

HONOUR AND VIOLENCE

New Directions in Anthropology

General Editor: **Jacqueline Waldren**, *Institute of Social and Cultural Anthropology, University of Oxford*

Volume 1 *Coping with Tourists: European Reactions to Mass Tourism*

Edited by Jeremy Boissevain

Volume 2 *A Sentimental Economy: Commodity and Community in Rural Ireland*

Carles Salazar

Volume 3 *Insiders and Outsiders: Paradise and Reality in Mallorca*

Jacqueline Waldren

Volume 4 *The Hegemonic Male: Masculinity in a Portuguese Town*

Miguel Vale de Almeida

Volume 5 *Communities of Faith: Sectarianism, Identity, and Social Change on a Danish Island*

Andrew S. Buckser

Volume 6 *After Socialism: Land Reform and Rural Social Change in Eastern Europe*

Edited by Ray Abrahams

Volume 7 *Immigrants and Bureaucrats: Ethiopians in an Israeli Absorption Center*

Esther Hertzog

Volume 8 *A Venetian Island: Environment, History and Change in Burano*

Lidia Sciana

Volume 9 *Recalling the Belgian Congo: Conversations and Introspection*

Marie-Bénédicte Dembour

Volume 10 *Mastering Soldiers: Conflict, Emotions, and the Enemy in an Israeli Military Unit*

Eyal Ben-Ari

Volume 11 *The Great Immigration: Russian Jews in Israel*

Dina Siegel

Volume 12 *Monks of Legitimacy: Between Agency and System*

Edited by Italo Pardo

Volume 13 *Academic Anthropology and the Museum: Back to the Future*

Edited by Mary Bouquet

Volume 14 *Simulated Dreams: Israeli Youth and Virtual Zionism*

Haim Hazan

Volume 15 *Defiance and Compliance: Negotiating Gender in Low-Income Cairo*

Heba Aziz Morsi El-Kholy

Volume 16 *Troubles with Turtles: Cultural Understandings of the Environment on a Greek Island*

Dimitrios Theodossopoulos

Volume 17 *Rebordering the Mediterranean: Boundaries and Citizenship in Southern Europe*

Liliana Suarez-Navaz

Volume 18 *The Bounded Field: Localism and Local Identity in an Italian Alpine Valley*

Jaro Stacul

Volume 19 *Foundations of National Identity: From Catalonia to Europe*

Josep Llobera

Volume 20 *Bodies of Evidence: Burial, Memory and the Recovery of Missing Persons in Cyprus*

Paul Sant Cassia

Volume 21 *Who Owns the Past? The Politics of Time in a 'Model' Bulgarian Village*

Deema Kaneff

Volume 22 *An Earth-Colored Sea: "Race," Culture and the Politics of Identity in the Postcolonial Portuguese-Speaking World*

Miguel Vale De Almeida

Volume 23 *Science, Magic and Religion: The Ritual Process of Museum Magic*

Edited by Mary Bouquet and Nuno Porto

Volume 24 *Crossing European Boundaries: Beyond Conventional Geographical Categories*

Edited by Jaro Stacul, Christina Moutsou and Helen Kopnina

Volume 25 *Documenting Transnational Migration: Jordanian Men Working and Studying in Europe, Asia and North America*

Richard Antoun

Volume 26 *Le Malaise Créole: Ethnic Identity in Mauritius*

Rosabelle Boswell

Volume 27 *Nursing Stories: Life and Death in a German Hospice*

Nicholas Eschenbruch

Volume 28 *Inclusionary Rhetoric/Exclusionary Practices: Left-wing Politics and Migrants in Italy*

Davide Però

Volume 29 *The Nomads of Mykonos: Performing Liminalities in a 'Queer' Space*

Pola Bousiou

Volume 30 *Transnational Families, Migration, and Gender: Moroccan and Filipino Women in Bologna and Barcelona*

Elisabetta Zontini

Volume 31 *Envisioning Eden: Mobilizing Imaginaries in Tourism and Beyond*

Noel B. Salazar

Volume 32 *Tourism, Magic and Modernity: Cultivating the Human Garden*

David Picard

Volume 33 *Diasporic Generations: Memory, Politics, and Nation among Cubans in Spain*

Mette Louise Berg

Volume 34 *Great Expectations: Imagination, Anticipation and Enchantment in Tourism*

Jonathan Skinner and Dimitrios Theodossopoulos

Volume 35 *Learning from the Children: Childhood, Culture and Identity in a Changing World*

Edited by Jacqueline Waldren and Ignacy-Marek Kaminski

Volume 36 *Americans in Tuscany: Charity, Compassion, and Belonging*

Catherine Trundle

Volume 37 *The Franco-Mauritian Elite: Power and Anxiety in the Face of Change*

Tijo Salverda

Volume 38 *Tourism and Informal Encounters in Cuba*

Valerio Simoni

Volume 39 *Honour and Violence: Gender, Power and Law in Southern Pakistan*

Nafisa Shah

HONOUR AND VIOLENCE



Gender, Power and Law in Southern Pakistan

Nafisa Shah



berghahn

NEW YORK • OXFORD

www.berghahnbooks.com

First published in 2016 by
Berghahn Books
www.berghahnbooks.com

This title is not to be distributed in South Asia.

© 2016 Nafisa Shah

All rights reserved. Except for the quotation of short passages for the purposes of criticism and review, no part of this book may be reproduced in any form or by any means, electronic or mechanical, including photocopying, recording, or any information storage and retrieval system now known or to be invented, without written permission of the publisher.

Library of Congress Cataloging-in-Publication Data

Names: Shah, Nafisa, author.

Title: Honour and violence : gender, power and law in southern Pakistan / Nafisa Shah.

Other titles: New directions in anthropology ; v. 39.

Description: New York : Berghahn Books, 2016. | „2016 | Series: New directions in anthropology ; v. 39 | Includes bibliographical references and index.

Identifiers: LCCN 2015046295 | ISBN 9781785330810 (hardback) | ISBN 9781785333651 (paperback) | ISBN 9781785330827 (ebook)

Subjects: LCSH: Honor killings--Pakistan--Sindh. | Women--Legal status, laws, etc. --Pakistan--Sindh. | Family violence--Pakistan--Sindh. | Violence--Pakistan--Sindh. | Dispute resolution (Law)--Pakistan--Sindh.

Classification: LCC HV6197.P182 S57 2016 | DDC 362.82/92095491--dc23

LC record available at <http://lcn.loc.gov/2015046295>

British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

ISBN: 978-1-78533-081-0 (hardback)

ISBN: 978-1-78533-365-1 (paperback)

ISBN: 978-1-78533-082-7 (ebook)

*To my mother, Husun Afroze
for breaking
with tradition*

CONTENTS



List of Figures, Maps and Tables	ix
Preface	xi
Acknowledgements	xiii
Note on Sindhi Language and Transliteration	xvi
List of Abbreviations	xvii
Introduction. Honour Violence, Law and Power in Upper Sindh	1
PART I: A Frontier of Honour Violence: The Problem of <i>Karo kari</i> in Upper Sindh	
Chapter 1. <i>Ghairat</i> , <i>Karo kari</i> and the Spectacles of Violence: How Men and Women Become Black	31
Chapter 2. Honour Violence, Law and Moral Power in Colonial Sindh	59
PART II: Honour, Moral Power and Law: Mirroring of Law in the Forms of Violence	
Chapter 3. <i>Karo kari</i> , <i>Wali</i> and Family Violence: Cultural Violence Mirroring Law	85
Chapter 4. Violence, Kin Groups and the Feud: The Making of Frontier Justice	106

**PART III: Normalizing Violence:
The Everyday World of Upper Sindh**

Chapter 5. Mediations on the Frontier: Ceremonies of Justice, Ceremonies of <i>Faislo</i> and the Ideology of <i>Kheerkhandr</i>	139
Chapter 6. The Criminal Justice and 'Legal' Contests of Honour: Two Case Studies	169
Chapter 7. The Sound of the Silence: Lives, Narratives and Strategies of Runaway and Missing Women of Upper Sindh	189
Conclusion. <i>Karyan Ja Kabrustan</i> : The Imaginary Burial Grounds for Black Women	215

Appendices

Appendix I. The Sindh Frontier Regulation, 1872	225
Appendix II. Extracts of Provisions of Qisas and Diyat Inserted into the Pakistan Penal Code, Including Subsequent Amendments	228
Appendix IIIA. Disposal of Karo Kari Cases, 1995–2004	237
Appendix IIIB. A Sample with Details Showing Relationship of the Victim, Accused and Complainant	243
Glossary	249
Bibliography	255
Index	271

FIGURES, MAPS AND TABLES



Figures

Figure 1.1. Forms of Exchange Marriages: <i>'De wath</i>	49
Figure 1.2. Forms of Exchange Marriages: <i>Peth likhi`diyan</i>	49
Figure 1.3. Forms of Exchange Marriages: <i>Trevakro</i>	50
Figure 1.4. Forms of Exchange Marriage: <i>Chowvakro</i>	50
Figure 3.1. The Case of Lali Narejo	102
Figure 4.1. Arbab	120
Figure 4.2. Rajab	121
Figure 4.3. Rajab's house	121
Figure 4.4. Khadim's House during His Migration	121
Figure 4.5. Rajab's Protection Team	122
Figure 4.6. Khadim's Rocket/Bullet Empties after the Attack in 2001	122
Figure 5.1. Translation of Ulro Mediation	166
Figure 5.2. Translation of Kandhro-Maitlo Mediation	166
Figure 5.3. Translation of Ghumro Mediation	167
Figure 7.1. Pathways of Runaway Women	196
Figure 7.2. Author with Women Residents in Darulaman Sukkur	207

Maps

Map 0.1. District Map of Upper Sindh, 2000–2001 (Inset showing Sindh in Pakistan)	14
--	----

Tables

Table 4.1. Family Feuds along the <i>Kacho</i> of Khairpur District	110
Table 4.2. The Ghumro Diary of Conflict	113
Table 4.3. The Ulro Diary of Conflict	116
Table 4.4. <i>Qaumi Jehra</i> near the <i>Kacho</i> in Khairpur	123
Table 4.5. Kandhro-Maitlo Diary of Conflict	127
Table 6.1. The Legal Contest in the Case of Robina and Ghafoor	175
Table 6.2. The Legal Contest in Hasina's Case	179

PREFACE



This book incorporates more than twenty years' worth of varying perspectives on an honour-based practice called *karo kari*, prevalent in Southern Pakistan. I first wrote about this practice as a young journalist working for *Newsline*, then studied it through the anthropological method as an Oxford student of anthropology, and later became involved in the area of my research as a local politician and a mayor.

In the long stretches of time over which I researched and wrote parts of this book, life-changing experiences affected the pace and the content of this work. For instance, during fieldwork I found myself positioned not as a distant, independent observer but as a highly involved mayor, elected to serve in the very field area under study. This field area is also my home – the place where I was born, to which I belong. During the course of this study and its writing, having finished my term as mayor, I was elected to the lower house of the Pakistani parliament, the National Assembly. I have therefore approached the subject of my study as an outsider groomed as an academic, but also as an administrator, an involved native and, at heart, a concerned citizen.

In these many years, I repeatedly came back to the subject in different roles that offered me a range of perspectives. As I kept repositioning myself with respect to my story, many adjustments had to be made in both methodology and writing. As a student and a politician I shuttled between the world of politics and the world of academia. These multiple roles brought complications for the informants I sought data from as well as for myself as a community leader. I also had to extend my work, suspending or halting it for long periods of time when I needed to be elsewhere. The occupational world of politics required, in one instance, dropping all work at Oxford to reach the parliament in Islamabad on twenty-four hours' notice to help pass a historic constitutional amendment. I was a sitting Member of Parliament when I returned to Oxford in December 2010 to give oral exams for my PhD. Now, as I finalize this book, I am serving my second term in the parliament, shuttling to the capital city for parliamentary sessions.

As I revisit the content of this work, the world around me in Upper Sindh continues to enact new forms of violence that resonate with the stories presented here. Most of the research for this study was done between 1998 and 2004. Now in 2016, as I attempt to add material to this study ten years later, the newer stories I encounter echo and reiterate what was previously narrated here. Many characters in my story have moved on. Their stories have reached closure, yet the newer ones re-enact the older plots. The plots do not change, the characters do.

Therefore I have changed little in terms of content, although the scale may have reduced in some areas. For instance, just as in 2003, when two Bhutto girls were killed and buried in an unknown place in district Shikarpur, in 2014 two Mahar girls were killed for honour and buried in an unknown area. The story of the victims today – Shani and Reema, both daughters of a school-teacher – seems to echo that of Abida and Tehmina, described in Chapter 3. The Supreme Court of Pakistan has taken a suo moto notice and asked for recovery of the bodies, and a medical board has been formed to exhume the bodies. Meanwhile, mediations over honour-based violence continue to occur through interventions by politicians and chiefs, even as courts supplement these efforts by ensuring that killers are acquitted through the law and not outside it. Media, artists and civil society, for their part, ritualize representations of violence through various imaginaries, actively contesting it but also magnifying it in the process. On 8 March 2014, activists of the women's rights organization Women's Action Forum (WAF) marked International Women's Day in a '*Karian jo Kabrustan*' – a graveyard for women killed in the name of honour – another discourse that has been kept alive by the media's appetite for the sensational, a subject dealt with in detail in this volume's last chapter. This year further highlighted the issue on the glitzy international stage with Pakistani filmmaker Sharmeen Obaid-Chinoy winning an Oscar for her film *A Girl in the River* themed on the law that is the subject of this study also, a law which this film terms as "the law of forgiveness".

Even though my own roles have shifted, my engagement with people and their practices continues to be an intimate one, treading carefully between status quo and change, between representing a conservative world view and pushing for its change wherever I can. If as a mayor I worked to build peace within community norms in a violent environment, today as a legislator I am supporting a law sponsored by a colleague that might, if it is passed by the parliament, block easy acquittals of perpetrators of violence. Whether in the passive role of a student, or in a mayoral position where I often helped resolve disputes, or as a legislator working to reform legal systems that allow people to get away with murder, I wrote this book not just as an ethnography of brutal violence, but also as a personal journey of struggling against it.

ACKNOWLEDGEMENTS



My sincere gratitude is for all those who believed that I had a story to share and that despite my multiple lives in many fields and in many roles, I could fulfil and complete a serious piece of work within the academic discipline at Oxford and later publish it.

I am deeply indebted to Dr Robert Parkin and Dr Wendy James, who supervised most of my research work and guided an unfocused student actively engaged in politics in Pakistan towards the finishing mark. Dr Parkin stepped in when others had given up, renewing my dwindling faith in my own work and giving this research a new life. Dr Jacqueline Waldron, the series editor for my book, a friend and a mentor, has been enthusiastic supporter of this publishing project at all stages. I am thankful to Dr Alison Shaw and Dr Hastings Donnan, previously my examiners, for their useful feedback on how best to move forward with communicating my work to the outside world.

I must also thank my Oxford friends the late Dr Helen Callaway, Dr Lidia Sciamia, Gaynor Cohen and the late Abner Cohen, who were intricately involved in my life and my work in Pakistan; and my friends inside and outside the Pakistani parliament with whom I work closely on gender policy and rights-based legislation: Dr Azra Fazal Pechuho, Senator Sughra Imam, Charmaine Hidayatullah, Ayesha Gazdar, Bushra Gohar and Rubina Khalid. I am also deeply thankful to my family in Oxford – my best friend Helene Neveu, Morten Kringelbach, and the girls, Maya and Laura Nafy – for providing me with local hospitality and lots of laughter throughout these years. My family members back home were very committed to my research and equally committed to its publication. My father, Qaim Ali Shah; my brothers Asad and Afzal; my sisters Naheed, Nighat, Nusrat and Nuzhat; my sister-in-law Anita; and my many nephews and nieces, particularly Morial, Mohammad, Ahmed, Mehmood, Shazmina, Hamid, Noor, Akbar, Baqir, Soha and Rahima, all would like to see the ‘book form’ of the work they saw me involved in all these years.

Acknowledgements

Special thanks are due to the Institute of Social and Cultural Anthropology, and to Mike, Ruth Parker, and Vicky Dean. I could not have begun research on this subject without the generous support of the Bagby Foundation and earlier Reuter Foundation. Wolfson College provided an excellent and friendly environment, within which this study took shape. I must also thank my college tutors Nick Allen and Marcus Banks for being there as constant backup support.

