decisions in order to maximize family wellbeing despite the individual wellbeing of its members. United Nations Development Programme (2010) reports that traditional justice setup reflects the values of respective community. Although there is always a shift in these values with the passage of time and even the community leaders are doubtful about acceptance of the new practices. Community leaders relate values with religion while religious leaders affiliate these with cultural structure. And such notions results in negative cultural mechanisms i.e. forced marriage. This can occur particularly with harmful cultural practices, such as forced marriage, handing over a girl to the rival party as compensation (known as 'bad').

According to Human Rights, United Nations Assistance (2010), in Afghanistan using girl/woman as a commodity and paying it for resolution of a conflict is a notorious form of violence. Such mechanism as 'Bad' or 'Swara' etc give a chance to communities or families to save the accused/convict and restore a pseudo peace on the cost of an innocent girl. And honor of the bereaved family is reinstated by punishing a woman for nothing she did wrong. Besides murders, 'Bad' is also used to resolve other serious moral crimes and acts such as adultery, rape and running away of a woman mostly from a forced marriage. But this kind of settlement of a conflict is not always a sustainable one. In exchange marriages daughters of two families are married in exchanged. Respondents of a study described exchange marriages, 'Badal' as a common trend everywhere in Afghanistan, but reported that they are most frequent among poorer rural families. Still all communities in the area don't practice Badal; the majority ethnic Uzbek population of Jawzjan province, for example, has no such conventions. Wassara (2007) reports that the Dinka and Nuer people had the traditional authority to enforce decisions. The main actors in conflict resolution among the Dinka are the BanyBith in the Dinka community and the KuarKwac in the Nuer community. Their offices are spiritual in nature and hereditary, which are held by special priestly clans. These leaders had no political or executive authority to compel parties in a conflict to abide by the decision involving compensation. Yet, the Dinka and the Nuer respected this person who alone had a moral force to make the parties to a conflict to comply. They perform sacrifices, oaths and mediate in all types of conflict. Any offender who seeks refuge in the residences of the BanyBith or the KuarKwac is spared by the offended. The most familiar mechanisms of conflict resolution consist of customary mediation, compensation and restitution. In the context of the Dinka and Nuer, mediation by elders requires the consent of parties to settle the dispute. Religious persons such as the BanyBith and the KuarKwac are the ideal solicitors. Although, any other respectable elder qualifies to settle disputes. Another mechanism of conflict resolution is compensation. It applies to both criminal and civil wrongs against an individual. The compensation for adultery is known as akor, which is paid to the husband of the woman involved in adultery. An individual who elopes or commits illicit sexual offence with an unmarried girl pays aruok to the father of the girl. Finally, an accidental death or physical injuries calls for the payment to the parents of the victim.

Dispute settlements and their philosophies have resemblance across the globe although traditional approached vary from culture to culture. Pacific societies would be different to the Indian and also a more differentiation could be found with those European. However, a community plays a pivotal role in the development and implementation of social mechanisms responsible for conflict resolution. Such mechanisms have always been considered successful with in large communities and groups relating to issues either between individuals or even between individuals and collective conformity (Azinge, 2005; Asesela, 1995; and Stephen, 2003). Havemann (2012) reflects that in Panchayat justice women are used as a commodity paid to the opponent party as compensation to save the life of an offender and or make the opponent party happy for a lasting peace. And the practice becomes very cruel when small girls become subject to it. Usually, in remote areas girls are used only for safety and peacemaking mostly benefiting the male community only, while the subject girls live a life of miseries and disgrace till their death. In these areas women live completely on the disposal of men and have no choice of their own.

According to Risse not only the general communities or the victim families accept and endorse such notorious practices but even the affected ones consider it as a sacrifice to protect their respective families and accept it as their fate so it becomes very true that 'Women are rarely prisoners of conscience but they are always prisoners of culture' (Risse, 1999).

According to Pur (2009) Rapid decisions of Panchayat are considered an effective alternate for the lengthy process of official justice system with a concept that justice delayed is justice denied. Delays in formal courts provide the offenders with an opportunity to distort the case through dislocation of the important documents, tempering the evidences and influencing the police investigation. UNDP reports that Informal justice system has its roots in social norms of a society that is owned by the respective communities (UNDP, 2006). A village community in Pakistan is a mix of cultural, family and religious. That's why the decisions of Panchayat system are backed and enforced through social influence and the deviators many times bring disfavor of the community upon themselves. In this way Panchayat decisions, the license of social norms is manipulated against the women, children

and marginalized groups to settle the disputes and victims of this system have to accept their decisions under the influence of family and social values.

