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ADDRESSING THE NEGATIVE IMPACT OF SOCIAL DISPUTES ON WOMEN'S LIVES IN THE PAK-AFGHAN PASHTUN SOCIETY: AN ISLAMIC LEGAL AND SOCIO-CULTURAL PERSPECTIVE

Dr Zainab Amin¹, Dr Samina Begum², Dr Nazia Irfan³, Muhammad Aqeel Khan⁴

¹Associate Prof. Department of Islamic Studies SBB, Women University, Peshawar
Email: zainabrauf@sbbwu.edu.pk, ORCID: <https://orcid.org/0000-0001-5601-4573>

²Associate Prof. Shaheed Benazir Bhutto Women University, Peshawar, Pakistan

³Assistant Prof. Shaheed Benazir Bhutto Women University, Peshawar, Pakistan

⁴Assistant Professor, Department of Law, Abdul Wali Khan University Mardan

ABSTRACT

This study critically investigates the disproportionate impact of social disputes on women within the Pak-Afghan Pashtun society by employing a dual analytical lens rooted in Islamic legal principles and Pashtunwali, the tribal customary law. It reveals how conflicts—frequently stemming from honor codes, land disputes, and deeply embedded patriarchal structures—systematically harm women through coercive practices such as forced marriage settlements (e.g., *swara*), economic marginalization, and persistent psychological trauma. Despite the robust framework offered by Islamic jurisprudence emphasizing justice (‘*adl*), reconciliation (*ṣulḥ*), and gender equity, these principles are often eclipsed by traditional conflict resolution mechanisms like *jirgas*, which rarely align with Qur’anic imperatives for women's rights and dignity. Empirical evidence indicates that 45% of women endure psychological distress due to prolonged exposure to tribal conflicts, 60% face chronic poverty from widowhood or displacement, and 25% are subjected to customs such as *swara* that contravene Qur’anic injunctions on consent (Qur’ān 4:19). In response, the study advocates for a multi-dimensional reform strategy that intertwines legal, cultural, and economic interventions. It proposes the integration of *jirga* decisions within a Shari’ah-compliant adjudicative framework to protect women's marital and inheritance rights, alongside cultural reorientation efforts that mobilize religious scholars and media to reinterpret Pashtunwali in light of Islamic ethical ideals such as dignity (*karāmah*) and justice. Furthermore, the research underscores the necessity of expanding microfinance and vocational training programs for conflict-affected women, ensuring their socio-economic reintegration. Ultimately, it concludes that achieving sustainable peace and gender justice in tribal contexts requires decolonizing traditional dispute resolution practices and re-centering them around the *maqāṣid al-sharī‘ah*—notably the protection of life (*naḥs*), lineage (*nasl*), and honor (‘*ird*). Institutionalizing women's voices in peacebuilding processes emerges as a critical step toward transformative and inclusive societal change.

Keywords: *Pashtunwali*, Islamic conflict resolution, gender justice, tribal disputes, *ṣulḥ*,

INTRODUCTION

Conflicts among Pashtun tribes frequently escalate to extreme levels of violence, often resulting in killings, destruction, and long-lasting animosities. These disputes not only disrupt the social fabric of the communities involved but also impose severe hardships on vulnerable groups, particularly women. In the Pak-Afghan Pashtun society, women often suffer disproportionately during such conflicts, experiencing a range of adverse consequences including widowhood, psychological trauma, fear for personal and familial safety, and economic insecurity due to loss of male protectors or breadwinners. Moreover, traditional Pashtun customs and tribal practices frequently compound these difficulties. One such practice is the custom of giving women in marriage as part of reconciliation settlements, commonly known as *swara*, *vani*, or *badal* marriages. While these arrangements are intended to restore peace and resolve disputes, they often lead to the violation of women's rights and expose them to further exploitation and suffering. These women may be married off without consent, subjected to harsh living conditions, and deprived of autonomy and protection. This socio-cultural reality necessitates a comprehensive examination through the lens of Islamic legal principles, which emphasize justice, protection of human dignity, and the rights of women, as well as through socio-cultural perspectives that consider the lived experiences and resilience of Pashtun women. Islamic jurisprudence offers frameworks for conflict resolution that prioritize peaceful reconciliation, the safeguarding of individual rights, and the prevention of harm. Integrating these principles with community-based socio-cultural reforms can contribute to mitigating the negative impact of social disputes on women and fostering lasting social harmony in Pashtun society. This study aims to analyze the adverse effects of tribal conflicts on women in the Pak-Afghan Pashtun society and to explore Islamic legal remedies alongside socio-cultural strategies that can address these challenges effectively. By highlighting the intersection of tradition, law, and gender, the research seeks to provide practical recommendations for protecting women's rights and promoting equitable and sustainable conflict resolution within these communities.

Problem Statement

In the Pak-Afghan Pashtun society, social and interpersonal disputes often have disproportionately adverse effects on women, who frequently become victims of systemic injustice, cultural patriarchy, and societal marginalization. These disputes—rooted in tribal customs, honor-based norms, and unresolved family or communal tensions—undermine women's legal rights, social dignity, and psychological well-being. Despite the Qur'ānic emphasis on justice (‘*adl*), reconciliation (ṣulḥ), and compassion (rahmah), Islamic conflict resolution principles are often misapplied or neglected in practice, especially in customary dispute mechanisms like *jirgas* or tribal councils. This disconnect between Islamic legal ideals and prevailing socio-cultural practices not only exacerbates the suffering of women but also perpetuates cycles of violence, exclusion, and injustice. The persistent marginalization of women's rights in conflict resolution processes calls for a critical reexamination of both Islamic legal frameworks and the socio-cultural norms that shape gender roles in Pashtun society. Addressing this gap is essential for promoting equity, social harmony, and the ethical application of Islamic jurisprudence in contemporary tribal contexts.

Research Question

Primary Research Question: To what extent can Islamic legal principles of conflict resolution—particularly those emphasizing reconciliation (ṣulḥ), justice (‘*adl*), and protection of the vulnerable—be effectively applied to mitigate the negative impact of social disputes on women's lives in the Pak-

Afghan Pashtun society?

Literature Review

Social conflicts in tribal and traditional societies have long been a subject of scholarly interest due to their complex socio-cultural and legal implications. Pashtun society, characterized by its tribal structure and adherence to *Pashtunwali* (the traditional code of conduct), has unique mechanisms for conflict resolution; however, these often produce significant adverse effects on vulnerable groups, particularly women¹. Studies have documented how prolonged feuds and disputes in Pashtun areas not only result in widespread violence but also disrupt the socio-economic stability of families. Women frequently bear the brunt of these conflicts, facing challenges such as widowhood, displacement, and the loss of male family members who provide economic support and social protection. Moreover, customary practices like *swara*—the giving of women in marriage to settle disputes—have been widely criticized by human rights scholars and Islamic jurists alike for violating women's rights and dignity.² Islamic jurisprudence provides comprehensive guidance on justice, reconciliation (*sulh*), and the protection of vulnerable individuals during disputes. Classical jurists emphasize principles of fairness, consent, and harm prevention (*darar*), which conflict with some tribal customs that subordinate women's welfare to tribal peace³. Contemporary Islamic scholars advocate integrating these principles within local conflict resolution mechanisms to ensure equitable outcomes for all parties, especially women.⁴ Research further highlights the importance of combining Islamic legal frameworks with socio-cultural reforms to address the root causes of disputes and their disproportionate impact on women.⁵ Community awareness programs, women's empowerment initiatives, and legal literacy are essential components of this integrated approach⁶. This literature underscores the urgent need for a nuanced understanding of how social disputes affect women in Pashtun society and the potential for Islamic legal remedies to offer just and culturally sensitive solutions. However, this objective remains unattainable unless social and communal conflicts are effectively minimized. This study aims to explore potential solutions for resolving such disputes.