The magazine which published the first story on honour killings in Sindh was *Newsline*. It was under the supervision of its late editor, the extraordinary Razia Bhatti that I investigated and wrote the story '*Karo Kari: Ritual Killings in the Name of Honour*' which eventually led to the academic enquiry and this study. Razia Bhatti and the editorial team of *Newsline* therefore deserve a most special mention. This work would not have been possible without the involvement of my informants – officials, lawyers, journalists, social activists, judges, artists, writers and others whom I thank for providing me with content over the years: Ustad Niaz Ghumro, Abbas Ghumro, Sumar Kanhar, the late Mureed Ulro, Asghar Ulro, Khadim and Rajab Ulro, Aftab Shah, Shahida Memon, Iqbal Detho, Allah Warayo Bozdar, Khan Mohammad and Nisar Khokhar for their useful information; Jindul, Chutan and those who looked after me in Khairpur, Iqbal, Nooran and Machar Ma; and my colleagues and political party workers Ghazala Sial, Ali Sher Makwal, Amjad Ali Shah, Mustaq Jumani, the late Mehmud Sheikh, Ghulam Hussain Moghul, Nasir Setho, Asad Phulpoto, Wajid Shah, Qadoos Brohi, Goru, Machar, Danish, Ali Reza and Ahmed Ali. In fact this book is as much their work as it is mine.

I would also like to acknowledge police officers who provided me with data – Abdul Khaliq Sheikh, Ghulam Nabi Memon, Yunos Chandio, Ghazi Salahuddin, Sharjil Kharal, Shabbir Shaikh and Ghulam Hussain Dahri – along with the former judge Majda Rizvi, the judges Fahim Siddiqi, Mustafa Memon and Qurban Ali Shah, and the lawyers Fateh Malik, Jaffar Shaikh and Liaqat Shar for their useful comments on the legal aspects of my study. Special thanks to Mukhtiar Malik, Adal Soomro and Jam Jamali – Sindh poets who helped me collect poetry on honour and offered guidelines for interpreting these poems. I want to especially acknowledge the Sindh Police Department, which provided information central to this research. Many thanks are due to the artists Aqeel Solangi and Khuda Bux Abro, the Principal National College of Arts, Nadeem Omar, the architect Mohammad bin Naveed, and Principal of the Indus Valley School of Design Samina Khan, photojournalist Shameen Khan for volunteering illustrations and cover ideas for this book.

Most importantly, many, many thanks are due to the people of Khairpur and Upper Sindh, with whom I have lived, learned and grown: I consider

Acknowledgements

them my extended and extensive family, whose most intimate burial and marriage rituals I have attended. I found them to have no ‘gender bias,’ but instead to be welcoming and hospitable, yet equally tough and tenacious, in the face of the cyclical tragedy in Upper Sindh.

This work is perhaps a culmination of a fateful journey taken many years ago by one ordinary woman who, quietly and unnoticed by the world, ‘broke a tradition’ of women’s seclusion in a Syed family in an Upper Sindh town. Breaching a local code of ‘proper’ behaviour, she travelled alone to the city with a single purpose – to educate her many daughters at ‘good English schools’ – and herself succumbed to cancer a few years later. With love and respect, I dedicate this book to this ordinary woman, my late mother, Husun Afroze.

NOTE ON SINDHI LANGUAGE AND transliteration



Of the different languages spoken in Upper Sindh, Sindhi is the most widespread. The local terms used in this book may have originated in other languages but form part of the current Sindhi vernacular.

The history of Sindhi (and its many dialects) stretches back over 2,500 years. The language was influenced early on by Dravidian, Prakrit (spoken Sanskrit) and Dardic, and later by Arabic, Persian, English and Urdu. Nineteenth-century British bureaucrats, especially the Commissioner of Sindh Sir Bartle Frere, are credited with devising a comprehensive 54-letter alphabet to reflect the phonetic complexity of this language. Most Sindhi words end in vowels, of which there are ten. I have not shown the endings of these words, as the complex symbols required might cause difficulties for the reader. Besides the extensive use of vowels, there are four voiced implosive consonants. To reflect the phonetic effects of these implosives, they are written as `b, `d, `g, and `j.

Rather than anglicize local constructions, I have avoided using *-s* to denote the plural form in Sindhi. Most singular terms in Sindhi end in the vowel *o* (e.g. *faislo*), while a plural usually ends in an *a* (e.g. *faisla*). I have used these two forms to distinguish between the singular and plural, retaining the singular form for plurals that have other endings in Sindhi.

ABBREVIATIONS



ASP	Assistant Superintendent of the Police
ATA	Anti-Terrorism Act
ATC	Anti-Terrorism Court
CrPC	The Criminal Procedure Code 1898
DC	District Commissioner
DCO	District Coordination Officer
DIG	Deputy Inspector General of the Police
DPO	District Police Officer
DSP	Deputy Superintendent of the Police
FCR	Frontier Crimes Regulations
KT	Kacha Territory
MFLO	Muslim Family Law Ordinance 1961
PPC	Pakistan Penal Code 1860
SHO	Station House Officer
SP	Superintendent of Police
SFR	Sindh Frontier Regulation

Introduction

HONOUR VIOLENCE, LAW AND POWER IN UPPER SINDH



The story that I am to narrate here begins in the 1990s, when as a reporter in a local magazine called *Newsline*, I wrote a comprehensive news story on *karo kari*,¹ (literally ‘black man and black woman’), a vernacular honour-based practice in the Upper Sindh region of present-day Pakistan. Known popularly as a *rasam*, a ‘custom’ that sanctioned men and women accused of sexual transgressions with death,² *karo kari* has since become a leading story of the national media in Pakistan, a major human rights issue and a problem that both lawmakers and civil society are concerned about.

My report was the first comprehensive exposé of the existence and prevalence of this practice in the region of Upper Sindh.³ This report disclosed the violence committed through *karo kari*, whose perpetrators were defending what was considered a timeless, natural and therefore unquestionable ideology of honour called *ghairat*, a moral sanction enforced by each individual, and more specifically each man, but with social approval. In the report, I described the punishment of ‘black’ men and women as retributive justice for men whose honour had been damaged when a female relative was accused of engaging in sexual relations with another man. Husbands, fathers, brothers and sons could accuse their wives, daughters, sisters or mothers of being black, and the action taken against women could be either expulsion from the community or death. If found with the woman, the co-accused man could be killed or subsequently hunted down. If the woman alone was expelled or killed, the local practice allowed the man who had accused or killed her to exact fines from the co-accused man, or demand that he replace the ‘lost’ woman with another. My report focused on this latter aspect. In particular, I argued that, far from such killings being perpetrated merely in defence of *ghairat*, most men used the provisions in the

custom strategically, whether for private gain, to harm their enemies, or to rid themselves of women they did not want.

Since that report, hundreds of news stories and campaigns have given the phenomenon of *karo kari* national and international significance.⁴ Activists, political leaders, religious leaders and even judges have actively condemned the practice and called for punishment of its perpetrators. More recently, in 2011 the Sindh Assembly passed two resolutions declaring *karo kari* killings to be murders and called upon the National Assembly to make the legal changes that will ensure perpetrators are punished.⁵ A private member's bill – called the anti-honour killing bill – is also under discussion in the parliament, and I am actively involved in supporting this legislation.

My own concern with the issue developed from that of an involved journalist into that of a distant, neutral academic. Recently, however, as an elected official⁶ in Upper Sindh, I became involved with this phenomenon in different ways as both a community representative and a representative of the people in the National Assembly, committed to providing justice to victims while also working towards enforcement of the law.

These simultaneous experiences of belonging to Upper Sindh, as well as living, working and researching there, leave me in no doubt that tragically, the violence associated with *karo kari* has inspired graphic, shocking instances of brutality. However, it is also the case that *karo kari* accusations and the related violence pervade aspects of rural social life comprehensively, involving marriage disputes, power struggles, and conflicts over resources and territories. It can therefore be called a total social phenomenon in the Maussian sense, one that is simultaneously social, political, economic and juridical. Empirically speaking, Upper Sindh reports the highest number of such deaths in the country. Probably about two hundred men, women and children are killed there each year, which constitutes approximately a quarter of the estimated deaths on the pretext of honour violation for all of Pakistan.⁷

This book examines why and how *karo kari* occupies a central social, moral, juridical and ideological position in Upper Sindh, one that mediates social relations generally in the area. In order to address these questions, I treat *karo kari*, as constructed in Upper Sindh, as a customary social sanction that must nonetheless be viewed in its relationship to the formal state laws and considerations of power generally. As Upper Sindh is a complex society operating within a state, incorporating colonial and modern post-colonial and more recently Islamic textual law in its regulation, customary violence has to be understood in terms of relations between the state, power and the law, since these areas have developed interdependently over time. To that end, this study posits that *karo kari*, as a violent cultural form of normative sanction contained within the moral idiom of *ghairat*, persists not

parallel to, outside of, or in deviation from the state laws, but within and even through them.

This study examines the alternating relationships and interconnections in Upper Sindh between *karo kari*, the law and power in the following different ways. First, I examine the ethnographic data to describe the local meanings that people ascribe to *karo kari*. At the same time, I consider whether *karo kari* is a timeless, unchanging social norm – a *rasam*, as it is called or understood by the people in that area – or a contemporary cultural product that people expand, adapt and appropriate in their everyday politics of social relations such as marriage and the competition over resources and power. Second, I investigate the organization of the field of law and power across time to assess how historical forces have been implicated in the making of *karo kari*. And third, I look at the forms of this violence in everyday life in Upper Sindh in the context of the present, plural, state laws to determine what role, if any, the law as a product of power plays in shaping current *karo kari* violence. In other words, does *karo kari* violence contain a formal legal space that will allow me to understand its present violent articulation?

Honour Violence, Law and Power: Theoretical Settings

Law and Custom in Anthropology

In anthropology, the relationship between custom and law, as cultural concepts, has been both dichotomous and dialectical. Both an analytical separation and an overlapping and intertwining relationship between these two categories have been variously suggested at different times. Initially, the anthropological study of social norms in smaller, ‘simpler’ societies was understood with reference to modern law, often being framed in Western legal concepts and discourses, and presented as law-like systems; but later the modern law itself became a cultural product and object of anthropological scrutiny.

The opposition between custom and law was implicit in much of the early anthropological and jurisprudential discourse – the law was as intimately linked to state formation in a complex society as custom was in a simple, rudimentary one (Hart 1961; Bohannan 1965; Diamond 1971).⁸ The law was perceived as an innovative modern instrument, a tool for social change, as, according to Bohannan, it had to be ‘out of phase’ with society.⁹ Also, ‘Custom must either grow to fit the law or it must actively reject it; law must either grow to fit the custom, or it must ignore or suppress it. It is in these very interstices that social growth and social decay take place’ (Bohannan 1965: 37). However, while Bohannan saw customs and laws as continuous,

Diamond (1971) considered them contradictory, emerging from a breach of prior customary order and increasing as conflicts divided political societies internally and from each other, changing the dictum of law and order to one of law versus order. In Diamond's view laws arose in opposition to customary order because they represented new social goals by 'a new and unanticipated power', for instance the development of early states, conscription of labour and troops, and censuses of populations.¹⁰ In later studies of the law, anthropologists challenged the view of positive, rule-based Western law as natural and increasingly perceived it as a historical product of culture.¹¹ The uniformity, cohesion and precision of modern law also came under critical review.¹²

In this study, both law and custom are shown to be products of modernity, of the colonial and postcolonial state: there is no prior customary order outside the framework of the state here. 'Anthropology,' Herzfeld (1987: 3) writes, 'entails the unveiling of intimate practices that lie behind the rhetorical protestations of eternal truth, ranging from "that's always been our custom" in every village and tribal society studied by the anthropologists of the past, to the evocation of science and logic by every modern political elite'. Custom, in anthropological tradition, seems to be a rhetorical device, as much for anthropologists to construct 'the other' as it is for natives to construct their world view. Studying the practice of custom in action as compared to its rhetoric shows that it is a dynamic, inventive field in which many meanings are created. Several anthropologists have provided colourful instances of such re-creations of customs (e.g. Borofsky 1987; Keesing 1994). Analytically, therefore, custom as a solid, bounded entity becomes meaningless.

All this was confirmed by studies of colonial societies' interactions with colonial law, which was probably also the single most important factor in removing the evolutionary, definitional and analytical distinctions between law and custom and in showing a vibrant, dialectical relationship between Western law and local social norms. Colonial officials' introduction of formal legal systems alongside customary and personal law allowed anthropologists to see how multiple legal systems could operate at the same time, making a unified legal system look like a myth (Pospisil 1971; Hooker 1975; S. Moore 1978; Merry 1992). Besides, comparative anthropological work in the former colonies showed that customs were often shaped, renewed and even changed as a colonial strategy of domination and appeasement in which the so-called customary laws, which were simply Western legal forms enabling the local elite to appropriate or share power, were actually constructed (Snyder 1981; Chanock 1985; Cohn 1985; S. Moore 1986; Merry 1991; Rouland 1994). The Marxist analysis of colonial law viewed the law as an instrument of power as well as a key tool for expanding capitalism (Ghai, Lukham and

Snyder 1987). The term 'legal pluralism' grew out of all this literature, but the understanding of this term also underwent radical interpretative changes, and the focus shifted from considering law and customary forms as disjunct yet parallel, to understanding them as 'mutually constituted' (Merry 1992) or as legal spaces 'superimposed, interpenetrated and mixed in our minds as well as actions' (Santos 1987: 297). Other ethnographies showed how custom and law merged, existing in a continuum (Rosen 2000). This was presented in the context of history and power when Starr and Collier (1989) brought together a body of work by legal anthropologists showing how local legal events were implicated in larger processes of history and power (e.g. Blok 1989; Cohn 1989; S. Moore 1989).

Where does my study fit into this discussion? As Just (1992: 376) says, 'Both local meaning and larger processes of history and power need to be marshalled to see what happens when people dispute'. My starting point is to explore how people create meaning locally in *karo kari* violence in Upper Sindh, based on the timeless ideology of *ghairat*, but my ethnography also demonstrates that both *karo kari* and *ghairat* are merely masks screening out a vast and untidy field of multiple conflicts. I attempt to show that what is formulated as a custom in the local discourse is not unchanging; rather, it is a dynamic cultural product perpetually adapted to fit contemporary local contests and social relations. After showing how *karo kari* is constructed in the local field, I move on to demonstrate the historical relationship between law, custom and power. Whereas in the colonial period the local adultery law was incorporated into customary law as an 'indirect policy', now, in the postcolonial period, the state explicitly rejects the custom of *karo kari*, though at the same time newer laws seem to provide a legal space for this customary form in different ways. So, unlike Diamond (1971), my study asserts that custom and order are not necessarily related, just as institutional state law and custom are not necessarily opposed, although they may be mutually constitutive of one another even when they are constructed in very different forms.

To a certain extent, therefore, my work is set within multiple, interactive relationships of law and the local customary norms provided for in legal pluralism. At times this concept has been criticized for circumscribing the multiple normative orders within the category of 'legal', which may not always be the case, and for failing to fully contextualize the power relations and social contexts (Fuller 1994). Nonetheless, as a space that creates a constantly ongoing dialogue between what is locally constructed as custom and what is locally understood as law, resulting in 'unpredictable patterns of competition, interaction, negotiation' (Griffiths 1986: 31), legal pluralism would seem to offer a basis for the interpretation of the present ethnography.

A large body of anthropological theories shows how customs as normative orders may be incorporated either as a source of law, or in the modern legal form as 'customary law' or as autonomous systems. However, there is less articulation, if any, of how modern laws can shape or provide new contexts for the seemingly traditional cultural forms of violence. Comaroff and Comaroff (2004) highlight the dilemma courts face when confronting a case concerning a witch-hunt in South Africa, and how customary forms subvert the state's monopoly over violence when the state cannot entirely criminalize such customary forms due to the moral legitimacies involved. They observe that 'the kingdom of custom is not dying in postcolonies', but taking new shape. Here the state's position is always ambiguous, yet no links are drawn between the legal context and witch-hunts. In contrast, I demonstrate that *karo kari*, represented popularly as an ahistorical, timeless custom, may not be easily isolated from the laws of the state, being in some ways generated within and through the modern legal system, its institutional set-ups and its day-to-day articulations, or, to use Malinowski's term, through 'codes, courts and constables' (Malinowski 1926: 14). In any case, I consider modern-day customary forms and law not as separate categories but as two products of modernity, articulated in different techniques. In that sense, custom is not prior to or apart from law. Shaped by power, it alternates with formal law, and even comprises it.

Law, the State, Kin Groups and Power

Modern law has historically been a medium through which power is exercised and legitimated (F. von Benda-Beckmann, K. Benda-Beckmann and Griffiths 2009), and state power offers the best site from which to understand modern law and legal systems. Despite a growing field of law in the domain of transnational laws (F. von Benda-Beckmann, K. von Benda-Beckmann and Griffiths 2005; Merry 1992) whose scope clearly extends beyond the state, the latter continues to provide ostensible authority and determinism for the law and legal systems.