Malawi Human Rights Commission(2005) reported that violence against women in Solomon Islands often involved compensating the aggrieved party's family and suggestions to reconcile by the chief or church leader. Most women felt that the traditional justice system was not meeting their needs because it was men oriented and was also administered by men. Newman, (2011) thinks that traditional practices are further made harmful by existence of poverty, illiteracy and ignorance. These practices are means of cultural transmission and a mean of livelihoods for those involved in the practice such as Female Genital Mutilation.

MATERIAL AND METHODS

The present study was carried out in Swat District to determine the relationship between "Women as compensation" (Swara Practices) and (Legislative Failure) for the purpose of reaching into conclusive results. It was a "One Shot" or Status study which is also called as cross sectional study. The working methodology as below;

Universe of the Study

The study was limited to Swat District of Khyber Pakhtunkhwa Province. It is densely populated area, lacking basic living facilities for all age groups, and having great similarities in social and cultural background of its inhabitants. Culture is the major driving force in molding behavior of the locals, therefore, women as compensation prevailed as a culturally endorsed practice for resolving blood, property, family and honor related disputes.

Area Profile

Swat is stretched over 200 km from Malakand pass to Swat-Kohistan in Malakand division. It has a rich history, spread over thousands of years dating back to Alexander the Great's invasion of 327 BC. Alexander also married a local woman in Swat during his stay in the area. Successors of Alexander divided Swat into Marri and Yousafzai Dynasties. Ashoka spread his influence as king in 2nd BC and Buddhism was introduced in 3rd BC century. In 11th century, Mahmood of Ghazna invaded Swat and Islamic civilization flourished around. In 15th century this area was again invaded by Afghan Yousafzai tribe and Pukhtoon culture got dominance. In 1915 Swati tribes elected a central leader and Swat emerged as an independent state under the kingdom of Abdul Jabbar Shah. He introduced an independent administrative state. Swat remained an independent administrative unit since 1915 to 1969 and ruled by the successors Abdul Jabbar Shah, while reinforcing their dynasty in the meantime. In 1969, it was annexed into Pakistan and became a part of Khyber Pakhtunkhwa, province. Swatis are mainly Pukhtoon, comprised of Yousafzai, Kohistani, Gujars and Awans. Local culture is predominantly influenced by the concept of Pakhtunwali, which has its own ways and means devised for meeting out local ways of life, through its own modifications. The prevalent culture strongly believes in patriarchy where male dominance has ruined the status of women in the study area. Nang, an integrated component of Pakhtunwali speaks of defending honor of the family at any cost. Women are treated as commodity/property in addressing the disputes amongst the warring families/clans to settle the issues pertaining to every aspect of life through local council i.e. Jirga (Abdul, 1997; Karimi, 1995; and Badshah, 2000).

Sampling

A sample size of 205 as per mechanism of Sekaran (2003) was chosen from three selected Union Councils with relative sample size, determined on the total strength of the respondents from each strata. The relative sample size was again distributed into substrata on village level and then the required sample size was drawn out on random basis through proportional allocation method. The distribution is shown in below in Table-1.

Table-1 Sample Size Distribution into Various Strata of Study Population

S. No	Village Name	Population	Sample Size
A.i	Union Council Kalam		
1	Kalam Bazar	24	14
2	Kass Village	21	13
3	Boyoun Village	08	4
4	Kokonail Village	09	5
5	Ashoran Village	06	3
6	Oshu Village	31	17
7	Mateltan Village	19	10
8	Shaho Village	08	6
9	Jalband Village	30	16
Total		156	88
ii	Union Council Othrore		
1	Othrore Village	24	13
2	Gabral Village	55	30
3	Kani Village	30	17
4	Anakar Village	46	25
5	Batandar Village	38	21
Total		193	106
B.i	Tehsil Matta, Union Council Chupreyal		
1	Badar Banda Village	05	2
ii	Union Council Bartana		
2	Sar Banda Village	09	6
3	Telai Village	06	3
Total		20	11
Grand Total		369	205

$$n1 = \frac{n \cdot N1}{N}$$

Where

- n1 = Sample required for each village
- n = Total Sample Size
- N = Total Population
- N1 = Population of corresponding village

Characteristics of Respondents

All those women who were the victims of compensation practice, Parent of Swara and brothers and blood relatives were chosen as respondents for this study.

