



## Comparative Analysis of Jirga System as a Socio- Cultural Heritage in the Pre and Post Militancy in Swat

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### Abstract

This paper evaluates the Jirga's significance as a socio-cultural legacy in Swat District and considers how militancy has affected its evolution. By comparing the pre- and post-militancy eras, the study employs a qualitative research methodology to investigate how conflict affects an established institution (jirga). In the pre – militancy, jirga served as revered and respected institution in district Swat. But the Taliban insurgency targeted many formal and informal institutions in the region, including jirga. They created a system of their own which diminished the effectiveness of jirga system. Most of the elders and leaders of a jirga system were killed and some were kidnapped in the region. This research study is conducted in District Swat through qualitative research methodology. The data was collected from 13 participants through in-depth interview. The collected data was then analyzed by thematic analysis. Moreover, the results show that militancy had a significant negative impact on the Jirga, a crucial institution in Pashtun society. Its initial cultural importance was lost as a result of changes made to its structure, role, and operating procedures by societal pressure and governmental compulsion rather than spontaneous change. In addition, the local population overwhelmingly resented the newly forced framework, and popular confidence in the Jirga declined. This brought attention to the conflict's wider societal repercussions by increasing insecurity and escalating domestic conflicts.

**Keywords:** Social and Cultural Heritage, Swat, Conflict, Pashtun, Militancy, Taliban insurgency, Jirga (Council of Elders)

### 1. Introduction and Literature

During 2007-2009, militancy conflict in Swat valley was at its peak, wherein the militants attacked and killed the security personal, civil society members, the local leaders, the elected representatives of district government but also destroyed government buildings particularly schools and hospitals. Nonetheless, the militant also targeted the informal institutions like Hujra's (Guesthouses), Jirga (council of elders), and even Mosques, which are symbols of unity in Pakhtun society (Rome, 2010; & Ali, 2012). Further, they established their Markaz (center) as parallel courts against the government judicial system for deciding all kind of civil and criminal cases, and also challenged the local Jirga system (Orakzai, 2011), which in past played an important role in resolution of conflict and maintaining peace in society. The militants occupied more than half of the Swat valley during 2007-2009, and delinked functioning of both government machinery and structure of the local cultural system (Rahi, 2011). After several attempts to resolve the conflict through negotiations but remained unsuccessful, the government of Pakistan launched a military operation named operation-Rahi-Haq from 25 October to 8 December 2007, Operation Rah-e- Rast (The straight path) in May 2009. These operations are highly impacted the social and cultural pattern of district swat. The study reflects the impacts of militancy on culture, specifically a single cultural code known as Jirga. One such foundation is the Pashtun Jirga, which, based on current administrative norms, clearly seems to have outlived its usefulness (Yousufzai 2012; Faqir, 2013). Jirga is the name of an assembly and a forum used for consultation, deliberation, decision making, conflict management, conflict resolution and adjudicating justice in Pakhtun populated areas. It has been translated as 'council of elders' (Ahmed, 1980) and 'public assemblies. It is a traditional cultural institution of Pashtunwali which performs diverse functions, primarily from the decision making to adjudicate justice (Ahmed 1980 Ali & Rehman, 2001 Wardak). Jirga is the main structure of political system in the tribal area to resolve the disputes and to promote justice (Bangash, 2004). The functioning of the Jirga system is informal because Jirga is a mode of alternative dispute resolution. Decisions of Jirga are made through consensus and unanimity but never on majority (Taizi, 2007), due which, all the decisions are binding (Ahmed, 1980). These decisions are mostly based on tribal and cultural conventions and traditions, Islamic law (Shariah), a combination of both Islam and Pakhtun customs (Ahmed, 1980). A member in Jirga can also be selected by the villagers to represent them in a clan or by a clan to represent it in a tribe and so on (Rome, 2013). Its members can be Pakhtun elders, chiefs, Khans, land owning Pakhtun, religious clergy and other influential people of the society (Ahmed, 1980 Ali & Rehman, 2001 Wardak 2003). The proceedings of Jirga are carried out in a Masjid, Hujra (Guest House) (elevated open place of the village) or under the shade of a huge tree. Jirga been created in both flat and vertical ways inside the Pashtun culture. At all levels, it is a target body for debate. It possesses administrative qualities, takes on a strategic role, and values many additional occupations that

