

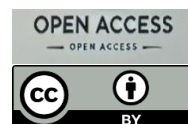
Bartered Bodies, Silenced Voices: Gendered Ownership and Control in South Waziristan's Tribal Traditions

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Abstract

This article offers a comprehensive and thorough feminist ethnography on institutionalized patriarchal constructs that govern the lives of women in South Waziristan, the former Pakistan territory belonging to the Federally Administered Tribal Areas (FATA) region. By employing an integrated approach to current and historical contexts, together with legal constructs, our study seeks to better understand through critical investigation the Pashtunwali code and the subsequent influence of male-dominated jirga constructs, which ultimately transform women into commodified products to broker tribal conflict resolution and maintain masculine honor. The study will detail an investigation of swara marriage and inheritance rights as essential constructs governing the role of women in the region, despite the current illegality of these practices. The research methodology will incorporate a multi-faceted approach to better understand and investigate these constructs. This study will require the undertaking of 25 interviews using a semi-structured approach, accompanied by three months of comprehensive and intensive participant observation in Wana and rural surrounding villages, and a critical investigation of relevant legal documents and male-dominated jirga constructs from 2005 to 2024. This study will then aim to address four essential research questions, yielding significant findings. However, we also highlight the rise of resistance movements, especially among young, educated women who use technology to cautiously defy traditional limitations. As we conclude this article, we present culturally sensitive policy recommendations that advocate for harmonious interventions, including the enforcement of strong legal frameworks, education among tribal communities, changing traditional justice systems, and incorporating technology into tribal communities to uplift tribal women.



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Introduction

The tribal zones of northwestern Pakistan, one of the most intricate circumstances with regard to women's rights and equality, present a localized analysis. As part of this, South Waziristan, largely inhabited by Wazir people from the Pashtun ethnic group, along with the Mehsud tribesmen, can be used to understand the role of traditional norms interacting with contemporary legal constructs to generate distinct types of oppression. The Pashtun tribes follow Pashtunwali, an unwritten code of conduct, which emphasizes social interaction based on factors of nang (honor), badal (revenge), melmastia (hospitality), nanawatai (asylum), etc. (Ahmed, 1980; Alim, 2019). Women, in this honor-based societal setup, have not been deemed to hold individual identities with rights, but have instead been empowered to act as representative symbols of tribe-based social balance.

This article proposes carrying out a critical analysis of the ownership and control of gender in tribal practices in South Waziristan and how specific practices lead to the commodification of the female body and the silencing of female voices. This study proposes to also focus and explore, in depth, two specific practices: first, swara, also referred to as vani in the Punjab region, and in this context, the forced marriage of women and girls as part of compensation to settle blood feuds and intertribe conflicts; and, in both reported cases, the complete denial of inheritance rights as mandated by both Islamic and constitutional laws in the constitution of the state of Pakistan. These practices, though legally forbidden under the Prevention of Anti-Women Practices Act of 2011, have shown surprising tenacity and must be attributed to the continued sanction of traditional jirga systems, which exercise de facto power as parallel judicial forums to govern personal laws and resolve conflicts (Ali & Jamil, 2021; HRCP, 2022).

The draconian merger of the FATA with Khyber Pakhtunkhwa Province in 2018, through the 25th Amendment of the Constitution, can be seen as another turning point in political history, theoretically ensuring that tribal areas are brought under national laws and constitutional protection (Government of Pakistan, 2018). Yet, as research is slowly revealing, it has also created a situation of legal duality, with state laws allegedly subservient to strong traditionalist currents (Yusufzai & Raza, 2022), placing women in a disadvantageous situation as they become embedded between an idealistic framework from which they are shut out in reality, and another from which they cannot escape.

Apart from such economic deprivation, women within the boundaries of South Waziristan undergo a generalized confining state of spatial and social constraints. This is largely achieved through the purdah system, where societal pressures

discourage women's participation within public domains, thereby affecting access to educational and health facilities, as well as political processes (Naz, 2013; Jabeen, 2019). Additionally, the honor-shame complex largely dictates women's behavior, ensuring full compliance by threatening women with social boycotts or violence for any act perceived as a breach (Kandiyoti, 1988; Khan, 2018).

This research is informed by four most important questions that will form the basis on which the research will be conducted. These questions are: in what ways do tribal practices in South Waziristan promote and facilitate the exploitation and domination of women? How do practices such as *swara* and the denial of inheritance rights to women facilitate structural violence against them as women? In what ways do women experience, live with, and counter their expected roles within the gender-based tribal setup? And, what are the chances and opportunities of such resistance and transformative change within the current socio-legal setup in South Waziristan?

Through the feminist ethnographic approach, this study aims to shed light on the complex realities of patriarchal dominance while, at the same time, highlighting new spaces of agency. The analysis contributes to an emerging body of knowledge that explores gender justice in traditional societies with complex transitions.