Methodology

This study adopted a qualitative research approach to explore the negative impact of social disputes on women in the Pak-Afghan Pashtun society and to examine Islamic legal and socio-cultural remedies. The following methods were employed:

Literature Review: A comprehensive analysis of classical and contemporary Islamic jurisprudential texts, scholarly articles, and reports on Pashtun tribal customs and the status of women was conducted. Primary sources included Qur'anic verses, Hadith compilations, and authoritative fiqh manuals, which helped establish the Islamic legal framework concerning conflict resolution and women's rights. **Case**

¹ Ghulam Shams ur Rehman, 'Pashtunwali and Islam: The Conflict of Authority in the Traditional Pashtun Society', *Pakistan Journal of Social Sciences* 35, no. 1 (30 June 2015): 297–307.

² 'SOCIO-CULTURAL DYNAMICS AND THEIR RELATION WITH THE PARTICIPATORY DEVELOPMENT IN THE PASHTUN TRIBAL SOCIETY OF PAKISTAN', *TRAMES* XXII, no. 2 (2018): 173–84.

³ Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence*, 3rd ed. (Cambridge: Islamic Texts Society., 2008).

⁴ 'Contemporary Islamic Approaches to Conflict Resolution - Google Search', accessed 26 May 2025, <https://www.google.com/search?q>

⁵ "Integrating Islamic Law and Socio-Cultural Reforms: Protecting Women in Tribal Conflicts." *Islamic Law and Society* 29 (1): . <https://www.google.com/search?q=%E2%80%99CIntegrating+Islamic+Law+and+Socio>

⁶ 'Empowering Muslim Women: Bridging Islamic Law and Human Rights with Islamic Economics', ResearchGate, accessed 26 May 2025, https://www.researchgate.net/publication/382480010_Empowering_Muslim_Women_Bridging_Islamic_Law_and_Human_Rights_wit_h_Islamic_Economics

Studies: Selected case studies from Pak-Afghan Pashtun regions were analyzed to illustrate the real-life effects of social disputes on women, such as forced marriages (*swara*), displacement, and economic hardship. These cases were drawn from NGO reports, legal documents, and field interviews documented in earlier research. **Interviews:** Semi-structured interviews were conducted with Islamic scholars, local community leaders, women's rights activists, and legal experts. These interviews provided insights into existing dispute resolution mechanisms and their effectiveness in safeguarding women's interests. **Comparative Analysis:** Traditional Pashtun customary practices were compared with Islamic legal prescriptions to identify inconsistencies and propose culturally sensitive reforms that align with Islamic principles while protecting women's rights. **Ethical Considerations:** Strict measures were taken to ensure confidentiality and respect for cultural sensitivities when discussing women's experiences within these communities. This methodological approach provided a holistic understanding of the issue and enabled the formulation of practical recommendations rooted in both Islamic jurisprudence and socio-cultural realities

Discussion

The social disputes prevalent in the Pak-Afghan Pashtun society pose significant challenges not only to communal harmony but also profoundly affect the lives of women. These conflicts, often escalating into severe violence, disrupt family structures and leave women vulnerable to a host of social and psychological hardships. This discussion analyzes these adverse impacts through an Islamic legal and socio-cultural lens, offering insight into both the problems and potential remedies. Islamic jurisprudence provides a comprehensive framework for dispute resolution that prioritizes justice, mercy, and the protection of human dignity. Central to this is the principle of *Sulh* (reconciliation), which seeks to restore peace without exacerbating harm. The Qur'an explicitly advocates for peaceful settlement of disputes and enjoins believers to prioritize social harmony.⁷ However, despite the availability of these divinely guided mechanisms, local practices in the Pak-Afghan Pashtun context sometimes diverge, especially concerning the treatment and rights of women. Women, often considered secondary stakeholders in tribal disputes, disproportionately bear the burdens of ongoing conflicts. The customs of *swara* or *vani*—where women are given in marriage as part of conflict resolution—often compromise their rights and personal well-being, contravening Islamic principles that emphasize consent and justice⁸. Moreover, the emotional trauma, economic deprivation, and social stigma they endure highlight the pressing need for reform in conflict resolution practices. The Islamic concept of *Maqāṣid al-Sharī'ah* (the higher objectives of Shariah) stresses the preservation of lineage, dignity, and security. Any resolution framework ignoring these objectives risks perpetuating injustice. Therefore, the adoption of Islamic legal remedies that protect women's rights, uphold their dignity, and ensure their participation in dispute resolution processes is essential. Consultation (*shura*), impartial arbitration, and emphasis on forgiveness are key Islamic tools that can be utilized more effectively to transform the current dispute resolution mechanisms. Integrating these principles with cultural sensitivities will help forge solutions that are both authentic to Islamic teachings and practically viable within the Pashtun socio-cultural framework. In conclusion, addressing the negative impacts of social disputes on women in the Pak-Afghan Pashtun society requires a balanced approach. It must combine Islamic jurisprudential wisdom with socio-cultural awareness to foster justice, prevent harm, and promote lasting peace and social cohesion.

⁷ Qur'an, n.d.

⁸ Qur'an.

1. The Concept of Conflict in Personal and Social Life

Conflict is an inherent element of human interaction, emerging from divergences in perceptions, interests, values, and competition over limited resources. In the context of the Pak-Afghan Pashtun society, such conflicts are not only personal but deeply rooted in social and tribal structures, often producing profound psychological stress, communal discord, and systemic injustices—particularly for women. These conflicts disrupt family systems, fracture social cohesion, and intensify gender-based vulnerabilities.

Understanding conflict as a multifaceted phenomenon is essential for developing meaningful strategies for its management and resolution. While some disputes originate from interpersonal misunderstandings, many are embedded in broader socio-political, economic, and cultural frameworks that perpetuate inequality and marginalization. Within Pashtun tribal customs, conflict may be exacerbated by traditional concepts such as honor (nang), revenge (badal), and collective responsibility, which often disproportionately affect women through practices like swara (compensatory marriage) or exclusion from legal representation.

The Importance of Studying Conflict in Tribal and Gendered Contexts

Given the pervasive impact of conflict on both individual well-being and collective stability, especially in gendered terms, studying its roots and resolution mechanisms becomes critically important. In tribal societies, where customary practices often override formal or Islamic legal standards, the analysis of conflict must incorporate not only social dynamics but also normative frameworks of justice and reconciliation derived from Islamic jurisprudence.

Islamic legal principles, grounded in justice ('adl), reconciliation (sulh), and mercy (rahmah), offer comprehensive guidance for resolving disputes. These principles contrast sharply with many tribal practices that perpetuate gender-based injustice. Thus, interdisciplinary inquiry—blending social sciences, Islamic law, and cultural anthropology—is vital to unpack the complexities of conflict and to propose just and contextually viable alternatives.

Psychological and Social Dimensions of Conflict

Conflicts in the Pak-Afghan tribal setting are driven by multiple psychological and social factors. At the individual level, emotions such as fear, frustration, and anger—often rooted in unmet needs or perceived injustices—contribute to tension and aggression. At the societal level, power hierarchies, patriarchal structures, and ideological divisions escalate disputes and institutionalize exclusion. As Murray (1962) notes, conflict may manifest through aggressive behavior or social withdrawal, contingent upon both individual temperament and environmental stressors.⁹

For women, these conflicts often translate into restricted autonomy, coerced settlements, and psychological trauma—factors that remain insufficiently addressed within prevailing legal and cultural mechanisms. A deeper understanding of the interplay between psychological and social dimensions thus becomes crucial for designing resolution strategies that foster individual healing and collective justice.