Conceptual framework

The study proceeds with the following conceptual framework in table 2.

Table-2 Conceptual Framework of the Study

Background variables	Independent Variables	Dependent Variables
Education	Legislative Failure	Women As Compensation (Swara Practices)
Family Type		
Income		

Indexation

The dependent variable was indexed to get the desired degree of the responses. Moreover, both independent and dependent variables were indexed for ascertaining the level of relationship at variables as well (Smith, 1981 and Nachmias and Nachmias, 1987).

Reliability Analysis

It is a statistical procedure used to certify that items under observation for an index are representing a single concept and internal consistency. There are two key methods available for working out reliability namely, split-half

reliability and Cronbach's alpha test. The Cronbach's alpha test was used for working out reliability in the present investigation. A reliability of 0.74 between the variables for the present study was discovered (Nachmias and nachmias, 1992).

Data Analysis

The collected data was coded and entered in SPSS software for its analysis. All relevant statistical tools i-e frequency and percentage distribution was carried out. Moreover, χ^2 test statistics was used to determine the level of relationship between dependent and independent variable at bi-variate level. Gamma statistics enabled to explain the strength and direction of relationship at Bi.variate level with the aforementioned variables (See Table-2).

Chi-square test

Chi-square (χ^2) test was used to test the hypothetical association between independent and dependent variables. Following procedure was adopted to calculate chi-square as was outlined by Tai (1978).

$$(\chi^2) = \sum \sum \frac{(f_{ij} - F_{ij})^2}{F_{ij}}$$

Where

(χ^2) = Chi-square for two categorical variables

f_{ij} = the observed frequencies in the cross-classified category at ith row and jth column

F_{ij} = the expected frequency for the same category, assuming no association between variables under investigation

The formula simply directs one to take squared summation of the frequencies for each cell, divided by the expected frequency. The resulting frequency is distributed as chi-square with relevant degree of freedom. The degree of freedom is calculated as follows;

Df = (r-1) (c-1) where

Df = Degree of freedom

r = the number of rows

c = the number of columns

The assumptions for the test were that the subjects for each group were randomly and independently selected, the groups were independent, and each observation qualifies for one and only one category. Furthermore, the sample size must be fairly large that no expected frequency is less than 5, for r and c > 2, or < 10, if r = c = 2. These assumptions, however, were violated several time in the data therefore, Fisher Exact Test which also known as Exit Chi-square Test was used instead of simple Chi-Square, to overcome the violation of Chi-Square assumptions. The relationship developed by fisher to overcome such violation is given in equation below (Baily, 1982).

$$\text{Fisher Exit Test Probability} = \frac{(a+b)!(c+d)!(a+c)!(b+d)!}{N!a!b!c!d!}$$

Where a, b, c and d were the observed numbers in four cells of contingency table and "N" the total number of observations.

Gamma

As the data in the study was ordinal in nature Gamma was the most appropriate measure to find out association for contingency tables (Tai, 1978). The reasons for appropriateness of Gamma were outlined by Nachmias and Nachmias (1992) that helped in determining the strength and direction of relationships between dependent and independent variables.

The formula for Gamma statistics is as following

$$= \frac{NS - ND}{NS + ND}$$

Where;

NS = Same order Pair

ND = Different order Pair

γ = Gamma(Nachmias, 1992).

Multi-variate analysis by contingency tables

Multi-variate analysis was undertaken to determine the spuriousness or non-spuriousness of the relationship between independent and dependent variable. Basic variables namely, education, family size and income of the respondents were kept control while measuring the authenticity of relationship at bi-variate level.

RESULTS AND DISCUSSIONS

Respondents Attitude towards Community Based Support

In progressive society community based support has key roles in all dimensions, for the sake of comprehension and full control on the variable under investigation. However, community based support was restricted to certain statements to better assess the attitude of respondents towards those statements. The statements were; community not only protects and safeguards the honor but also emanates roles and status with peculiar application for making a smooth running of the sole phenomena. To assess the community response to the issue under investigation in the form of attributes designed subsequently and asked from the respondents. These included were, community people give importance to Swara, community people adopt such practices, people enforcement for Swara marriage, can't live in community any more, will migrate in case of non-compliance, community people will boycott you, community people appreciate compliance, best procedure in community and decision of Jirga etc.