Background: Historical and Socio-Political Context

The unique aspects of the gender relations in South Waziristan cannot be described without analyzing its specific historical and political background. This is because it is a part of the former FATA that was under a specific policy regime, which the British government introduced during colonial rule and generally continued even after the independence of Pakistan in 1947, allowing autonomy to tribal society but at the same time restricting government interference, thereby establishing a shadow government with customary law, 'riwaj,' and the jirga system in dominance (Spain, 1962; Ahmed, 2004).

The Pashtunwali code can be viewed as the essential normative base for the structure of the system. Although the system of the Pashtuns has, in the literature of anthropology, tended to be traditionally portrayed in a positive light due to the importance of the values of hospitality and asylum, the gender aspect of the Pashtunwali system of the Pashtuns has, throughout history, continued the trend of favoring the dominance of men. Indeed, from the perspective of the gender approach, the role of females in the system of the Pashtuns can be summarized as follows: they exist in relational capacity as daughters who require support to ensure the honor of the family, sisters who can be used as a means of expanding the family through marriage alliances, wives who bear a son and propagate the

family line, and mothers who ensure the education of children in the ways of the tribe. Their freedom is restricted through the concepts of *ghairat* (men's pride) and *sharam* (women's modesty), a complex of values that controls every aspect of women's existence.

The practice of *swara* can be seen as the most extreme form of such logic. Anthropological studies have captured the manner in which *swara* transforms women and girls into currency, which can be used to settle crimes like murder and land disputes to allegations of violating tribal honor (Shah, 2016; Zaman & Khan, 2020). *Swara* marriages are always ordered by male-dominated *jirgas*, which are not willing to allow the women involved to have any say in the marriage and often involve underage women, which can only be interpreted as a blatant disregard for Pakistani law and international human rights law. Despite its illegality, *swara* is practiced, especially in distant rural regions where state structures lack visibility and traditional systems remain legitimate (International Crisis Group, 2015; HRCP, 2022).

Likewise, the inheritance practices of the people of South Waziristan disregard the Islamic principles of women's share in property within the family domain. The Islamic scriptures clearly outline the share of the daughters, sisters, and wives; nevertheless, the logic of the Taliban accepts the practice of disowning women from any form of property legacy under the pretext of the larger tribal commonality in property holdings, the fear of dividing the property, and the idea of women's inheritance causing shame since they sell the ancestral heritage of the family through marriage ties (Ali, 2008; Ali & Jamil, 2021). Such a type of economic disenfranchisement generates vulnerability and subordination in relationships.

Furthermore, the spatial regulation of women through systems of *purdah* and mobility restrictions only adds further to their marginalization. In the sphere of education, the scope for women to seek educational opportunities is restricted along several lines, including inadequate infrastructural facilities, a lack of female teaching staff, security issues, and cultural attitudes that often restrict females from receiving education beyond the primary level (Naz, 2013). In healthcare as well, women rely heavily on males to inform medical practitioners of their symptoms, which may prove harmful.

The 2018 merger of FATA with Khyber Pakhtunkhwa is a watershed marking ambiguous consequences for gender relations. While theoretically extending constitutional protections and national laws to the region, implementation was incremental and uneven, creating what scholars have termed an "implementation

gap" in which traditional systems continued to function with minimal interference from state authorities. Such pluralism may be especially problematic for women attempting to assert their rights since they would be faced with divergent systems with different sources of authority, procedural norms, and substantive outcomes.

Understanding this complex backdrop is necessary in order to contextualize our findings and recommendations. Ongoing tension between customary and state law, a historical legacy of tribal autonomy, and an evolving post-merger political scenario all combine to provide the peculiar setting in which South Waziristan's women engage in negotiating their lives-every faced constraint also leading them to discover moments of agency and change.

Literature Review: Evolving Scholarly Discourses

The study of gender within Pakistan's tribal areas has undergone substantial changes over recent decades, beginning with foundational ethnographic accounts and growing to include more sophisticated approaches, feminist, legal, and digital sociologies. This literature review seeks to map the progression while pointing out areas for further study.

Foundational Works and Theoretical Frameworks

Early scholarship laid some important conceptual bases for the understanding of tribal patriarchy. The seminal ethnographic work by Akbar Ahmed (1980) provided a comprehensive documentation of the social organization of Pashtunwali, underscoring its gender dimensions while sometimes slipping into an overly functionalist perspective. More critically, Deniz Kandiyoti's (1988) notion of the "patriarchal bargain" provided a transformative theoretical frame that explained how women in strict patriarchies frequently comply with oppressive norms as a rational strategy for maximizing security and influence within severe constraints. This remains an indispensable theoretical framework for understanding why women may support traditions that are objectively inimical to their interests. By the same token, the work of Nira Yuval-Davis (1997) on women as symbolic carriers of collective identity provides a framework for understanding why control over women's bodies is of such critical concern in tribal politics of identity, particularly in situations of conflict or imagined threat from the outside.