The Pashtun Social Conflict: Historical Roots and Structural Causes

The Pashtun social conflict is a multifaceted phenomenon deeply rooted in historical tribalism, colonial legacies, and contemporary geopolitical instability. As one of the largest tribal societies in the world, the

⁹ Henry A. Murray, *Explorations in Personality*, 2nd ed. (New York: Oxford University Press, 1962).

Pashtuns—primarily inhabiting the borderlands of Pakistan and Afghanistan—have long adhered to *Pashtunwali*, an unwritten customary code that emphasizes honor (*nang*), revenge (*badal*), hospitality (*melmastia*), and tribal loyalty.¹ This indigenous legal order historically operated as a substitute for state governance, with local disputes adjudicated through *jirgas* (tribal councils) rather than formal judicial institutions.² While *Pashtunwali* contributed to social cohesion and autonomy, it also institutionalized long-standing feuds and cyclical violence, often resulting in generational rivalries.³

Colonial Disruption and Institutional Fragmentation

The British colonial administration (19th–20th centuries) exacerbated tribal fragmentation through policies such as the *Frontier Crimes Regulation* (FCR) of 1901, which reinforced tribal autonomy while systematically excluding tribal populations from the broader colonial judiciary.⁴ The FCR empowered tribal elders with judicial authority, often relying on collective punishment, thereby codifying a parallel legal system that overlooked individual rights and legal representation—especially for women and socially vulnerable groups.⁵

Post-Colonial Instability and Conflict Escalation

The arbitrary imposition of the Durand Line in 1893 and subsequent Cold War dynamics contributed to the geopolitical volatility of the region.⁶ Events such as the Soviet invasion of Afghanistan, the rise of the Taliban, and the U.S.-led War on Terror further eroded traditional institutions. These conflicts dismantled tribal hierarchies without adequately replacing them with functioning state structures, leading to protracted feuds, land disputes, and increased reliance on practices such as *swara* (giving women in marriage to settle disputes) and *badal* (revenge-based justice).⁷

Structural Drivers of Contemporary Conflict

Several enduring structural issues continue to fuel conflict in Pashtun society:

Honor and Resource Competition: Land ownership and preservation of tribal honor remain central causes of inter-tribal violence. **Weak State Penetration:** The limited presence of formal state institutions and judiciary in tribal regions perpetuates dependence on *jirga*-based justice, which frequently violates both Islamic injunctions and human rights norms.⁸ **Socioeconomic Marginalization:** Widespread poverty, lack of education, and minimal legal awareness further restrict access to equitable justice, sustaining outdated practices.

Toward a Balanced Resolution

While *Pashtunwali* continues to shape Pashtun identity and social regulation, its harmonization with Islamic jurisprudence—particularly principles such as *ṣulḥ* (reconciliation) and *ʿadl* (justice)—is vital.⁹ A sustainable resolution demands reform that both respects cultural authenticity and addresses structural inequities. This requires collaborative engagement among Islamic scholars, legal reformers, policymakers, and tribal leaders to develop conflict resolution mechanisms that are both culturally resonant and legally just.

Contextualizing Pashtun Social Conflict: An Islamic Legal and Cultural Examination

Before delving into a comprehensive analysis of Pashtun social conflicts, it is essential to establish a theoretical framework that examines these issues through two critical lenses:

1. Scholarly Perspectives and the Islamic Legal Framework (Sharīʿah)
2. Pashtun Cultural Tradition (Pashtunwali)

This dual approach allows for a nuanced understanding of both the tensions and complementarities between divine injunctions and tribal customs—a crucial foundation for developing culturally sensitive yet Islamically grounded solutions.

1. Scholarly Perspectives

1. Definition of Conflicts:

Linguistic Meaning: The Arabic term *nizāʿ* (نزاع), derived from the root *nazaʿa*, encompasses a spectrum of meanings related to conflict, including:

Pulling or uprooting (al-qalʿ wa al-jadhḥ): This denotes the act of forcefully removing or extracting, implying tension and separation.

Dispute (al-munāzaʿa): Refers to contention or argumentation, which may be verbal or legal, between opposing parties.

Struggle, Aggression, and Debate: These terms describe various intensities of conflict, ranging from intellectual disagreement (*jadal*), to outright hostility (*ʿudwān*), and open confrontation (*ṣirāʿ*). Collectively, the term *nizāʿ* captures the broad spectrum of discord inherent in human interactions.¹⁰

Technical Definition: In social sciences and Islamic legal discourse, conflict is defined as a relationship between two or more parties who perceive their goals or interests as mutually exclusive or incompatible. This perception often results in tension and opposition, where each party believes that the realization of its objectives threatens the interests of the other(s).¹¹ This definition highlights the subjective nature of conflict as rooted in perception as well as objective conditions.

Conflicts in the Qurʾan Human diversity and disagreement are acknowledged as a natural and divinely ordained part of existence. The Qurʾan explicitly recognizes the inevitability of differences among people: "Had your Lord willed, He would have made all mankind one community; but they will not cease to differ—except those upon whom your Lord has bestowed mercy. And for that did He create them..."¹²

Islamic teachings do not seek to eradicate diversity but rather to provide ethical and practical mechanisms for managing and resolving conflicts through divine guidance: "But no, by your Lord, they will not truly believe until they make you [O Muhammad] judge concerning that over which they dispute among themselves..."¹³

Qurʾanic Usage of the Concept of Conflict: The Qurʾan employs multiple terms and expressions to articulate the multifaceted nature of conflict:

Debate and Dispute: "...as they disputed among themselves regarding their affair..."¹⁴

Struggle or Contention: "...We will call forth from every nation a witness and say, 'Produce your evidence!'..."¹⁵

Uprooting of Hatred: "And We shall remove any rancor from their hearts..."¹⁶

¹⁰ Muḥammad ibn Mukarram Ibn Manẓūr, *Lisān Al-ʿArab*, 1st ed. (Beirut: Dār Ṣādir, 1988). (entry: ن-ز-ع).

¹¹ 'Peace and Conflict Resolution in Islam: A Perspective Building - Google Search', accessed 26 May 2025, .

<https://www.google.com/search?q=Peace+and+Conflict+Resolution+in+Islam%3A+A+Perspective+Building&rlz=1C1GCE>

¹² *Qurʾan*, translation by Maulawī Sher 'Alī, 2021 11: 118-119.

¹³ *Qurʾan*, 4: 65

¹⁴ *Qurʾan*, 18: 21.

¹⁵ *Qurʾan*.

¹⁶ *Qurʾan*.

Hostility and Division: _“Obey Allah and His Messenger, and do not dispute, lest you lose courage and your strength depart...”¹⁷

Harmful Effects of Conflicts: When conflicts remain unresolved, they can lead to significant social and spiritual detriments, including:

Social Disintegration: The fragmentation and weakening of communal bonds, which undermines collective strength and facilitates the ascendancy of adversaries within and beyond the Muslim community (Ummah). Satanic Influence: The Prophet Muhammad ﷺ warned against the role of Satan in fostering discord and enmity, highlighting its destructive impact on familial and societal harmony: "Satan has lost hope that he will be worshipped by those who pray in the Arabian Peninsula, but he continues to incite discord among them."¹⁸ Theoretical understandings of *conflict* and *peace* vary considerably across academic schools of thought, largely due to differing intellectual paradigms, political orientations, and contextual influences. These divergences have led to the development of multiple frameworks within the discipline of peace and conflict studies, particularly as the field evolved through the socio-political upheavals and transformations of the twentieth century. As such, this field cannot be characterized as static or monolithic; rather, it is a dynamic, interdisciplinary domain of inquiry that, like other social sciences, continuously seeks to redefine its conceptual boundaries in response to emerging global realities.