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have occasionally been articulated. We have tried to identify some of the cycles of Jirga by describing what Jirga is, along with its when, where, why, how, and for whom it is effective (Rehman, 2015; Watto, 2010; Hassan, 2010). There is no leading officer and hierarchal position in a Jirga. The most experienced and skillful persons carried out the proceeding of Jirga after the recitation of the Holy Quran and jointly duaa (prayer) for the excellent settlement of the issues. Along with the abolishment of the institution of Hujra and its replacement with the Mosque, the militancy has also deeply affected the traditional conflict resolution mechanism of tribal Jirga. Jirga has been used to solve the issues and problems of the local community. But the Taliban undermined Jirga system and imposed their own brand of Islamic governance (Mahmoud & Ashfaq, 2018). It was useful for them because they could easily interpret the Islamic laws according to their own needs. Instead of Malik's and tribal elders, "the clerics participated and guaranteed the implementation decisions of Jirga being arranged in Mosques. Such guarantees were previously provided by the tribes and Malik's, but due to decrease in their influence, it is now given by the Mullah" (Basit, 2010). Jirga interpreted issues through the prism of local customs and codes. But the Taliban implemented a harsh and strict version of Islam through their own version of governance system (Azim, Mahmoud, Hussain, 2018). During the period of terrorism, Jirga gatherings were attacked many times by the militants and tried to restrict its functioning. But it has never stopped its functioning as it has done a lot to maintain the law and order in the society by providing speedy justice to the public. This institution has particularly time and again challenged the writ of militants in the region and the members have outspoken against the militants. Target killing and suicide attacks had been planned and executed on the Jirga's by the militants to pressurize people to follow their decree instead of their traditional code of conduct (Shinwari, 2011). The role of Jirga has gained importance in conflict and post conflict situations in Swat and that is the reason Swat Qaumi Jirga has been active for more than a decade. Militants and military in the recent conflict have often stopped local/village level Jirga's from working at one time and manipulated these when required at other times during the conflict, militants used Jirga to decide cases with Islamic Laws (Shariah) and thus fill the gap of quick justice left by the Pakistani state. However, when militants observed that some Jirga's are supported and used by the government and military against militants, they stopped these Jirga's from working and targeted its leaders (even killed) to hamper its role. Jirga is a method or process for resolving interpersonal disagreements, concerns, and disputes; these disputes may also have business-related components. It also settles people's land, civil, and criminal issues. Because everyone has the right to participate in Jirga procedures, it may be concluded that Jirga plays a crucial role in democracy. In public, both disputing sides are questioned. It is a secure and safe method of informing individuals about local laws. Jirga is a method or process for resolving interpersonal disagreements, concerns, and disputes; these disputes may also have business-related components. It also settles people's land, civil, and criminal issues. Because everyone has the right to participate in Jirga procedures, it may be concluded that Jirga plays a crucial role in democracy. In public, both disputing sides are questioned. It is a secure and safe method of informing individuals about local laws. The military also considered Jirga as one of the best solutions for influencing and enforcing its own decisions and the state narratives in the Swat. That is the reason, military and other state institutions manipulate and influence Jirga and has subsequently changed its shape while using it for its interests. Pakistani state and military have also introduced and backed organizations and committees on village basis like the Aman committees and Village Defense Committees (VDC). We also postulate that the nature and working of Jirga and these parallel organizations and committees in the name of conflict resolution bodies is far different from that of the traditional ones. Moreover, these bodies have made the role of Jirga more controversial, and which has been subjected to criticism. This entire process impacts the tradition of Jirga and the linked committees and other organizations in Swat. It has added to the 'defaming' and manipulation of a cultural ideal in the Swat which is considered by majority of the participants as a socially unacceptable development. For a considerable amount of time, the Jirga system a customary gathering of elders in Pashtun society has served as the foundation for social government and dispute settlement in Swat. The Jirga is an important component of socio-cultural history because it represents long-standing traditions of local government and group decision-making (Ahmed, 1980). But the emergence of militancy in Swat, especially between 2007 and 2009, severely upset these conventional arrangements, changing the Jirga system's perception as well as its operation (Abbas, 2014). In order to evaluate the influence of the Jirga system on social cohesion, trust, and governance in the society, this study compares the function and development of the system in Swat before and after the time of militancy. The research attempts to offer a better understanding of how militancy has changed a long-standing socio-cultural institution by analyzing these changes.