Out of the total respondents 48.3% respondents viewed that community people gave importance to Swara in dispute settlement while 86.3% said community people adopt such practices. It is very much peculiar that practice of dispute settlement through women exchange was in practice in the study area. However, these findings were contrary to findings of Juru (2003) report on violence against women in Solomon Islands which stated that customary approaches to domestic violence cases often involve compensating the injured party's family and suggestions to reconcile by the chief or church leader. Most women do not feel that the traditional justice system meets their needs because it is administered by men and upholds traditional gender norms that favor men. Majority i.e 79.0% respondents opposed that community people enforcement of a decision lead to Swara and 53.7% rejected the statement of difficulties in living in community any more (Table 3). Hanzi, (2006) and Iyanuolu, (2008) have disclosed that despite the fact that culture is beneficial to its members, some practices are harmful and directly offend the dignity of members of the society when measured against modern acceptable standards of behavior and civility as reflected in international standards. These standards have been articulated in national constitutions and International Conventions. A number of cultural practices are harmful to the physical integrity of the individual and especially women and girl children. Some cause excruciating physical pain while others subject them to humiliating and degrading treatment. Over the non-compliance 55.1% endorsed that they will migrate from community in case of non-compliance. Conversely, 55.1% opposed that community people will boycott while 47.8% accepted that community people appreciate it. These findings were similar to the findings of Newman (2012) who stated that traditional practices are also aggravated by the existence of poverty, illiteracy and ignorance. While it is undeniable that they transmit the values of the group and the community, others were also used as a way of securing a means of livelihood for those involved in practice such as Female Genital Mutilation. Likewise, 91.7% considered Swara marriage as a best procedure while 94.6% favored the decision of Jirga. United Nation Development Programme, (2010) has also explored that traditional justice mechanisms reflect the values of the communities in which they function. These values, however, are dynamic and change over time. Community leaders are sometime uncertain about these practices. It indicated towards a strong level of cohesion at community level, however, mechanics of dispute settlement through exchange of human could be attributed to the upholding of old tradition leaving little space for some new practices regarding human rights to creep in.

Table 3 Frequency Distribution and Proportion Showing Respondents Responses Towards Community Based Support

Community Based Support	Agree	disagree	Uncertain
Community people give importance to Swara	99 (48.3)	86 (42.0)	20 (9.8)
Community people adopt Swara practices	177 (86.3)	20 (9.8)	8 (3.9)
Community people force you to give Swara	35 (17.1)	162 (79.0)	8 (3.9)
You can't live in your community any more if refuse to give Swara	87 (42.4)	110 (53.7)	8 (3.9)
You are forced to migrate from community in case of non-compliance to Jirga decision	113 (55.1)	80 (39.0)	12 (5.9)
Community people will boycott you for non-compliance	74 (36.1)	113 (55.1)	18 (8.8)
Community people appreciate compliance	89 (43.4)	98 (47.8)	18 (8.8)
Swara practice is best procedure in your community	188 (91.7)	8 (3.9)	9 (4.4)
Swara practice was the decision of Jirga	194 (94.6)	5 (2.4)	6 (2.9)

number in the column presented frequency while number in parenthesis presented percentage proportion of the respondents

Association Between Respondent's Attitudes Towards Community Based Support and Women as Compensation

Community based support in adopting various customary practices is key to smooth and transparent transmission of values and social norms through the process of socialization. These norms and values are then internalized by

the prevalent culture for recurrence and thus predicting the human behavior with directional goals. All the old and primitive traditional components could easily be judged through people sentimental attachment to them. Dissemination of cultural traits through explicit behavior emanates the importance associated to it. Women compensation practices (Swara) is one of the startling attributes of the study area, chosen as variable through attitudinal association with community support is presented below;