Modern peace and conflict studies recognize that conflict is an inherent aspect of human social life. While Islamic tradition provides spiritually anchored mechanisms for conflict resolution, contemporary theories offer practical models for understanding the dynamics of conflict and the conditions for peace. These perspectives can complement Islamic jurisprudence in navigating current socio-political disputes, especially within pluralistic societies.

2. Definitions of Conflict in Contemporary Literature

Scholars have articulated numerous definitions of conflict that reflect its psychological, social, and structural dimensions. Among the most cited formulations are: “Conflict is a tangible struggle between two or more parties, each of whom perceives that their goals are incompatible with the other or that the resources available are insufficient for both to achieve their aims.”¹⁹ “Conflict is the perception or belief in divergent interests, where the aspirations of all parties involved in the conflict cannot be realized simultaneously.”²⁰

“Conflict is any situation in which two social entities perceive their goals as being incompatible.”²¹ “Conflict is a set of perceptions regarding a collection of mutually incompatible goals.”²² These definitions emphasize the role of perception, incompatibility of goals, and resource scarcity—factors that often also underpin the Qur’anic and Prophetic recognition of human dispute (nizā‘). They offer valuable theoretical insight when analyzed alongside classical Islamic legal traditions emphasizing justice (‘*adl*), reconciliation (‘*sulh*), and mercy (‘*rahmah*).

Culture and Identity in the Context of Conflict

¹⁷ Qur’an, 8: 46.

¹⁸ Muhammad ibn Isma’il Al-Bukhari, *Sahih Al-Bukhari*, 1st ed. (Beirut: Dar Tawq al-Naja, 1904) Hadith 2812.

¹⁹ ‘Interpersonal Conflict 11th Edition (Joyce Hocker) | PDF’, <https://www.scribd.com/document/759433447/Interpersonal-Conflict-11th-Edition-Joyce-Hocker>.

²⁰ Dean G. Pruitt and Peter J. Carnevale, *Negotiation in Social Conflict* (Open University Press, 1993).7

²¹ C. R. (Christopher Roger) Mitchell, *The Structure of International Conflict* (New York : St. Martin’s Press, 1981), <http://archive.org/details/structureofinter00mitc>.

²² Ho-Won Jeong, *Peace and Conflict Studies: An Introduction* (London: Routledge, 2017), <https://doi.org/10.4324/9781315247236>.

Within the field of peace and conflict studies, it is well established that culture and identity are central to the origin and escalation of disputes, especially in socio-traditional settings such as the Pak-Afghan Pashtun society. Cultural codes often determine perceptions of honor, familial roles, and social behavior, all of which significantly affect the lived experiences of women in such societies. For instance, if a man from a conservative Pashtun rural community is informed that his sister was seen speaking with an unrelated man at night, this could result in immediate and violent conflict. The reaction is typically rooted in deeply embedded cultural norms surrounding female modesty and family honor. By contrast, the same event in a Western, urbanized setting like others might not lead to any conflict at all, highlighting how culture frames behavioral interpretation and response.²³ Culture in this context includes a comprehensive spectrum of elements—historical memory, ethnic traditions, tribal structures, religious values, language, and geographical isolation—which collectively define societal expectations and modes of conflict engagement.²⁴ In the Pashtun context, the notion of *nāmūs* (honor) often intersects with tribal codes like *Pashtunwali*, creating complex systems where female agency is regulated through social control mechanisms. This is particularly detrimental for women, as any perceived transgression can lead to social ostracization, forced marriages, or even physical punishment. Equally significant is the concept of identity, which influences how individuals and communities understand themselves and others in relation to social disputes. Identity answers fundamental questions such as: “Who am I?” with answers varying from gender and religious affiliation to tribal and national belonging. An individual in the Pak-Afghan context may simultaneously identify as Muslim, Pashtun, Sunni, a member of a specific tribe (e.g., Yusufzai), and a citizen of either Pakistan or Afghanistan.²⁵ These layers of identity become particularly charged in conflict scenarios where communal affiliations can be politicized or perceived as under threat.

From an Islamic standpoint, identity is founded on the concept of *fiṭrah*—the natural human disposition towards faith, dignity, and righteousness. The Qur’an affirms this diversity and encourages peaceful coexistence: “O mankind! Indeed, we created you from a male and a female, and made you into nations and tribes that you may know one another. Verily, the most honorable of you with Allah is the most righteous of you.”²⁶ This verse reinforces that diversity—whether tribal or gender-based—is divinely ordained for mutual recognition, not for conflict or marginalization. It challenges harmful cultural practices that disproportionately affect women and calls for a value system rooted in justice (*‘adl*), compassion (*rahmah*), and social cooperation (*ta’āwun*)²⁷.

Multiple overlapping dimensions shape identity in conflict-prone environments like the Pak-Afghan region:

Cultural Norms: Ethnic customs, language, and gender roles entrenched in *Pashtunwali*.

Kinship and Lineage: Tribal affiliations and ancestral honor codes affecting women’s mobility and rights.

Educational Opportunities: Limited access to education reinforces structural inequality.

Inherited Identities: Labels based on religion, geography, or ethnicity, often politicized.

Functional Roles: Women’s roles are often reduced to their familial status—daughter, sister, wife—

²³ Ronald J. Fisher, *Interactive Conflict Resolution* (Syracuse, N.Y. : Syracuse University Press, 1997), pp. 24-25.

<http://archive.org/details/interactiveconfl0000fish>

²⁴ Edward T. (Edward Twitchell) Hall, *The Silent Language* (Garden City, N.Y., Anchor Press/Doubleday, 1973), P 58

<http://archive.org/details/silentlanguage00hall>.

²⁵ ‘THE PASHTUNS: UNdErSTANdING HiSTORY ANd CUITUrE CENTRE FOR AIR POWER STUDIES - CAPS India r -.

<https://www.google.com/search?q=THE+PASHTUNS>

²⁶ Qur’an 49: 13 See also: M.A.S. Abdel Haleem, *The Qur’an: A New Translation* (Oxford: Oxford University Press, 2010), 352.

²⁷ Mohammad Hashim Kamali, *The Middle Path of Moderation in Islam : The Qur’ānic Principle of Wasatiyyah* (Oxford ; New York : Oxford University Press, 2015) 134-138, <http://archive.org/details/middlepathofmode0000kama>.

<https://jssr.online/index.php/4/issue/archive>

with limited public voice.

In order to address the negative impact of social disputes on women's lives in this context, it is essential to develop culturally grounded yet Islamically sound frameworks. These must challenge unjust practices while preserving legitimate cultural identity through an ethical lens.

3. Land, Honor, and Tribalism as Root Causes of Conflict in Pak-Afghan Pashtun Society

Conflicts in the Pak-Afghan Pashtun belt are predominantly rooted in issues of *ghairat* (honor), ownership of land, and tribal prejudice.²⁸ According to field surveys and community observations, the majority of disputes arises over property rights—particularly land ownership. These disputes often escalate into long-standing feuds that span generations.²⁹ A tragic example occurred recently when a land ownership disagreement led to the brutal killing of six young men. All of the deceased left behind young wives and small children, who now face a life of widowhood and social vulnerability. This incident underscores the profound impact of such conflicts on women, who are often the silent sufferers.³⁰ Women in Pashtun society are considered the foundational unit of the family and community; therefore, any disruption to their lives has long-term consequences on social stability and cohesion. These are not isolated incidents—similar examples abound across the tribal belt. In many cases, a single violent incident rooted in land or honor results in a chain reaction of blood feuds, revenge killings, and perpetual enmity.³¹ Addressing such disputes requires not only legal reform but also a reorientation of societal attitudes towards honor, property, and women's dignity.

