

Screams of a Valley: Taliban, Women and the State of Pakistan, with Special Reference to the Chand Bibi Incident in 2009

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Introduction

Swat is a scenic valley in northern Pakistan which has been attracting a large number of tourists to enjoy its legendary beauty. Since the last four years, it has become a hotspot of a conflict between the extremist groups known as 'Taliban' and the security forces. As elsewhere in the world, women have been among the worst sufferers of this rising militancy and conflict which has now crossed international boundaries. Earlier, only the tribal areas of Federally Administered Tribal Areas (FATA) and Provincially Administered Tribal Areas (PATA) were affected but now settled districts and remote areas of Sindh and Punjab are getting the fall-out of this process. A high point in violence against women in Swat was felt when a video was telecasted on 2 April 2009 in which a girl wearing a red dress and *burqa*, held by two men, was being beaten by a third man. Two men visible in the video were apparently Taliban, carrying guns as well. About two dozen people were also watching the event on the road. This event of flogging a girl in public was a test case for the tolerance, reaction, and morality of the state, society, community and the individuals related to the victims. The event unfolded those viewpoints which clearly corresponded to the respective positions of the actors, from the government to the individual level. The story was eventually hushed up, but, along with a range of other incidents of violence against women, living under militancy in Swat and FATA/PATA, it raised many questions. This paper tries to formulate such questions and also provide answers to some of them.

At the outset, this paper briefly introduces Swat, its residents and their culture, and their involvement in the conflict. Details on violence against women under militancy in general and the flogging incident in particular, is presented thereafter. The response of the society, state,

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media and other stakeholders is analyzed in the end. The conceptual literature used is mainly from the international agencies who have prepared guidelines for handling various issues of women in conflict zones. Sociological explanations related to the issue are also helpful to get a clear understanding of the issue. Secondary literature analyzing the interface of gender, religion, culture, power, militancy, state and civil society¹ also helps in understanding the issues engulfing silence over heinous incidents of violence against women.

Methodology

The data collected for this paper was through informants' interviews conducted in person and through telephone. Though the details of the events discussed in this paper are available in various print and electronic sources, yet conflicting news about the incident and first hand information coming from the area had revealed that the reality was not what the media and news agencies were reporting hence the reality of flogging incident was to be discovered through insiders' interview. The data was collected by adopting the case study approach, which requires tracing the details from the past. Earlier some details were already revealed through other studies which served as secondary sources in this paper. The latest data was collected in September and October 2010.

The conceptual literature

Defining the 'conflict' in Swat: According to available conceptualizations, 'conflict' generally refers to as a situation of encounter with fellow human beings, in a situation of disagreement, quarrel and disputes. A conflict may involve several acts, such as threats, persuasions, avoidance, and, in extreme cases, destructive consequences with the use of force. In a situation of involvement of armed groups and states, the conflict results in grave consequences, like genocide, murders, dishonouring and torture of both armed persons and un-armed civilians. Wright's definition which is found more suitable for the situation is being focused upon in this paper. Wrights² calls conflict as, 'opposition

¹ For relations between state and civil society see, Iftikhar H. Malik, 'Ethnic Politics in Sindh', in Rasul Bakhsh Rais (ed.), *State, Society, and Democratic Change in Pakistan* (Oxford University Press, 1997), pp.158-81.

² Cf. Quincy Wright, 'The Nature of Conflict' (1990: 19), in Jayadeva Uyangonda (ed.), *Conflict, Conflict Resolution and Peace Building: An Introduction to Theories and Practices* (Colombo: Department of Political Science and Public Policy and IMCAP, University of Colombo, 2005), p.3.

among social entities directed against each other'. An empirical definition by Laue describes conflict as 'escalated natural competition of two or more parties who believe they have incompatible goals, and whose aim is to neutralize, injure, or gain advantage over the other party or parties'.³ The armed conflict in Swat and elsewhere in Pakistan, between the state actors and the Taliban or militants, conforms to these two definitions. Since internal conflicts are on the rise, the civilian population is becoming increasingly 'caught up' in the conflict or targeted by the parties to the armed conflict as part of a deliberate strategy. War at home rather than abroad has had a major impact on women as members of the civilian population'.⁴ Among the many roles and experiences mentioned by Lindsey, those relevant in the case of Swati women are their being 'targeted for the suspected or actual role of their menfolk, in order to get to the absent man by intimidating and attacking the woman'.⁵ In Swat, women have mostly experienced conflict as a component of the civilian population, which has been discussed by Lindsey and Khan⁶ at length.

Background literature

Broadly speaking, this paper aims at understanding the reaction of the state and society towards militancy. Little literature is available about the true nature of the spread of militancy in Pakistan, whereas in this context the research material about Talibanization in Afghanistan is very helpful.⁷ Saigol⁸ points out human rights violation due to terrorism, while

³ Cf. James H. Laue, 'Contributions of the Emerging Field of Conflict Resolution', (1991: 301), in Jayadeva Uyangonda, *op. cit.*, p.4.

⁴ Charlotte Lindsey, 'Women and War – An Overview', International Review of the Red Cross No. 839, p.561-79, posted on 30 September 2000, available at <http://www.icrc.org/web/eng/siteeng0.nsf/html/57JQQ3>, retrieved on 22 October 2010.

⁵ *Ibid.*,

⁶ Nazish Khan, 'Swat ka Haliya Bohran aur Ooskay Asraat (2008-2009), Pas Manzar aur Pesh Manzar, Rai Aama ki Roshni Mein', MA dissertation, unpublished, (Karachi, University of Karachi, Pakistan Study Centre, 2009).

⁷ For instance see, Antonio Giustozzi, *Negotiating with Taliban, Issues and Prospects*, a Century Foundation Report (2010), available at www.tcf.org, accessed on 8 October 2010.

⁸ Rubina Saigol, *Dehshatgardi, Entehapasandi aur Insani Haquq ki Pamali* (Karachi: Irtiqa Institute of Social Sciences, 2008), and, *Pakistan, Qaumiyyat, Taleem aur Shanakhlat* (Lahore: Fiction House, 1997).

Khattak⁹ writes about the gendered nature of the state, which lies at the heart of violence on women. Generally, militancy is taken as the most serious threat to the stability of Pakistan.¹⁰ The support for militancy is a complex phenomenon, according to an analysis by Shapiro and Fair¹¹ conducted in September 2007. The authors refer to the common notion that militancy is supported due to poverty, less education, personal religiosity, support for *shariah* law and the goals espoused by Islamist parties. Their findings reveal the futility of such notions and show that urban Pakistanis do not take all militant groups as a homogeneous or tactical monolith, rather they differentiate among them. High religiosity does not support militancy rather people have desire for change in the role of *shariah*. A strong identity as a Muslim or religion per se, is not found as a factor driving support for all militant organizations rather underlying political considerations appear to be driving the support for militancy. Moreover, faith in democracy or democratic rights is not found related to disapproval of Taliban. This study concludes that people's condemnation or support for Taliban or militants' actions is not driven by their religion but their political positions.

Based on the findings of Shapiro and Fair, this paper hypothesizes that: 'The reaction towards the show of militancy is largely determined by the respective political positions and political expediency of the actors, regardless of their being a part of the state, or the society'. In this paper the treatment meted out by Taliban to the public, especially women, is regarded as 'the show of militancy' and the actions (like protest, orders, investigation, statements, commentaries, paying attention or ignoring, and projection) are taken as their 'reaction'. Political expediency, for this paper is defined as 'behaviour of an actor determined by his/her: position in the socio-political structure, psychological profile, and/or status and role considered important by him/her, so that his/her resultant actions are either limited by his/her capacity, vulnerability, or apprehensions, and/or shaped by his acumen to take benefit of a particular position on the issue in question'. The paper

⁹ Saba Gul Khattak, 'Pakistani Riyasat ka Mardana Chehra', *Paidar Taraqqi*, Vol. 1, No. 1, pp.37-50.

¹⁰ For details see regular reports issued by Human Rights Commission of Pakistan.

¹¹ Jacob N. Shapiro, C. Christine Fair, 'Why Pakistanis Support Islamist Militancy' policy brief, at http://belfercenter.ksg.harvard.edu/publication/19922/why_pakistanis_support_islamist_mil ..., accessed on 09-06-2010, and also at <http://globalcrim.blogspot.com/2010/01/understanding-support-for-militancy-in.html> accessed on 9 June 2010.

particularly looks into the reaction of the state, judiciary, media, political parties, Islamist parties, human rights and women rights groups as well as the militants themselves.