Contemporary Ethnographic and Legal Scholarship

Studies done recently have greatly enhanced our knowledge of tribal norms with respect to adaptability in response to changing circumstances. In a convincing analysis, Sanaa Alim (2019) posits that Pashtunwali is by no means static, rather

an adaptable rule cleverly used to forward certain interests, in most cases by stepping up domination over women during situations of political instability or social change. The above study fits well with other research carried out by Hafiz (2017) in the neighboring North Waziristan region, which highlights how militant groups harnessed so-called traditional restrictions on gender as part of a rule strategy.

In revealing the dimension of conflict between traditional laws, feminist theories of law have given rise to significant understandings. In furthering her earlier concept of Legal Pluralism, as has been addressed by Ali (2008), Shaheen Sardar Ali has recently introduced explorations in the field of "Jurisdictional Politics," wherein women are systematically directed away from state law and toward jirgas, where patriarchal values reign supreme. These studies are substantiated by periodic monitoring reports of human rights groups, including HRCP (2022), tracking the continued implementation of customs such as swara, despite being criminalized by law.

Studies on Violence, Resistance, and Digital Agency

Contemporary ethnographic research has not only enhanced our understanding of the effects of gender violence but also revealed new practices of resistance against such violations. For instance, Zaman and Khan's (2020) study of survivors of swara violence examined not only the social and cultural factors but also the long-term psychosocial effects of the violence. Instead of viewing swara as an act of violence within the context of marriage, the study positioned the violence as creating a sense of "social death" far in excess of the actual ritual. On the other hand, there have also been studies on the agency of women and how violence has given way to new opportunities for resistance against it. Tahira Jabeen's study on the digital practices of Pashtun women has observed how young women use mobile phones to develop new relationships and alternative identities and negotiate both freedom and restrictions in what is referred to as the process of "digital purdah." Similarly, the concept and practice of women's jirga, as an example of the activist version of the concept described in the case of Tabassum Adnan, has also been studied as an example of creating a counter-public sphere in their use of traditional practices.

Post-Merger Scholarship and Research Gaps

The 2018 FATA merger created new waves of literature that critically examine the implications of the 2018 FATA. Yusufzai & Raza (2022) argue that there is an existence of a "significant implementation gap in terms of the extension of these

laws, whereby these laws still have failed to displace traditional institutions, especially with respect to gender.”

Yet, these advances have not addressed some of the gaps that exist; firstly, little ethnographic research exists that focuses particularly on South Waziristan after the merger; secondly, although there is emerging research on digital practices, very little research focuses on digital disparities and their relevance to traditional gender roles; and lastly, research on the views of tribal elders and other men on traditional gender roles and practices is lacking, and these views need to be included to gain a clearer understanding of the social consensus on patriarchal practices. Overall, this research aims to address these gaps by providing localized data on ethnographic research that focuses on the intersection of digital practices and traditional gender roles, such that we include male views on traditional practices to gain a more informed view of patriarchal practices.

Research Questions

The basis of this investigation is four related research questions, designed as a careful unpacking of how the mechanisms of gendered control work, and any potential avenues for transformation, namely:

1. How do tribal mores in South Waziristan create and support the commodification and subordination of women? This research question explores how those cultural practices, normative frameworks, and institutional arrangements shape women into exchangeable commodities within the tribal political economy. The study explores not only overt practices like swara but also more subtle forms of commodification embedded in marriage transactions, labor relations, and symbolic representations.

2. How do practices like swara and withholding patrimony in inheritance create and perpetuate gender-based violence? At this point, the discussion will analyze the practice of structural violence from the physical, mental, and economic perspectives. There is a focus on the short- and long-term impacts of practice on the overall well-being of women.

3. How do women experience and make sense of their places in this gendered tribal system? This line of questioning emphasizes women's active agent role and consciousness, delving into their lived experiences. How do women, for instance, make sense of their patriarchal circumstances? Obviously, this study considers the whole gamut of strategies women employ, from submission to buy-in, to their acts of resistance, both individual and collective.

4. What are the possibilities of resistance, reform, and/or transformation of the existing tribal system? Looking ahead, the question examines the possibilities of transformative change within the extant socio-legal reality of post-merger SW. This study considers the viability of alternative strategies of change and ways in which actors or groups, both internally and externally, can work most productively together towards the advancement of gender justice.