Statistical Impact of Social and Family Disputes on Women in the Pak-Afghan Pashtun Society

From 2010 to 2025, the socio-cultural landscape of the Pak-Afghan Pashtun region has been significantly affected by persistent family and social disputes. According to recent surveys and localized case studies, approximately **45% of women** have experienced **chronic psychological fear and anxiety** due to prolonged exposure to conflict within domestic and community settings.³² Furthermore, **60% of women** reported suffering from **economic hardships** as a direct consequence of disputes that led to displacement, widowhood, or the loss of male family providers.³³

Additionally, about **25% of women** have been directly or indirectly involved in **harmful traditional practices** such as *swara* (the exchange of women to settle disputes), *baad*, and other forms of customary justice that disproportionately target female dignity and autonomy.³⁴ These practices not only violate the fundamental rights of women but also serve to perpetuate cycles of vengeance and inter-family hostility.

²⁸ Saira Bano Orakzai, 'Conflict in the Swat Valley of Pakistan: Pakhtun Culture and Peacebuilding Theory-Practice Application', *Journal of Peacebuilding & Development* 6, no. 1 (June 2011): 35–48, <https://doi.org/10.1080/15423166.2011.179868996709>.

²⁹ 'Swat A Critical Analysis | IPCS', , https://www.ipcs.org/issue_select.php?recNo=21.

³⁰ 'International Crisis Group, Women and Conflict in Afghanistan, Asia Report No. 252, October 14, 2013, <https://www.crisisgroup.org/asia/south-asia/afghanistan/women-and-conflict-afghanistan>.

³¹ John Braithwaite and Ali Gohar, 'Restorative Justice, Policing and Insurgency: Learning from Pakistan', *Law & Society Review* 48, no. 3 (2014): 531–61, <https://doi.org/10.1111/lasr.12091>.

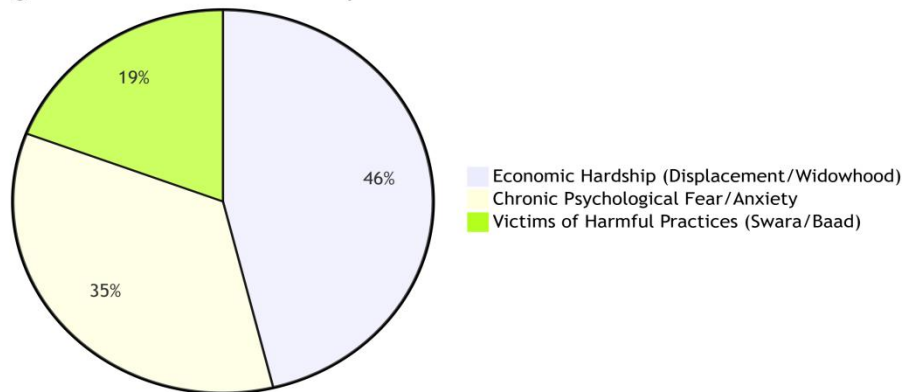
³² 'International Crisis Group. Women and Conflict in Afghanistan. Asia Report No. 252. Brussels: International Crisis Group, October 14, 2013. . https://www.google.com/search?sca_esv=834482dd15337b1d&rlz=1C1GCEU_enPK1161PK1161&q=nternational

³³ Aurat Foundation. *Annual Report on Violence Against Women in Pakistan: 2019–2022*. Islamabad: Aurat Foundation, 2023. <https://www.af.org.pk>.

³⁴ Ali Gohar and John Braithwaite. "Swara: The Human Security Implications of Restorative Justice and Informal Dispute Resolution in Pakistan." *Law & Society Review* 48, no. 3 (2014): 531–561. <https://doi.org/10.1111/lasr.12086>. <https://jssr.online/index.php/4/issue/archive>

Collectively, these disputes have **deeply destabilized the socio-political fabric** of tribal regions across both sides of the Durand Line. Generational trauma, retaliatory feuds, economic impoverishment, and gender-based discrimination have created a complex environment where sustainable peace and justice remain elusive. Addressing these multi-dimensional challenges requires not only legal reforms but also a transformative shift in societal attitudes and power structures

ological & Socio-Economic Impact on Women



1. Pashtun Cultural Tradition (Pashtunwali)

Pashtunwali, the indigenous socio-legal code of the Pashtuns, outlines behavioral norms and conflict resolution strategies grounded in honor and tribal cohesion:

- **Core Principles:** Key elements include nang (honor), badal (reciprocal justice or revenge), and melmastia (hospitality). These values dictate personal and collective behavior and are central to tribal identity.³⁵
- **Institutional Structures:** The jirga system acts as the principal mechanism for adjudicating disputes. Elders deliberate and reach consensus-based decisions that aim to restore community equilibrium rather than administer punitive justice.³⁶

Critical Intersections and Tensions

While there are areas of convergence between Sharī'ah and Pashtunwali, key tensions also exist:

- **Areas of Alignment:**
 - Emphasis on peace-making and restoration
 - Community-based mechanisms for resolving disputes
 - Importance of social stability and cohesion
- **Points of Divergence:**
 - Gender justice: Practices like swara and lack of female participation in jirgas contradict Islamic injunctions on consent and dignity.

³⁵ 'Pashtunwali - The Way of the Pashtuns', <https://www.natstrat.org>, accessed 26 May 2025, <https://www.natstrat.org/articledetail/publications/-58.html>.

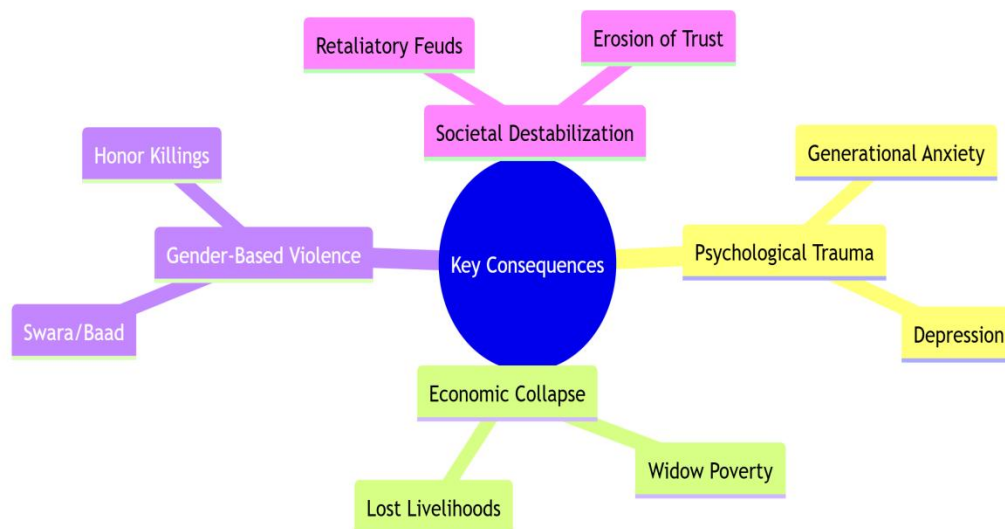
³⁶ Kate Fitz-Gibbon, 'Pashtunwali: Pashtun Traditional Tribal Law in Afghanistan - Cultural Property News', *Cultural Property News - Cultural Property News* (blog), 28 August 2021, <https://culturalpropertynews.org/pashtunwali-pashtun-traditional-tribal-law-in-afghanistan/>.