Most of the research studies have been done on the Jirga system concentrates on its historical role and cultural relevance in calm circumstances, despite the fact that it has been thoroughly examined as a traditional mechanism for governance and conflict resolution in Pashtun culture (Ahmed, 1980; Banerjee, 2000). Research on the Jirga's development during times of severe conflict, especially in areas impacted by militancy, is conspicuously lacking, nonetheless. There is still much to learn about how militancy affects the Jirga system's legitimacy, operation, and structure, particularly in Swat. Few studies have paid particular attention to how these processes have changed the

Jirga's position as a socio-cultural heritage in both pre- and post-conflict contexts, despite the fact that some have addressed the larger socio-political implications of militancy in the region (Abbas, 2014). By comparing the Jirga system before and after militancy, this study aims to close that gap and advance our knowledge of how conflict transforms established institutions.

## 2. Methods and Procedures

This study employed a qualitative research approach to explore the transformation of the jirga system in Swat, pre and post militancy, using a comparative design to examine dynamics before and after Taliban insurgency. A qualitative research method was used to explore the jirga system in the region during militancy. Non-probability sampling techniques were utilized. Furthermore, purposive and snowball sampling ensured selection of participants with in – depth knowledge. The data was collected through 13 in – depth interviews from the participants in District Swat. Determining a sample size in qualitative studies, is a complex job but very low sample size is determined in each qualitative study. According to Creswell (2014) determination of sample size in qualitative research is based on the concept of “saturation”, where no new information or themes emerge from the data, and the researcher has gathered enough data to confirm the findings. Creswell further suggests that a sufficient sample size for qualitative studies can range from 05 to 25 participants. The researchers in this study, followed the guidelines for sample determination which suggested by Creswell (a renowned expert in qualitative research). Regarding the above-mentioned arguments, the researchers collected data from 13 participants in the region. The collected data was further analyzed through thematic analysis. Through thematic analysis the researchers pointed out 4 major themes which are further explained in chapter 4<sup>th</sup>.

Additionally, the researchers focused on ethical considerations in the overall research work. They did not record (mobile recording) the data but only noted the major points from the participants during interviews. The researchers also not mentioned the exact names of the participants on the saying of them, and they used the pseudo names for all the participants. In nutshell, the researchers followed the above all mentioned procedures and rules in this study from starting point to end.

## 3. Results and Discussions

In this section, the researchers analyzed and interpreted the data and also linked with the existing literature related to the problem. On the basis of thematic analysis, 4 major themes are developed which are discussed in the following passage.

### 3.1. Transformation of Jirga's Role

In the context of pre and post militancy in Swat, the transformation of Jirga's role is a significant theme that highlights the changes in the jirga system's functions, responsibilities, and influence before and after the Taliban insurgency. Before militancy, the jirga system in Swat was a revered institution, playing a vital role in maintaining social harmony, resolving disputes, and upholding cultural values. Jirgas were respected for their wisdom, fairness, and ability to address local issues effectively. They were the primary mechanism for conflict resolution, and their decisions were widely accepted by the community. However, with the rise of Taliban militancy in Swat (2007-2009), the jirga system faced significant challenges. The Taliban's extremist ideology and brutal tactics undermined the jirga's authority, and many jirga members were either killed, intimidated, or forced to flee. The Taliban's own parallel justice system, which was harsh and oppressive, further eroded the jirga's role in dispute resolution and justice administration.