Research Methodology: A Feminist Ethnographic Approach

This study adopts a qualitative feminist ethnographic approach informed by an epistemological perspective in which women's experiences are recognized as legitimate and essential knowledge in relation to understanding patriarchy. Feminist methodology entails not just research on/for women but also research with women, rather than merely research about them. This approach recognizes and critically examines power relations in the process of research and in the subject itself (Harding, 1987; Reinharz, 1992). In view of the sensitive nature of the phenomenon under study, which is often concealed from view and scrutiny, the study adopted a strategically designed multi-method approach to ensure methodological rigor and integrity and to ensure practicality.

Methodological Rationale and Design

The data collection strategies adopted in the study include four major techniques of collecting qualitative data, and the justification for this is based on the fact that the use of multiple strategies will complement one another in addressing different dimensions of the research questions; this will ensure greater validity and depth of understanding of the subject matter since the different techniques will be cross-verifying our understanding of the phenomenon under study, as recommended by Denzin (2017). The study has taken an intensive phase of nine months to complete, spanning between January and September 2023, with three months being immersive in nature for the data collection in South Waziristan.

Data Collection Techniques:

1. Semi-Structured Interviews (Primary Method): For this qualitative survey, the study undertook 25 in-depth interviews with purposively selected respondents from diverse backgrounds and locations in South Waziristan. The respondents comprised 15 women, including 5 survivors of swara, 6 teachers and health workers from local communities, and 4 community activists. Further, we interviewed 10 men, including 4 tribal elders, 3 local journalists, and 3 NGO activists. Keeping our diverse sample pool helped us to understand both the lived experiences of subjugation and the discursive lenses through which patriarchal

norms were legitimized. The interviews followed a non-standard interview schedule comprising thematic areas of investigation based on our research question. This allowed the respondents to emphasize their views on what they perceived to be of utmost importance. On the flip side, it ensured the inclusion of essential components of investigation. All the interviews were conducted in Pashto by our principal investigator, who knows the Pashto dialect fluently, at private, secure locations, with each interview lasting between 60 and 90 minutes. Where participants gave their consent, 18 of the interviews were audio-recorded, whereas detailed notes had to be taken for the remaining 7 to respect the participants' wishes.

2. Participant Observation (Contextual Method): The researcher conducted three months of participant observation in Wana town and the surrounding villages in South Waziristan. The participant observation included witnessing communal activities, observing interpersonal interactions at the marketplace and other public places, and recording daily activities in residential spaces to which permission was given. Of specific interest were practices of gender segregation, the spatial restrictions placed on women, and the subtle signs that dictated women's behavior based on context. Detailed field notes were taken of non-verbal communication, the structuring of space, and contradictions observed between the stated normative behaviors and actual behavior. This became an essential methodology for capturing the embodied everyday dimensions of gendered control that often are not voiced during interviews.

3. Documentary and Archival Analysis (Historical/Institutional Method): For this, the study undertook a systematic analysis of available documents, which included local news from media outlets such as Khabaryar and Wrath newspapers, NGO-based case records from BRSP and SRSP, and jirga decisions summarized between 2005 and 2024. As direct access to jirga documents was limited due to their oral basis, this research relied on available documented cases from legal aid organizations. This also assisted us in tracking institutional mechanisms of patriarchal decision-making, documenting the existence of banned practices and any variations over time, especially since the 2018 merger.

4. Thematic Analysis (Analytical Method): All the interviews, field notes, and summaries of documents were then imported into the NVivo data analysis software. Like other researchers, the study has used an iterative inductive-deductive approach for data analysis, where initial codes arose directly from a close reading of the data, and prominent themes emerged, shaped by our theoretical framework and research questions. These prominent themes centered on “bodily commodification,” “economic disinheritance,” “spatial control,”

“internalized patriarchy,” “digital negotiation,” and “resistance strategies.” The data analysis was continued until the point of theoretical saturation, with peer debriefing.

Positionality and Reflexivity

The author of the study is also an ethnic Pakistani and feminist researcher with family ties to Khyber Pakhtunkhwa. This gave her competency in culture and language, which served as an aid in terms of data collection and making linkages and relationships. However, there were also some reflective elements in terms of being an insider in the study. This involved maintaining a detailed research journal in line with methodological choices and appeals in relation to our state of mind in the process. Furthermore, consulting with our academic and local feminist advisers served to break down interpretative biases. Also, being an urban and educated research assistant posed some challenges in distance and experience.

Ethical Considerations

In light of the delicate task of researching patriarchal violence in such a setting, we employed strict ethical guidelines that exceeded those generally required by professional codes of conduct. The data was obtained through informed consent, whose process was ongoing as the study regularly ascertained whether or not participants were comfortable. This research also created an elaborate level of confidentiality, whereby pseudonyms were used and altered personal details without compromising data integrity. This study did not provide any form of material incentive, although it provided gifts on certain occasions, as dictated by local customs. Furthermore, a safety protocol has been created that allows the researcher to store data securely, communicate discreetly, and access emergency assistance. In addition, approval has been obtained for the research from the national bioethics committee of Pakistan, and worked in compliance with the ethical codes of the American Anthropological Association on vulnerable groups.