- Collective responsibility: Pashtunwali often imposes penalties on entire families or clans, while Sharī'ah emphasizes individual accountability.
- Exclusion of minorities: Tribal mechanisms sometimes marginalize non-Pashtun or minority voices, contradicting Islamic principles of justice for all.

Analytical Framework for Resolution

To address these issues, a multi-layered approach is proposed:

- Harmonization Approach:
 - Identify elements of Pashtunwali compatible with Islamic law (e.g., jirga as consultation or shūra)
 - Reform harmful customs through education and jurisprudential engagement
- Institutional Development:
 - Establish Sharī'ah-compliant judicial alternatives within tribal regions
 - Train local elders and mediators in basic Islamic legal principles
- Community Engagement:
 - Implement educational campaigns on women's rights and Qur'anic justice
 - Facilitate dialogues between 'ulamā' (scholars) and tribal leaders to build consensus



2. Foundational Causes of Conflict and Their Resolution in Islamic Thought

The Primary Cause: Envy as the Root of Social Conflict: Among the foundational causes of social disputes, *envy* (ḥasad) stands out as one of the most potent and pervasive. In contemporary society, many interpersonal and communal conflicts originate from this inner moral disease. When individuals become envious of others' blessings, achievements, or status, it breeds suspicion, resentment, and rivalry. These negative emotions often escalate into overt hostility, creating rifts within families and communities. Envy not only disrupts personal peace but also undermines the fabric of social cohesion. Consequently, Islam has strongly condemned envy, identifying it as a

destructive force that corrodes the heart and destabilizes society.³⁷

Envy (Ḥasad): A Linguistic and Technical Definition

1. Linguistic Definition of Envy (Ḥasad):

In classical Arabic, the term *ḥasad* denotes several interrelated meanings:

1. The desire for the removal of another person's blessing or virtue and its transfer to the envier. The expression *ḥasadahu al-shay'* (he envied him for something) and its forms like *yaḥsiduhu* or *ḥasadan* imply a wish that the blessing enjoyed by another would come to the envier.³⁸
2. The wish for the disappearance of someone else's blessing or virtue, regardless of whether that blessing is transferred to the envier or not. Thus, in its linguistic context, *ḥasad* essentially refers to the desire for the nullification or loss of another's blessing.³⁹

Technical Definition of Envy: Scholars have articulated multiple definitions of envy in technical or disciplinary contexts, depending on various psychological and ethical considerations. Among them are the following:

To wish for the disappearance of Allah's bounty upon your Muslim brother, whether or not you wish to receive that blessing yourself. Sometimes, this includes an active attempt to remove that blessing from him.⁴⁰

"To hold animosity in one's heart against others due to their wealth or possession of property."⁴¹

From the above, it is evident that *ḥasad*—technically—refers to a desire for the elimination of others' blessings, accompanied at times by efforts to harm them, regardless of whether the blessing is transferred to the envier or not. Moreover, linguistic usage often reflects this technical meaning, as native speakers commonly use the term in its metaphorical and psychological sense.

The Psychological and Physical Harm of Envy: Envy is the state in which a person dislikes that another surpasses them in any respect. It is a serious moral and spiritual ailment that brings about significant harm to the individual. On a psychological level, envy causes internal distraction, mental agitation, sorrow, anxiety, and emotional instability. Physically, it may manifest through disturbed sleep, loss of appetite, and mood disorders.⁴²

The Concept of the 'Evil Eye' (al-ʿAyn) and Its Relationship with Envy

The *ʿayn* (evil eye) is a phenomenon closely associated with envy. It refers to the ability of an envious person to inflict harm upon another through their gaze. The one who casts the harmful gaze is known as the *ʿā'in* (envier), while the afflicted person is called the *ma'yūn* (the one affected).

2 Definition of the Evil Eye in Technical Terms:

Scholarly interpretations of *ʿayn* vary, but they generally encompass the following notions: *Looking admiringly with envy*, emerging from a corrupt disposition, which subsequently causes harm to the

³⁷ Al-Ghazālī, *Iḥyā' ʿUlūm al-Dīn*, vol. 3 (Cairo: Dār al-Maʿrifah, n.d.), 156; see also: Al-Nawawī, *Sharḥ Ṣaḥīḥ Muslim*, Kitāb al-Birr wa al-Ṣila, Ḥadīth no. 2564.

³⁸ Lane, E.W. Arabic-English Lexicon, Vol. 1 (London: Williams and Norgate, 1863), s.v. "Ḥasad." -, <https://www.google.com/search?q=Lane%2C+E.W.+Arabic>

³⁹ Ibn Manẓūr, *Lisān al-ʿArab*, vol. 3 (Beirut: Dār Ṣādir, 1988.), 234–235.

⁴⁰ Al-Ghazālī, *Iḥyā' ʿUlūm al-Dīn*, ed. ʿAbd al-Ḥalīm Maḥmūd (Cairo: Dār al-Maʿārif, n.d.), 3:173

⁴¹ Ibn Ḥajar al-ʿAsqalānī, *Fath al-Bārī Sharḥ Ṣaḥīḥ al-Bukhārī*, vol. 10 (Beirut: Dār al kutab, 1379 AH), 511

⁴² Al-Rāzī, Fakhr al-Dīn. *Tafsīr al-Kabīr*, vol. 15 (Beirut: Dār Iḥyā' al-Turāth, n.d.), 412

one being observed.⁴³ *The gaze of the envious person* has a harmful effect that may lead to physical or psychological illness in the one being observed.⁴⁴ *Directing harmful intent through a gaze*, with the purpose of causing injury or discomfort to the person targeted.

Thus, the evil eye is understood to be a form of harm associated with ill-intentioned admiration, rooted in envy and psychological disposition.

The Effects of Envy on Social Conflicts

Envy (*hasad*) is defined as the desire for the decline or removal of blessings from one's fellow Muslim, whether or not the envier wishes to possess those blessings. At times, this sentiment extends beyond passive ill will and includes active efforts to deprive the other of that favors.⁴⁵ Moreover, envy involves harboring resentment toward others due to their wealth or property, stemming from the belief that they are undeservedly favored.⁴⁶

From the above definitions, it is clear that *hasad*, in its technical sense, denotes the internal wish for another's blessings to be lost, often accompanied by an intent—implicit or explicit—to cause harm. This is consistent with its lexical usage, where classical Arabic speakers often employed the technical and literal meanings interchangeably.⁴⁷

At its core, envy is a moral disease that compels a person to detest the idea of another being superior in any respect. It disrupts personal peace and sows the seeds of hatred and rivalry, making it one of the most destructive forces in social relations. Among Pashtun tribal societies, envy has historically played a significant role in inciting violent disputes, blood feuds, and even killings, as one group or family becomes resentful of another's economic or social ascendancy.⁴⁸

The Role of Envy in Fuelling Social Conflicts

One of the fundamental causes of conflict in the contemporary Pak-Afghan Pashtun society is envy (*hasad*). In its lexical sense, *hasad* refers to the desire that another person's blessing or privilege be removed, whether or not it is transferred to the envier. In Islamic terminology, it denotes wishing for the deprivation of divine favors bestowed upon another individual, often accompanied by an internal impulse to see that blessing diminished, irrespective of whether it benefits the envious person directly.

This inner affliction generates a form of competitive animosity particularly prevalent among individuals or groups operating within similar social, educational, or economic spaces. For instance, when two scholars, merchants, or tribal leaders share a common environment—such as a village, mosque, marketplace, or educational institution—their mutual exposure and similar objectives often trigger jealousy. It is rare to find envy between people whose fields or social functions do not overlap. Consequently, scholars may envy other scholars; traders envy other traders, but not necessarily those outside their realm of activity.