The state as an analytical category was discovered rather late in anthropological terms. Initially, the societies studied were classified in the anthropological imagination as 'acephalous', 'stateless', or lacking in 'central authority', as this served functionalist, ahistorical models of looking for order in microscopic societies. Nevertheless, as Das and Poole (2004: 4) suggest, the 'language and the figure of the state' resonate in these writings, in the very concern about how social order and political authority are derived.¹³

The concept of the state is diffuse and vague, as is evident in the range of ways in which it has been defined or understood. Social scientists have

defined the state as a coercion-wielding organization distinct from kin groups (Tilly 1990), a site of meta-capital (Bourdieu 1999), and a centralized government emerging from institutional inequality (Fried 1967) or having a monopoly over violence (Service 1975). Others have challenged the very concept of the state as a distinct entity. Abrams (1988), in his rather cynical but amusing article, says that the state is an ideological project masking its true objective of political domination and capitalist undertakings. More recently, however, anthropologists have been concerned with diffusing its mystique as a denaturalized entity (Hansen and Stepputat 2001), showing how its power is perforated by the global and transnational claims to power (Appadurai 1996) or reduced to a cultural artefact, a historical product in which the cohesion or unity of the state is an illusion (Sharma and Gupta 2006). Concerned with how the differences between the state and society are produced in the discursive domain, Mitchell (1991, 1999) has called for observation of the state's structural effects, the mundane practices that blur the boundaries between the state and society. Anthropologists, with their strategically located study of micro-societies, have focused on the state's subjective effects, that is, the set of practices and discourses that represent the state in the everyday lives of the people (Aretxaga 2000).¹⁴

Theoretical work on the state has often been influenced by the Marxist theory of the state as a means by which a particular class gains control over the means of production; Weberian state practices traceable to rationalism through bureaucracy; or the Foucauldian disciplinary power of the state as dispersed and internalized via the organization of institutions such as prisons, clinics and mental asylums, and in a set of practices that he calls governmentality (Foucault 1977, 1991), in which individuals incorporate obedience within their bodies. All of this has markedly decentred the state and dislocated its power.

In recent years, though, there seems to have been a theoretical shift towards the centrality of the power of both the law and the state in trying to make sense of the actions of the state, such as those at Guantanamo Bay. The Austinian definition of law as something that commands the sovereign is back in vogue, and within this context Agamben's reconstruction of Foucault's biopolitics as the overarching form of power of the sovereign helps us to understand how state power can shape the very discourses of life and death. Power can produce, destroy and re-create law in the form of a sovereign who, placed both inside and outside the law, can suspend all law and call for a state of exception (Agamben 2005). Wherever human life is stripped bare of its social, political and cultural aspects, and collectively reduced to its animalistic form in camps or prisons – that is where the naked power of the state is felt and experienced in its purest form (Agamben 1998).

Global political, academic and journalistic discourses now regard Pakistan, as a state, as being on the edge of a precipice. Variouslly dubbed failed or failing, fragile or weak, it has more recently been said to be teeming with terrorist and militant outfits and franchises, and of course to be the most dangerous country on earth. It is a state that fares poorly on service delivery systems and in various surveys, and its illiteracy, poverty and health indicators are quoted to show how the state has failed to meet its commitments to the people. But even as all these attributes of the modern Pakistani state signify a lack of power and indeed of function, here I am claiming otherwise: in Pakistan, state power shapes cultural forms of violence. Power in postcolonial Pakistan has been asserted by a powerful, autonomous, corporate-like military establishment in coalition with self-seeking elite that has worked closely with the judiciary to legitimate its claims over the country. Such power is frequently asserted in emergency rules that remain in place for several decades. Pakistan's frontier geography has made it a rentier state of sorts whose elites allow the state to be used in global power games in exchange for dollar aid. 'States of exceptions' have been the rule rather than the exception (Taussig 1992) in the legal history of Pakistan, and most of the law that is being considered here has been created under emergency rules and legitimized in the 'doctrine of necessity'.¹⁵ Hence, state power is asserted within a 'very legal' form and is claimed to be morally justifiable (see Chapter 2). In particular here, the state is implicated in constructing the laws 'of the body' that allow the discourses of biopolitics to enter the everyday world of Upper Sindh in the context of *karo kari* killings and their legal treatment and resolution.

While state power is not absolute in the Agambian sense, neither is it uniform or monopolized by the state (von Benda Beckmann et al 2009). I show that power is devolved to or shared with the local elite and, more recently, with the family or what I call kin groups in order to include lineages and tribal entities. Diamond's doctoral study (1951) of the formation of the proto-state of Dahomey in West Africa contrasts the consensual authority of kin groups with the power of modern states, where the state has gained control over the kin community by controlling women's reproductive power and social roles through the law. In another discussion related to the family and the state, Bayart (1993: 261) calls the state in Africa 'fundamentally indirect', obeying 'the law of incompleteness', and functioning as a 'rhizome of personal networks' that assure 'centralisation of power through family alliance and friendship', thus showing the subjectivity associated with the power of the state. I do not mean to say that only African states are incomplete and subjective – this could be true of any state. The point is that kin or group identity is of critical concern to the discourses of both law and custom in this study, as along with state officials, it is the kin groups and collective

identities such as the tribe or family who perpetuate, sustain and normalize violent articulations of *karo kari*.

In his historical ethnography on Berlin as a 'dual organization,' Borneman (1992: 75) writes that 'a history of family law, written from an anthropological perspective, is a history of narrative strategies about nation-building'. Of these, he holds that 'kin strategies' aim to constitute citizens as subjects and are formulated to direct a citizen's life course. In many ways Pakistan is a patrimonial state where personal and family networks, relationships and dynasties form the basis of power and privilege. However, there are two different paths in the state's relationship with the family: when it comes to the reproductive power, the state becomes the guardian of women, not allowing any family members power over their body; whereas the power over the life and death of individuals, particularly women, is shared with kin so that the family heirs are vested with legal powers to condone or punish perpetrators. Since elite and kin groups are both vested with the legal authority to mediate social conflicts, including murder, local forms of power are directly implicated in shaping social norms and honour-related violence. However, I also show that these kin groups and collective identities are not only pre-existing entities of power but also are constituted by the state.

The place of religion in relation to custom, the law and the state in Upper Sindh is another significant factor, especially given the importance of notions of law generally in Islam. It is to this issue that I turn next.

Islamic Law, Custom and the State

In a recent volume on law, the von Benda Beckmanns and Griffiths (2009) highlight a need to examine religion contextually with relation to the law, reacting specifically to negative approaches to representations of Islam. In Pakistan, the discursive space of the law is, both geographically and textually, a disjointed agglomeration of often incoherent and contradictory systems superimposed on one another. Deriving equally from custom, religion and the common law of the British period, these systems feature extensive Arabic and Latin terminology but are coded in the Western legal traditions. The Islamic law scholar Hallaq, even when presenting a golden age of Shariah, draws on a historical process to argue that present-day Shariah laws in Islamic countries have become westernized and uprooted from their interpretive context, being reduced in most cases to 'family law'. In this form, 'the Shariah became a state tool, for only to the state could it have subordinated [itself]' (Hallaq 2009: 170).

The present laws applied to *karo kari* killings by the criminal justice system, generally called *qisas* and *diyat*, are framed as 'Islamic' in line with

the state's objective of ordering the lives of citizens according to Islam. In the field I observed that Islamic law, like customary law, is constituted and incorporated into modern legal systems and procedures; hence, it cannot be analysed as opposed to or separated from modern legal systems but must be seen as contained within them. Whereas in colonial times one kind of Islamic law was introduced into the corpus of Anglo-Mohammadan personal law, later, during the postcolonial period, another form of Islamic law that consolidated dictatorial power was presented as an alternate law but incorporated within the Constitution: the penal code, and the code of legal procedures, which are clearly modern, Western legal constructs.¹⁶ Gilmartin (1988) provides historical context for the opposition between customary law and Islamic law, which he argues was sharpened in the nineteenth and twentieth centuries by the development of law within the colonial order.

My work diverges from studies in which custom and Islamic law are viewed either as a continuum, as in the case of Rosen (2000), or as enjoying a 'peaceful coexistence' (Stewart 2006). Instead I am concerned primarily with how power acts upon these discourses in the field.¹⁷ This book shows that although 'new' Islamic laws and their discourses have been a means of appropriating and consolidating power by using the moral discourse of Islam at one level, Islamic notions are rarely used to justify normative, customary violence in the everyday lives of the people of Upper Sindh. That they are practised in an Islamic society does not preclude references to ideologies of Baloch *mayar*, honour, *riwaj*, and so on, as a distinct set of concepts. The people of Sindh are Muslims, and their religion is mediated by Sufic orders and mystics identified by their shrines dotted across the landscape. Religion provides general guiding principles for life, but the day-to-day world is ordered by 'customary' norms and practices related closely to economic and social life. The Islamic discourse rejects violence related to honour, terming it 'un-Islamic', and constructing the cultures and customs of rural and tribal systems as backward and retrogressive, practiced by those with no knowledge of religion.

At another level, Islamic and Western or colonial law, as power constructs, certainly make room for custom by giving enormous legal space to the perpetrators of violence (see Chapter 3). Studies of Islamic law and local practices must consider both with regard to how they are used, rather than only describing what they contain. Islam has been appropriated by the formal state power and incorporated in Pakistan's fundamental laws and legal systems. Rhetorically, the urban elite, conservative scholars, and often even civil society cast *karo kari* as a practice grounded in ignorance and lack of Islamic knowledge. Islamic law therefore features in this work as a tool of power within the state. In everyday *karo kari* practices, by contrast, religious

discourse is largely absent, and even when it is present it is clearly positioned in opposition to *karo kari* as a custom.

Stewart (2006), discussing customary law in the Islamic societies of North Africa and East Arabia, states that with regard to customs such as feuds and honour killings, there is a gap between people's values and state law; hence, by articulating these cultural practices, people reject state law. He further traces the roots of these practices to ancient Arabia, thereby building a model of timelessness for them. As opposed to this gap between custom and law, my research shows not a rejection of state law but a consonance and a resonance with it in these very practices.

Honour and Violence

'The ultimate vindication of honour lies in physical violence', says Pitt-Rivers (1965: 24), and 'to kill and die for honour' is a phrase that regularly echoes throughout the ethnographies of honour (Pitt-Rivers 1954; Campbell 1964). The anthropological discourse on honour is peopled by cuckolds wearing horns, men raiding sheep, pastoralists feuding endlessly, mafiosi collecting protection money, women peeping through their veils, Arab horsemen raiding through the deserts, tribesmen donning swords and exchanging rifles, and matadors taking the bull by the horns, all in the name of honour – yet in all these accounts, violence as an explicit social action, although assumed to exist, is almost invisible.¹⁸

In the anthropology of honour, violence is often explained by presupposing the existence of a sense of order within the implied disorder of conflict. For instance, a feud has been seen to create a balanced opposition between lineages and thereby a whole system of social relations (Evans-Pritchard 1940; Stirling 1960; Lewis 1961; Black-Michaud 1975), aggression leads to social cohesion (Gilmore 1987), and sheep-raiding is a way to create alliances through theft (Herzfeld 1985). Social ecology, scarce resources and pastoralism are shown to lie behind self-help processes when, in the absence of the state, people have to compete for resources by raiding and feuding (Evans-Pritchard 1940; J. Schneider 1971; Meeker 1979). Honour encompasses social conflict as both 'a cause and an historical effect of interpersonal conflict' through which resources are protected and competed for (P. Schneider 1969: 131). Where pastoral and agricultural economies compete, these honour conflicts are also seen as ways of procuring resources in the form of patrimonies (Davis 1977; J. Schneider 1971), an idea that has been used to develop the Mediterranean as a culture area. Comparably, in this study, honour is shown to be a strategy of self-interest to protect and increase material resources that is clearly related to the agrarian economy.

However, I tend to see the physical aspects of such conflict as violence that is recurrent and graphic, and that is neither a manifestation of order, nor something that promotes social relations. It is a social fact, it is present, it is tragic, and people have to deal with it. Violence is not a cause, function or effect of honour but merely draws its legitimacy from it, which is partly what this work is about.

Explaining what local honour terms mean is problematic. As Herzfeld (1980) reminds us, the term 'honour' is difficult to translate across and through cultures, as the same word may have different meanings in different contexts. Besides, many words may denote attributes of honour in cultures that nonetheless have no single term for honour. Various theories have attempted to explain the changing meanings of the term 'honour' in the West. Pitt-Rivers (1965) states that honour may simultaneously imply precedence, status and virtue, thus encompassing what one may consider opposing moralities. Meanwhile Caro Baroja (1965) says that in Europe, that first meaning of honour (as precedence) fused with the third meaning, virtue, when the term 'honour' was adopted by religion, whereas in pre-Christian times honour was perhaps only exclusively used as an ideology for precedence, and fighting and killing were legitimate acts.

In Pakistan, the two words denoting honour, *ghairat* and *izzat*, are interpreted and understood differently, motivating contradictory forms of behaviour and action among individuals. Anthropologists too have defined them differently. I define *ghairat* as defensive honour and *izzat* as a moderate term enclosing values of prestige, respect and status. But Alvi (2001), for instance, translates *ghairat* as shame and *izzat* as honour (see Chapter 1 for details).

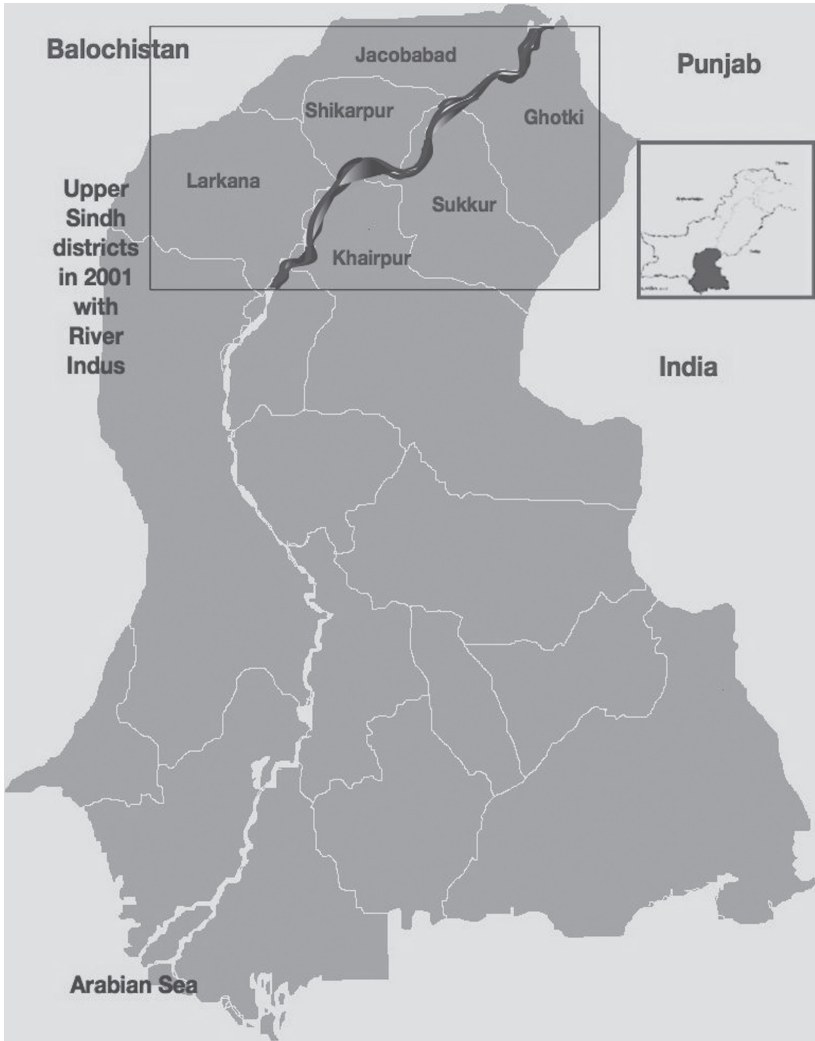
In a recent controversy in the Pakistani parliament, as female members were denouncing the killing of two women for honour, a Baloch senator and a tribal leader and got up and emphatically defended this action, stating that it was part of the ancient Baloch moral system. Many denounce *karo kari* as a retrograde practice, but many others defend it as the implementation of a sacred value system. Discussing another level of complexity in an article comparing the Marri Baloch in Pakistan and the Sarakatsani shepherds in highland Greece, Paine (1989) argues that different societies' rules are not mutually consistent: 'in fact, "rules" can establish "contradictions" between values so then an individual may follow two rights not one, and hence be simultaneously right and wrong'. Honour can encompass opposites, as demonstrated by the following quote from Pehrson's ethnography on the Marri Baloch: 'He who takes no mistress is unmanly and unworthy of admiration; he who does may be killed without recompense (for) adultery is dishonorable' (Pehrson 1966: 65, 105).

Honour violence is also gendered in anthropological writings: aggressive men are always ready to defend their honour, armed as they are with their

repertoire of moustache, beard, and sword, while women are shown as part of the patrimony, along with other possessions that men must defend. Thus women are paradoxically both the victims and the cause of violence in the masculinist worldview. Anthropologists have drawn attention to the stereotyping of women in Mediterranean ethnographies as both powerless and passive according to the honour/shame model (Sciama 2003). Lindisfarne-Tapper and Cornwall (1994), in examining the universalizing tendencies in studying masculinity or the male/female binary models, suggest that a multiplicity of gendered identities and gender differences are caused by changing relations of power, where both masculinities and femininities are internally gendered in dominant and subordinate forms. Such a perspective is more useful in Upper Sindh, where power divides gender internally as well.