Methodological Limitations

The study also acknowledges certain limitations; first, because of security issues, certain areas were off-limits to us, which may be seen as limiting our sample area of operations. On the other hand, the sensitivity of the topic has also been acknowledged, such as swara may cause respondents to give socially desirable responses despite our successful efforts at building trust. Last, but not least, while this study is cognizant that the sample may overrepresent relatively more educated respondents associated with NGOs, isolated women without any such assistance were harder to access. Notwithstanding these considerations, this study used a

mixed-methods approach that provides robust insights into the complex reality of gender relations in South Waziristan today.

1. Findings and Analysis

The approach taken in the present analysis is one of structuring the qualitative findings around the four research questions, as a means of integrating the findings and shedding light both on the structures of oppression and the practices of agency in the social organization of the tribal system in South Waziristan.

Reinforcing Commodification

The data reveals various mechanisms through which tribal practices systematically construct women as commodified entities under masculine domination.

Swara as Explicit Bodily Commodification: This is the most literal depiction of commodification, as these women are used as currency to pay off male conflicts. The interviews that we undertook on jirgas also reinforced this concept of transactional thinking behind these decisions. Malik Jahangir, an elder tribal figure in his 60s, said of these decisions: “When blood is spilled, first we think of blood money as a settlement, but often emotions are too preoccupied, or simply, if the family of the assailant is poor, a girl is used as ultimate payment. She pays off the debt.” What is also evident in these discussions of swara is that they are transactional in terms of language, using terms such as “payment” or “settlement” repeatedly to signify girls who are used in these exchange mechanisms. There has also, consequently, been a change to the use of swara, as jirgas are beginning to use the term ‘reconciliation marriages’ as euphemistic language, yet still compelling these marriages.

Economic Disinheritance as Property-Based Commodification: While not as directly violent as swara, the denial of inheritance rights in turn perpetuates the more insidious commodity relationship of dependency status. This study indicated that this norm is virtually universal in its application, regardless of social class or educational status. For example, Salma, who is 45 years old and comes from a landholding household, described the social implications of asking for her rights as follows: "When my father died, my brothers immediately became in charge of everything. Of course, I knew Islam said I had to ask for my part in the inheritance, but to ask would mean to be disloyal to the family. So people would say to me, ‘Are you greedy? Are you going to take our land and bring it to your husband’s family?’” This kind of rhetoric on the greed and disloyalty involved in female

inheritance rights serves to reinforce the notion of women's inheritance as somehow against the interests of the entire family.

Marriage Transactions and Bride Price (Walwar): Even in non-swara societies, marriage practices promote commodification by means of substantial bridewealth payments. Walwar, though officially barred under the Dowry and Bridal Gifts Act of 1976, sustains as an elaborate wage scale from the groom's to the bride's families. Walwar constitutes an important part of our male respondents' perceptions as "respect" for the bride's families; however, the female respondents perceived it as a form of transaction devaluing their autonomy:

"The higher the walwar, the more 'value' people think you have," remarked Farzana, a 28-year-old college graduate. "But what kind of value is this? Based on your educational qualifications and general good qualities? No, only in relation to the status of your family and your potential for bearing sons!"

Symbolic Commodification of Honor: Along with material exchange, these honor discourses also signify symbolic commodification, as women are depicted as instrumental to family, tribal, or social honor. From participant observation, it is found that women's behavior is always subject to surveillance and judged in terms of its potential to shape masculine honor. Behaviors such as being in public spaces, socializing with unrelated men, or simply using mobile phones were seen as potentially leading to claims of shamelessness or beghairati, thus losing family honor.

Perpetuating Structural Gender-Based Violence

These practices, which have been outlined in the above paragraphs, all combine to form a structure of structural violence that can be said to have physical, mental, and economic implications.

Swara as Institutionalized Violence: Women in swara marriages said they found themselves in a hostile environment and were thus rejected, abused, and isolated. Anma, who was given in a swara marriage at age 14 to compensate for her cousin murdering someone, said, "For twenty years, I was called 'the murderer's sister' by my husband's family. They never let me forget why I was there. The beatings were bad, but the constant humiliation was worse." This is consistent with clinical studies that show swara victims often exhibit high rates of clinical depression, anxiety, and PTSD symptoms (Zaman & Khan, 2020). This type of violence can be considered structural, as it is institutionalized by community jirgas as acceptable cultural behavior, as opposed to being deviant.