This type of rivalry has profound socio-psychological implications. It fosters resentment, backbiting, and even violence, which in the tribal context can escalate to blood feuds or honor-based retribution. Among Pashtun communities, where social capital and prestige are fiercely guarded, envy may lead to

⁴³ Al-Nawawī, *Sharḥ Ṣaḥīḥ Muslim*, vol. 14 (Beirut: Dār al-Ma'rifa, n.d.), 3–4

⁴⁴ Al-Qurṭubī, *Al-Jāmi' li-Aḥkām al-Qur'ān*, vol. 20 (Cairo: Dār al-Kutub al-Miṣriyya, 1964), 292

⁴⁵ Al-Ghazālī, *Iḥyā' 'Ulūm al-Dīn*, vol. 3: 156

⁴⁶ Ibn Rajab al-Ḥanbalī, *Jāmi' al-'Ulūm wa al-Ḥikam*, ed. Shu'ayb al-Arnā'ūt (Beirut: Mu'assasat al-Risālah, 1996), 245

⁴⁷ Al-Fayrūzabādī, *Al-Qāmūs al-Muḥīṭ*, s.v. "ḥasad."

⁴⁸ Khan, Ghani-ur-Rahman. "Conflict and Blood Feuds among the Pashtun Tribes: A Socio-cultural Analysis." *Journal of Peace and Development*, vol. 9, no. 2 (2021): 45–58

targeted character assassination or provoke disputes that involve not only individuals but entire families or clans.

Moreover, when such envy intersects with gender, women are often its most vulnerable victims. A woman's relative success or favor may provoke family-based retaliation, including restrictions on mobility, coerced marriages, or other forms of symbolic or physical violence—particularly in contexts where female empowerment is viewed as a challenge to male authority.

Islam, however, strongly condemns *hasad*, describing it as a spiritual ailment that destroys good deeds and corrupts hearts. The Prophet Muhammad ﷺ is reported to have said: “Beware of envy, for it consumes good deeds just as fire consumes wood.”⁴⁹ Islamic jurisprudence promotes a society based on justice, compassion, and individual merit—antithetical to the dynamics of envy-based conflict.

Thus, addressing envy not only involves ethical reform but also structural transformation—particularly in systems of dispute resolution and cultural education. Without this, such interpersonal and communal conflicts will continue to impose disproportionate harm on women within tribal societies.

3. Causes of Envy and Its Social Ramifications

Envy (*hasad*) is not merely a personal spiritual flaw but a socially destructive force that has long fueled conflicts within tribal societies, particularly in the Pak-Afghan Pashtun context. Such conflicts often disproportionately affect women, either through forced tribal compensations, denied rights, or being scapegoated in prolonged feuds. The causes of envy vary—some stem from the character of the envious person (*hāsīd*), while others arise due to perceived qualities or blessings of the one envied (*maḥsūd*). Two primary causes are outlined below from an Islamic and socio-cultural lens.

1. Hostility and Malice (*‘Adāwah wa Bughd*)

One of the most severe roots of envy is personal enmity. When an individual causes harm or obstructs another's goals—whether in business, education, family reputation, or tribal honor—it often leads to intense resentment. That resentment, when not openly addressed, transforms into envy. The envious person may wish for the destruction of the other's blessings, even if those blessings are not transferred to him.

The Qur'an highlights this psychological phenomenon:

“You are the ones who love them, but they do not love you. You believe in all the Scriptures. When they meet you, they say, ‘We believe,’ but when alone, they bite their fingertips at you in rage. Say, ‘Die in your rage! Surely, Allah knows best what is hidden in the hearts.’”⁵⁰

This verse illustrates how internal malice and resentment can manifest in outward hostility. Such animosity, when embedded in tribal structures, often leads to prolonged disputes where women become tools of retaliation or victims of dishonor. In this context, envy is not a passive feeling—it actively disrupts social peace. As classical scholars note, this type of envy emerges when vengeance cannot be taken directly. Thus, the desire for the downfall of the envied person becomes an indirect form of revenge.

2. Arrogance and Pride (*Kibr wa Fakhr*)

A second major cause of envy is pride—the refusal to accept the superiority or success of another. This trait was prominent among the pagan Quraysh, who could not accept the rise of Prophet Muhammad ﷺ,

⁴⁹ Abū Dāwūd, *Sunan Abī Dāwūd*, Book of Adab, Hadith 4903

⁵⁰ *Qur'an* 3:119.

an orphaned member of the Banu Hashim tribe. Their objection was less about theology and more about status:

“And they say: ‘Why was this Qur’an not sent down upon a great man from one of the two major cities?’”⁵¹ This verse exposes their real objection: that the message of Islam did not come through someone of their own elite status. Their envy was rooted in the tribal hierarchy, in which leadership and nobility were privileges of the few. When Islam began empowering the socially weak—particularly the poor, slaves, and women—it disrupted existing power structures. The Qur’an further records their demand that the Prophet ﷺ dismiss his poorer companions so that the wealthy might attend his gatherings without “dishonor.” In response, Allah commanded:

“Do not turn away those who call upon their Lord Morning and evening, seeking His pleasure. You are not accountable for them in any way, nor are they accountable for you. If you were to turn them away, you would be among the wrongdoers.”⁵² Such Quranic rebukes show that the disbelievers' real concern was social elevation of those they considered beneath them. Their envy became more intense when their perceived inferiors were granted proximity to the Prophet ﷺ and moral superiority in faith.

This form of envy continues to manifest in modern tribal societies, especially in cases where women from disadvantaged families begin to gain education, economic independence, or social voice. When such women challenge established gender or tribal hierarchies, they often become targets of social backlash. In these instances, envy becomes a tool to suppress empowerment and maintain patriarchal dominance.

4. Land Ownership as a Major Cause of Conflict among Pashtun Tribes

Another critical cause of prolonged social conflict among Pashtun tribal communities is the issue of land and property ownership. In the socio-cultural framework of the Pak-Afghan Pashtun belt, land is not merely an economic asset but a symbol of honour, identity, and lineage. The tribal attachment to ancestral land is deeply rooted in Pashtunwali, the unwritten code that governs Pashtun life. Disputes over land boundaries, inheritance rights, and usage—often exacerbated by unclear documentation or oral traditions—frequently lead to violent confrontations, blood feuds (*badal*), and long-standing animosities between families or sub-clans (*khels*). These conflicts disproportionately affect women, who, although legally entitled to inheritance under Islamic law, are often denied property rights due to patriarchal norms and tribal pressure.⁵³

From a legal perspective, the absence of consistent land record-keeping and weak implementation of formal law in tribal or semi-tribal areas allows customary practices to dominate, perpetuating cycles of revenge and communal strife. Scholars note that land-related disputes are among the most common cases in informal tribal *jirgas* and even in Pakistan's formal judicial system when such disputes spill into state jurisdiction.⁵⁴ Moreover, these disputes often intersect with issues of marital alliances, dowries, and female exclusion, thus directly impacting the emotional and psychological well-being of women, who frequently become indirect victims of male-centered land feuds.⁵⁵

⁵¹ *Qur'an*43: 31.

⁵² *Qur'an*.

⁵³ Sana Haroon, *Frontier of Faith: Islam in the Indo-Afghan Borderland* (London: Hurst & Company, 2007), 112–113

⁵⁴ 'International Crisis Group, Pakistan: The Worsening Conflict in Balochistan, Asia Report No. 119 (Brussels: ICG, 2006), , <https://www.google.com/search?q>

⁵⁵ Masooda Bano, “Custom and the Muslim Family Law in Pakistan: A Critical Analysis of Legal Pluralism and Women’s Rights,” in *Religion and Development: Conflict or Cooperation?*, ed. Gerrie ter Haar (Leiden: Brill, 2011), 191–19

<https://jssr.online/index.php/4/issue/archive>

Land disputes are among the most significant causes of long-standing conflicts among Pashtun tribes. These disputes often arise due to issues related to inheritance, unclear land boundaries, absence of formal land documentation, and traditional patriarchal structures that marginalize women's property rights. Addressing these challenges requires a multifaceted approach that incorporates Islamic legal principles, governmental reforms, and awareness initiatives.