Unfortunately, much of the honour violence discourse in Pakistan is also trapped within gender binarism. Despite the fact that at least a third of the recorded killings are of men, the activists, academics and politicians only take note of the women who are killed. It is true that nearly 100 per cent of the perpetrators are men, but women often collude in these acts of violence. On the other hand, far from being passive victims, women in Sindh actively resist gendered attributes of proper moral behaviour by defying marriage arrangements (Chapter 7).¹⁹ My approach is gendered to the extent that the discourses of the victims as subordinated masculinities as well as femininities are positioned in opposition to dominant hegemonic ones. At the same time, however, too much dislocating of masculinities or femininities may lead us to overlook the ever-present structures of power that socially place all men in a dominant position relative to women that is important to emphasize here.

Historical studies have also shifted the conceptual static binarism of honour violence as a relationship between men and women, tribe and tribe, or tribe and state, adopting a more dynamic approach involving historical changes over time. Ginat's (1997) account of the alternating processes of blood revenge and mediation among Bedouins in rural Israel captures the relationships between tradition and change with respect to Israeli law. Keiser (1986) constructs violence among the Kohistanis of Pakistan as historical, arguing that death enmity strengthened the political significance of political networks and weakened the descent groups, complicating both ethnicities and the distribution of power and authority. Blok's (1974) historical ethnography also treats the historical formation of honour. It traces the history of the Sicilian mafia to show how it was a consequence of reformulating an old structure of estates, the *latifundia*, within the context of the state. The *latifundia*, as a territory controlled by the landed elite, depended on the force exercised by peasant entrepreneurs-turned-mafia. As the state became a partner in the nexus, the mafia was able to fragment the potential peasant



MAP 0.1. • *District Map of Upper Sindh, 2000–2001 (Inset showing Sindh in Pakistan)*

movements against such a structure. Blok shows how this new configuration of power, perpetrated largely in the language of brute violence, was able to create an ideological construction of values: honour, loyalty and astuteness. However, Blok's argument treats the state as a norm and the weakened state as a source of articulations of violence. I cannot form the same conclusion

in my work. I am more focused on the nature of state power than on its categorization in terms of weakness or fragility. Finally, I reveal how honour is both a strategy and a moral mask behind which violence gains legitimacy.

Upper Sindh: The Land and People

Although the custom of putting people to death for sexual transgressions is known to occur all over rural and more recently urban Pakistan, Upper Sindh is identified as the region in which its particular form *karo kari* is most prevalent. Upper Sindh stands out as a conceptual postcolonial frontier where the indirect policy of the state is implicit, and extreme violence is seemingly legitimized through the law and formal power. This ethnography is based in Upper Sindh, the northern part of the southern province of Sindh in the present-day Pakistan. Unlike the classical format of micro-studies, this research covers a large geographical area, and the focus is not the microcosmic village, but honour-related violence throughout the region. No comparable ethnographic work on Sindh is available to draw on, but as this area has a concentration of and is identified with violence constructed as *karo kari*, it is the ideal location for studying this phenomenon.

Paradoxically, Sindh is considered the most progressive province in Pakistan, boasting its liberal values and enormous cultural space for mystic Islam in the form of shrines scattered across its landscape. Its lawmaking assembly has passed historic legislations against gender violence, prohibited marriages of girls under eighteen and promoted laws against discrimination of all forms against women and minorities.²⁰ Of all Pakistan's provinces it is considered least affected by violent Islamic extremism, and rural Sindh, unlike other provinces, has not faced the brunt of terrorist violence. Upper Sindh is considered the 'tribal area' of Sindh: an agriculturally rich borderland occupied by warring tribes that migrated from Balochistan in various historical epochs.

The space that constitutes Upper Sindh, both geographically and historically, has changed from time to time. Located between the delta of Indus and its upper riparian region, the region is extremely hot and dry.²¹ Its irrigated area, with the Indus and its plains at the centre, has deserts on either side – to the west, rocky western deserts called Pat, and to the east, the sandy Rajasthani Desert. In the nineteenth century, it was a patrimony of the Baloch Talpurs,²² with its capital in Khairpur (Mirs'), my hometown; then it became a single administrative unit of British colonial power called Shikarpur. At the time of the fieldwork, Upper Sindh comprised six administrative districts that have since become eight: Khairpur (Mirs'),²³ the southernmost, followed by Sukkur, Shikarpur, Ghotki, Larkano, and

finally Jacobabad at the northernmost edge, with a combined population of eight million. Since 2004, two more districts have been added by dividing Jacobabad into Kashmore and Jacobabad, and Larkano into Qambar-Shahdadkot and Larkano.²⁴ Within Pakistan the region borders the western province of Balochistan and the central province of the Punjab; to its west it borders India. Because the shortest route from India to Kandahar in Afghanistan runs through it, it was historically strategic to British imperial power and in fact became the primary site of the nineteenth-century Great Game.²⁵ *Karo kari* cases seem to increase as we go northwards towards the border regions, with the highest number of cases occurring in the districts of Larkano, Qambar-Shahdadkot, Ghotki and Jacobabad – all border districts sharing boundaries with Balochistan and the Punjab, feeding into the popular narrative of *karo kari* originating in the territories of the Baloch tribes and having ‘travelled’ to Sindh with the Balochi diaspora.

The population of Upper Sindh is diverse, and it is extremely difficult to attempt its classification. Parkin (1992) notes that there are definitional problems with both caste and tribe and it is never clear where the transition from caste to tribe should be placed, pointing out in the case of Munda in Central India, for instance, that low castes and tribes often exhibit a similar social organization. In Upper Sindh, caste and territorial identities often overlap but also become intermingled. Upper Sindh represents the confluence of three groups of people. Generally speaking, the districts of Larkano and Jacobabad have a large number of Baloch, vernacularly called the ‘Baroch’, but moving southwards one finds more Samatr, people considered to be ‘natives’ but of Rajput origin; meanwhile Jats are spread throughout the entire region.²⁶ The people of Upper Sindh tend to identify more with their immediate and distinctive group, but in times of feud a Baloch-Samatr opposition is created, whereby the Samatr are all described as native and the Baloch as outsiders. Whereas Rajputs are classified as a caste elsewhere, in Upper Sindh both Baloch and Samatr are identities in a more ethnic sense, each divided and subdivided into lineages based on both descent and territorial unity. Perhaps all three identities are constitutive of each other. The oral history of the Baloch in Upper Sindh always adds ‘Jar’, the native camel herders of the region, to their tribal structure through marriage or feud, as a ‘feminine principle’ in their identity construction.²⁷

Elderly Baloch intellectuals endlessly debate the declassification of Sindh’s ‘Baroch, going into historical narratives to argue why such and such a tribe is not Baloch, but Sindh’s ‘Baroch proudly claim their origins in present day Balochistan. The chiefs I spoke with authoritatively repeated the narrative of their long march along Central Asian, Iranian, or Syrian routes, and of the mythical wars and opposition between Gwaram and Mir Chakar, two warrior heroes said to have been the cause of the Baloch diaspora in

Sindh and the Punjab. The elders further stated that the Baloch have come at various times from the area of Kachi, which was part of the Talpur patrimony of Upper Sindh in the late eighteenth century. Since Baloch social organization incorporates different people within its ideology of protection and asylum,²⁸ many non-Baloch are incorporated into the tribal identity. For instance, Bugtis took in various refugee groups, even Hindus, which were then identified as Bugti. For Jakhranis, it is said that the tribe came from a man called Jakhro, who was Abro, from the Jat tribe, and was adopted by the chief, Mir Chakar. The territorially organized groups often vest their collective authority in chiefs called *sardar*, and all seem to follow honour ideologies and protect their identity, resources, and boundaries.

Apart from territorial identities, there is also a caste-like social stratification of identity formations based on divisions of labour, especially in towns with many different groups of people. There are status identities like the Syeds, considered to be descendants of the Prophet and positioned as the highest, and low-caste Hindu converts, who rank lowest. The business communities are mostly the Memon and Sheikh. Hindus have clear caste boundaries: middle-class Hindus called Dewan or Vaniya often deal with capital and business, while low-caste rural Oa'd and Marecha, perhaps the equivalent of Muslim peasant cultivators, provide farm labour in rural areas. Numerous migrations from Afghanistan by nomadic camel and sheep herders have sustained constant turnover of the population, and frequent invasions have brought Arab, Afghan, Turkic and Mongol groups to this region as well. The spoken languages are largely Sindhi and Seraiki, but Balochi and to a lesser extent Brahui are also spoken.

Economically, Upper Sindh is agrarian. The landholdings are irregular; their owners range from chiefs with thousands of acres to peasants cultivating a few acres. Land tenure is unstable and titles often outdated, making frequent changes of ownership a primary cause of disputes. Maintenance of land boundaries is more a matter of might than of state allocations, which in any case are easily forged. Time and space are both organized within an agrarian calendar known by two seasons: *rabi*, a cropping season when wheat is sown after the rainy season, in October and November, and harvested during spring in April and May; and *kharif* crops sown between April and June and harvested in October and November, including rice, millet, cotton and sugar cane. Upper Sindh also has farms producing fruits such as mango, guava, dates and more recently bananas.

Despite the mechanization of agriculture, its linkage to global markets, and the existence of a cash economy, peasant cultivators still pledge part of their produce to the *arti*, a middleman who provides credit for seed, medicine, or marriage expenses. Several agricultural transactions take place in kind, through the exchange of commodities and crops. Compared to the

rural areas of Lower Sindh, Upper Sindh is richer in agricultural production and its people are economically better off.²⁹ Despite the agricultural connection with the world market, capital is scarce in the region, and informal moneylenders charge exorbitant compound interest, creating a high degree of rural indebtedness.

Villages are organized around common landholdings by people with shared values who intermarry. There are several terms for group identities. The most frequently used is the *qaum*, which refers to large group identities, while *biradar* (Punjabi *biradari*) is a more intimate term for groups of interrelated lineage with a common identity; however, these terms are used interchangeably (cf. Eglar 1960; Alavi 1972; Donnan 1988; Shaw 2000; Alvi 2001).³⁰ Both terms emphasize fraternal ties, especially in feuds and mediations. *Paro* refers to sections or subgroups within a *qaum*, while *ghar* refers to an extended family of brothers living in one area. *Ra'je* implies multiple groups and their relationships, and *ra'juni* defines a normative order determining the relationship of these groups. Resources are contested on identity frontlines, which often are articulated in *karo kari* conflict, as explained later (Chapter 1). Marriage systems further strengthen corporate and collective identities; breaches in marriage rules therefore lead to conflicts.³¹

In many ways, Upper Sindh has been marked as a social and political frontier for long historical periods.³² Upper Sindh has been a geopolitical frontier, but transformations of space have created new physical and conceptual boundaries as well. First, in the imperial imagination this region was constructed as a frontier on which contests for power and resources were played out, though also as a barbaric frontier outside the Indian empire. After the incorporation of Sindh into the British empire in 1843, part of Upper Sindh was 'indirectly' governed³³ through a frontier policy designed by creating a loyal elite that kept the local people in check, as well as through local custom, which was protected and reshaped to formally incorporate the frontier. The Baloch especially were allowed to follow their custom, which complicated the relationship between law and customary violence, since colonial law was applied to non-Baloch, and custom, called 'local usage', to Baloch in the same areas.

Since the formation of Pakistan in 1947, the region of Upper Sindh has been a frontier in terms of the way power is organized there. Geographically, Upper Sindh shares borders with the provinces of Balochistan, Punjab and India, and offers geographical access to Afghanistan. One reason why I call Upper Sindh a frontier is a special area called the *kacho*, literally meaning 'raw'. It is the area that the river floods when it overflows its banks, constructed as a special space in the modern irrigation system, that is, the swampy area between the river and the flood protection embankments. It is a makeshift land, under the river at times and outside it at others. In the

popular imagination *kacho* is conceived of as a vague place lying outside the domain of the state, law or order. It surfaced in my research as the liminal space from where people engage in conflict, offering an alternative discourse for understanding the operations of laws and legal systems.

Frontier zones are always places at the edge, where the difference between law and lawlessness, state and not state, justice and violence, becomes blurred and interchangeable. The ethnographic space of Upper Sindh perpetually contests what it means to be inside and outside the law, to be a victim and a perpetrator, to be deviant and normal, because the opposing moral ideologies that operate here make honour violence for sexual transgression both right and wrong at the same time: right in the normative world, where honour must be defended; wrong in the legal world, where murder is an offence. As a frontier, Upper Sindh allows unlimited possibilities for people to enact forms of violence by allowing the creation of shifts in moral meanings and cloaking bare violence in the name of moral honour.

My Arrival in My Hometown: Insider on the Outside

I never really understood what anthropologists meant by saying fieldwork is a liminal stage until I returned to my country dressed as an outsider, groomed by Oxford academia, raring to go and brave my obstacles in the violent world of Upper Sindh. My case is a story of arrival that made me a central figure in the area of study, as both a subject and an object of my fieldwork. I returned to Pakistan from Oxford in June 2001, and in August 2001, by an indirect vote,³⁴ I was unexpectedly elected District Nazim or mayor in part of my field area, which gave me a broad mandate to oversee practically everything in the district.³⁵ The field is always an autobiographical site of experience and encounter (Okely 1992). In my case, the intensive experiences, locations, and dialogues both within the self and with the outside world made both the field and my fieldwork a dislocating experience – always shifting, moving, displaced and displacing. James (2000) has termed her field as a ‘moving target’ where she is occasionally dragged in to play a role in an ‘endlessly unfolding action serial’. In my case too, it was as if time had organized a four-year theatrical performance for me, with characters slipping in and out, playing their roles, presenting their lives, vanishing, returning and leaving again. Each time their stories unravelled until they came no more, which constituted closure.

This experience must be quite different from Malinowski’s fieldwork, which still epitomizes anthropological enquiry. Malinowski’s fieldworker is a predator who has ‘to spread his nets in the right place, and wait for what will fall into them’, and be ‘an active huntsman and drive his quarry into

them and follow it up to its most inaccessible lairs' (Malinowski 1922: 8). Anthropologists must overcome travails and produce objective, scientific, positivist knowledge from their hunting forays. I was never a predator; in fact, as a native in a position of power, I was discreet, unassuming and evasive, and the fieldwork only meant living my life in the role of the Nazim. But the field is not a neutral site, a medium or source of knowledge. It raises questions about outsiders and insiders, about power and knowledge, and finally about the anthropologist as a mediator between different worlds of knowledge. Waldren (1996), in her ethnography of Deia, discusses shifting ideas of and by both the insiders who were natives of Deia, and the outsiders, who were foreigners, and how these shifting perspectives allowed conflicts and compromises that enabled both to adapt, develop and sustain their sense of belonging with respect to each other and the place they lived in. In my case, I was both an insider and an outsider. Having travelled to Khairpur from Oxford and 'arrived' at the time of mayoral election, the people considered me an outsider, believing I would leave them soon after the elections. They considered me so foreign I would not be able to bear the rigours of rural Sindh society, being an upper-class woman who, as they saw it, had lived abroad and did not speak their language. After fourteen years of rigorous political life, I am accepted as an insider, though with varying degrees of scepticism.

Native anthropology therefore is not an uncontested concept (Kuper 1994), and being native does not necessarily give one naturalized insights into one's own people. The native's own position of power and in politics must be contextualized to see where, on the inside, he or she is located. In one sense, I am as native as anyone could be: I was born in the Upper Sindh region, speak the language, and have my ancestral graveyard there. On the other hand, as a woman, a Syed and a Nazim, I was positioned as an outsider in more ways than one (cf. Sciamma 2003: xv). As a woman I still belonged in many ways to the private sphere, even as a public official; as a Syed I occupied a saintly status; and as Nazim I clearly commanded bureaucratic power, which made my relationships with others awkward and self-conscious. My gendered self was always present in the political landscape as *adi*, the Sindhi word for sister, which became my generic identity for the entire population of Khairpur; meanwhile the officials referred to me by the more distant 'officialese' term for women in power: 'Madam'.³⁶ Power played a central part, creating opportunity for fieldwork but also hindering it. Though power helped me collect data, especially from the police and the judiciary, it clearly hindered first-hand, on-site accounts. Communities either were reserved, or would produce structured, clearly rehearsed accounts, designed strategically and presented as partial stories, especially when they concerned two-way conflicts (Jenkins 1994). In the role of Nazim, I lived the limitations of

power every day. I also experienced how other people manipulated power. They often succeeded in influencing me with their stories, covering their tracks through the use of language, emotion, politics and influence. In some instances, the threat of losing votes was used by villagers to persuade me leave aside cases that were being officially investigated, but most of the time people came to me with endless appeals concerning stolen goats and cattle, runaway wives, missing children, applications for government assistance and real political work on roads, schools and hospitals – that is, they came in search of a better life. Power also meant that I could not adopt a clear position as I had in the past, and that any issue was seen not in terms of right and wrong, or even in relativist terms, but in terms of its political implications.