Women in armed conflict: The legal context

An armed conflict, internal or external, has implications for women which are different from those for men. The literature produced about women in armed conflict has been helpful in eliciting the position of international law and response of the international agencies regarding sufferings of women in conflict. Here the difference between ‘war’ and ‘armed conflict’ is relevant;¹² the latter is preferred to ‘war’ which is generally assumed to follow a formal declaration of hostilities. The international law further explains that different rules apply depending upon the armed conflict being ‘internal, i.e. civil war’ and ‘external, i.e. war between two or more states’. After the World War II, the four Geneva Conventions of 1949 were initiated by the International Committee of the Red Cross (ICRC) and two Additional Protocols were added to these in 1977. Certain provisions related to women were also part of these protocols. The crimes covered in these protocols include murder, extermination, imprisonment, torture, rape and other inhumane acts. Certain crimes were declared as ‘grave breaches’, which signify these crimes to be checked by the state. It is clearly stated that ‘States have a duty to search for persons who are alleged to have committed grave breaches and, if found within their territory, to bring them before their courts or alternatively to extradite them for prosecution’. It is further accepted that though sexual violence was not declared as grave breach, but any act which could be proved ‘as “willfully causing great suffering or serious injury to body and health” and “torture or inhuman treatment”’.¹³ This discussion can be summed up by asserting that though the international law does not include sexual violence as such as a grave crime but this ‘trivialization of such offences’ points out the need for improving the law.

¹² As followed by the ‘international legal principles found in treaties and in the practices of States, that regulates hostilities in situation of armed conflict’. Sexual Violence and Armed Conflict: United Nations Response, in, Women 2000, published to promote the goals of the Beijing Declaration and the Platform for Action, United Nations, Division for the Advancement of Women, Department of Economic and Social Affairs, April 1998, p. 3, available at <http://www.un.org/womenwatch/daw/public/w2apr98.htm>, accessed on 22 October 2010.

¹³ *Ibid.*,

Regarding application of these laws in the situation of internal armed conflict, as was the case in Swat under Taliban militancy, one finds the state to be responsible for checking any such crime happening against its citizens and to punish the offenders. The range of offences perpetrated against women in Swat, as well as in FATA and PATA area during the times Taliban had gained power and were implementing their own laws through their own 'courts', call for strict action by the state. How far the state could do this or failed in it, is discussed in the concluding section of this paper.

Popular Islam and Pukhtunwali: The anthropological context

Imtiaz Ahmed explains the significance of difference between the study of Islam by theologians and by anthropologists, and asserts that scriptural sources are treated as more authentic by the theologians, while the anthropologists focus more on the religion as practiced by the people. This is because, 'People acknowledge the general concepts dictated by the *ulema*, but they choose to live according to more particularistic notions of Islam which relate to their everyday experiences'.¹⁴ He writes that 'the authority claimed by theological Islam is contested by the recognition that in any given cultural system, a folk theology may be found which rivals formal theology in its degree of abstraction, systematization, and cosmological implications. According to him, 'the theologian merely focuses upon the ideology and relies upon the textual terminology to expound an understanding of Islam, the anthropologist devices concepts and focuses at different levels at which Islam can or does operate or exist. Not only does the anthropologist not accept the theological picture as axiomatic, but he/she also concerns himself/herself with the dynamics between the theological description and with the realities at the ground level'.¹⁵ Thus he recognizes that there are different levels within Islam. Each of these traditions addresses different needs of the believers and is constituted by entirely different sets of beliefs and practices.¹⁶

In this context if one evaluates the Pukhtun code of Pukhtunwali and its manifestations, would find that tribal people who have been exposed to a host of processes of the modern age, demanding them to react smartly and adjust to the demands of the new age, are in a real fix.

¹⁴ Imtiaz Ahmed, 'Introduction', in Ahmed and Helmut Reifeld (eds.), *Lived Islam in South Asia, Adaptation, Accommodation, and Conflict* (Delhi: Social Science Press, 2004), p.xvi.

¹⁵ *Ibid.*, p.xvii.

¹⁶ *Ibid.*,

They do not want to leave their traditions all of a sudden nor want to be left behind. They want their girls to be educated but they do not want them to be working in a male-dominated environment. They are caught in the conflict between tradition and modernity, as well as localism and globalism. Their political leaders and the state, of which they became formal citizens four decades ago, are not very serious about ensuring them security, development and prosperity. They are no more capable of defending themselves than they were used to a century ago. Their favourite version of Islam can be the only one which helps them with a smooth transition, a painless adjustment at a least cost of 'honour'. The new affluent people do not want to relinquish the newly acquired social prestige and privilege, whereas new political groups have also emerged. This whole scenario of transition makes them flexible and ready to change but at their own pace and not the one dictated by the militants or the state agencies.

Conflict and gender in Swat

The historical context: Pakistan slipped into militancy gradually in the first three decades of its life, this process accelerated up in the next three decades. The years from 1947-77 were in fact the years of consolidation of militancy. The years from 2007 onward, have seen worst show of militancy and its related processes. Earlier, since the 1979 Soviet invasion in Afghanistan, it was across-the-border conflict and its fall-out for Pakistan, but now it has become a domestic issue, having international trappings. It is directly related, as Puniyani explains, with the 'global stereotyping of Muslims, Islam, and Islamic countries', which is aimed at establishing 'Islam as a violent religion giving rise to terrorism'. All this started with the planned replacement of Islam with socialism after 'the demise of socialist economy and the coming of Iranian political change' in 1979. It projected Islam 'as the much-needed enemy.... The presence of a real and ideological enemy is a prerequisite for the agenda of ex-colonialists, now joined by a new power, US, which later emerged as the strongest among them'.¹⁷ The US policies thus resulted in nurturing terrorism among Muslims, supporting fundamentalism, training the fighters and *Jihadis* (holy warriors) for Afghanistan and international terrorist organizations like al-Qaeda. Thus the heightened feelings of discontent, injustice, and frustration, resulted in escalation of violence, and Islam identified as a religion of terror.¹⁸

¹⁷ Ram Puniyani (ed.), *Religion, Power and Violence, Expression of Politics in Contemporary Times* (New Delhi: Sage, 2005), p.15, introduction.

¹⁸ *Ibid.*, p.16.

Puniyani also holds that after 9/11, the obvious manifestation of politics started to be in the language of religion (such as flogging) at various levels, including the global level. With increased interest in religion, and further marginalization of the weak sections (women being among them), the new 'constructed social commonsense' accepts the social transformation of caste and gender, which has resulted in their demonization.¹⁹ This concept also helps explain the views of Taliban, who have called women as 'impure' and 'seductresses'.

In Pakistan, the FATA as well as PATA, have been neglected in development and political integration. As Mian points out, that FATA, historically an isolated region, a buffer zone between warring world powers, was made a launching pad against Soviet aggression in Afghanistan. The PATA was most likely to be affected by the conditions of FATA due to geographical contiguity, political status, as well as ethnic bonds. In the wake of the Afghan war, FATA received the foreign money, foreign people – spies, *jihadis* and criminals. The colonial system of political agents, an oppressive and authoritarian one, was supported by the local chiefs called *malak*. Both were invalidated by the *mullah*, who himself was strengthened by the refugees factor.²⁰ The spread of seminaries in the NWFP and other parts of Pakistan greatly supported the growth of Taliban and militancy, as is confirmed by various quarters.²¹

The core group of 'Taliban' are ethnically Pukhtuns, and basically the students of religious seminaries set up mostly for educating the refugee children of Afghanis who entered into Pakistan after they realized that survival was no more possible in a country which was devastated by war and where several nationalist, militant groups, diverse ideological forces and foreign interests were involved. Women constituted a large section of refugees because the conflict in Afghanistan had caused serious threats to their survival as well. The detail on violence against women in Afghanistan is available in a number of media reports, books and documentaries. The patterns of violence

¹⁹ *Ibid.*, p.9, preface.

²⁰ Asif Mian. 'FATA: Masai'l aur Hul'. *Tajziat*, Issue no.9, September 2009, pp.7-10.

²¹ The number of seminaries in Pakistan runs into over 7,000. A small fraction (10-15 per cent) of these is engaged in promoting extremist ideologies. *Terrorism Questions and Answers Pakistan* (Karachi: The American Information Resource Centre, Council of Foreign Relations), no date. Ahmad Rashid, *Taliban Islam, Oil and the New Great Game in Central Asia* (London: I.B. Touris, 2000), transl. Hameed Jehlami, *Taliabn: Islam, Teil Aur Wast-e-Asia Mein Sazishon Ka Khel* (Lahore: Mashal, 2001).

against women in Afghanistan and Swat have stark resemblance and their reports appear similar;²² sometimes one would wonder whether the same characters have changed the place. The online videos of Taliban punishing women confirm the same impression.