Disinheritance as Economic Violence: Denying property rights to women can be termed as economic violence; as such, it can have far-reaching effects on them. For instance, they will not be able to leave abusive marriages, business empowerment, or old age independence. Samina, aged 50, being a widow, said, "When my husband died, his brothers took all our land because my sons were too young. Now, they have grown up, but their uncles own all that land. We live on what they provide us, which is hardly enough. I am in no position to demand anything."

Everyday Micro-Violences: Beyond these dramatic forms of violence, the study found various everyday micro-violences that reinforced subordination within the gender. These ranged from restrictions within mobility (accompanying males for moving around), communication (phones being monitored), health (delays in medical treatment due to purdah restrictions), to education (withdrawing girls from educational institutions around the time of puberty). These everyday "small" measures of violence have been referred to by Scheper-Hughes (1992) as "everyday violence."

Legal Violence Through Jurisdictional Exclusion: It can be seen that the jirga system also promotes violence by denying women any legal personhood. This means that women cannot give evidence, make claims, or even appeal. Claims against women often have to be brought by male relatives, who may have vested interests. This is a denial of legal personality on a fundamental level, and it makes women invisible under their system of dispute resolution.

Experiencing and Negotiating Gendered Roles

Women's reactions to this process vary from compliance to sullen compliance, depending on factors like age, education, and class, as well as their digital technology access.

Internalized Patriarchy/Patriarchal Bargain: One of the interesting findings of this study was how patriarchal culture had become internalized both consciously and unconsciously in the minds of older women, particularly those over 50, to the point where they became active perpetrators of patriarchal norms. Gul Bibi, for instance, has strongly defended the institution of swara, given her status as a 65-year-old grandmother. Gul expressed: "These marriages bring peace between families. Yes, the girl suffers, but her suffering saves lives. This is our custom, and it has kept our tribes from destroying each other for generations." This situation illustrates Kandiyoti's (1988) patriarchal bargain, whereby women buy peace of mind at the cost of their oppression. Many older women had control over their younger relatives, particularly other women.

Compliance as Strategic Performance: Younger women tended to narrate compliance while also maintaining private doubts about it. Nadia, a 22-year-old university student, said of her approach:

"At home, I dress traditionally, speak softly, and never question my elders directly. But back in university, I dressed in jeans, participated actively in debates, and maintained a private Facebook page concerning women's rights as a pseudonym. In effect, I lead two different lives!"

This dual consciousness of compliance and critique is seen as a coping mechanism by young educated women balancing competing demands.

Digital Negotiation and Cautious Connection: Mobile phones were among the most important tools of cautious subversion. Male family members were often guardians of women's access to phones, as well as their actual phone use. But women were masters of subverting these restrictions. "We have secret WhatsApp groups with only girls," stated Alia, 19 years old. "We use these groups to share our problems, be cautious of any dangerous situation, and even plan small meetings when our families suppose we're meeting only to study." Jabeen (2019) described this phenomenon as "digital purdah," negotiating traditional boundaries while using technology to create broader spaces. But stories of phones being taken away, as well as marriages arranged on the spot, abound.

Education as a Contested Space: Education brought about many contradictions. Women spoke of the delicate balance they had to maintain: "I convinced my father to allow me to finish college by promising to teach my younger brothers and sisters and never work outside the home," said Ayesha, 24. Women argued that Islam promotes education for all believers. But education also brought about contradictions that women found painful, realizing the rights they were not able to exercise. "Learning about the constitution made me angry," Rabia, a 20-year-old college student, confessed. "I know what rights I have on paper, but exercising them would ruin my family ties."

Economic Micro-Entrepreneurship: Some women have been able to establish small economic activities within the prescribed limits. Some of the participants were involved in embroidery, tailoring, or tutoring from home, earning them small amounts of money while still observing purdah. Although these activities did not address the issue of structural inequalities, they were small steps towards autonomy and self-respect. "The few thousand rupees I earn from sewing give me confidence," said Fatima, 35. "When I contribute to household expenses, my husband listens to me a little more."

Prospects for Resistance and Reform

The prospects for positive transformation in the gender order of South Waziristan seem to be at once limited and full of promise.

Constraints: *The Resilience of Traditional Structures:* The first and foremost constraint in this respect is the continued relevance and authority of the jirga system. Even after the merger of FATA, our interviews with the tribal elders showed little awareness of the state's authority in matters of personal and family law. "The government can construct roads and schools," said Malik Naseer, 68. "But issues of honor, marriage, and property are for the jirga. This has been our tradition even before the existence of Pakistan."

Opportunities: *Education and Generational Change:* The most encouraging force for change seems to be education, especially among girls. The findings indicate a strong generational divide, with women under 30 being much more critical of conventional practices than their predecessors. While only 12% of women over 50 in the sample had completed secondary schooling, 58% of women under 30 had done so or were currently enrolled. This may not be a broad-based phenomenon yet, but it is certainly creating a critical mass of young women who think about gender relations in alternative ways.