My experiences as Nazim provided for fast-paced, intense engagement with my field, often making me feel as if I were in some surreal plot replete with stories of cyclical and ever escalating violence. Looking back now, I see myself repeatedly in two ceremonial locations: on a mourning mat called a *ta'do*, offering condolences to local people who sustained scores of deaths due to violence, illness and emergencies that I had lived through; and attending marriages, sharing happy moments – sometimes as many as a dozen a day across distances of a hundred kilometres, back and forth. This study focuses on the politics of both violent deaths and marriages.

But this study is not simply a product of a specific fieldwork alone but rather an accumulation of my encounters with the practice of *karo kari* from various perspectives over time. The study began prior to fieldwork, when as a young journalist I visited Jacobabad in 1992 to do an extensive story on the practice. As a Reuters Fellow in 1998, I compiled an extensive paper on the same subject. Later, as a politician – first mayor, then legislator – I was able to see the field from perspectives of power that gave me both access and capacity to solve some of these problems, and made me an exclusive informant.

In these various perspectives, I found that discourses of honour and the violent acts within them covered up more than they revealed. Violence is a central theme in my work, and the district during my fieldwork period was one of the most intense sites of conflict in Sindh,³⁷ forcing me to experience its impact on people face-to-face. This did not leave me unscathed. The experience of violence and the ways of knowing about it are intertwined (Nordstrom and Robben 1995). As someone who has negotiated both with and over violence and was forced to deal with it, I find that the theme of the experience of violence emerges in various forms in this book. Yet equally important, and perhaps more intense and ceremonial, were the ideologies of peace that people had constructed, which I learnt and used as a discourse to counter violence.

My earlier fieldwork revolved around events of *karo kari* violence throughout Upper Sindh, rather than a specific location. Participant observation at times meant active, subjective engagement and interaction when residents of my area came to me with their complaints and conflicts. Since most of the data is based on reported cases already in the public domain, I have retained the actual names in the research in most cases, but in those that have not been reported the names have been changed. The material is largely drawn from memories stored in diaries and notebooks throughout the time I stayed there, but more specifically it is an embodied, lived experience, not of questioning, interviewing or interrogating, but of observing by means of the 'apprenticeship' of political power (Jenkins 1994; A. Turner 2000). Living through the incidents and solving problems made me, in a sense, my own informant. The material for this book was mostly collected between 2001 and 2005, during which time I served my official term, having suspended my status at the university. News stories, interviews, conversations with informants, court proceedings, litigations and police records, visits and short stays in the villages of Upper Sindh, and even statistical surveys conducted with the help of police officers in the area were the methods of collecting information. However, because Upper Sindh was my home, I had the advantage of seeing events develop over time. Therefore this book includes information collected beyond fieldwork as well.

The first part, 'A Frontier of Honour Violence: The Problem of *Karo kari* in Upper Sindh', introduces the problem of *karo kari* in its newer forms, contests the idea that it is a timeless custom and provides the historical and political contexts for changing articulations. In Chapter 1, '*Ghairat*, *Karo kari* and the Spectacles of Violence', I introduce *karo kari* as it takes place today, showing that it is a contemporary cultural product that often articulates social hierarchies and contests over marriages and resources. This chapter is, in a way, a 'thick description' (Geertz 1973) of the background, representations and local meanings attached to the ideologies of honour and violence. I show how men, women and children accused of sexual transgressions are metaphorically branded black within the moral ideology of honour called *ghairat*, which serves as a mask hiding strategic actions and motives of the perpetrators of *karo kari*.

In Chapter 2, 'Honour, Violence, Law and Moral Power in Colonial Sindh', I introduce Upper Sindh as a historical and postcolonial frontier within the context of power, law and the ideology of honour. The point of drawing a macro-history is to introduce into the study a political approach that implicates much more than simply men, honour, culture or custom, and to emphasize the large-scale historical and power processes that are conjoined in the local problem. History shows that the British condoned earlier 'adultery killings' by constructing laws informed by both custom and their

own colonial power, using the frontier regulations to permit local usages. Later, colonial law also condoned these killings under the pretext of 'grave and sudden provocation', which allowed a legal space for their existence and persistence.³⁸ The changing laws also reflect power processes constructed by the state's relationship with the local elite and kin groups. For instance, recent transformations of law have provided a legal and moral space within which kinsfolk can mediate homicides.

The book's second part, 'Honour, Moral Power and Law: Mirroring of Law in the Forms of Violence', explores the relationship between custom and law, showing through field examples that honour violence is not simply a timeless cultural idiom but also a form of violence that mimics and is informed by recent changes in the laws. In Chapter 3, 'Karo kari, Wali and Family Violence: Cultural Violence Mirroring Law', I examine data showing the negligible number of convictions in *karo kari* cases, as low as 3 per cent at the trial court level, to build my argument that the perpetrators of honour violence are deemed to be innocent through the formal legal process, which thus resonates with custom. The samples show that violence against women accused of sexual transgression is committed within the immediate family, mostly by victims' husbands or brothers. The state laws place justice in the hands of the victim's heir, the *wali*, who can either kill or pardon the killers. *Wali*, in law, is the heir within the immediate family unit, who may be any of the sharers under the Islamic inheritance law – father, mother, son and daughter. The state's giving the family heir the right to negotiate murder encourages family violence, since it is easier for the *wali* to pardon an offence if the victim is related to the accused.³⁹ This leads to the creation of vigilantes within families to watch over women and control them, making the perpetrators of violence and the *wali* who pardon the offenders mirror images of each other. Here I present two case studies, each describing how persons charged with murder were acquitted using both the Western legal procedure and Islamic law.

In Chapter 4, 'Violence, Kin Groups and the Feud: The Making of Frontier Justice', I show both the diversification of *karo kari* violence and its reach into the extended family, as well as into vast dispersed group identities. In both of these social forms, intense and warlike feuds are waged for years. From my location in Khairpur, I observed an area alongside the *kacho* to research the extensive forms of *karo kari*, which are divided into case studies. These cases illustrate how *karo kari* is used to assert claims regarding the settlement of marriage or land disputes, where the causes mutate but the fighting remains constant. The state's power is involved in this cultural form of violence in three ways: by creating a frontier space in *kacho*; by recognizing the feud as a private matter to be settled through mediation; and by recognizing retribution in the legal concept of *qisas*.

In the third part, 'Normalizing Violence: The Everyday World of Upper Sindh', I first describe how violence is incorporated and normalized; then show how the ideology of peace used to counter violence is reinforced in daily life; and finally explain how women reverse the discourse of submission by reacting against their objectification in *karo kari* violence. This part also brings in human agency in every form. As litigants, mediators, tribal chiefs, police officers, judges, bearers of the flag of peace, runaway lovers and women in refuges, the people of Upper Sindh occupy a rich, variegated, textured social world as they engage in contests and competitions for power, status, resources and honour. Furthermore, these human interactions, far from being isolated from the modern legal institutions and political authorities, are constantly engaged with them.

Chapter 5, 'Mediations on the Frontier: Ceremonies of Justice, Ceremonies of *Faislo* and the Ideology of *Kheerkhandr*', demonstrates how communities construct ceremonial ideologies of peace to both counter and live with violence. After inflicting 'self-help justice', communities negotiate ways to recreate new relationships through ceremonies of mediation. The everyday dictum in Sindh, 'if one dies or a hundred die, the eventual course is settlement', makes mediation, called *faislo*, inevitable. Once violent scores are balanced, it is time for unity via the ceremonies of becoming one in the popular ideology of *kheerkhandr*, translated as milk and sugar when 'sugar dissolves in milk and sweetens it'. I show finally how the formal and informal processes, custom and law, become a single process.

In Chapter 6, 'The Criminal Justice and "Legal" Contests of Honour: Two Case Studies', I show the dispute settlement process at work and the way this process has been set in motion by the interplay of cultural norms and formal criminal justice to create a system of relations between the accused and the accusers that will facilitate the mediation. This chapter also shows that official justice is not an organized system but a field of contest between the communities, where the formal providers of justice become the means through which competitions are played out.

Chapter 7, 'The Sound of Silence: Lives, Narratives and Strategies of Runaway and Missing Women of Upper Sindh', foregrounds women's voices, actions and reactions to the constructions of honour by making their strategies of resistance and of adjustment central to gender politics. It is in the interactive spaces between law and custom that the counter-discourse to *karo kari* is shaped, as state law allows women the choice of marriage – hence the *pyar jo parano*, a cultural construction shaped by the law. I study the fate of runaway women who elope with men and by doing so invoke the label of 'blackness'. After contracting civil marriages under the law, these women live invisible lives, which the social world in Upper Sindh paradoxically allows by not acknowledging whether they are alive.

The case of one woman who vanished after being branded *kari* is presented as an example.

In the volume's concluding essay, entitled '*Karyan Ja Kabrustan: The Imaginary Burial Grounds for Black Women*', I discuss my final fieldwork site, a hypothetical burial ground in the middle of some fields, for women killed as *kari*. These burial sites seem to be products of the Sindhi media, archaeological inventions dug out of nowhere with no basis in historical or forensic evidence. Theoretically and otherwise, these sites seem fictional, as *kari* women do not usually receive any funerary rites. The popular narrative about *kari* women and the way they are killed effaces them, their names, and their identities. By marking them and giving them a separate place, even after death, the Sindhi intellectual seeks to claim a place for them and invent a new landscape of honour. In addition, Sindhi journalists and intellectuals have developed a whole corpus of poetry, art, drama – an aesthetic universe – devoted to these dead women, almost as a fetish.

Finally, in this book, like the journalists, I have tried to claim a place for the victims – those who have been killed – that is currently denied to them, but I have done so within a quiet and distant academic discipline. As if to reify a graveyard of labelled women full of anonymous stories, here I present texts, or epitaphs, that mark the problem, giving names and funerary rites of recognition to the people who have died due to this practice. This way of ending leaves this work open to the many other questions whose investigation this study will prompt. Most importantly, I examine a cultural practice that exists within the colluding powers of the elite and the state and derives equally from law and custom, showing how this can be related to current theoretical directions in the anthropologies of both honour and law, and suggesting what comparative elements can be taken forward in future research.

Notes

- 1 The terms *karo* (black man) and *kari* (black woman) are used as both nouns and adjectives, and the phrase *karo kari* is now employed as a general term, a compound noun for 'honour killings'. The linguistic change is recent and is explained in the Chapter 1. 'Black' here suggests a lack of morality, not skin colour or any other racial category.
- 2 Sexual transgression means heterosexual sex with a partner other than one's spouse.
- 3 '*Karo Kari: Ritual Killings in the Name of Honour*', *Newsline*, January 1993, awarded the All Pakistan Newspaper Society (APNS) 'Award for Best Article of the Year'.
- 4 A number of campaigns have been initiated by the British Council, Oxfam, Amnesty International, Amnesty Sweden, the Aurat Foundation, and Shirkat Gah, among others. Amnesty International's reports and campaigns brought international exposure to this problem. See e.g. *Violence against Women in the Name of Honour*, AI Index: ASA

- 33/017/1999; *Honour Killings of Girls and Women*, AI Index: ASA 33/18/1999; *Pakistan: The Tribal Justice System*, AI Index: ASA 33/024/2002.
- 5 See <http://www.pakistanpressfoundation.org/news-archives/3447/>; <http://tribune.com.pk/story/73119/karo-kari-cases-to-be-dealt-under-section-302/>.
 - 6 I was elected to a local government position in 2001 and have been a member of parliament since 2008, reelected in 2013, to seats reserved for women.
 - 7 Based on estimates compiled by the Human Rights Commission of Pakistan (HRCP, www.hrcp-web.org) between 1998 and 2005. No single organization seems to have followed a consistent method of collecting the figures, so estimates are randomly compiled, based on newspaper information. The most authoritative figure is the 2004 ministerial statement to the Senate of Pakistan, which states that 4,101 people were killed in the six years leading up to 2004. Some 2,776 of them were women. The number of registered cases in the decade for which I collected information relating to the Upper Sindh districts, for the period 1995–2004, is 1,482. However, the number of deaths in these cases would far exceed the number of cases.
 - 8 In his classic work *The Concept of Law*, Hart stated that customs were a subordinate ‘source’ of law and were defective because they were static, uncertain and inefficient, whereas positive law, characterized by ‘rules of recognition, change and adjudication’, corrected the above defects (Hart 1961: 89–93). Evolutionary and historical approaches regarded customs as pre-existing social norms, to be eventually replaced, superimposed or changed by law (Maine 1861; Vinogradoff 1966).
 - 9 E.g., Bohannan, in drawing a relationship between custom and law in his essay ‘The Differing Realms of Law’, argued that for the law to be properly enforced, it must be based on custom, but unlike custom, it has to be institutionalized or restated, a process he described as ‘double institutionalization’ (Bohannan 1965).
 - 10 Similarly, Turk (1976) argued that law was power and that, as power, it generated and exacerbated conflict rather than resolving it.
 - 11 The focus shifted from the description of systems, rules, norms, and developing models and observing disputes, to interactive processes and change-making involving how people as agents used the law (Nader and Todd 1978; Starr 1978; Comaroff and Roberts (1981). Roberts, e.g., desisted from using the construct ‘law’, as he considered its scope to be far narrower than the concepts of order and dispute (Roberts 1979). For Geertz (1983: 173), law was not a decontextualized text based on fact, but a process in which a system of meaning was socially constructed and was ‘a part of a distinctive manner for imagining the real’.
 - 12 Moore (1978) argued that legal systems were neither coherent nor holistic, but built by piecing together different ideas at different times, and hence normative, subjective and often contradictory.
 - 13 See e.g. Fortes and Evans-Pritchard (1940) and the classification of African peoples into state and stateless societies.
 - 14 For instance, corruption (Gupta 1995), coping with the everyday violence of civil war (Hutchinson 1996), violence as a product of law (Kelly 2006), physical and political violence (Feldman 1991), terror as the norm (Taussig 1989), electoral contests (A. Shah 2007), economic reform (Pieke 2004), power and the textual representation of the law (Messick 1993), resistance (J. Scott 1987; Abu-Lughod 1990), the elite culture and its

- relationship with the state (Gilsenan 1996), and gender and state identity (Ong 1990; Das 1996; Aretxaga 2001).
- 15 In Pakistan, the legal dictum 'that which is otherwise not lawful, is made lawful by necessity' has often been used as a legal basis for the suspension of law in military coups. In modern judicial history, it was used first in Pakistan by Justice Munir, who validated the suspension of the Constituent Assembly in 1954.
 - 16 For example, M. Anderson (1993) and Kugle (2001) regard Anglo-Mohammadan law as a hybrid form constructed to consolidate and reinforce colonial power in South Asia.
 - 17 See Layish (2006), who shows how Shariah and custom interact, and how this interaction is shaped by power. Also cf. Rosen (1989: 61), who states that Islamic justice is individualistic and therefore not a concern of the state, while Starr's (1992) ethnography shows how the elite uses competing ideologies of religious and secular law to enhance its power.
 - 18 For a review of literature on violence and honour see Shah (2000), my MSc thesis.
 - 19 Kressel (1981) states that most women are guilty of assisting in the murder of women, and that mothers entice their daughters to the place of their death. Ginat's (1997) case studies also show how women press men to respond to the damage to honour.
 - 20 Recent laws include the Sindh Child Marriages Restraint Act of 2013 and the Domestic Violence (Protection and Prevention) Act No XX of 2013
 - 21 Summer temperatures rise to 50° C.
 - 22 The Talpur wrested power from the earlier Kalhora in the late seventeenth century and ruled Sindh through a confederacy, where the territories were divided as patrimonies. The three power centres were in Hyderabad, Mirpur and Khairpur.
 - 23 Khairpur (Mirs') was where I was based throughout the period of my fieldwork. Historically, Khairpur was an independent state until 1956, and therefore had somewhat a distinct identity, with its own flag, stamps, courts, and prime minister. Administratively, it is now part of the Upper Sindh region and forms part of Sukkur division. Upper Sindh has two divisions: Sukkur and Larkano.
 - 24 According to the 1998 District Census Report, Khairpur had a population of 1.54 million, Sukkur 0.9 million, Ghotki 0.94 million, Larkano 1.9 million, and Jacobabad 1.4 million.
 - 25 Widely used in the nineteenth century, this term refers to the strategic rivalry between the Czarist Russian Empire and the British Empire. Now it is again in wide use to denote the geopolitical competition between world powers in Afghanistan and Pakistan.
 - 26 Samatr are related to the Rajput communities of Western Rajasthan.
 - 27 In oral accounts narrated by the elderly Baloch, the Baloch caravans migrating from Aleppo in Syria were accompanied by a woman called Jato, from whom the Jatoi tribe was descended. A Balochi war legend describes conflict arising between Gwaram Lashari and Mir Chakar Rind over a Jat woman called Gohar, who was rich and owned many camels.
 - 28 See Barth (1981), who shows how group identities changed in the Baloch area while the ethnic boundary remained the same.
 - 29 Development index of Sindh districts by Finance Department and Provincial Finance Commission of Sindh.
 - 30 Alavi (1972) regards *biradari* as an indefinitely sized descent group; Donnan (1988) explains the versatility of the concept of *biradari* both as descent and wider fraternal

group in the Punjab; and Alvi (2001) shows different ways in which men and women use the term in rural Punjab.