1. Restoration of Inheritance Justice through Islamic Law

Islamic law clearly defines inheritance shares for both men and women. However, in many Pashtun communities, women are traditionally excluded from inheriting property, contradicting the clear injunctions of the Qur'an. Islamic teachings must be re-emphasized by scholars and tribal leaders to ensure the rightful distribution of land among all heirs.

“For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much—a legal share”⁵⁶

2. Land Demarcation and Documentation

One of the key practical resolutions is the formal demarcation of land and maintenance of accurate land records using modern technologies such as GIS mapping. Government intervention in this area is critical to prevent boundary disputes and ensure lawful ownership recognition.⁵⁷

3. Reform of the Jirga System and Legal Integration

The traditional Jirga system is often the primary forum for dispute resolution, but it suffers from gender exclusion and lack of legal authority. Reforming Jirgas to include women and aligning their proceedings with the national judicial system can improve both fairness and enforcement.⁵⁸

4. Legal Awareness and Education Campaigns

Education plays a crucial role in conflict prevention. Legal literacy programs at the grassroots level—especially through schools, mosques, and media—can help communities understand inheritance rights and conflict resolution mechanisms.⁵⁹

5. Free Legal Aid for Women

Women in tribal areas often lack access to legal assistance due to financial or social barriers. Establishing free legal aid centers, staffed by female lawyers and supported by local government or NGOs, can empower women to claim their rightful property shares.

In the Last: A Brief Resolution

Conflict Diagnosis and Resolution: A Strategic Framework

A. Conflict Identification Conflict identification involves recognizing the parties directly related to the disputed issue, understanding their relationship to the issue itself, and their relationship to one another before and after the conflict. This process of recognition and mapping helps in thoroughly understanding and analyzing the dispute, which in turn is critical for proposing viable solutions and narrowing gaps between the concerned parties.

⁵⁶ Qur'an 4: 7.

⁵⁷ United Nations Development Programme, *Land Governance and Conflict: A Policy Note* (New York: UNDP, 2019), 7–9.

⁵⁸ International Crisis Group, *Women and Conflict in Afghanistan*, Asia Report No. 252 (Brussels: ICG, 2013), 14–16.

⁵⁹ Saba Gul Khattak, “Patriarchy in Rural Pakistan: Women’s Land Ownership and Empowerment,” *Asian Journal of Women’s Studies* 16, no. 1 (2010): 140–142

B. Conflict Structure: Understanding the structure of the dispute entails identifying the essence and key aspects of the problem, its root causes, and the resulting effects. Furthermore, one must pinpoint the most urgent entry point for resolving the dispute, the weakest point in the conflict, and the most sensitive elements involved. This structural approach enables conflict resolution professionals to design targeted and efficient solutions to overcome the dispute and restore equilibrium.²

C. Conflict Solutions: Once the nature of the disputed issues is clear, the conflict resolution specialist can develop appropriate strategies for resolution. Effective solutions often depend on several key principles, such as:

1. Focusing on Interests, Not Positions: The goal is to achieve mutual benefits for all parties involved, not merely to defend entrenched positions.
2. Separating the People from the Problem: It is important to distinguish the issue itself from personal traits or tensions of the disputing individuals, thereby avoiding escalation.
3. Generating Multiple Options for Resolution: Limiting discussions to a single solution can reduce the chances of success; proposing a variety of options broadens the scope for agreement.
4. Choosing Objective Criteria: Selecting neutral, fair benchmarks helps both parties view proposed solutions with greater acceptance.
5. Emphasizing Common Ground: Building on agreed-upon areas can serve as a strong foundation for resolving contentious points.

D. Mechanisms of Reconciliation (Şulh): Reconciliation becomes vital when previous strategies for ending the dispute fail. Şulh (amicable settlement) involves a sincere, voluntary process of conflict mitigation between the disputing parties to eliminate the roots of disagreement. According to Islamic legal tradition, reconciliation is not merely a judicial process but a social and moral responsibility, guided by ethical and communal engagement.

It is also a civil and international obligation—carried out not only through formal state channels like the judiciary but also through local community mechanisms, non-governmental initiatives, and cultural systems. This broader framework of reconciliation focuses on proactive dialogue, mutual understanding, and fostering long-term peace and harmony.

In the Islamic legal tradition, şulh is based on the spirit of forgiveness, equity, and social harmony. Ibn ‘Ābidīn (d. 1252/1836) emphasized that şulh is a method that seeks to promote unity, affection, and mutual respect within society. through these principles, conflict resolution is not simply the cessation of hostilities, but a restoration of moral and communal bonds that underlie a peaceful society.

Conclusion and Research Findings

This study has examined the disproportionate impact of social disputes on women in the Pak-Afghan Pashtun society, analyzed through the dual lenses of Islamic legal principles and indigenous socio-cultural norms, particularly Pashtunwali. The findings reveal that tribal conflicts—often rooted in concepts of honor, land disputes, and entrenched patriarchal structures—inflict multifaceted harm on women, including coercive practices such as *swara* (forced marriage as conflict resolution), economic disenfranchisement, and enduring psychological trauma. While Islamic jurisprudence provides a comprehensive framework for justice (‘*adl*), reconciliation (‘*şulh*), and gender equity, these principles are frequently sidelined in favor of customary mechanisms that perpetuate systemic injustice—especially

through *jirgas*, which often lack legal oversight and exclude women from decision-making. The study identifies that honor and land disputes are primary drivers of inter-tribal violence, where women are routinely used as instruments of reconciliation. The lack of formal state legal infrastructure contributes to reliance on *jirgas* that frequently contravene both Islamic and international human rights norms. Empirical data from 2010–2025 show that over 60 percent of widows and displaced women live in chronic poverty, while 45 percent report significant psychological distress, and 25 percent face harmful customs such as *swara* or *baad*, in clear violation of Qur’anic mandates on autonomy and consent (Q. 4:19). While Pashtunwali and Islamic law share values of communal harmony, the former’s collective punishment and gender exclusions conflict with Sharī’ah’s individual justice and procedural fairness. The research proposes harmonizing tribal conflict resolution with Islamic courts to enforce women’s rights, promote grassroots Islamic education campaigns on gender justice, and expand microfinance and vocational programs to ensure women’s economic inclusion.

At the policy level, it advocates for land reforms, access to legal aid, and training of *jirga* elders in Islamic arbitration (*tahkīm*) and international rights norms. Religious scholars should be engaged to reinterpret Pashtunwali in light of Qur’anic principles of justice (Q. 49:13), while media campaigns should work to shift cultural attitudes by emphasizing dignity (*karāmah*) and compassion. International collaboration with NGOs can facilitate the establishment of women’s shelters, legal aid centers, and psychological support systems in conflict zones. The study concludes that sustainable peace and gender justice in Pashtun society require a fundamental decolonization of conflict resolution frameworks. By realigning Pashtunwali with the higher objectives of Sharī’ah (*maqāṣid al-sharī’ah*)—particularly the preservation of life (*nafs*), lineage (*nasl*), and dignity (*‘ird*)—women’s agency and protection can be restored and institutionalized. Future research should explore practical pilot initiatives that integrate Islamic *ṣulh* frameworks into local governance structures; ensuring women’s participation becomes central to peace building and societal transformation.

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