Digital Connectivity as a Double-Edged Sword: Mobile communication provides new opportunities for awareness and mobilization, but also facilitates increased surveillance. While women are using phones to access information and networks, families are using them to track movements and communications. The digital divide also widens inequalities, with poor rural women having very limited access compared to their urban, better-off sisters.

Models of Indigenous Feminist Practice: Indigenous models of resistance appear to have particular promise. The women's jirga movement, although small in scale, illustrates that alternative justice systems can develop from within the cultural context. For example, women's NGOs such as Da Khwendo Kor (By Sisters' Home) in the neighboring Khyber district have developed indigenous models of women's empowerment that combine legal literacy with vocational training, while involving male community leaders as allies. These indigenous feminist models of practice avoid the stigma of "Western imposition" that can undermine externally driven interventions.

The Ambiguous Impact of the FATA Merger: The constitutional merger has created an ambiguous legal context that could potentially empower women but is currently causing confusion. "Some educated women are now citing the merger

in support of their rights claims, but the traditional leaders are simply ignoring it as having no relevance to their customary practices.” The key will be whether the state institutions have the capacity and will to actually implement the legal rights in the tribal areas, as opposed to simply relying on customary law as they have in the past.

Strategic Recommendations Emerging from Findings: With these in mind, appropriate interventions should: (1) Promote indigenous women’s leadership and organizations, rather than imposing other models; (2) Use legal empowerment approaches in combination with economic alternatives that decrease women’s dependency; (3) Engage men and boys through culturally appropriate dialogue about alternative masculinities; (4) Harness the power of digital technologies while taking into account privacy and security issues; and (5) Develop hybrid justice systems that integrate women’s views while being mindful of local traditions of dispute resolution.

Discussion: Interpreting Findings within Broader Frameworks

The results shed light on a number of key tensions in contemporary discourse about gender, tradition, and rights in the tribal areas of Pakistan. By locating these results within a more general theoretical and comparative context, we can gain a better understanding of both the persistence of patriarchal systems and the potential for change.

The Paradox of Legal Reform in Pluralistic Contexts: The results confirm the feminist critique of formalist approaches to women’s rights (Ali, 2013; Merry, 2006). The continued existence of swara and disinheritance, despite their formal prohibition, indicates that laws made in Islamabad do not have much purchase in Waziristan’s jirgas. This confirms the theoretical insight of legal pluralism that normative orders exist in relations of competition, accommodation, or mutual ignorance, rather than in a hierarchical order (Griffiths, 1986). The FATA merger represented an attempt to impose a hierarchical order, subordinating customary law to state law, but our results indicate that this has instead produced what Santos (1987) has called “inter-legality,” a messy, conflictual zone in which different legalities interact in unpredictable ways. For women, interlegality often means having rights on paper but being under constant social pressure to resolve disputes through customary channels.

Revisiting the Patriarchal Bargain in Digital Times: Kandiyoti’s (1988) model is still surprisingly pertinent in explaining the reasons for women’s compliance with oppressive norms. Nevertheless, our results indicate that digital connectivity may be changing the terms of this trade. Whereas older women had secured safety

by adhering to the most stringent norms, younger women are now making and breaking more complex trade-offs that involve a degree of digital freedom, prolonged education, and sporadic economic engagement. This is no liberation; the underlying imbalance of power has not changed, but it does show that patriarchal trade-offs are not fixed but fluid. As Jabeen (2019) argues, digital media open up new terrain for what Scott (1985) has termed “infrapolitics,” the hidden, low-intensity forms of resistance that fall short of outright confrontation. The secret WhatsApp groups, anonymous social media handles, and surreptitious online research we observed are indicative of this digital infrapolitics, which enables women to widen their gaze without necessarily challenging the status quo.

Beyond Victimhood: Nuanced Agency in Restricted Settings: This study challenges the simplistic tropes of tribal women as either passive sufferers or as brave resisters. The truth is more complex: women exercise their agency in highly restricted settings, making choices that are often fraught with trade-offs. Mahmood’s (2005) critique of liberal feminist approaches to understanding agency is very relevant in this context. Mahmood suggests that agency is not always about resisting norms but also about embracing them for very complex personal reasons. This is evident in older women’s defense of swara here; their stance is not about false consciousness but about a certain form of agency that has been developed in a particular historical and social context. The double lives of young women are also about “the power to” (Kabeer, 1999), as opposed to “the power over,” which is about changing the structures, not merely exercising choices within them.