- 31 Women and marriage disputes are shown as the cause of honour-related crimes in some ethnographies, e.g., Kanwar (1989) and Chaudhary (1999).
- 32 Early definitions of 'frontier', perhaps related to colonialism and occupation, considered it a historical process of territorial expansion of 'civilisations' into 'empty' areas (F. Turner 1961[1894]). Distinguishing frontier from boundary, Kristof's (1959) evolutionary hypothesis considers a frontier a product of history and a boundary a product of the law – the former spontaneous and expedient, and the latter fixed. Lattimore (1962) sees the frontier as having a social rather than geographical origin. Frontiers have also been understood in the context of the state, e.g. according to M. Anderson (1996), who understands frontiers as both 'institutions and processes' central to understanding of political life and the historical development of the state. Donnan and Wilson (1999), in their review of anthropological approaches to the study of boundaries, including frontiers, have pointed out that the social, cultural and territorial aspects of boundaries are not mutually exclusive.
- 33 The term 'Upper Sindh Frontier' was more specifically applied to the area now called Jacobabad, Qambar-Shahdadkot in Larkano, and Naseerabad, which is where the Sindh Frontier Regulation of 1872 was applied.
- 34 Khairpur (Mirs') has been my father's political constituency for the past forty years. When I arrived in June 2001 the local government elections were under way, and a suitable candidate was being sought to head the district. Despite initial resistance on my side, my family persuaded me to stand for the elections.
- 35 Under General Pervez Musharraf, devolution reforms were initiated and a system of local government was put in place at the district level. Each district was further devolved into Taluka and Union Councils with their own local councils with separate functions.
- 36 See Callaway (1992), who shows how gender defines our relationships and the knowledge we produce when in the field.
- 37 Upper Sindh suffers from tribal feuds, kidnappings for ransom and raiding by armed gangs from *kacho*, along with highway robberies, motorcycle and buffalo theft, and burglaries, which occurred daily.
- 38 The legal literature shows how honour crimes are provided with a legal defence in Western law; e.g. Ian Leader-Elliot (1997); Spatz (1991).
- 39 See e.g. Kandiyoti (1991), who argues that the project of the state is to restructure the family, through which it can fulfil its agenda of control and socialization.

PART I

A FRONTIER OF
HONOUR VIOLENCE



THE PROBLEM OF *KARO KARI*
IN UPPER SINDH

Chapter 1

GHAI RAT, KARO KARI AND THE SPECTACLES OF VIOLENCE



HOW MEN AND WOMEN BECOME BLACK

Karo kari is an old custom. I don't know who invented it.

– Sardar Lutuf Ulro¹

What do they mean when they say kari? Who is a kari? What is that anyway?

– Dr Naila²

In Upper Sindh, not a single day passes without reports of the killing of a woman or a man under the ostensible *karo kari* slogan, implying that those concerned were sexual transgressors. On average, approximately two hundred cases arise every year, and the police records for the ten years from 1995 to 2004 show 1,482 cases registered, with deaths totalling more than 1,600, roughly two-thirds of them of women. Generally speaking, more cases are reported in the northern districts of Upper Sindh, with the highest number reported from the northernmost district of Jacobabad, followed by Larkano, Shikarpur, Ghotki, and lastly Sukkur and Khairpur (see the data in Chapter 3). There are geographical variations within districts as well, with *kacho* areas having a higher rate of violence than urban areas. Although honour violence takes place all over Pakistan, the scale of violence in Upper Sindh is much higher, to the extent that *karo kari* has now become a generic name for all honour killings in Pakistan.

Karo kari is defined as a *riwaj* or *rasam*, translated as custom or tradition, of Upper Sindh. People describe it as a 'spillover' of the Baloch custom of *siyahkari* (which also means 'being black'). Although it is considered to be 'originally' a part of the Baloch honour system, it also takes place widely among the Samatr, who are considered native to Sindh. Professionals,

students, politicians and even tribal chiefs admit that this custom is used for objectives other than honour revenge. Is *karo kari* a timeless custom, or have other factors given this phenomenon its frequency and form? In order to approach this question, I will look at *karo kari* through both discourses and practices in contemporary Upper Sindh.

This chapter introduces the phenomenon of *karo kari* as it happens in everyday life in Upper Sindh, describing local economic relations and social ideologies that shape social relations. I show how *karo kari* is practised, experienced, ritualized, and communicated in Upper Sindh. The representation of *karo kari* in the media is also examined, as it makes this form of violence a mass spectacle, an experience circulated far beyond the villages where it takes place.

The key ideas in Upper Sindh that invest *karo kari* with moral power and social sanction are *ghairat*, the local honour ideology, and *avezo*, the ideology of exchange and equivalence in marriage and material goods. The practice of honour violence may be persistent historically, but I show here that *karo kari* is embedded in present-day social life and may hence be understood as a dynamic cultural product within which contemporary social contests are played out as, for instance, marriage disputes, material incentives and vigilante actions to assert local power.³

***Karo kari*: Inscribing Blackness and Branding Bodies**

We got the body in pieces.

— villagers after the murder of a young man as *karo*

It is better to chop off the rotten finger.

— a mother who had participated in her daughter's killing

Karo kari is a complex system of sexual/social sanction that is considered a part of the moral ideology of honour — *ghairat* — a value that encompasses emotion, anger and even shame. In Upper Sindh, women signify *ghairat*, and honour is violated if they are perceived as having sexual relations with men other than their husbands. This practice is locally situated as a part of the local norms and practices, collectively called *ra' juni*. I have not, thus far, encountered any *karo kari* rhetoric within the Hindu community, although I have been told of Hindu shopkeepers who have been asked by Muslim accusers to pay fines in the Jacobabad area, but this is anecdotal.

All allegations of everyday adultery practices in different parts of Pakistan invoke the symbolism of the colour 'black' to label the adulterers (cf. Campbell 1964: 271). In the local understanding, black symbolizes sin

and pollution. The local phrase 'he has a black face' is used of someone who is sinful and morally weak. In the same vein, saying that a person is black implies guilt. In older local forms of punishments, any violators of the local rules – thieves, adulterers, liars – would have their face blackened and sometimes be forced to ride a donkey down the street amidst jeering (see Burton 1877). As opposed to black, the symbolic colour for innocence is red, '*garho*'. An accused man may claim his innocence by stating that he is in fact '*garho*', not *karo*.

To declare men and women *karo* and *kari* respectively is to signify their moral outcastness and punishment. The first step is to label men and women 'black', as if they were being branded. The colour symbolism of 'black,' even though metaphorical, works like an indelible mark, almost as if it were real, since it works to identify and separate the transgressors from the rest of society by marking them out as different. In addition, the communities also describe it as 'branding' and often call it '*karhain jo tiko*' – the mark of blackness. *Tiko* has a dual implication. It means a tattoo or mark; hence, inscription and branding both become relevant terms here. However, *tiko* is also a primary decorative mark on a bride, not to be confused with the *tiko* as representing a polluted woman, the antithesis of the bride.

Having identified the transgressors through this *tiko*, the social world's the next step is to sever them from society. This is achieved either by killing the couple together, if so found, which is the ideal form of *riwaj*; or, should either escape, then by taking the woman to a mediator or marrying her to someone in a far-off village, and banishing the man from the community. The second option is still the preferred and more commonly used one in Upper Sindh.

The killing or expelling of women takes place within the family in most cases, and the ones who carry out either of these two actions are usually the brothers, husband or father⁴ of the woman who is accused of sexual transgression.⁵ Bodily metaphors of pollution are used to describe black women, yet at the same time purifying metaphors seem to make *karo kari* a cleansing ritual. A woman who assisted in the slaughter of her childless daughter, when interviewed, justified her daughter's death by saying '*Kini an' gur kati bhalli*' – 'it is better to chop off a rotten finger', implying that the purity of the rest of the body is retained. When blackened women are thrown out of the community, it is said that '*bahan kadhi se*', 'we took our arm out', where the 'arm' is a metaphor for the woman. Those who collude in the violence refer to the incident as if they were dismembering or amputating parts of their own body, the body being a metaphor for the family. In this way, the accused are first branded, then separated, and lastly objectified. This allows relatives to show alienation and a lack of attachment to the person concerned.

The public declaration that someone is a *kari* or a *karo* also gives the accuser the moral power and authority to inflict violence, and no resistance is theoretically encountered against any action taken. The pronouncement of blackness may happen formally in a meeting of village elders where the entire community can consensually declare a man and a woman black, but it is more common for the husband, brother or father of a woman to declare her to be black in front of close kin. Such a pronouncement is enough for the community to know that the persons are guilty, and the sentence of killing is then anticipated. It may take a few hours, days or even weeks or months before a shot is heard in the dark, followed by the news that the sentence has been carried out, but the accusation is not inevitably followed by the act of killing, as there are several intervening mechanisms, as I will explain later.

Subsequent to the act of killing, these words are declared: '*Kari!*' for women and '*assanjo karo a!*', 'he is our black man'. These are stated publicly as slogans, while any weapons – axes, guns or rifles – the killers may be carrying are displayed. The possessive in the term *assanjo* – ours – makes the black man defenceless, as he is now declared a culprit. These announcements are often loud enough for people in the public space to hear, almost as if the killers were creating a witnessing space to lend cultural legitimacy to their act of violence.

The *karo kari* act finds justification in the family or community, making it a collective act even when performed by an individual, and the method of eliciting support makes the execution an act that takes place in the public domain (Faqir 2001). For instance, the accused women lose their lives in a public place while washing clothes, working in the fields or fetching water. Men may be killed while watering their fields or going to court, work, and so on. This public articulation serves to build collective anger and instigate collective violence in a Durkheimian logic of reinforcing consensus by eliminating deviance.

Desecration of the body may be carried out during either the act of violence itself or the burial rituals. The earlier method of punishing adulterers was 'to cut them up' with sharp agricultural implements, usually axes or hatchets. Men and women caught in flagrante delicto would be locked up, community help sought and a collective execution carried out. Such a spectacle of violence is a public performance enacted to silence deviance or resistance for the benefit of the witnessing society, but such killings, as the elders say, have been indeed rare. More frequently, *karo* would be banished and *kari* would be taken out of the community through divorce and remarriage to a distant cousin residing in another village.

Similar spectacles of violence also occur today. One that I encountered was that of a Khokhar woman in Khairpur who was slaughtered by her relatives after she had been publicly dragged out of her house, beaten by

several people, kicked down the street and trampled. 'They continued to hit her even after she had died', a woman councillor of the area recounted. She had returned to her husband after a formal separation endorsed by the community, so she was castigated as a 'black woman'. Her husband was also beaten and left in critical condition.

In another instance, a young man was killed by three men and his body mutilated. The villagers described the details of the physical violence: 'Three of them [accusers and killers] came while three hid in the bushes. The ones in the bush each carried a Kalashnikov, while another had a two-edged sword. They struck him, and he fell, they slashed him in several places, chopped off his arms and legs and finally severed his head. We got the body in pieces. Never in the memory of this village has such cruelty taken place'. Such a graphic account is impersonal and objective, as if the body and its parts were objects and distant from the self.

Though archaic agricultural implements are used as traditional instruments of revenge, the use of guns, rifles, pistols and Kalashnikovs is now more common. Perhaps the persistence of the former can be attributed to the fact that killing with these tools is less harshly punished, as there are stricter laws for inflicting death with modern especially automatic weapons.⁶ The police data from the districts (see Appendix IIIB) reveal that gunshot injuries account for the majority of *karo kari* deaths, followed by hatchet deaths, pistol deaths, strangulation and beating with sticks and canes.

There is an imaginative romanticizing of these events, and journalists, poets, and local tribesmen come up with emotive accounts spiced up with details that, though difficult to verify, are an intrinsic part of the way in which the practice is imagined. For instance, I have been told that women are first dressed as brides before they are killed, although in my entire time in the field I never came across such a case. I was also informed that the killer tells the accused to recite the *kalima*, the basic initiation rite of a Muslim, before he inflicts the final death blow. Interestingly, during the ritual sacrifices of animals, the person who slaughters them also recites the *kalima*. In some tribes, the Jatoi for example, I was told that women 'prefer heroic deaths' to *rallhi ji maut* – death of old age under the quilt – thus providing an alternate moral discourse for *kari* deaths as 'heroic' (cf. Pehrson 1966). In some narratives, I was informed that after the killing, the avenger drank sweet milk – *mitho kheer* – as he would then become cool, his honour having been avenged.

After the incident of physical violence, in which the community, family and society are largely complicit, there is a social silence about both the existence and nonexistence of the ostracized men and women. For instance, the case stories introduced in subsequent chapters concern women, and sometimes men, who have been branded as moral outcasts and banished

from society. However, the difference between expulsion and death is ultimately both vague and irrelevant, as in either case black men and women are categorized as socially dead, and the knowledge of whether they lived or died is neither discussed nor admitted (cf. Boehm 1985). Often I noted that it was difficult to obtain any information from the local village once the incident had occurred, and that the social silence accompanying a *karo kari* death was often marked and impenetrable.

The above account is formalized and theoretical, providing a neat and stepwise description of the unfolding of *karo kari*. In daily life in Upper Sindh, there are deviations from these coherently narrated norms. For instance, men and women are seldom killed *together*. Women are killed and then later it is reported as a *karo kari* death, and in most cases the men are not killed, just fined. Often, women and men are casually accused of being black, but this is not followed up with any violence. In fact, the number and frequency of accusations is so widespread and casual that even a small domestic fight between two women could end up with each accusing the other of being black. There are local actions of resistance and help for potential victims, and as I write, I recall telephone calls, appeals for help, and even text messages from sympathetic community members informing me of impending violence. Some women have told me how they have escaped death through the intervention of a relation, and 'miraculous escapes' are not uncommon. I encountered at least two cases in which the death of a woman was accompanied by the suicide of a brother, showing the local trauma, pain and protest that these incidents often entail. There were also variations in regions, among tribes and in villages in terms of the articulation of *karo kari*. For instance, I was told that some Baloch tribes like the Shar, Chandia and Magsi in Qambar-Shahdadkot never killed women, but expelled them and later exacted fines to compensate for honour damage from the men, who were allowed to live.

Religion is rarely discussed or used in the local discourses of *karo kari* in Upper Sindh. Only in recent years has Islamic discourse emerged as a means by which local activists have challenged the custom; for instance, seminars on *karo kari* would often feature a religious scholar or *alim* citing religious verses from the Quran forbidding violence. Here, I will briefly state that communities often distinguish between Islamic injunctions and normative practices with respect to *karo kari*. Sometimes they distinguish between these practices and the *riwaj* itself. No perpetrator or community member involved in such killings justified them by using Islamic rhetoric as the basis for the murder. On the contrary, women who wanted sanctuary or pleaded to be spared used the Quran, as will be described in subsequent chapters.

One elder put it succinctly: 'the laws of God, the laws of the state and the laws of the *qaum* are distinct and different'. Although there is a resonance

between the three, and one can be invoked as if it were one of the others, in community practices they are set up as distinct discourses. I have heard some elders who mediate *karo kari* cases say that Shariah does not allow the killing of women: 'In Shariat, you do not kill, you give divorce'. I frequently heard references to the *ra' juni*, rather than Shariah, as the basis for *karo kari* killings. Broadly, although people do say Islam punishes adultery, they also recognize that it advises the break-up of the marriage, and that in addition it emphasizes the manner of witnessing, requiring four adult males of good character. Frequently, the tribal elders object that perpetrators of *karo kari* were not following the rules of the *riwaj*, as a woman once blackened has to be divorced, or expelled from the community by being married off in a distant village. Killing is only condoned on 'seeing,' in the *riwaj*, and that rarely happens. Another principle of *ra' juni* is reprimanding the culprit if women or children are hurt when men are settling scores, which again forms a clear contrast to the frequent killing of women and girls.

Representations of *Karo kari* in Popular Media: *Karo kari* as a Mass Spectacle

Karo kari first became visible in the 1990s, primarily through media reporting this form of violence, and I was the first journalist to write an extensive news report on the issue. Since then, media coverage seems to have escalated, paralleling the violence of the practice. In Upper Sindh, the Sindhi newspaper is the new vernacular, forming the basis of conversations in the public space and playing a key role in the giving the issue of *karo kari* greater prominence. I can say now that the term *karo kari* is a media invention, for in the local language the phrase would be *kari kare maran*, 'made black and killed'. There is no compound noun as such in the local language, and there was little coverage of the practice prior to the 1990s. As the local press was not widely available at the time, the reports of this practice were scattered at best.