Post militancy, the jirga system in Swat has undergone a significant transformation. With the military's operation against the Taliban and the subsequent return of state control, the jirga system has attempted to reassert its authority. However, the legacy of militancy has left deep scars, and the jirga's role remained contested. Moreover, most of the participants in the study said that due to the rise of Taliban many changes occurred in the role of jirga system in district swat. A participant in the study said that:

“As a resident of Swat, I have seen the jirga system transform significantly. Before militancy, jirgas were respected for resolving the disputes and upholding cultural values. However, during Taliban rule, they were brutally suppressed and replaced with a harsh justice system. Post-militancy, jirgas have tried to revive, but face skepticism from younger generations who see them as outdated”

In the above interview, the participants shared his views regarding the transformation of jirga's role in pre and post militancy era in Swat. The participant has of the views that I am the inhabitant of Swat society and I personally seen many changes in the jirga system. He further stated that before the rise of Taliban in the area the jirga system was very famous and used for settlements of various issues. The jirga system was persevering institution in Swat which uphold the cultural values and norms for tremendous time period. But very soon when the Taliban arise in the region, they challenged each and every sector of the society. The participant further elaborated that Taliban created a system of their own interest which was totally against the social and cultural values of Swat society. They created and maintained

a ruthless system which included a very harsh justice system. Overall, from the rise to fall of Taliban in Swat, discarded the Pashtun values and code of conduct. According to the study of Abbas (2014), the rise of militancy in Swat between 2007 and 2009 drastically disrupted the traditional jirga system, transforming both its public perception and operational conventional role and function in the community. From this analysis it is cleared that the jirga system was totally challenged and replaced its traditional values by the militant intervention in district in Swat. Because previously, the jirga was considered as the primary source to resolve the disputes and issues in the region, but due to Taliban insurgency the system was totally challenged. They created and maintained a brutal system which was totally against the socio-cultural values of Swat society.

### **3.2. Impact of Militancy on Jirga's Legitimacy**

The rise of militancy in Swat had a profound impact on the legitimacy of the traditional jirga system. The militant's extremist ideology and brutal tactics challenged the jirga's authority, leading to a decline in its legitimacy. The jirga's legitimacy was rooted in its cultural and traditional significance, which was deeply ingrained in the community. However, the militants rejected this cultural significance, portraying the jirga as outdated and un-Islamic. This rejection undermined the jirga's legitimacy, as it was no longer seen as a relevant or authentic institution.

Furthermore, the jirga's inability to protect its members and maintain social cohesion in the face of militant violence led to a loss of trust and confidence. The jirga's effectiveness was compromised, and its decisions were no longer respected or implemented. This decline in effectiveness further eroded the jirga's legitimacy, as it was seen as unable to deliver justice and maintain order. The militants also claimed to represent the true interests of the people, which further challenged the jirga's legitimacy as a representative institution. The jirga was seen as out of touch with the needs and aspirations of the community, and its decisions were viewed with suspicion.

The imposition of a parallel justice system by the militants also challenged the jirga's authority and legitimacy. The jirga's decisions were no longer recognized, and its authority was supplanted by the militant's own justice system. This parallel system was seen as more effective and efficient, further undermining the jirga's legitimacy. The participants in the study said that due to military intervention the jirga's legitimacy was challenged in Swat society. One of the participants said:

"I live in Swat, and I have witnessed the devastating impact of militancy on the jirga's legitimacy. Before the militants arrived, the jirga was revered for resolving disputes and seeking justice. However, the militants ridiculed and undermined its authority, imposing their own harsh justice system. Even after the military operation, the jirga struggles to regain its former stature, with many seeing it as irrelevant and ineffective. I believe the jirga can still play a vital role, but it needs to adapt and evolve to restore its legitimacy and remain relevant in our community, preserving our cultural heritage"

The participant demonstrated that the jirga system in Swat has suffered a significant loss of credibility due to the rise of militancy. Once a revered institution for resolving disputes and seeking justice, the jirga's authority was undermined by militants who imposed their own brutal justice system. Although the militancy operation has eroded, the jirga's legitimacy remains compromised, with many now viewing it as ineffective. He further stated that there is still hope for the jirga to reclaim its importance in the community, but it requires transformation and adaptation to restore its relevance and preserve the social and cultural heritage of the region. According to research studies, the rise of militancy in Swat region basically affected the jirga's legitimacy. These research studies also pointed out that Taliban killed most of the elders and leaders of the jirga in Swat. Moreover, Taliban restrict and control the jirga functioning in the region. They created a system of their own which was a brutal system. Through their intervention and creation of such systems they replaced the traditional jirga system by force (Shinwari, 2011). In this study the researchers also found that the rise of militancy greatly affected the jirga system in Swat society.