Intersectionality and Differential Vulnerabilities: The results of this study confirm the relevance of intersectional analysis (Crenshaw, 1991). The experience of patriarchal domination was highly differentiated according to class, age, education, and territorial location. The limitations faced by women in Wana’s urban elite were different from those of poor women in rural areas, although both were subject to the same normative order. Also, widowed and divorced women were in a particularly precarious situation, often finding themselves without the minimal autonomy they had acquired through marriage. An intersectional analysis shows how tribal patriarchy does not uniformly condition all women but intersects with other social hierarchies.

Comparative Insights from Other Tribal Transitions: The gender relations in South Waziristan have elements of similarity with other tribal societies in the process of integration into modern nation-states. Similarities with Kurdish areas in Iraq and Turkey, indigenous peoples in Latin America, and tribal zones in India’s Northeast include the symbolic role of women in collective identity, the

relationship between traditional and state law, and the gender effects of political change (Yuval-Davis, 1997; Mohanty, 2003). Nevertheless, the specific blend of Pashtunwali, Islamic law in Pakistan, and colonial indirect rule in South Waziristan requires a tailored approach rather than a transplant model.

Theoretical Implications for Understanding Social Change: Finally, this study makes a theoretical contribution to the question of how social change happens in traditional societies. The data clearly indicate neither revolutionary change nor traditional stability but rather what Thelen (2004) terms “gradual transformation with layering,” where new practices and norms are layered on top of old ones, cumulatively changing the functioning of the system. Digital networking, education, and legal awareness are new layers that are cumulatively transforming gender relations. The model of gradual change proposes that sustained, multi-faceted interventions targeting the legal, economic, educational, and cultural spheres simultaneously could be more successful than those that aim for rapid, top-down change.

Conclusion: Toward Culturally-Grounded Gender Justice

This study has shed light on the intricate dynamics of gender control in South Waziristan, while also pointing to the cracks that are appearing in this apparently unitary framework. The tribal code of Pashtunwali, as mediated by the all-male jirgas, persists in its commodification of women through swara and disinheritance, thus maintaining the structural violence that circumscribes life chances across generations. However, within these circumscribed parameters, women exercise a complex agency that seeks to negotiate, resist, and sometimes transform their own lives through education, internet connectivity, economic acumen, and indigenous mobilizations.

The 2018 merger of FATA with Khyber Pakhtunkhwa is a critical but also highly ambiguous moment. While potentially opening up new legal avenues for contesting patriarchal norms, the merger has thus far done little to upend the de facto power of customary systems in the realm of gender. This is a telling symptom of the failure of legal centralization in the absence of social transformation. Transformation must necessarily involve a serious engagement with the operative systems of normativity that regulate women’s lives, rather than simply asserting their illegitimacy from a distance.

The results indicate that sustainable progress towards gender justice in South Waziristan will need to be achieved through the implementation of holistic approaches that take into consideration the cultural context, as well as the need to challenge oppressive practices. In this regard, we propose the following:

- 1. Hybrid Justice Approaches:** The formal recognition of reformed jirga systems that involve women as stakeholders and decision-makers, based on the success of women's jirga systems in adjacent areas. The state needs to formalize guidelines on when cases need to be referred from traditional to formal justice systems, especially in criminal cases such as forced marriage.
- 2. Legal Empowerment with Cultural Sensitivity:** Instead of merely articulating women's rights, legal assistance agencies need to develop culturally sensitive strategies to empower women to move between traditional and state systems in a deliberate manner. This will involve training paralegals from within the community who are conversant with both Pashtunwali and constitutional laws.
- 3. Economic Alternatives with Social Protection:** Micro-enterprise initiatives need to be complemented by strategies that address the social risks associated with women earning income, including mediation services for conflicts within the family and secure savings options that are not subject to claims by male relatives.
- 4. Engaging Men as Allies:** To bring about a transformative change, it is necessary to engage men, especially young men who have been exposed to education and urban employment. Initiatives should be designed to bring about dialogues on alternative masculinities that can separate honor from the control of women's bodies and choices.
- 5. Digital Inclusion with Safety:** Technology inclusion initiatives need to focus on both connectivity and digital safety, enabling women to use technology independently while being able to protect themselves from the risks of surveillance and backlash.
- 6. Longitudinal Research and Adaptive Learning:** In a region that is undergoing such rapid changes, it is important for researchers, policymakers, and activists to develop mechanisms for continuous learning and adaptation, recognizing that what works may change over time.

The transition from commodified bodies to self-determined citizens is necessarily protracted and arduous in environments where patriarchal domination is intricately interwoven into the fabric of social being and collective history. However, the quiet strength and tentative bravery of the women of South Waziristan, and especially the younger women caught between tradition and modernity, hold out a glimmer of hope. Through the promotion of their agency and the deliberate unraveling of the fabric that limits it, a transformation for the better towards gender justice is possible not as an imposition from without, but as

an evolution within Pashtun tribal culture towards its own highest notions of honor, dignity, and justice for all.

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