A high positive ($\gamma=0.810$) and significant ($p<0.05$) association was found between community people forced you to do so and women as compensation (Table 4). This finding explicitly suggested a prior inability but to surrender the prevalent cultural and social perspective irrespective of its social, moral and cultural repercussions. Surrendering women as compensation for the deeds of men could be attributed to the inferior position of women in the social strata. These findings were supported by the findings of Kelly (2007) who discovered Swaziland laws more male oriented. Women are restricted to their access to ownership rights to land and other property. Discrimination is all around in social life for women extending to marital status, on gender basis and even marital regime. Giving rights to women in main dimension of human life as inferior. Civil laws debar women to have access to private property ownership and cannot register her name for access to land ownership. Male has the power to control wife property under the customary and civil laws even without the consent of his wife. After the break up of the laws the women could be denied of the property which she had made on her own. In addition, traditional approaches to property ownership is not state oriented. The male without any hesitation could deny the credit of ownership to women. These approaches are primitive where preservation for status remains in favor of males only (Boege, 2006; and Andreas, 2003). However, the relationship between you give Swara because you can't live in your community and women as compensation was found positive ($\gamma=0.617$) and significant ($p<0.05$). These results could be attributed to the strong hold of social system which permits this practice as an essential ingredient of social solidarity. Moreover, male dominance is another associated factor to this effect. Hanzi (2006) has similar findings which stated that patriarchy system does encourage violence against women like rape, keeping women in lock up, forced migration, denial of access to property and other basic rights along with restricted permission of access to education and participation in job market. All these are predominantly carried out under the fallacy of religious empowerment of male as responsible for chastity of women. Conflict resolution in traditional communities are often looked into the mirror of traditional approach, where social solidarity is often accessed to and maintained through traditional approach (Menkhaus, 2000). Likewise, relationship between migration from your community in case of non-compliance and women as compensation was found highly positive ($\gamma=0.70$) and significant ($p<0.05$) (Table 4.11.4). Non-compliance to the prevalent social norms is a kind of deviance and social taboo which is often resisted and cured through the mechanism of social sanctions. Non-compliance is usually met with negative sanction, which could embody the migration from the host area. Jirga (council of elder) where in cases of various nature are reported and decided over, had the power to as far extradition of a crime committed or from his native area (Richard and Cohen, 1991). Insurance for endorsement and implementation of law is usually carried out through taking lands from both conflicting bodies by the Jirga (Michael, 2001). This practice in return leads towards permanent settlement of disputes amongst warring parties (Benson, 1990). Moreover, a highly positive ($\gamma=0.638$) and significant ($p<0.05$) association was detected between women as compensation and community people will boycott you. It could probably be due to the maintenance and continuation of the prevalent social system which had endorsement from the operational social institution with in that prevalent social system. Specific social milieu had been surviving with all traditional and primitive practices. However, their existence could be undermined through the impact of urbanization (Milliken, 2003). Similarly, a highly positive ($\gamma=0.831$) and significant ($p<0.05$) relationship was found between Swara giving is the decision of Jirga and women as compensation. It could be attributed to a strong hold of traditional practices, where parents and other blood relatives had to surrender their girl under the Swara practice to the aggrieved family. This process of institutionalization through Jirga was almost inevitable in the study area. customary practices of Swara, forced marriage, watasataetc in different parts of Pakistan speaks about the effectiveness in deliverance of informal judicial system, although the traditional customary practices contradict the universal standard of human right and democracy. Women with conspicuous mention are falling victims to these customary practices just to reaching to a conflict resolution in various parts across the globe (Khawar, 2010; and Michau, 2005). Although, not significant, a moderate positive ($\gamma=0.549$) relationship was found between women as compensation and community people give importance to Swara (Table 4.11.4). Similarly, a mild positive ($\gamma=0.404$) and non-significant relationship existed between community people adopt such practice and women as compensation. People irrespective of their willingness had a strong faith in the social mechanics of life in the study area. Non-compliance to the societal norms of Swara practice was found almost impossible as depicted from the above results of the study. These findings were inconsonance to the findings of UNFPA (2007) that practicing women in exchange in the aftermath of feud settlement are never taken up in the legitimacy or otherwise, rather adherence to these practices are owned and transmitted by the members since unknown as unabated: Cultural contexts (Faure, 2000) are of major importance of traditional approaches in defining and redefining the concepts and their applicability in the due course of time. The relationship between Swara is best procedure in your community and women as compensation

was also found positive ($\gamma = 0.636$) but non-significant. Thus having little faith in Swara practice, but a strong faith in the traditional approach to the conflict resolution as detected from these findings. Conversely, a negative ($\gamma = -0.161$) and non-significant relationship was found between community people appreciate Swara and women as compensation (Table 4.11.4). These findings clearly support and explain the above results that irrespective of their willing people opt for Swara as being customary traditional bindings upon them. Hosken (1994) had also explained that often consisted of values and beliefs for its followers, and usually transmitting since long from generation to generation. Each social group is enshrined with a bunch of traditional and cultural traits of spending a sound social life. Some cultural practices may be harmful, such as forced marriage, women exchange/compensation for feud settlement could offer little to women folk while considering them as subordinate etc. All these practices have not been weighed through the scale of international yardstick of human rights (Champan, 1991).