The ethnic history of Swat

The Swat valley is largely inhabited by the Yousufzai Pathans. This tribe was expelled from Kabul in 1485, and after a series of clashes, victories and defeats, they were pushed towards Swat where they settled as the dominant tribe in about 1515 AD after they threw out the Pukhtuns who were earlier in control of the area. In this way Pukhtun arrival in the valley was not new. Those who remained in the area to be subjugated by the new ruling tribe were made paupers (locally called *faqirs*), and the class of artisans also stayed here. This division is embodied in the formation of the existing class structure of Swat. Other minor ethnic groups living here include Gujars, Ajars, Kohistanis.

Gender norms in Pukhtun history

Traditional Pukhtun norms with respect to gender relegate women to an inferior status, men being superior, as head of the household, community, and state. Men are responsible for earning livelihood, but women are engaged in toiling labour to raise the family, as mothers, as wives and as helpers. In certain settled districts of Pakistan, where Pukhtuns dominate, women mostly live in purdah and their life is limited to the household, bearing and caring for children and depending upon men-folk for all their needs. One can imagine the plight of women in confinement when polygamy, large family size, joint families, and poverty come together. In such areas girls are rarely educated, and beyond the age of ten they have to wear *burqa*, if allowed to continue education. In rural areas of Swat, agriculture is the mainstay of the economy and livelihood and women enjoy little freedom of movement. The urban scene is, however, much different, where more freedom for education, jobs and mobility is enjoyed by women, yet the traditional culture can be seen pulsating in general. Akbar S. Ahmed describes the tribal areas of Pakistan with the help of two stereotypes: the *nang* model refers to those who rely on traditional Pukhtunwali code, live on dryland and non-agricultural occupations, and believe in *nang* (honour) principle crazily. The *qalang* (tax) model of Pukhtun society, however, is that of the agricultural areas; they pay taxes, live more on trade and are more

²² See Ahmed Rashid, *ibid.*, p.145-60, and Appendix 1. The media and field reports from Swat are no different.

prone to changes, urbanization, and modernization. Swat represents the *qalang* model.²³ It can also be taken as a society ahead of the *nang* model areas, since it is more open and is integrated in the global processes of change.

What Oliver²⁴ observed a century before Ahmed, about the principles of settling disputes among two tribal societies of Pakistan – the Pathans and Balochs,²⁵ shows that women were merely an appendage of the family, clan or tribe, meant to produce more and more sons for the tribe's strength, and daughters to give in compensation or to earn bride-price. Women were kept hidden in strict *purdah* as they were taken as embodiment of men's honour, but women were allowed no identity, no choice in life, no awareness, no education, and above all no right to life for she could be killed in slightest suspicion, under a false charge, and also in the name of honour. The literature on the issues of tribal values and customs, *purdah*, and honour killing, and marriage explains these facts at length.²⁶ Such practices have been going on since centuries. Even today, it is difficult for a Pukhtun to have two or more wives since marriage is a costly business. The man has to give *walwar* (bride price) to the bride's father, arrange for the ceremony of marriage, give gifts and provide household items for his own family. Though there has been a tradition of dowry as well and the Yousufzais also paid dowry in some historical events, but the economic responsibility on males pushes them to be economically independent at an early age. According to Islamic rules, the husband is bound to pay *haq mehr* (dower amount) to the wife, before consummation of marriage.

²³ Akbar S. Ahmed, *Pukhtun Economy and Society Traditional Structure and Economic Development in a Tribal Society* (Karachi: Oxford University Press, 1980), Chapter 7, pp.181-212.

²⁴ Cf. Elphinston, in Edward E. Oliver, *Across the Border: Pathan and Baluch*, trans. M. Anwar Rooman, *Pathan aur Baloch* (Quetta: Nisa Traders, 1984), p.147.

²⁵ According to the rules settled in 1860 by Waziris, even for disabling a Pathan was to be compensated with Rs. 500 plus a daughter and Rs. 80, while the same disability to a man of lower origin demanded giving away a daughter and serving at his doorsteps.²⁵ Women were calculated almost half in each respect of blood money. For instance, among the Waziris, who had standardized their laws four centuries ago, in case of suspected cases of murder the suspect alone or along with his 100 tribesmen (to make a total of 100), used to swear on the Quran that he was innocent. In case of fewer men they swore more than once and in case of women all of them had to swear only fifty times in total. Edward E. Oliver, *Ibid.*, pp.147-150.

²⁶ For marriage customs, see, *ibid.*, p.287.

Purdah norms have not been strict in the rural areas of Pukhtun tribes. The distance and safety are traditionally maintained by enforcing strict rules of *nang* and *tor*. *Tor* particularly refers to the honour related to women, which is threatened, if even some one is doubted to have an intention of violating it. Women avoid interaction with men, and men keep their distance, because the punishment for both of them is very severe. *Tarboor* norms dictate that a boy has to compete with his cousin (mostly the paternal cousin) in all respects. The right to marry a girl is first of all reserved for her father's brother's son. Cousins do fight on this issue. Females of related or acquaintances can also be married but only through full consent of elders. Initiative is taken by males, but any action violating the respect of women can invite enmity or rivalry. Abduction of women is a heinous crime which can lead to bloody wars, or ruthless punishment. In case of rape, both are liable to be killed, but mostly women are killed and men flee or pay huge ransom. The impression of Oliver, still holds truth that, undoubtedly, maltreatment of women, wife sale, dealing in women as a commodity, all make her an inferior being, yet such punishments are given rarely. The social pressure keeps men and women within their limits. Only the gravest examples are propagated while a common Pukhtun woman lives her life in her village in family and is expected to live happily.²⁷ What Oliver observed a century ago, might have changed to a great extent in other domains, but the gender and marriage norms are the ones which have shown severe resistance to change and the ethos of the centuries' old oppression on women is still alive.

Social context of Swat

Swat has been a relatively modern state as compared with other states included in the north-western province of Pakistan then called North West Frontier Province (NWFP). Since the rulers had modernist inclination, their policies since 1920s till the annexation to Pakistan, in 1969, provided ample opportunities of progress to the people. The pace of social change was fairly fast. In 1953, Gilbert Etienne observed that, 'Saidu Sharif was still a big village and Mingora hardly existed. A few streets were becoming to be asphalted',²⁸ and in 2002 one can see it has been integrated in the national and international economy due to international migration. A large scale overseas migration, which required huge money, thus caused sale of assets, mostly land. Then the incoming

²⁷ *Ibid.*, p.290.

²⁸ Inam-ur-Rahim and Alain Viaro, *Swat An Afghan Society in Pakistan* (Karachi: City Press, 2002), Foreword, p.vii.

remittances have changed the social organization, spending patterns, culture, norms, and pattern of land ownership. Moreover, Swat's integration within the state of Pakistan opened new venues and, according to an observation in the year 2009:

Swat has been one of those districts of the NWFP where the literacy rate was exemplary. The natural resources were abundant and almost from every household at least one member was employed abroad. Tourism and local industry was a source of prosperity in the area. The Swatis have been more educated, peaceful, cultured and lively than the Pushtuns living elsewhere. Daily hundreds of them traveled to Peshawar, Islamabad, Lahore and Karachi. They were not bound by any curb on mobility and traditional social structural restrictions.²⁹

Few people visited Swat before 1970, but in 2002 there were 334 tourist hotels in the valley. For being located at the junction of trade routes from China, Afghanistan, Central Asia, and India, trade has been a remarkable activity. Even people, who visited Swat in the 1960s and 1970s, now feel a large spectrum of change in the society due to its integration with the mainstream economy of the country, tourism, and a large scale job-related migration within and outside the country. There was a bazaar with only few local products in 1953, and now the latest imported items from across the global market are available in the shops of Mingora. Now people travel in modern transport, and those who do not own transport either have access to their friends' cars or they hire taxis. Though a big number uses bus as well, but Swat is much more affluent in terms of means of transportation.

The valley has experienced rapid social change since the 1970s. The classical social and political structures have broken. Due to rapid urbanization, Mingora has developed into an 'intermediate city', having a population of 1,75,000 in 1998, and becoming the fourth city of the province after Peshawar, Nowshera and Mardan.³⁰ The Swati Pushtuns have abandoned the temperament and culture of the traditional tribal society and they are urbanized to a great extent?³¹ Interaction of people residing in the surrounding of Mingora and Saidu Sharif has increased

²⁹ Aqeel Yousufzai, *Talibanization Afghanistan Say FATA, Swat Aur Pakistan Tak* (Lahore: Nigarshat, 2009). p.187.

³⁰ Zeeant Hisam and Alain Viaro, *The Unplanned City, Dynamics of Development and Public Participation* (Karachi: City Press, 2002), p.9.