### **3.3. Changes in Jirga's Structure and Function**

The rise of militancy in Swat region has had a profound impact on the traditional jirga system, leading to significant changes in its structure and function. Prior to the emergence of militant groups, jirgas were autonomous, community-led institutions that played a vital role in dispute resolution, justice, and social cohesion. These institutions were comprised of respected elders and leaders who were chosen for their wisdom, integrity, and knowledge of traditional laws and customs. However, with the advent of militancy, jirgas faced unprecedented challenges. Militant groups targeted jirga members, killing and intimidating them, which led to a disruption of traditional leadership. Many jirga elders were forced to flee or go into hiding, creating a vacuum in leadership and undermining the system's functioning. In response to these challenges, jirgas adapted by adopting more secretive and decentralized structures. Members began to operate in secret, avoiding public gatherings and meetings to minimize the risk of militant attacks. This shift towards a more clandestine approach marked a significant departure from the traditional jirga system, which had always been characterized by openness, transparency, and community participation.

Furthermore, the imposition of parallel justice system by militant groups led to a decline in the jirga's judicial role. Militants established their own courts and imposed harsh punishments, which undermined the jirga's authority and

legitimacy. In some cases, jirgas began to incorporate Islamic law and sharia principles into their decision-making processes, in an attempt to maintain relevance and credibility. The rise of militancy also led to changes in jirga's membership and representation. With traditional leaders either killed or forced into hiding, new members were drawn into the jirga system. These new members often had different backgrounds, skills, and perspectives, which altered the dynamics of the institutions. Most of the participants in the study said that the legitimacy and authority of jirga system have been eroded, and face significant challenges in re-establishing its position as respected and useful institutions. While few of the participants said that the transformations brought about by militancy have forced jirgas to evolve, but the long-term consequences of these changes remain uncertain. A participant in the study said that:

“The militancy in Swat has profoundly impacted the jirga's structure and function. The militant's brutal suppression of jirga members and imposition of their own harsh justice system have led to a loss of public trust and confidence. As a result, jirgas have become more exclusive and secretive, abandoning their traditional inclusive and participatory approach. Furthermore, the rise of militant-backed jirgas has created confusion and divisions within the community, undermining the traditional jirga's authority and legitimacy. The changes have not only altered the jirga's structure and function but also eroded its cultural significance and relevance in Swat society”

The participant shared his views that the rise of militancy in Swat has had a devastating impact on the traditional jirga system, causing it to lose its credibility, inclusivity, and cultural significance. The militant's violent suppression and imposition of their own justice system have led to a decline in public trust and confidence in the jirgas. He further argued that how the jirgas become more secretive and exclusive, abandoning their traditional openness and participatory approach. This transformation has not only changed the jirga's structure and function but also eroded its legitimacy and relevance in the community. According to the study of Rome (2010) and Ali (2012) pointed out that between 2007 and 2009, Swat valley faced intense militancy, with attacks on security forces, civilians, and government infrastructure. Militants also targeted traditional institutions like Hujras, jirgas, and even Masjid in order to undermine Pashtun society's unity and social fabric. The current study also highlights that militancy not only altered the structure and function of the jirga system but they also disrupted various institutions in Swat. Additionally, the militant groups also hide and even killed the elders and leaders of the jirga in the region. In short, the rise of militancy in Swat affected the structure and function of the jirga system as well as it challenged its overall mechanism.

#### **3.4. Socio-Cultural Heritage and Identity**

The jirga has long been a cornerstone of Pashtun cultural heritage, playing a vital role in preserving and promoting the community's traditional values, customs, and practices. For generations, jirgas have served as a platform for resolving disputes, upholding customary laws, and fostering social cohesion. Through their deliberations and decisions, jirgas have helped to maintain the delicate balance of power within Pashtun society, ensuring that the rights and interests of all members are respected and protected.