Table 4 Relationship Between Communities Based Support and Women as Compensation

Independent variables	Dependent variables	Statistics
Attitude towards community based support		
Community people give importance to Swara	Women as compensation	$\chi^2 = 3.389 (0.184)$ $\gamma = 0.549$
Community people adopt Swara practices	Women as compensation	$\chi^2 = 3.099 (0.212)$ $\gamma = 0.404$
Community people force you to give Swara	Women as compensation	$\chi^2 = 14.30 (0.001)$ $\gamma = 0.810$
you can't live in your community if refuse to give Swara	Women as compensation	$\chi^2 = 8.214 (0.017)$ $\gamma = 0.617$
You are forced to migrate from community in case of non-compliance to Jirga decision	Women as compensation	$\chi^2 = 9.02 (0.002)$ $\gamma = 0.070$
Community people will boycott you for non-compliance	Women as compensation	$\chi^2 = 1.126 (0.570)$ $\gamma = -0.161$
Community people appreciate compliance	Women as compensation	$\chi^2 = 1.126 (0.570)$ $\gamma = -0.161$
Swara practice is a best procedure in your community	Women as compensation	$\chi^2 = 3.944 (0.139)$ $\gamma = 0.636$
Swara practice was the decision of Jirga	Women as compensation	$\chi^2 = 8.41 (0.008)$ $\gamma = 0.831$

Bi and Multi-variate Analysis Based on Indexation of Dependent and Independent Variables

Various statements on dependent (women as compensation) and independent variables were indexed to investigate their relationship at bi and multi-variate level. Findings on descriptive statistics of the indexed variables and the association between the aforementioned variables are given and discussed as follows;

Association between Respondent's Attitude towards Community Based Support and Women as Compensation

A positive ($\gamma = 0.82$) and significant ($p < 0.05$) relationship was found between respondents attitude towards community based support and women as compensation (Table 5). It is apparent that societal support to the practice of women as compensation existed despite its status as social taboo. It could be attributed to the prevalence of patriarchy and low status of women in the prevalent social structure. Kelly (2007) also discovered Swaziland laws more male oriented. Where in women are denied of their access to property and other rights due to their inferior position in the society. All these are due to the strong endorsement from civil laws and customary practices as well. Moreover, women are also denied of the inheritance rather the master of property, which she had made on her own practices (Boege, 2006; and Andreas, 2003). Such practices have restricted the chances of mobility for women in performing with different roles. Role specification with little opportunities of role differentiation hampers the social dynamics which augment the social cohesion and process of development. Afghanistan also witnessed such a grim situation regarding the women's plight in the era of kingdom and the establishment of successive government afterward (UNICEF, 2003; and Drumbl, 2004).

Table No 5 Association Between Respondent's Attitudes Towards Community Based Support and Women as Compensation

Independent variables	Dependent variable	Statistics
Community based support	Women as compensation	$\chi^2 = 14.2 (0.001)$ $\gamma = 0.82$

Multi-variate Analyses

Relationship among various independent and dependent variables were worked out by controlling background variables namely respondent's education, family type and income to investigate whether the relationship between the dependent and independent variable at bi-variate level was spurious or non-spurious. These results are given and discussed as follows;

Association between Respondent's Attitudes towards Community Based Support and Women as Compensation (Controlling Literacy).

The influence of literacy as control variable on relationship between the respondents attitude towards community based support and women as compensation was worked out in table 6. Relationship between respondents attitude towards community based support and women as compensation was positive ($\gamma= 0.64$ and $\gamma= 0.82$) and significant ($p<0.05$) for both literate and illiterate. The respective gamma values for both literate and illiterate respondents indicated relationship calculated at bi-variate level was spurious when literacy was used as control variable. The variation in respective gamma value could be attributed to the respondent's level on the basis of attainment of education. Moreover, some other factors like cultural and social endorsement to this effect as indicated in the previous results could also be counted for the existence of such practices with little chances of changes in the relative behavior at the community level. Some stringent practices to stop bloodshed and recurrence of disputes have been in existence in the Pakhtoonculture since long. However, the extreme action of paying women as a commodity through a consensus decision by a Jirga (local council) had been preferred as only tool of containment of bloodshed. In addition, the marrying of young girls to the aggrieved family for the sake of compensation to dispute settlement has been in practice (Yousafzai, 2005; Unicef 2003; and Hanzi, 2006).