³¹ Rahim and Viaro, *op. cit.*, pp.101, 328.

manifold due to high mobility as well. Yousufzai³² explains that there was no effective *hujra* and *jirga* system in operation and control in Swat like other Pushtun areas, and they no more had the turbulent nature other FATA/PATA residents were known for – in terms of defiance to the order from the governments (preset day Government of Pakistan and its provincial governments, or the old colonial government). This ‘open’ nature of the Swat society allowed infiltration by anti-state actors like Taliban. They found fertile ground in Swat where people have been suffering due to neglect of the Government of Pakistan. These militants also developed links in the Middle East and other western countries, which was helpful in their survival and political activities.

Gender norms and cultural context

Due to their Pukhtun origin and character, the Swatis have inherited the cultural code called Pukhtunwali. This is a highly patriarchal set of rules, which relegates women to household domain confined to wifely and motherly roles only. Main corollaries of this tribal code are: *Badal*, *Tarboorwali*, *Tor*, *Swarah*, *Mailmastia*, *Nanawati*, *Namoos*, *Nang*, *Jirga*, *Lashkar*, among others.³³ These rules have special significance for women’s status, since women have to learn, obey, and teach the young ones these rules. Moreover, they have to pay the price of being a Pukhtun in the cases of *Swarah*, or *tor*, which means perpetual torture/insult or death under the pretext of honour. About prevalence of tribal rules in the rest of Pakistan and the way they dispense justice, human rights organizations have been reporting very critically.³⁴

Marriage customs

The Pukhtuns marry their sons within their tribe, and to those who are equal or superior, but if they have to take daughters from the groups lying lower in the hierarchical structure, they adopt it one-way, i.e. they

³² Aqeel Yousufzai, *op. cit.*, p.189.

³³ These refer to ‘revenge, cousins’ rivalry, blackening of honour, woman given in compensation of men’s misdeed, hospitality, refuge, prestige, honour, elders’ assembly, and tribal army’. Detail on such rules is available in primary texts about the Pathans, and the Afghans. See Akbar S. Ahmed, *op.cit.*, James W. Spain, *The Way of the Pathans* (Karachi: Oxford University Press, 1972, 2nd ed., 1st ed. Great Britain), and Frederick Barth, *Political Leadership among Swat Pathans* (London: The Athlone Press, 1959).

³⁴ For instance, see, Amnesty International, *Pakistan The Tribal Justice System* (London, 2002).

do not give daughters to the lower classes/groups.³⁵ Divorce is highly detested: if women are abandoned by their husbands they spend their lives in the parental home. The social hierarchy of artisan groups is well-defined and that is rarely broken. Artisan groups of same social status can inter-marry but they prefer not to marry in the lower groups. Informal engagement at birth or in childhood has been common, violation of which is strongly resisted, and it may end up in social ostracism or rivalry due to *tor* or *badal* rules. The ‘words given’ are taken as ‘marriage’; hence the fight.

Political context

The conflict in Swat has its links with the political conditions of Afghanistan. After the Soviet invasion in December 1979-till its withdrawal in 1989, the militant groups continued resisting the Soviet forces, as well as fighting within themselves. There were certain groups supporting Soviet forces as well. From the withdrawal in 1989 till 1996, a civil war continued in Afghanistan which resulted in a Taliban government in Kabul. For the next five years Afghanistan was a country which became a fertile ground for promotion of terrorism. Al-Qaeda was the most remarkable name among such organizations which set up their territorial bases in Afghanistan. The historic terrorist attack on 9 September 2001 in the USA, led the US government to start its ‘war on terror’. The U.S. President, G. W. Bush, described this war as ‘A war against those who seek to export terror, and a war against those governments that support or shelter them’.³⁶ The military action was started against terrorists in October 2001, and within few weeks their military and training bases were destroyed in Afghanistan.

The extremists took over Swat gradually after 1989, the year of starting Tahreek-e-Nifaz-e-Shariat-Muhammmadi (TNSM). They were bent upon proving to the world that the state in Pakistan cannot intimidate and overpower them, and to that end they were engaged in atrocities of any proportion. Both the Islamist outfit (TNSM) and the Taliban were not differentiable in that both were extremely cruel, rigid and used religion as a tool of consolidating their hold and exploitative control on the area.

Due to years’ long trouble created by Taliban’s activities in Swat, it was hoped that a moment of respite would come in Swat after an agreement was reached on establishment of Qazi Courts for dispensation

³⁵ Frederick Barth, *op.cit.*

³⁶ The Coalition Information Centers, *The Global War on Terrorism The First 100 Days*, Washington/Islamabad, p.3.

of justice. The flogging video was released at a time (2 April 2009) when the peace deal in Swat was not fully implemented rather its modalities and final signature by the President of the country were awaited. (He finally signed it on 13 April 2009). The president had clarified that he would not sign it unless peace was fully restored in Swat. He was believed to be toeing the line of the U.S., who did not want any peace deal with the Taliban.³⁷ The video released was surely going to damage the cause of peace. The president's hesitation left the deal in limbo, without any constitutional and legal protection. The columnists have mentioned that spreading multiple copies of the video to the media was a conspiracy against the provincial government who was tired of lawlessness and terrorism in the province, and the central government, which was more alert to the external reactions than the internal one. In general, the views expressed on the issue could be seen as either pro-establishment or anti-establishment.

Swati Taliban: The militancy context

Taliban has been the name specified for the militants in focus in Swat and also in Afghanistan since the late 20th century. The whole world was flabberghasted to know how they interpreted and implemented Islamic *shariah*. They believed in reproducing what they imagined was the model of society and culture of the times of Prophet of Islam, hence they closed women's schools, implemented 'Islamic' punishments of the Prophet's time (stoning to death, lashing, chopping hands, etc. and this craze went up to even more drastic acts like slaughtering and hanging in public, torturing and blowing with guns and tanks). The details are heart-rending but this was the face of Islam (literally 'religion of peace'), that the Taliban presented before the world, first in Afghanistan and later in Swat. This was how the world came to know the militant face of Islam. Their barbarian approach towards politics, and law and order shocked the world. The UN also felt helpless in convincing or bringing them to any negotiation or agreements because they were not flexible at all, brutal and unruly to the core, they played havoc with the lives of not only the armed forces of their opponents, they be communists, modernists, Shiites (of Afghanistan), or any one they took as the enemy; they did not spare the civilians at all. They wanted to rule through terror and for that they adopted the most horrifying means such as punishing in public and killing indiscriminately. The detail of their killing reveals the 'hardened' nature of those who had been running such shows of brutality. Any

³⁷ Irfan Siddiqui, 'Naqsh-e-Khiyal', *Jang*, 5 April 2009, p.7.

account the Taliban cannot be completed without referring to this atrocious aspect of their behaviour.

Women's sufferings during the conflict

The range of sufferings and painful experiences of the women of Swat in the years of militancy are described in this section. Unlike elsewhere, the most common form of violence against women reported in conflict/war – sexual violence – was rarely reported in the case of Swat³⁸, but very interestingly, a wide range of women's trouble came just from their being women, i.e. sexual objects. In fact, the strong Pukhtun norms about protection of women and honour can account for this 'immunity'. Moreover, the nature of conflict was not that which separated men and women, or dislodged the family units. Men were not forced to join Taliban or the security forces. Even when people were asked to leave the area during army operation, mostly men accompanied their families to the IDP camps and some of the men returned for harvest or protection of property or other livelihood business. Very few men went to join the Taliban, and in the case of those who did so, their families have suffered really badly. The reported number of missing men is not large. The worst suffering has been at the hands of the Taliban or the security forces, who maltreated, abused, tortured, even killed men on suspicion of siding with or actively supporting the opposite force. People said 'Earlier it was Taliban now it is the Pakistan army beating and killing us'. Undoubtedly, women in all these events have been receiving the impact of these suffering as members of their families, too. The loss of property, business, houses, cattle, farms, orchards, and even the community infrastructure has been immense and this all did not happen in any 'painless' manner, rather it was a story of bombardments, firing, shelling and flying of military planes at low altitude. All this was a source of unbearable torture for the community at large. The women suffered in it in many capacities – as individuals, mothers, care-givers, wives, elderly, sick, and as providers of the family. The shocking stories of those crucifying days, as told by residents, reveal the amount of sufferings any civilian population can go through under militant conflict. The pain of

³⁸ Taliban have been atrocious to women and detail of such incidents was also revealed by the respondents of a study conducted by the author, 'The Emergence of Conflict in Swat Valley and the Post-Conflict Management Issues', *Journal of the Pakistan Historical Society*, (forthcoming). They somehow did not mention the rape cases by Taliban despite inquiry, which are mentioned by the International Crisis Group, *Pakistan's IDP Crisis: Challenges and Opportunities*, op. cit., p.1.

not being able to see the doctor for their regular illness as well as conflict-related wounds was added to it. The militants who were injuring and killing so ruthlessly also were not allowing the victims to see the doctor. Apart from psychological damage, physical injuries received by family members and women themselves largely went un-reported. Those who were killed after brutal attack or by bombs, shells, and firing were part of a peaceful community, included mostly adult men, rarely young teenage males. Their being humiliated, beheaded, slaughtered or fired at, all documented and propagated, or witnessed by the community, including women, have been common crimes of the Taliban. Even if the Taliban are reprimanded for all their misdoings, the scars of the cruelty would remain. The psychological health and well-being of the whole community is still something not attended to properly. Immense resilience of people, especially women, so often referred to by researchers,³⁹ if works well, is a blessing in such conditions. Interviews with these women have shown a variable degree of resilience.⁴⁰

The humanitarian crisis caused by the prolonged process of spread of militancy, armed conflict, displacement, and crimes against humanity by the militants or those who came to quell the insurgency, has many dimensions. Women are affected by almost all of its dimensions. The number of female-headed households has risen. One may allude to the support network of the joint/extended family for women, which, of course, has been highly protective and has been ameliorating the damages done by the conflict, but no one can compensate the losses of life, property and dignity.⁴¹ The government, military, and non-governmental agencies have been actively working in the valley to support the affected persons, but it could never prove to be a 'real compensation'.⁴² Furthermore, the massive floods of August 2010 worsened the deprivations of the valley, which has been declared as being the worst-hit areas of the province.