However, the rise of militancy has had a devastating impact on the jirga system, eroding its role in maintaining cultural identity and threatening the very existence of this ancient institution. As militant groups have sought to impose their own brand of justice and governance, they have systematically targeted jirgas, viewing them as a rival source of authority and a barrier to their dominance. The resulting disruption to traditional practices and customs has been profound, with jirgas struggling to operate in a climate of fear and intimidation. The imposition of external influences and ideologies has also undermined the cultural significance of jirgas, as militant groups have sought to supplant traditional values with their own radical interpretations of Islam. The participant in the study demonstrated that the breakdown of community trust and social cohesion has further weakened the jirga system, making it increasingly difficult for these institutions to function effectively. They also said that the Pashtun cultural heritage and identity are facing crisis, with the jirga system struggling to preserve and promote traditional values and practices in the face of extremism and violence. One of the participants said:

“In Swat, jirga is a traditional institution that represents the social and cultural heritage of the Pashtun people. It's a gathering of elders who resolve disputes, discuss community issues, and pass down social and cultural values to younger generations. However, when militancy rose in Swat, jirgas were targeted, and their members were killed, forced to flee, or intimidated. This disrupted the traditional way of life and eroded the cultural traditions of Pashtun people. As a result, the community lost its cultural cohesion, and the younger generation began to lose touch with their heritage”

The participant elaborated that jirga serve as an important traditional institution and a symbol of Pashtun cultural heritage in Swat society. He also said that in jirga Pashtun elders come together for the settlement of various issues and disputes in the region. But unfortunately, the Taliban insurgency affected and targeted the jirga system in Swat society. As it is the socio-cultural heritage of the region, militancy replaced it with a very harsh justice system. Many elders and leaders of the jirga system were killed and some were forced to flee in the region. Other research studies also pointed out that due to the intervention of militancy in Swat the jirga system was challenged in the region. According to Orakzai (2011), Taliban established their own court system for deciding all kind of cases and challenged

the local jirga system of the region. In this study, the researchers also found that the rise of militancy affected the jirga system as a socio-cultural heritage of the Pashtun people.

#### 4. Conclusion

This study evaluates the comparative analysis of socio-cultural heritage (Jirga) pre and post of militancy. Jirga is the council of elders and like a public assembly. Jirga is one of the most effective conflict resolution mechanisms among Yusufzai tribe of Pashtun in district Swat. According to participants before militancy there were many forms of Jirga system such as grand Jirga and local Jirga which resolve the issues on local and larger level. Mostly participants said that the role of Jirga before militancy was effective because Jirga is preferred and considered to be a source of cheap, speedy justice. Jirga also gives chance to both the plaintiffs to present their viewpoints and the judgments by Jirga are made on the basis of sharia law and local traditions. The factors like financial or the social status, of either of the plaintiff, do not affect the decision by Jirga. All the members and the compliant respect and obey the verdicts of Jirga. It is much respected legislative institution of the Pashtun society. Moreover, Jirga is source of speedy and cheaper justice as compared to the formal legal system. As courts are expensive than Jirga. Formal legal system like courts is said to be more corrupt, whereas verdicts by Jirga are taken as fairer than court, Jirga is also a source of social integration, maintains social order, rule of law restore harmony and peace in the community. Jirga is easily accessible to all community members and its members take Waak [Authority] from plaintiffs; its decisions are acceptable to all parties. However, the role of mediator was also effective because they are independent, impartial, competent trustworthy and acceptable to both parties, and they are satisfied from mediators and mediator resolve the issues without any hesitation and fear. But during militancy most of them were targeted and they were killed by militants, and some members were targeted because the people perceived them as militancy agents. Based on the current findings it is concluded from the present study that Jirga system was one of the most effective platforms for decision making, trustworthy, and provide speedy justice to the people but unfortunately it was affected by militancy. During the militancy, the militants use Jirga for his own purpose which changed the structure and function of Jirga and lose their status which was before the rise of militancy.

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