Although at this stage it would be difficult to say conclusively what role the media have played in the newer social construction of an older practice,⁷ they have clearly magnified it and made this event household news. The spectacles of *karo kari* incidents in the field are matched in the way they are covered in the Sindhi media, through which the entire country and the international world experience the violence of Upper Sindh. Most cases cited in this study were reported in the newspapers or via electronic channels. Unlike the community hiding information about a victim's death, the news in the media names and marks *karo kari* deaths. Images of the dead bodies of both men and women are found in hotels, teashops and

households, in newspapers or on television, and have become the means by which the violence of *karo kari* is experienced and consumed. The earlier, diffused form of *karo kari*, which was hidden through community collusion and secret unacknowledged burials, has now changed: incidents are reported, faces photographed, and even interviews recorded with relatives who have lost their loved ones. As the Sindhi media regularly print these pictures and stories, *karo kari* appears to have become a mass spectacle in Upper Sindh.

The Sindhi media frame dead and murdered faces, focusing on blood and injuries in shots taken from the side in the direction of the script, as if they were posing. These close-ups of death, while shocking and vulgar to the sensibilities of those who see them, engender a new debate on the agency of the dead body. Violence is shown frontally; attention is always paid to mutilation and brutality. These spectacles of death are haunting and revolting, immortalizing not only the body but also the violence of Upper Sindh, representing emotions visually and engendering the diffuse collectivity (Starrett 2003) that is engaged in this experience.

These images become objects to be decontextualized, appropriated (Kleinman and Kleinman 1997), and recontextualized. For instance, like the media, nongovernmental organizations collect these pictures, keeping them in files and showing them to the donor community as part of their projects. In one seminar in Islamabad, the police officer who had exhumed the bodies of two women who had been killed (Chapter 3) gave a PowerPoint presentation of the murdered women, focusing on the dead bodies and their mutilation to a shocked audience, who reacted as if they were witnessing a horror film.

The Sindhi media's photographs of the dead are also documented as a vast mortuary in print. The most widely circulated daily newspaper, *Kawish*, displays these photographs on its front and back pages. The media's role in dramatizing the social tension is further evident in their very lively coverage of runaway marriages in Upper Sindh. For instance, *Kawish* displays photographs of men and women who have contracted 'love marriages'. '*A says she has married B out of love*', says the headline by a couple depicted holding hands, making their defiant love a public act. The contrast between the coverage of *karo kari* deaths and love-marriage couples is overwhelming: pictures of happy couples making a statement of their love for household consumption and flagrantly defying the narrative of honour damage, are set alongside pictures of men and women who have been killed as black men and women. In Chapter 7 I will revisit the 'love marriage' discourse as an alternative community response to the *karo kari* one.

In many ways, the representation of violence as a spectacle creates social relationships that are mediated by the display of violent images (Debord

1994). These images are recontextualized by grieving family members (Spitulnik 1996) who preserve the pictures as a legal testimony, a fragment of memory or an affirmation that they are indeed victims (cf. Allen 2009). In his account of the missing persons of Cyprus, Sant Cassia (2005: 145) writes that 'the verificatory strength of the photograph as a conjurer of facticity authenticates the experiences of subjects as constituted by suffering'. In Upper Sindh this suffering is conjured up in the way people secure pictures of their loved ones with wounds, cuts, blood and marks of violence, cutting them out neatly from newspapers and putting them in plastic bags that they open and then show as testimony of the violence as well as the truthfulness of their claims. Now, as a general practice, the families themselves take pictures of the bodies and keep them for the record. On several bereavement visits I was shown such photographs, as if being made to witness the certainty of the deaths and the violence that caused it.

Sometimes the pictures are taken out of context and used strategically by the families.⁸ In one case, we took prompt action regarding a newspaper report that a nine-year-old girl had been declared black, but upon investigation this turned out to be just a marriage dispute in which one side had made this accusation to force the other to agree to its demands. In another case, the media publicity became in a sense an escape route for a woman who tried several times to run away and eventually alerted the authorities to her plight by writing a letter to the newspaper stating that she was about to be killed as *kari* (see details in Chapter 7).

Apart from the formal media, mediation of this practice also occurs in the community's own representations of *karo karo*, which feeds into media representations as well. As Mazzarella (2004) points out, mediation is the dynamic principle of all social life, and not only at the level of formal representations in newspapers and electronic channels. Communities mediate their understanding of social life through conversations, jokes or anecdotes. What I find extremely interesting is the extensive circulation of local folklore that creatively formulates deviations in *karo kari* practices. I was given lively accounts of allegations of sexual relations that were fabrications by the accusers; for instance, a man on returning from a foreign country accused his wife of being a *kari*, because she had given a letter for him to a relative who had enclosed it within the same envelope as his own letter. In another case, a man accused a shopkeeper of being a *karo* because the latter was able to fit a shoe onto his wife, even though he had not told the shopkeeper her shoe size. The man successfully rid himself of his wife in the first case, and in the second the shopkeeper ended up paying a fine. In yet another case, a man praying at an unmarked grave was shot by the dead woman's husband, who said that if he was visiting his wife's grave, then he must have been *karo* with her. These are examples of how anecdotes, like jokes and stories, have

become standard cultural archives on the various uses of *ghairat*. Further, by highlighting metaphorical allegations such as the letter from a wife in a friend's envelope, the size of a shoe corresponding with the size of a wife's foot, and a man praying to someone else's wife, the cultural archive creates a folk knowledge that derides creative distortions of the practice.

Having considered the different *karo kari* representations in Upper Sindh, I will now describe *ghairat*, the normative honour ideology that provides the basis for the labelling and subsequent violence.

Ghairat and Karo kari

There is no grieving in ghairat.
– a mother who colluded in killing her daughter

Whenever I asked about the origins of *karo kari*, most intellectuals, chiefs and local informants would promptly say, 'it came from Balochistan'. Generally speaking, according to the local norms in Pakistan's northwestern tribal populations, adultery and sex outside marriage are punishable by death. Not only the Baloch *riwaj* but also the Pukhtun code of honour requires that adultery be punished as a transgression, a practice that is part of a comprehensive system covering various aspects of social life. This system also incorporates the ideology of *paland* or revenge, hospitality for guests and protection of the weak, including women and minorities, as has been discussed extensively in Middle Eastern ethnographies. Although no formal code or *riwaj* is mentioned in Upper Sindh, the features of an honour value system, such as hospitality, protection and revenge, are practised to varying degrees by all the different communities.

Several terms appear to characterize the honour value system in Upper Sindh: *izzat*, honour as prestige in a material and status-oriented sense, denoting a person's social position and reputation; *hiya*, modesty; *sharam*, shame; *sharafet*, good character and grace.⁹ But in Upper Sindh it is *ghairat*, a word claiming both Persian and Arabic roots, that is used as the moral justification for violence in honour. Like other honour terms, it is difficult to explain or define, even at the level of the local community, as anthropologists have observed (Herzfeld 1985). The Arabic *ghaira* means jealousy, but in Pakistan *ghairat* is firmly linked to honour violence. Whenever I asked what it meant, there was always a search for a word or a meaning to explain it, but no one used the concept of jealousy to do so. *Ghairat* was presented as an instinct in men,¹⁰ and the word encompassed both violence and a sense of personal violation in its implication. Some Baloch *sardar* say that *ghairat* means *ghusso*, anger, while others say that it means respect; yet others give

local Marxist explanations and say it is the status, synonymous with *izzat*, that accompanies property. However, many could not translate the word because they saw *ghairat* as a natural instinct that every man possessed as an inherent 'instant reaction' to anything said or heard about his women. I often noticed that this description was accompanied by discomfort and a sense of possessiveness and defensiveness in the people with whom I spoke. Perhaps the most important attribute of *ghairat* is its gate-keeping role in relation to women and the performative aspect thereof, which has to be physically demonstrated. Unlike the Mediterranean honour-shame opposition, the meanings are interchangeable in this term, and hence *beghairat* would denote 'without shame'. The social meanings of *ghairat*, therefore, are vague and entangled.

Ghairat is packaged in an action of rage that covers up the agency of those who commit violence, allowing its use both as a cultural defence and to silence resistance. Men and women repeatedly say that *ghairat* needs no explanation, and that *ghairat* also does not allow any grieving for the dead, but is a sufficient and reasonable ground for the violence (see Chapter 6). A woman whose daughter had been killed expressed it in this way: '*Ghairat mein 'dukh kone thindo a'*, 'There is no grieving in *ghairat*'.

Ghairat is the normative term for evoking the stupor, and suspended moments, when it becomes imperative to use violence in order to emerge from that state. It involves the interplay of the emotions of anger, silence and loss, and these overshadow anything else that might have been happening in the community. The emotional experience of *ghairat* hides a range of social, historical and cultural factors that may increase understanding of the particular act of violence. *Ghairat* also turns the perpetrators of violence into victims, and the seeming victims into perpetrators of sexual offence, liable to punishment.

In theory, a man's *ghairat* is incited on 'seeing' his wife, sister or daughter with another man. As earlier stated, however, this is not how *ghairat* is aroused in the field. Although Shariah emphasizes witnessing, that is, the sense of sight, before punishing adulterers, it is spoken words and thus the sense of hearing around which *ghairat* is culturally articulated. The people who kill would emphasize that they had seen the adulterers together, but when they were asked about the details, it transpired that someone else had seen them together and informed them about it. Hence, rumour plays a significant role in inciting *ghairat*. Suspicion or *shaq* leads to the killing of women, sometimes for as minor an issue as talking to another man, and society is expected not to question the killing. The man who kills would say that he did so because of a *tano* or public insult hurled at him by his peers. When a man ignores or does not act on a *tano*, he is called *beghairat*, or 'without a nose' – unless he proves that he can retrieve his honour by

avenging it (cf. Pitt-Rivers 1954: 170–177; Gilmore 1987). A man faced with a situation in which his *ghairat* was damaged would ask, ‘How can I hold my head up in public?’

Ghairat has to be defended publicly, and sexual transgression becomes an issue for an outrage only after it enters the public space. But the public and the private intertwine when the private domain of male-female relations is opened to the public to seek legitimacy. Alternatively, when men and women are accused of adultery, the public space becomes privatized; for instance, a community marks its boundaries to protect itself from outsiders once the violence has achieved its purpose.

Although *ghairat* is tied to women’s behaviour, it is by no means only a male prerogative to show *ghairat*: like their male counterparts, kinswomen of victims use this term to justify honour violence. To clarify this, I would like to describe how men and women are gendered in Upper Sindh, and how multiple masculinities or femininities (H. Moore 1994) find relevance in the same social setting, in the way in which the social roles or actions are ascribed. Unlike the Mediterranean binarism of roles and values along gender lines, here they shift back and forth. While men are the custodians and guardians of women and property, older women help the men in this role. Manhood culturally is about the ability to guard and defend women and property, but it is equally about restraint and patience. A man who is able to kill and die for honour is publicly acclaimed, but one who is unjust or cruel is shunned. Men who accuse women of honour damage are seen to be performing their role of guarding their women and families from outside incursions, but men who kidnap other women’s wives may also be perceived as men of mettle or *mursmanhu* – machismo – and in this sense masculinity is also often celebrated when men take away other people’s wives, raid cattle, or kill innocents in tribal feuds.

Meanwhile, a woman’s role cannot be explained away simply as that of a subordinated other. A woman’s role and power in the social world is related to her age and her social and political status in the family (Alvi 2001). In social contests, which focus on younger women and girls, discourses of power and subordination come into play. Women must be married at the earliest opportunity on reaching puberty, and once they are married their lifestyle will be focused on farm work, cattle tending and child-rearing. At this age women rarely speak, especially when men are present. Even when men are not present, younger women are quiet in the presence of older women, who speak for the whole household. Women as wives and daughters are required to be modest, quiet and obedient. Chattering women are considered deviant and called *wate wari* – big mouths.

Though women of reproductive age are to be protected and guarded,¹¹ older women tend to behave like surrogate males, watching over younger

women's movements and behaviour. I have come across many older women, including mothers and grandmothers, who defended younger women's executions on the grounds of *ghairat*. Older women are the main agents of communication between villages, as well as between the village and the market, as they are socially mobile and have fewer restrictions on their movement.

In Upper Sindh the fate of girls, like that of women, is linked to their productive and reproductive roles. Very early on a girl is involved in domestic labour as an assistant to her mother, especially in looking after her younger siblings. Physically, girls also embody the sacred power to heal relations. This can be observed in a girl's capacity to resolve disputes. Girls are referred to as *niani*, a term connoting virginity and purity. As a *niani*, a girl – and sometimes an unmarried woman, who remains a girl even at forty – can resolve disputes. It is said that if a *niani* goes to the house of the aggrieved, forgiveness or mediation becomes mandatory (see Chapter 5). In the honour value system, then, women of reproductive age are in the care and custody of men and therefore regarded as cultural 'minors' (Tapper 1991). Husbands refer to their wives and children collectively as '*bare*', a Sindhi word meaning 'children'. Women of reproductive age would generally not go out in public alone; rather, they would be accompanied by a male, even if the male is a child. If children are primarily those who are dependent and need protection, then women in Upper Sindh are children in relation to men. But when it comes to their sexual role, women are adults at the age of eleven or twelve, the age at which many marriage transactions in Upper Sindh come into effect.

Husbands and wives share a very formal relationship in public. A wife seldom uses her husband's name, instead calling him with reference to their eldest son, who is named, for instance, 'father of Ahmed' if Ahmed is her son, or simply, 'Man' or 'Old man'. Similarly, husbands refer to their wives as their eldest son's mother.

Ghairat is provoked by women's behaviour. In order to comprehend fully why this is the case, one must understand where women are situated socially in Upper Sindh. Accusations of *karo kari* take place within kin groups and are intricately linked to both the marriage system and its violations. The following paragraphs briefly describe the forms of marriage in Upper Sindh.

Marriages, the Agrarian Economy and *Karo kari*

Mukhe munjo sang wathi de, 'Get me my sang (woman in marriage).

– a regular refrain in Upper Sindh

In Upper Sindh, social identity and status are largely linked to land ownership, settlements and cultivation patterns.¹² Most villages, *'goth*, are corporate, somewhat self-contained extended households on cultivated land – kin groups that are either peasant cultivators called *hari*, owner cultivators, or both. Often the size of landholdings and the pattern of cultivation determine the size of the settlement. For instance, the villages of the owner-run date orchards in Khairpur are often composed of just one or two households, but where groups have larger landholdings, the village sizes are larger. Since most villages are farming units, the household size has to be a unit of labour as well, and in that sense women have value both for labour and for reproduction. Parallel to the seemingly fixed settlements comprising common groups are an equal number of shifting settlements composed of poorer households that move partially to other land, offering wage labour to larger landlords. The *hari* families combine renting land from landlords with offering seasonal labour.

In Upper Sindh, the organization of village space is partially gendered: women live in the *ghar*, home, while men occupy the external or public part of the house, the *autaq*, during the day. This exclusively male space is the first point of entry, and men who do not belong to the village are only allowed into the *autaq*. Among peasants on a rented or owned farm, women's mobility is not restrained. In the farming communities, the labour division is gendered, and women and children are often co-workers. Cooking, firewood collection, goat herding and cattle tending are carried out by women with assistance from children, as are agricultural activities like rice seedling transplantation, growing vegetables, cutting and weeding. Men hold the plough, women the *chaki* – the flour mill – and in modern times men drive tractors and are responsible for liaising with the market. The *hari* women, I observed, make key decisions about managing the farms. Hence, women and children clearly have a material value in Upper Sindh. In the absence of any economic diversification, all the focus is on managing agricultural labour, and men may act as wage contractors on behalf of their families.

The social site where the links between productive and reproductive control can be best understood is marriage, primarily because it rearranges women who are vested with reproductive and productive resources in the agricultural system, and because the women themselves are active players in marriage arrangements.¹³ As systems of relations, the villages in Upper Sindh are enmeshed networks in which women are exchanged back and

forth through both the father's and the mother's kin, who themselves are also probably related in the first place. This creates an ideology of oneness: 'one blood' – *paihinja panre main* or 'within each other' (cf. Peters 1967: 263). In every conflict I heard the regular echo 'but they are one'. The cosmology of being a unified whole can be further perceived in the metaphors of the body used in social relations. For instance, offspring are referred to as *andra* or intestines, a woman as '*bahan*, an arm. Social relations, especially attendance at births and deaths, are called *per*, foot. When relations are severed, they are called *hath bund*, or *per pandh bund* – closed hands and closed feet (cf. Chaudhary 1999).