The Swati women suffered as internally-displaced persons, and details reveal their plight which was intensified due to strict *purdah*

³⁹ As is generally mentioned by researchers on women in conflict. See Lindsey, *op. cit.*

⁴⁰ Research study by the author, *op. cit.*

⁴¹ The word 'honour' is not used here since it has special significance within the gender-related normative structure of the community. In this context, 'honour' ensues from the chastity of women, while 'dignity' refers to all humans, male or female.

⁴² For an evaluation of the post-conflict management in the Swat Valley, see author's article, *op. cit.* Various articles have appeared in the media about it and some valuable information is also available online.

norms, and the lack of confidence of women to deal with such a situation mainly because they have been dependent on men for most of their needs and their mobility outside homes has remained extremely limited.⁴³ They left their homes in extreme emergency, walked for long distances, lost children or family members, and suffered due to intense heat of mid-summer months (May to July 2009). Gender-sensitive arrangements were largely missing so the *purdah*-observing ladies went through a long ordeal. During and after returning home, their life remained in tribulation mainly due to problems in documentation, access to relief supply/basic needs and demand for reconstruction and resettlement. Moreover, after returning, according to the residents, there were dozens of women in police stations of Kabal and surrounding areas. They could see into the police station's windows and news of such detention traveled fast.

The Chand Bibi incident and its reporting by the media

On 2 April 2009, the TV channels in Pakistan showed a video-tape of two minutes duration, shot by a mobile phone, which shook the whole country and the diaspora community living abroad. In this video⁴⁴ a girl of 17 year was being flogged by a man apparently a black turbaned Talib fighter with flowing beard, carrying guns, while two men were holding her by her head and a crowd of men and boys was watching it silently. A voice in the background was saying 'hold her legs tightly', while she kept screaming and begging for 'Either kill me or stop it now'. The girl kept screaming, calling in Pushto something like, 'stop now and do the rest later'. After thirty four lashes she was allowed to go to the nearby building while a kalashnikov-carrying man followed her. Obviously she was being flogged for an alleged crime of hers for which the Taliban decided to punish and the crowd could not do anything except watching it. The reason is obvious; as a witness reported, 'I witnessed the flogging myself.... At that time about 200 militants and 130 villagers were present to see the flogging of the girl. The flogging was a shocking development for the villagers. They had assembled to watch the

⁴³ Detail on IDPs is available in reports by print media, the HRCP mission, and the aid/relief agencies. For instance, see International Crisis Group Report, *Pakistan's IDP Crisis: Challenges and Opportunities*, Asia Briefing No.93, Islamabad/Brussels, June 2009.

⁴⁴ The video on TV was seen by the author. Its details are available in the newspapers, for instance, *The Nation*, 3, 4 April 2009, p.1, *Daily Times*, April 2009. The Swat flogging video is available online at <http://swatvalley.org/index.php/in-real-life/the-swat-flogging-video?blog=1>, accessed on 8-5-2010, and also <http://www.youtube.com/watch?v=GKrfwXD6A34&feature=related>.

screaming girl but everyone was frightened and helpless while the militants were unmoved'.⁴⁵ The girl was identified as Chand Bibi and the locale was Kalakilay (Tehsil Kabal), a town in lower Swat. That was the day when the recently announced *Nizam-e-Adl* for Swat (and Malakand Division) was in the process of enforcement. The Pakistani media used word 'punishment' frequently while reporting this event, showing acceptance of the action as being punishment, whereas it could have been without any commission or offence.

It is important to note that much publicized case of Chand Bibi was not the only case; some others were just mentioned by the Taliban as well, and the residents also talked about them, but these were not of flogging public. The two more cases which emerged later, were of Saira Bibi and Mairaj Bibi, also from Swat, which shows that many more are yet to be dug up, or are still awaiting courage from the survivors to expose them, since it brings a load of shame and humiliation to the woman and the family. With the surfacing of this news in December 2010, 21 months after its happening, it is now finally confirmed by the former district Nazim Swat, Jamal Nasir that 'the incident had really happened and the victim, Chand Bibi, denied it while talking to the commissioner because of fear'.⁴⁶ (see the details in Appendix A for the second woman reporting flogging, and Appendix B for the third such woman).

The British Broadcasting Corporation (BBC) on the same day collected information and revealed them in its report. The eyewitness account presented by the media through family sources was slightly different from the reality as was revealed through the family sources of the young man involved, named Adalat Khan. What happened to Chand Bibi afterwards shows that her trial did not finish after flogging. The Taliban married her to Adalat Khan under Islamic rules. She was a highly detested person in the new family, where only the grandmother of Adalat Khan was kind to her; at least she used to apply balm on her wounds resulting from the flogging.

The video, women rights champions believe, has captured the flogging incident as a window on the huge amount of oppression women are going through under the Taliban. Samar Minallah, the NGO woman who provided the video to the media, is an anthropologist, and had been working in Swat for two years in the late 1990s. She deliberately let the

⁴⁵ The number is quoted by Samar Minallah, the anthropologist woman who supplied the video to media. See 'The Swat Flogging Video', at <http://swatvalley.org/index.php/in-real-life/the-swat-flogging-video?blog=1>

⁴⁶ *The News*, (daily), 4 December 2010, pp.1,3.

event be publicized, as she feared that Talibanization was spreading in Pakistan, and she said, 'I have distributed this video because I feel people are in denial. They don't want to believe what is happening'.⁴⁷ Of course, the idea of successful spreading of message was accomplished, but the range of responses was queer: denial, acceptance, anger, protest, organized mass agitation, political parties and figures making statements to get their viewpoints recorded. The Chief Justice, Prime Minister and the President ordered immediate inquiries into the case, and then let everything go into the cold storage of inaction. Nonetheless, the gender dimension of militants' violence was well highlighted. The point to mention here is that it came like a flash and disappeared; little research is made into the issue of gender in militancy, especially in Swat, while some detail is available on this topic in print media and online.⁴⁸ An eyewitness reports that, 'one junior Talib wanted to marry that girl, and at the refusal of the girl's family, the Talib threatened the family with a humiliating revenge. In collusion with his seniors, the Talib retaliated by arranging to flog the girl on frivolous charges of being seen with a stranger – though the man was an electrician who had gone to repair some electric wires at the girl's house'.⁴⁹

When one judges the ideal cultural norms and practices around ethnic pride, marriage preferences, and rights of women in marriage and family, little doubt remains in understanding the rejection shown to Chand Bibi by the family of Adalat Khan, because she was an unwanted bride, entering into the family with no consent of hers, or the husband, or his family. The shame and threats associated with the episode, and the financial burden of paying an amount equal to or the actual 7 tola gold (equal to about 82 grams) was also a 'fine' for no fault of the boy's family. Apparently there was no fault of Chand Bibi either, except for refusing to marry a Talib – an outlaw. The Taliban threatened both the families in order to make the marriage a success but later Chand Bibi left for her mother's house and was divorced almost six months after the marriage. The marriage, forced on the husband also, could not be consummated, as he was already engaged to his paternal uncle's daughter and was going to be married soon. When he went inside the house of Chand Bibi for fixing an electricity fault, someone informed the Taliban, and he found himself in trouble. From there he jumped to the house of neighbours, which was in fact the house of his future father-in-

⁴⁷ *The Nation*, 3 April 2010, p.9.

⁴⁸ For instance, see, <http://www.swatvalley.org/> for regularly provided information and analysis.