Table 6 Association Between Respondent's Attitudes Towards Community Based Support and Women as Compensation (Controlling Literacy).

Literacy as Control variable	Independent variable	Dependent variable	Statistics
Illiterate	Community based support	Women as compensation	$\chi^2=13.9 (0.002)$ $\gamma= 0.82$
Literate	Community based support	Women as compensation	$\chi^2=10.5 (0.006)$ $\gamma= 0.64$

Association between Respondent's Attitude towards Community Based Support and Women as Compensation (Controlling Family Type).

In the present study relationship between attitude of the respondents in the nuclear families towards the idea between community based support and women as compensation was positive ($\gamma= 0.53$) and highly significant ($p<0.05$, Table-7). On the other hand, non-significant and intensive association was observed in joint families for the afore mentioned variables ($\gamma=0.233$). The relationship worked out at bi-variate level for the aforementioned variables was found spurious in both nuclear and joint family setup when family setup was used as control variable. It was apparent from these results that both setups had no support to such acts of inhumanity. However, its practice could have some level of association to other factors like cultural and social importance in maintaining social equilibrium of a system. Behavioral patterns of social, religion and cultural drives against women both within family and outside had reduced the social size of a women in society. Moreover, the absence of educational facilities and sexual offences against women had further added to the perpetuation of violence against women (UNICEF, 2009; and Schuler, 1992).

Table 7 Association between Respondent's Attitudes towards Community Based Support and Women as Compensation (Controlling Family Type).

Family Type as Control variable	Independent variable	Dependent variable	Statistics
Nuclear	Community based support	Women as compensation	$\chi^2=50.0 (0.000)$ $\gamma= 0.53$
Joint	Community based support	Women as compensation	$\chi^2=0.577(0.749)$ $\gamma= 0.233$

Association between Respondent's Attitudes towards Community Based Support and Women as Compensation (Controlling income).

A high positive relationship ($\gamma= 0.79$) was found between respondents attitude towards community based support and women as compensation in the low-income group (Table-8) with the association between these variables was significant ($p<0.05$). In the middle-income group, the relationship between the aforementioned variables was also positive ($\gamma= 0.61$) and significant ($p<0.05$). In the high-income group, relationship between respondents attitude towards community based support and women as compensation was low positive ($\gamma= 0.42$) but not significant (Table 4.9.4). These findings suggested that relationships worked out between respondents attitude towards community based support and women as compensation out at bi-variate level were found spurious when income

level of the respondents was controlled. It could be inferred from these relations that community had support to this practice from the low and medium class of the society. However, in the high income group, though such practices existed, however, with no much high endorsement. It could be due to the strong financial clout to pay instead of surrendering a girl. In addition, there was a strong likelihood of the high level of literacy which they were supposed to be enhancing and maintaining due to their stable economic background. The prevalence of literacy in high income group had empowered them of changing the prevailing norms of the society. A social change is essential to alter the social norms, gender based discrimination and power related relationship to alter community based support to evil deeds. Local communities had to explain their capacities to respond in an effective manner to encounter violence against women by encouraging them in their ownership (Michau 2005; Rosewater, 2003; and Family Violence Prevention Fund, 2004).

Table 9 Association between Respondent's Attitudes towards Community Based Support and Women as Compensation (Controlling income).

Income as Control variable	Independent variable	Dependent variable	Statistics
Low	Community based support	Women as compensation	$\chi^2=12.7$ (0.008) $\gamma= 0.79$
Medium	Community based support	Women as compensation	$\chi^2=9.9$ (0.010) $\gamma= 0.61$
High	Community based support	Women as compensation	$\chi^2=3.11$ (0.070) $\gamma= 0.42$

CONCLUSIONS AND RECOMMENDATIONS

The main aim of this research was to investigate dispute settlement through women as compensation in Pakhtoon culture, Khyber Pakhtoonkhwa. Women as compensation (Swara) was measured through legislative failure, cultural endorsement, economic importance, community based support, illiteracy, poor religious fallacy and tribal structural approach towards dispute settlement.