⁴⁹ <http://swatvalley.org/index.php/in-real-life/the-swat-flogging-video?blog=1>

law, thus they became witnesses of his fleeing. The humiliation in the community and torture (lashing in a closed environment) imposed on him made him severely shocked and above all, his fiancée refused to marry him after this disgusting episode. Finally, the unemployed Adalat Khan was trying to seek a job abroad.

Reaction by media

On 5th April, the daily *Jang*, in its editorial tried to present the video as a conspiracy against the state and Islam. It wrote:

The whole effort seems to be nothing else but meant to defame Islam and Pakistan and to create suspicion about the military capability of Pakistan, so that it may be presented as a trader of hatred and prejudices, in order to tell the nations of the world that it is a threat for them. When it [Pakistan] becomes isolated then it would prove an easy target to trample upon.⁵⁰

Again the same editorial referred to a similar event from Afghanistan, in which a ‘bad’ woman was stoned to death, and that video was telecasted by the western media, in order to create an environment suited for attack on Afghanistan. However, the editorial advised that instead of passing remarks every one should wait for the court’s judgment.

The repeated playing of this video on a number of TV channels in Pakistan, itself was an unethical act, promoting barbarity. Pointing out such an effect of this show, Siddiqui remarks that what happened in Swat is deplorable in all respects, but whatever the media did, was in no way balanced, moderate, responsible, or civilized in any way. The reaction of the people, he adds, seen in commenting upon it was as if every one was assuming oneself to be a religious scholar. The overplaying of the video proved to be a torture for many especially women in Pakistan.⁵¹ For amateur media, as the most private TV channels in Pakistan are, this violence episode could make a program interesting and scandalous. It can also add to the news value of the event. Some other features of the media can explain such an overplay of the video. These include: lack of professionalism, commercialism, lack of availability of material to show and fill time in round-the-clock transmission, competition with other channels for ‘rating’ in giving the news first and also in the ‘most

⁵⁰ Editorial, *Jang* (daily), Karachi, 5 April 2009, p.7.

⁵¹ Irfan Siddiqui, *op.cit.*

sensational' way.⁵² A poet, Mahmood Shaam, responding to the event wrote in *Jang*, the daily having widest circulation, 'A daughter is daughter of all, and in her honour lies everyone's honour'.⁵³

Reaction of the state

The President and Prime Minister immediately ordered an inquiry into the event. The President called it a blot on the dignity of nation and country, and expressed his resolve that women's rights would be protected at all costs. The Speaker of the National Assembly and women MPs condemned it but the Federal Information Minister said it was a provincial matter so he would not comment on it. A senator remarked that this was a conspiracy to sabotage the recent peace deal. The Chief Justice took *suo motu* action and formed an eight member larger bench of the Supreme Court under his own headship, for inquiry under Article 184(3) of the constitution. He called the higher authorities of the province, declaring the event as a gross violation of basic human rights of citizens. A woman parliamentarian expressed sheer sense of shame over it.⁵⁴

The provincial government authorities denied the happening. The information minister of the provincial government said that the event was abominable and ignoble, but an old one, and to publicize it at that stage was a conspiracy of an NGO woman, Samar Min-Allah, whose brother was a minister in the Cabinet of the ex-President Pervez Musharraf.

Reaction of the social leaders

The event was largely condemned by political and social leaders. It was called a violation of basic rights of citizens guaranteed in the constitution and laws of the country. Some others voiced that the video is a plot to tarnish image of Pakistan as a liberal and moderate country. Public flogging of a young girl was called a violation of *Shariat*, an inhuman act, and a mockery of Islamic values. They asserted that only a court can decide the commandments of God.

⁵² Author's interview with a senior journalist/correspondent of the BBC in Pakistan, with special referenceto the presentation of terrorism on electronic media, and the flogging video. 15 October 2010.

⁵³ *Jang*, 5 April 2009.

⁵⁴ Sherry Rehman submitted an adjournment motion in order to start a debate in the National Assembly, calling that 'the citizens should not be left at the mercy of elements who are murdering and maiming people in the name of Islam'. *Daily Times*, 4 April 2009, p.1.

Reaction of the Taliban groups

The media reports were contradictory; the spokesman of the Taliban denied as well as accepted happening of any such event but added that in the past the leader of Taliban, Fazalullah, gave orders and women were punished behind closed doors.⁵⁵ A group of Afghan Taliban declared that the video is a conspiracy against the Islamic movements, as this is not the right method of giving punishment.

The spokesman of Taliban, Muslim Khan, confirmed the event but expressed his disapproval of the method of punishment.⁵⁶ The same day the spokesman of Maulana Sufi Muhammad, head of Tehreek-e-Nifaz-e-Shariat-e-Muhammadi, also called the video a conspiracy against the agreement between the provincial government, and held that it did not happen in Swat nor was it a deed of the Taliban. The next day another leader of Tehreek-e-Taliban, Maulvi Faqir Muhammad of Bajour (an Agency of FATA lying near Swat), said that the lashing was done by two kids and the lady was not made to lie on the ground, but only her hands were held. Surely, he was referring to another event according to his knowledge, but if that was true, then the fact that kids were punishing a woman is itself important. No details on such incidents were explored and publicized. Surely, the force of militancy was making all that possible. On 5th April, Muslim Khan said that the event did not happen in Swat, but lashing is the right method of *Shariat* for punishing. He added that 'we had rightly punished a bad woman and we'll continue doing that'. He also threatened punishing the person who made that video as it was a fake video'.⁵⁷

Reaction of the Islamist groups

A large number of religious leaders/groups condemned the event and declared it as an outright violation of the *Shariat*. Both JUP and JUI, called it an attempt to distort Islam. Ittehad-e-Ummat Council, Sindh issued statement that tribal traditions could not be elevated to the status of *Shariat*. 'Islam does not allow public flogging of women', was stated by head of a seminary, Jamia Khair-ul Madaris. Head of another seminary, Jamia Naeemia, said 'no common individual is authorized to mete out such punishment, because it is only allowed for a legitimate court, or if the government delegates such powers to some one'. While discussing it on the TV, statements of certain *ulema* indicated approval

⁵⁵ *Jang*, 4 April, 2009, p.10, reported that Taliban's spokesman accepted this happening but in *Jang* of 5 April 2009, he denied and called it a fake video.

⁵⁶ *Jang*, 4 April 2009, p.10.

⁵⁷ *Jang*, 5 April, 2010, p.42.

of such punishment as well. The Jamat-i-Islami pointed out that this is a minor event, projected out of proportion, whereas much more heinous and serious events are totally ignored. He particularly referred to murdering of hundreds of people in Swat, and displacement of 500,000 persons, since the launching of military operations. Sunni Tehreek pointed out that instead of condemning the incident certain people are adding events of drone attacks in their protest and are thus promoting extremism.⁵⁸

Reaction of the political parties

The even was largely condemned by the secular political parties in the country. Pakistan Peoples Party (the party in power in coalition government in the centre), Ghareeb Awam Party, and Pakistan Muslim League (Q), condemned it. The absence or inappropriateness of the procedure followed to declare Chand Bibi liable for punishment was debated in the TV programs. A retired judge of the Supreme Court explained that only the state is authorized to punish, no tribe or group can do it, hence such a deed means challenging the writ of the government. A veteran politician called it 'a conspiracy to defame Islam'. Muttahida Qaumi Movement was in the forefront of response, as its leaders called for protests and its chief declared the Islamic system introduced by Taliban as a '*kalishinokofi shariat*'. The Labour Party Sindh, also condemned it. Tehreek-e-Insaf took a different position, by condemning the incident, called it an act of few anti-Islam elements, which deserved serious reprisal. But the spokesman also mentioned that there have been more horrific incidents of atrocities in Afghanistan, Palestine and Iraq but they were not projected on the media. So this video was surely a tool for undermining the peace process.

Reaction of the civil society, NGOs and human rights groups

These groups overwhelmingly immediately condemned the event. They pointed out that flogging a female without evidence in front of *na-mehram*⁵⁹ men is a conspiracy against Islam. The Supreme Court Bar Association's former president condemned it. The Head of the Ansar Burney Trust and a former federal minister for human rights called it a conspiracy in the name of Islam, which is an anti-state act. He appealed to the chief justice and the army chief to take notice.⁶⁰ The next day, Mr. Burney offered refuge in Karachi for both the female and the male

⁵⁸ *Jang*, 5 April, 2009.

⁵⁹ Men with whom marriage is permissible.

⁶⁰ *Jang*, 4 April 2009.

involved in this story. The Human Rights Commission of Pakistan, an NGO, held protest in various cities. Women in Pakistan demanded severe punishment for those who dared to flog Chand Bibi. The chairperson of the official Commission on the Status of Women and various other NGOs condemned the event. The Women Action Forum took the position that Chand Bibi should be protected as the Taliban could endanger her security. In Karachi, renowned activists protested in rallies. A large number of NGOs protested and called upon the women parliamentarians and the religious scholars to protest as well. Protests were staged in Islamabad, Peshawar, Karachi, Lahore, Multan, and Sargodha. People from all walks of life, students, lawyers, women, traders, labourers, took part in them. In Islamabad, the protestors staged a sit-in in front of the Parliament House. They even demanded cancellation of the peace deal by the ANP government in NWFP.