The study showed that formal law for containment of Swara practices was bleak and vague, despite its presence in the study area. it was further evident from the data that formal law was used as a tool of social control, however, had little roots amongst the locals due to taking long period of time in disposing of justice. Swara practice was disclosed as a cultural practice and was taken up as an ancestral act, despite feelings of shame was found prevalent for it. The exchange of women for dispute settlement was a practice in the form of compensation of deeds committed by males specifically in blood related disputes. Cash payment was found as substitute to Swara practice, but with little encouragement, especially amongst the poor, as devoid of any cash to pay. The decision of paying a woman in compensation was found to be a unanimous decision of the local elder's council (Jirga) with a strong endorsement from the community. Non-compliance to it is often dealt with the community boycott of the convicted family or forced it to flee the area. Moreover, it was further disclosed that people had a strong wish for getting formal education with conspicuous emphasis on female education. It was further disclosed that most of the people had negative attitude towards female education to be against their honor. Religion had no any propelling effects for Swara practice, but cultural embedment had made it indispensable for locals. Likewise, Jirga as an institution had a strong ownness and support amongst the locals. People considered Jirga a strong and effective tool of reconciling for various kinds of disputes, had a high level of satisfaction from Jirga decisions due to its shorter period dynamics in disposing of justice and bringing congeniality to the local social system. Legislative failure to deliver, cultural endorsement, economic importance, community based support, illiteracy and poor religious fallacies with rigid tribal structure were some other propelling factors of Swara practices in the study area. In addition, literacy, income and family type were other variables predicting the behavioral outcomes over Swara practice. Both literate and illiterate had acceded to the Swara practice with illiterate had a cultural faith to it. Both literate and illiterate declared it an economic issue, with strong support from community based on religious fallacy amongst the illiterate with strong tribal structural components. Moreover, both nuclear and joint family had a clear inclination with a visible support from the joint family. However, its economic importance and community support was found more in the nuclear family setup. However, upon the level of association with tribal structure both nuclear and joint had a strong endorsement to it. Notwithstanding, low and medium income group were found more inclining to such practices, however, culturally all the three categories supported Swara practice with declaring it as an economic phenomena. Furthermore, low and medium income groups were found highly supportive to women as compensation practices with some profound effects of religious fallacy in the low income group due to stringent tribal structural approach.

Following recommendations were made on the basis of present findings;

1. Swara practices (women as compensation) needs to be highlighted as unethical, non-religious and cultural taboo in light of human rights convention put forwarded by the United Nation. Moreover, the issue needs to be dealt under the enshrinement of constitution of Pakistan as well.

2. Interpretation in general is essential as it necessitates the ancestral practices over human exchange in return to dispute settlement as orthodox. Furthermore, enlightened moderation as enshrined in the new doctrines over gender equality may also add strength to such initiatives.
3. Compensation practices were found as essential ingredients of social life in the study area. However, feeling of shame for doing it could lead to the containment of this practice, provided it is properly propagated through media.
4. Poor segments of society were found more involved and inclined. These segments need to be focused; on with the provision of special package, including a continuous job, attainment of education with special focus on female education.
5. Council of elders (Jirga) is an important institution, playing its role in deciding over the disputes. However, disputes pertaining to resolving human life related issues should be declared beyond their jurisdiction. Violation to it needs to be dealt with iron hand.
6. Formal law courts had an essential role in bringing normalcy and stability to the system. All courts operating in the areas ought to be strengthened in its functioning. This structural and functional synergy could lead to the development of trust of locals in getting and seeking justice from formal courts.
7. Non-compliance to Swara practice of Jirga decision by the offender's family needs to be encouraged by the formal institutions like police department and other related law enforcing agencies. This act of support could bring resilience amongst the local for opting to formal law instead of relying on local laws/institutions.
8. Definition of cultural practice of Swara could be declared a cultural taboo provided it is portrayed as non-reconciling to the international system of justice. Moreover, the religious and societal consequences for female, getting sacrificed through Swara practice on media could further augment the drives against it.
9. Special focus on curbing illiteracy and addressing to improve income through viable source of employment could improve the prevalent situation. This in return, could ensure the plight of depressed segment (women) moving in right direction to development.
10. Economic importance of women through paying in Swara could be altered provided emphasis is given on the attainment of female education. This process after maturity could display a woman as working unit with more stable status of earning in a respectful position like become a doctor, school teacher etc.
11. Religious misconception over women status as inferior needs to be revisited through a joint venture of religious, educational and legal institutions. Taking services from experts of these institutions could serve as harbinger in changing the lot of women in the study area.
12. High seats of learning's i-e universities should take special interests in letting endeavors to look into the phenomena of Swara practice through different dimensions. Involvement of foreign faculty from other nations could better understand the issue in letter and spirit with societal explanations. Moreover, it could also serves as getting closer to the diversity of mind and deeds.

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