Looking from the human rights perspective, a worker of the Human Rights Commission of Pakistan suggests, that the Taliban had committed very many atrocities since the peace deal and they wanted to control the whole district, but there was no one to control them. They decided disputes according to their whims.⁶¹ It shows that in a society where no forceful voice exists for the oppressed, the oppressors become all the more sturdy. The video was no secret in the area, because it has been one of those dozens of terror videos of episodes of torture, beheading, hanging, etc. by the Taliban which were made available to the public. There were many more such videos films only the residents knew and had their copies. The Taliban wanted to spread them to terrorize people, and in this way the TV channels did a good job by projecting it. Such videos were made and circulated by the kids as well, very skillfully, using mobile phones in the area. These were also available in the CD especially prepared by the militants in their special studio, one of them named after Masjid-e-Hafsa, the mosque raided by the military in summer 2007 under the suspicion of holding a large number of terrorists and ammunition. The action in Masjid-e-Hafsa was soon followed by an uprising in Swat, where Fazallulah pledged that they would revenge the killings in this action. One can see here the connection between state action and reaction by the Taliban.

Analysis

This section begins with the profile of militancy in Swat, which is the foremost issue in that context and the paper seeks to get a clear understanding of it. The strategies of militants, their apparently good

⁶¹ *The Nation*, 3 April 2009, p.9.

moves, and their using religion as a shield or tactic to appease the public, all need to be understood in total. The mistakes made in figuring out, or the deliberate neglect shown towards the threat of the Taliban, are relevant here to be mentioned. The analysts⁶² have pointed out that initially the Taliban movement was mistaken as a weak force. In the case of Swat, it is clear that the peace deals proved insignificant and fruitless for the government, because the Taliban wanted to impose their own agenda at all costs. Their strategy was to: change the ideology, eliminate irreligiosity, deliver justice, express a commitment to enforce the Shariah, and get the pledge of obeying the leader from each new adherent of the organization. It was the interplay of political, economic and socio-cultural reasons which created the issues of militancy and gender violence.

The major source of trouble lies in the failure of the state. Like Afghanistan, the basic source of the Taliban's getting a hold in Swat has been the failure of the governance system, because it was complicated, and not efficient enough to provide 'justice' as quickly as people wanted. Moreover, they were made to feel that their culture, strongly colored by their perception of Islam, has been endangered due to the modernizing forces coming through the policies of the regime, modern education or even through exposure to the outer world which has been seeping its influence through ICTs. Extensive discussion with the residents of Swat reveals that the Swat imbroglio is a product of deliberate support to the insurgents and a soft corner for the religious personalities. It is also revealed by the residents that the law-enforcement and security agencies keep in touch with the militants, so their supply line is not disturbed. The common people, however, cannot pronounce such observations.⁶³ The governance factor has been enhancing the resentment of common people, majority of whom used to take pride in their conviction in and practice of Islam. The militants hold was not overnight but it took four decades and that neglect was something which can be taken only as failure of the state. The series of deals made with the militants and the government in the 1990s and the following decade convinced the militants of their power and the people of being left to the mercy of the militants. The state cannot be absolved of its duty towards citizens for security of their life, property, honour, and livelihood. In the case of Swat, the state has utterly failed. Just launching military operations after massive damage, homicide and agony, and then inflicting more damage during and in

⁶² Muhammad Amir Rana, 'Taliban ki Shorash Aur Mudafati Hikmat-e-Amali', *Tajziat*, No.8, August 2009, pp.15-44.

⁶³ This is presented in a paper by the author, *op.cit.*

post-operation stages, can be questioned legitimately. The state not only has to own up a lot, but also to conduct remedial measures.

The Taliban or mujahidin ruled the areas ruthlessly and they were very harsh to women as well. Availability of very few reports about sexual assault on women, shows that the pattern of violence perpetrated on the common people in these two areas have been different from many other conflict-hit areas, such as, Nepal, Sri Lanka, El-Salvador, Darfur, or Bosnia-Herzegovina. There is a continuous inflow of news of Indian soldiers humiliating or sexually abusing Kashmiri women. No less horrible reports came, though late, from East Pakistan, when the army from West Pakistan was trying to curb the rebellion which on the part of Bengalis was a fight for freedom. Thus the question of humiliation, abuse and rape of women by militants and security forces in conflict needs to be evaluated in the context of the socio-political conditions of the valley. The tribal code of Pukhtunwali, which has been providing the people a frame of ideology, has weakened and the militants have been trying to enforce it through the power of arms.

The major issue involved here is the relationship between the state of Pakistan and the Taliban. Whereas the terrorists started controlling certain areas or spreading terror in area under formal control of the government, the state has utterly failed to provide protection to the citizens. Due to political expediency and poor governance, it has been relegating its authority to the militant groups to do whatever they want with the peaceful citizens. The government has been proclaiming peace deals with the militants as its 'success', whereas these actually allowed the militants to gain time and avail opportunity to enhance their influence. As regards the government, its power, capacity and ability to end militancy have been questioned. As Rana points out, insufficient efforts were made to control the Taliban; taking them as a weak movement just 'a reaction to the events in Afghanistan' which was going to die soon. Despite their linkage with al-Qaeda, the Taliban were not taken as 'terrorists', rather their movement was understood from the perspectives of socio-religious/political reforms. The Taliban were not taken as a threat unless they linked themselves up with the regional and international terrorist movements.⁶⁴

The issue of human security progressively endangered under the ever-spreading wave of militancy has a particular angle of gender. The incapacity of the state needs to be countered by an action by the civil society. In fact, the state needs to launch special efforts to enhance human security and rethink its policies of indulgence in war instead of

⁶⁴ Muhammad Amir Rana, *op.cit.*, p.16.

submitting to war criminals to control the lives of peaceful citizens. All good legal standards and recommended measures of the international agencies become invalid, if the state is not vigilant, willing, or incapacitated to protect its citizens. The same is true for a state which first lets things go out of hand and then comes for even more remedial measures.

Here comes the question of sovereignty of the state. It is understood that the state in Pakistan decided for a decisive military operation after the atrocities of militants rose high and human rights violations became unbearable, but that is not so simple. The Taliban had totally nullified the writ of the government, and they had established a parallel system of law and order which was promising justice while people did not trust the governmental system of justice. The pressure of the US, in view of the impending threat of militants approaching the federal capital, was also significant reason which gives the impression that it was not simply the human rights violations or violence against women which forced Islamabad to tighten the noose around the Taliban.

Among the state institutions, the judiciary after its recently gained new confidence could have made genuine investigations, but it is ironic that it relied on corrupt bureaucracy, which wanted to hide facts and close the matter. Apparently, no further proceedings took place.

One explanation for the incident and the range of reaction comes from the concept of 'lived Islam' or 'popular Islam', which propounds that by observing the behavior and thinking of the culture bearers, the true nature of Islam in a particular situation can be observed. It may not be elite Islam, but this is the Islam people practice.

If one tries to explain the incident with the help of Punjani's concept of 'new constructed social common sense', then its reasons, embedded in local social system and culture, also need to be traced. If this new common sense amounts to inertness of collective social conscience, then it can explain how individual acts of violence are tolerated. There seems growing acceptance of humiliation of human beings and women on a large scale, and to justify or to pacify the enraged people the verdict of religion is commonly used successfully. Gradually people have been made used to widespread militarism, its expression, traditions, norms and values, so the hidden aspect of homicide in it is obliterated. With being regularly exposed to events involving arms, blood and violence, the people have become inert; thus any violent and sustained reaction cannot emerge by a single grainy video, despite being telecasted many times. When religion was applied to reduce the horrific nature of the incident, at least a big section of those who see religion as ultimate source of right and wrong, might have been

silenced. In a largely illiterate society (literacy estimated at 57 per cent in population of age 10+ years in 2008-09)⁶⁵ teaching a secular approach seems very difficult, but projecting religion as a legitimate means of inflicting violence seems very easy.

The Pukhtun cultural norms derived from *Pukhtunwali*, having old roots, had already been gradually relaxed in their hold on women, when radicalization and Talibanization overtook the valley. Thus the reverse process started. With increased threats in the atmosphere people first of all curtailed freedom of women regarding education, jobs, and mobility in public spaces. The heinous incidents like that of whipping the girl was a strong blow to drive women home. In this process patriarchy, militancy and the state joined hands to oppress women. As regards the situation in Pakistan, it is true that the powerful Taliban movement has terrorized the whole country so much so that no counter-movement can emerge? Apparently, the Taliban movement itself is a type of reactionary movement, which may generate another reactionary movement. For the Taliban, it is basically the issue of survival, and what pretexts they devised to cultivate popular support seems very logical in view of the political and cultural realities of the tribal areas where they found a people of their own ethnic group responding to the 'ideology' and religious appeal they could offer. It is clear that they wanted a spot to establish their foothold, and to that end, the most suitable social system could be the one which has old social (tribal) norms, and which they could cut off from other parts of the country. Viewing the issues in the context of the Great Game in the region played by the world powers provides another good convincing reason for the consolidation of the Taliban movement.

The reaction shown by the civil society, though not exemplary, is worth mentioning at least. It launched a big protest but no long-term action was taken by it, which needs attention by the stakeholders, and the researchers. The civil society in Pakistan has been fragmented, fairly weak and insignificant, in terms of response towards the excesses of the state, especially those done by the law enforcement and security agencies. Some examples of mobilization by civil society organizations are no doubt there. These organizations have actively worked for supporting women's rights and have won accolades too, but their voice is very weak regarding terrorism, militancy and state-sponsored violence. Only the human rights groups have been showing courage to challenge the policies, investigate and register protest on every incident of

⁶⁵ Government of Pakistan, *Pakistan Economic Survey 2009-10* (Islamabad: Finance Division, Economic Adviser's Wing, 2010), p.145.

violence. It is the foremost duty of the civil society to raise awareness, mobilize public opinion, and realize the state functionaries of their weaknesses resulting in failure to provide security. Unless the civil society rises up to the challenge, the state may continue with its weaknesses. But unfortunately, the civil society lacks determination to fight for a cause as it requires steadfastness and sacrifice.

The women's rights groups in Pakistan have been largely problem-oriented in their activism, as one can see in the flogging case as well that they stopped making protest after the wrong statement was furnished by the family. No one dared to investigate into it. Experts say that the women's movement itself is living on its linkages with the state, so it does not outright challenge the state. There have been sporadic incidents of attacks on women workers of the NGOs and the NGOs offices or property by the Taliban. Perhaps, this threat of terror can explain to some extent the slow response of NGOs on sustained basis.

There seems no social movement generated after the high wave of militancy, criminal activities and atrocities of the militants. The flogging incident and related violence was labeled by ASR, a Lahore-based feminist NGO,⁶⁶ as state terrorism. How social movements arise, is important here to mention. Social movements generate out of people's interaction when they come together and mutually influence each other in order to cause or deter social change. These should involve a sustained effort, not a casual, spontaneous, and short-lived reaction out of frustration and anger, subsiding after a few days. Thus isolated events cannot become a social movement unless they are launched consciously, are self-conscious, and ideological.⁶⁷

As far as the validity of religious content of the conflict is concerned, it is now categorically said by religious scholars, times and again, that Islam does not approve the militancy and terrorism of the kind seen in Pakistan these days killing innocent people and destroying their property. Terrorism is rejected even if carried in the name of *Jihad* (holy war), for there is no justification for it. This is the message which needs to be projected in every nook and corner of the country so that the new recruitment for militancy can be stopped. The great conspiracy to establish Islam and Muslims as terrorists can be stopped only in this way. It is strange to see the seasoned politicians to strike deals with the hardened criminals, 'Taliban', in the hope that they would behave and peace and prosperity would return to the valley/province. Unless the state

⁶⁶ See pictures in *Dawn*, 4 April, 2009, p.1.

⁶⁷ Ronald C. Federico, *Sociology* (Addison-Wesley Publishing Company, 1979, 2nd ed.), pp.332-34.

does not itself take a clear position about dissociating its policies from the ideologies defined by religion, it would continue victimizing its citizens. The immediate reaction of the president and prime minister for investigating into the incident was no different from many such other incidents. Justice was not done to Chand Bibi, nor can one expect it in future. Similar other women victims have also faced the same fate. Screams might stop but the scars would remain.

A great deal of controversy exists in Pakistan about the issues of Hudood laws, and the crimes of sexual assaults, rape and adultery. The state does not appear to be serious about providing justice to the victims and the survivors. There is a critical angle to the legal proceedings of the cases which are related to honour, and which needs 'justice'. If the cases of rape and honour-killings justice had been dealt in the past (such as another widely publicized incident of Mukhtar Mai 2002), the courts and the society would have the courage to condemn and put the culprits to justice, whatever the case may be. Mukhtar Mai was gang-raped publicly on 22 June 2002, by the order of *panchayat* (village council) in Meerwala, (Multan), as a punishment for the allegation that her minor (12 years old) brother had raped a girl. The case was still under trial (eight and half years later in December 2010) in the Supreme Court while the lower courts had acquitted the influential culprits of the Mastoi tribe despite witness.⁶⁸ The state also needs to act to end poverty, corruption and lawlessness, to win trust of the people and root out militancy, whereas the state is willing to spend on military operations as curative measures, but that recipe is not palatable at all.

Conclusion

The cardinal principles of *Pukhtunwali*, focusing upon women's status within the larger system of tribal honour, (dictating control on women's sexuality), *tor* and *badal* (revenge), when they interact with the tenets of Islam, give rise to 'popular Islam' or 'lived Islam', that can be seen operating in this situation. The same allowed the Taliban getting roots

⁶⁸ The latest proceedings are reported by *Dawn*, 1 December 2010, p.12. Internationally she was accorded awards of courage and her biography is printed as, Mukhtar Mai, *In the Name of Honour – A Memoir*, with Marie-Thérèse Cuny, transl. Linda Coverdale (London: Virago, 2006). The publicity given to the case was due to the courage of the survivor Mukhtar Mai, and a little support provided to her by the women NGOs followed by a face-saving action by the state. But the court was not free from the pressures of the tribal leaders, which continued as is documented in *Daily Times*, 1 December 2010, p.A9.

into the valley of Swat, and the popular appeal of religion was used by the militants to consolidate their hold on the area. On the other hand, failure of governance was the real factor which let the matters out of control. The various actors in the government reacted according to their own '*maslehat*' (expedience). Those who made a huge outcry could not make the state get at the roots of the incident and dispense justice. Even the chief justice did not take the matter to a logical and 'just' end. Chand Bibi was hushed by a grand conspiracy of '*maslehat*'. The event was not investigated truly and reported in full and so the media monster, who needs to be fed on 'news' every day,⁶⁹ forgot what was 'new' in a few days, and what needed to be compensated through 'justice'. Every stakeholder tried to compromise and different sets of compromise ended in injustice. The politicians interpreted and reacted to the event according to their own respective positions and expediency in the political scenario of the day. The militants gave confused reaction, half acceptance, half rejection, but their reaction is not what matters here. It is in fact the imperative of latency, as defined by Talcott Parsons, or in other words, the defence system of the society which has been thrown into the furnace of militancy. In fact no one had stake in providing justice to the girl – neither her mother, nor her 'unwanted husband', the community, the local authorities, the provincial and central authorities, and the chief justice. The only loud voice came from the civil society, but that could only get its protest registered. Indeed the amount and range of violence against women committed during the conflict, is so big that it cannot be compensated by worldly justice systems. The community was left without any protection. Those, who wanted Islamist and extremist forces to dominate, appreciated the deal and tried to ignore the atrocities of the militants. Those, calling upon the state to protect the citizens and do not submit to the 'fanatic' *mulla* (self styled religious spokesman) and cruel Taliban, condemned the deal. The community undergoing conflict had already failed to protect the male as well as female population from the oppression of the Taliban, and it is very simple to understand. The militants had state-of-the-art weapons and the peaceful citizens had even forsaken their Pukhtun tradition of keeping weapons. When a defenceless population was left un-supported to face armed insurgents, whatever happened was a natural outcome. What Reaction shown by the state cannot be justified because human security is the foremost duty of the state. Various levels of violence – structural, psychological and

⁶⁹ There were news about death anniversary celebration on 4 April, and then a terrorist attack on the following day. So the flogging incident went on the back burner within three days.

physical, are seen in the cases of Swati women at large and Chand Bibi in particular. She can be taken as a symbol of collective insult and abuse of the residents, both as a woman and as a human. Adalat Khan, no doubt, also suffered, and both are still suffering. But it is for sure that the male victim would re-settle much earlier owing to his father, family, wealth, skill, earning, and support of the community as well. The female victim would have prolonged sufferings being an orphan of a poor class and lower caste background, with no support of the community. The women have, no doubt, been the worst sufferers of militancy, and the state and its judicial system, as well as the society (due to its norms, institutions, and customary law), are short of the capacity to protect women in conflict mostly because of their strong patriarchal character. The commitments to, or pressure of, international law cannot make up for such 'deliberate incapacities'. Even the resonance of 'honour' proves short-lived.