However, marriages are also political sites where power is constituted and negotiated. *Sang* means 'relationship' but implies the giving and taking of women in marriage. Hence, alongside honour is the ideology of exchange marriages – *sangawatti* – which is very strongly valued. Throughout my time as Nazim, women would travel long distances, and men would wait out in the sun for hours, sometimes coming repeatedly for years, with the same repetitive request: 'get me my *sang*'. *Sang* is a contractual obligation, an exchange of either women for money or woman for woman by families. It often seemed as if life in Upper Sindh was one perpetual struggle to get the *sang* that one desired or was owed.

In Upper Sindh, there are four major forms of marriage transaction: exchange, bride price, marriage of elopement/love and marriage without exchange. The most important marriage is sister exchange between two men, or its various interpretations as exchanges of daughters, nieces and cousins, primarily among brothers and sisters, but also between cousins or even distant relations (Kanwar 1989; Chaudhary 1999). This is called '*de wath* – literally meaning 'give and take' (cf. *watta* in Alavi 1972).

In her account of exchange marriage among the Gumuz of Wellaga, which she calls quid pro quo sister exchanges, James (2002) characterized these unions as robust and resilient historically, regarding them as mutual pledges that offer 'stability' in a sea of dangers. Both peace and security are emphasized, but the bond that strives to balance the two relationships nonetheless remains fragile. The exchange marriages of Sindh are easily comparable to the Gumuz in their structure.

The term *avaz* or *avezo* expresses the ideology of exchange in Upper Sindh (see Figure 1.1). This exchange and equivalence ideology recurs in multiple forms in marriages, feuds and the monetary exchanges that settle disputes. Women refer to the ones for whom they were exchanged as their *avaz* – a term meaning 'in exchange for'. In conversations, a woman refers to her *avaz* woman as a shadow of her own self, or as a mirror image. 'I came in *avaz* of my aunt', one would declare, while another would say, 'My *avaz* has six sons'.¹⁴ The lives of *avaz* women hypothetically should match, so if one is

forced out of her house by her husband, the *avaz* must be thrown out as well. The social pressure is such that *avaz* women, especially among close kin, end up having similar lives. Intense pain can attend the families' negotiation of equivalence in these exchanges. For instance, if one couple was happy and the other was not, and unhappy pair was to separate, social pressure would be applied to separate the happy pair to do the same, and I would witness the suffering of women who had to leave their children and home.

Families never seem to forget an outstanding *sang*, and claims and counterclaims abound, even generations later, if *sang* remains. If no *sang* is available at present, then a contractual obligation remains to repay the outstanding debt of *sang* by pledging a girl child who will be born in the future. Women's ages and timing are calculated factors in exchanges. For instance, a woman of reproductive age is exchanged in *sang* for a two pre-pubescent girls, if an older woman is not available. Sometimes, *sang* is used as a synonym for women, who are then treated as the primary 'objects' of exchange.¹⁵

The first daughter of the woman given in marriage may be pledged to the woman's brother's or sister's son, hence establishing the right of the woman's family to have a woman in return (cf. James 2002). Pledging an unborn girl in marriage is called *peth likhi* 'diyan – to pledge a pregnancy – implying the contractual obligation of *sang* (see Figure 1.2).

This form of exchange can be much entangled. A, wanting a wife, but having no available *sang* to give in return, may transact marriage by taking a *sang* from his sister, B – her daughter (whom he cannot marry as she is his niece), giving her in marriage to the family, for example, his mother's brother C, and getting C to return the *sang* by giving him his daughter, whom he marries. As he would owe his sister B *sang*, he can pledge an unborn daughter from his marriage with C's daughter. Called *trevakro* – three turns – and this establishes social and corporate links between three groups of families (see Figure 1.3). A number of possibilities exist in the triangular exchange, the important point being that a person related to both the receiver and giver of a girl is at the centre of the transaction. *Trevakro* allows transactions outside the close family network, as *sang* can be acquired from distant relatives or non-relatives.

Women also speak of *Chowvakro* – four turns – which is also built on borrowed transactions of *sang* when none are available (see Figure 1.4). For instance, A marries B's sister but has no *sang* to return immediately, so takes *sang* from his sister C to give to B and then, still needing *sang* to return to his sister, takes a *sang* from D, who could be his mother's sister, to return to his sister C. By the time he has done that, a daughter has been born to him, whom he returns to D. There are four turns here, with A taking *sang* from B, borrowing from C to return *sang* to B, borrowing from D to return

sang to C and, finally, returning *sang* to D when a daughter is born to either him or his daughter, as the case may be. These *sang* transactions often take place both within and across generations simultaneously, as *sang* is taken for the man, his sons and grandsons, and may be returned to relations for themselves or their relations. This often results in situations in villages where aunts end up younger than their nieces, and grandchildren, cousins and aunts play together.

A system where rights to women are so heavily contested in marriage produces many entangled disputes over marriage. The following example shows a typical form of dispute as recorded in my notes:

Maasi Kazbano, a *dai*¹⁶ who lives with the Syeds of Ranipur, came to visit me. She brought a note from Nazim Fayyaz Shah, which read: 'My dear Sister Nafisa Shah, kindly help the bearer of this letter'. Her problem is a most common one: *sang*. Kazbano's brother Mewo owes her a *sang*, '*Moonjo peth athas, monji shay mokhe mele*'. 'He has pledged me a pregnancy; my thing should come back to me', she tells me. Kazbano had given her daughter to her brother who had given her forward to Kazbano's cousin/her father's brother's son. In exchange, he got two *sang* from his cousin, one of them he married to his own son, the other he committed to return to Kazbano who is thinking of marrying her to her daughter's son. Now her brother is backing out and saying that he will get this *sang* for himself. Kazbano wants me to get him to agree to the earlier terms.

Parallel to these forms of exchange marriage is another widespread type of marriage: in most villages and in lineages, I noted *vekro* marriages alongside the standard exchange ones. These take place by taking a woman or a girl in marriage, from anywhere, after paying for her. *Vekro* marriage – which means 'sale' or *takan mein 'diyan*, to give in exchange for money – leads to the creation of a large social network, both horizontally across geographical space and vertically across status divides, as brides in this exchange system can be acquired not only from far-off tribes but also across different social levels. Women from peasant-cultivator families would be sold to landowners, or nomadic Baloch seasonal labourers would transact marriages with settled farmers. Here, it may be noted that *kari* women are given away usually in *vekro* marriage. In these marriages, men with the capacity to pay end up with more wives while younger men who cannot afford to pay for a bride are often left waiting. In some cases the fathers did not use the cash to get wives for their sons, as is assumed, but rather for themselves. In *vekro* marriages, young women or girls are sometimes given in marriage to pay for everyday expenses, like settling a loan, building a house, spending on an illness, or buying a buffalo. It is often the poorest of families who make these transactions, and they occasion strong disagreements between fathers and mothers, especially when young daughters are given away to older men. In some cases

these young brides run away, whereupon men rise up in arms because they have paid a bride price and must therefore be compensated.

Giving a woman in marriage without an exchange is known as *wate allah je*, in the path of Allah. This term implies that the right of exchange can be forgone only for God's sake. The rural community looks upon this rare phenomenon with disdain, as the marriage transactions contain no built-in obligations and lack the system of checks necessary in an exchange contract. This form of marriage is preferred for those women who are seen as *chori-chinni* – not attached, widowed, orphaned or without support. In the cities of Upper Sindh it is the more urbanized Sindhis who ordinarily contract these one-way marriages. Both *vekro* and *wate allah je* marriages give the wife-takers precedence (cf. Tapper 1991), and this is even more pronounced when women are taken in exchange for a blood feud, called *sangchatti*. These forms underline a woman's subordination and that of her kin, as often she is unable to visit her relations without her husband's permission.

There is yet a fourth form of marriage that elicits social ambivalence, as it leads to great social cleavages and is very visible in impact. This is the love marriage, or *pyar jo parano*, often characterized by elopements. *Pyar jo parano* marriages take place without families' consent when a man meets a woman, falls in love and decides to marry her, as seen in the Western discourse of love. But because their relatives often prevent such marriages taking place – often through the use of force – falling in love frequently leads to women running away (cf. Marsden 2007). These marriages have fed into the *karo kari* discourse, as women who contract *pyar jo parano* may be branded as black women (see Chapter 7).

De wath marriages take place within the village or group, but *vekro* and *pyar jo parano* marriages take place across different groups in the same village, different villages, and even different *qaum*. They might be, for instance, Pukhtun-Sindhi, Samatr-Baloch or within sections of clans and tribes, such as the Kandhro-Maitlo marriage described in Chapter 4. *Vekro* marriages also take place across the rich/poor divide, with men with capital affording a larger bride price. Exchange marriages predominate in farming communities, but *vekro* marriages are driven by preferences, for instance, men wanting younger brides or more children, or acquiring women from outside when none are available in the village. Ostensibly, land distribution and division have also led to the devising of cultural ways of keeping some women single. The local explanation for this is that it keeps land together when giving women away to other families would lead to land division. High-status women, for instance among Syeds, rarely marry down, and traditions are devised for keeping these women single by *haq bakshan* – ceremonies in which these single women are asked to waive the right to have their fathers give them away in marriage which is their obligation both by custom and

religion. In older times, these single women were given a sacred status, called *Bibi Sati*, and in our own extended family in Sukkur there were two old women who always wore white clothes and spent their lives giving women *taveez*, fertility amulets for sons, or became involved in resolving any other problems concerning their families. These women act as surrogates for their brothers' wives and are often given their children to adopt.

Unlike marriage, divorce as a cultural category is largely absent in social relations of exchange. Women seeking a divorce often go to the courts, as the *ra' juni* system rarely supports the termination of a marriage – another divergence from Islamic law, where women have the right to ask for a divorce, regarded as a voluntary end to marriage. But in fact *karo kari* mediates separations and divorces too, as accusations often lead to women being separated from their husbands and given over to other men in *vekro* marriage. It is thus a means of terminating marriage, though it is not called that.

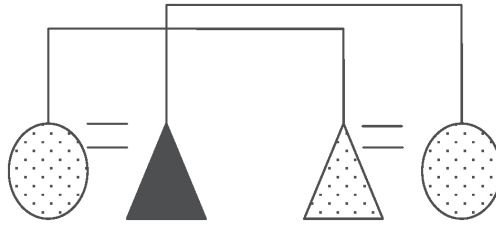


FIGURE 1.1 • *Forms of Exchange Marriages: 'De wath*

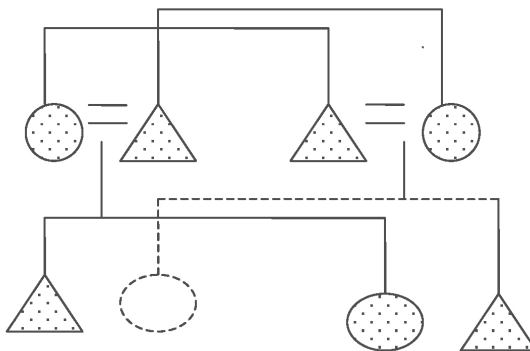


FIGURE 1.2 • *Forms of Exchange Marriages: Peth likhi 'diyan*

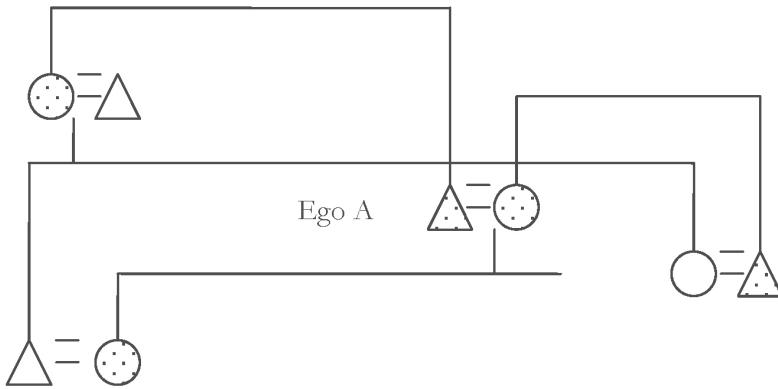


FIGURE 1.3 • *Forms of Exchange Marriages: Trevakro*

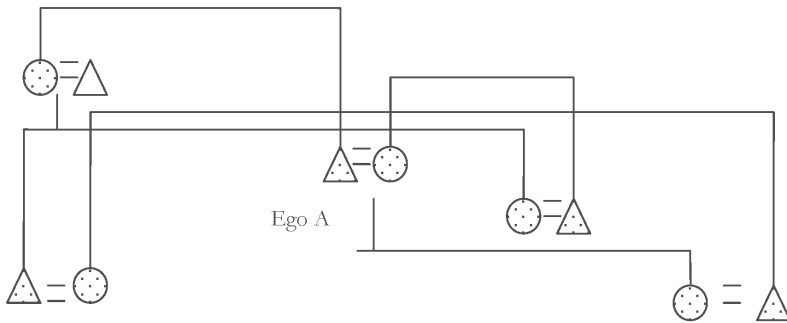


FIGURE 1.4 • *Forms of Exchange Marriage: Chowvakro*

The Social Life of Sex: Fertility, Sexual Communication and *Karo kari*

Karo kari can, in one sense, be perceived as a way of controlling women's fertility by putting curbs on sexual transgressions, primarily of marriageable women, in order to control productive and reproductive resources in a community. In the present context, however, *karo kari* seems to regulate social rather than sexual transgression, and the case of Upper Sindh shows that sexual relations and marriage patterns are not necessarily congruous.

In theory *karo kari* punishes deviance of the body, and those who cite features of normative honour say that men and women have to be seen together in the act of love-making before they can be declared 'black', and the witnesses must themselves be of good character. Theoretically, then, adultery

is rarely witnessed and most *karo kari* accusations are based on hearsay and not on witnessing, which is a social identification rather than a testimony of the sexual act.

As in Western society, sexual relations in rural Sindh do not always follow marriage patterns. A society whose ordinary, everyday language of blame and accusation includes adultery and sexual relationships (cf. Lefebvre 1999) must have sexual encounters that defy social rules. In my political and social engagement with the men and women of the area, I noted how sexually charged language sometimes was, not only between the sexes but also among those of the same gender. Women fought, argued or joked by hurling sexual accusations and giving each other hypothetical lovers. Sexual metaphors were dropped in the street, and even demonstrated in informal communications.

It is a fact that many men and women have extramarital relationships and children from them, who are reared and given a social status (cf. Pehrson 1966). These relationships defy the stated kinship structures, as multiple sexual relationships make relationships vague. In the case stories, my informants came up with underworld stories of sexual relations that were at the bottom of the disputes but were in some way quite contrary to the stated stories. It often transpired that the accusers themselves had sexual relations that they wished to protect. In some cases, families find ways to maintain sexual relationships that are impeded by strained social relations. As one woman from Larkano narrated, 'Even when women return to their parents' homes when exchange marriages become strained, these shameless women scale the walls in the middle of the night to meet their husbands'.

Sexual relations also mediate the strong client-patron relations that exist within farming communities, where informal or formal offers of women's sexual services may be a part of the protection system that exists in Upper Sindh.¹⁷ Religiously ranked families, or landowning ones with powers of protection, may be provided with women for sex and domestic service combined. Some stories detail elopement and kidnapping of women that could be cover-up operations for prostitution. In one case, the man whom a woman picked as her 'court husband' was the middleman selling her sexual services to a man of a higher rank, who remained anonymous. I noted also that the same family members who cried *karo kari* were the ones to take the woman by the hand and give her over to a patron for monetary or social reward (cf. Cutiliero 1971 on similar relations in southern Portugal). In one case, the cousins of a woman whose husband was impotent were tacitly allowing her to have sexual relations with a prominent villager, as this brought in a regular income. It was only when they had a quarrel over rights to land that she was accused and expelled, along with her family and their claims.

In Upper Sindh, extreme poverty and rural indebtedness among the peasant cultivators have led to an increase in the trafficking of women, which is articulated in cultural symbols. Women come to complain that their male relatives had exchanged their daughters for gambling or other debts, and sometimes very sad stories are narrated about the cost of illness and broken homes. A Baloch-Lolai woman gave her daughter in marriage to an old man to build the roof of her house. When the little girl ran away from the old man, the mother repeatedly came to me to help with mediation and support her case for divorce.

The threat of punishment by death, or *karo kari* accusation, does not stop men and women from engaging in these parallel relationships because not everyone who has an adulterous relationship is labelled or killed. Indeed, only a few are, and even those only at critical times. It may very well be that all of the men and women discussed in my cases did have the alleged relationships, but even so, the reasons why these acts become public and are punished lie elsewhere.

In theory, *ghairat* is primarily about the ability to defend the violation of honour and is a reaction to an act, but in the world in which I witness and live, *ghairat* is a psychosocial, normative sanction involving the use of rational force and violence. Its various expressions thus reveal *ghairat* to be at once an instrument of power and control, and a creative strategy for instrumental purposes.

Karo karo and Ghairat as Masks in Social Relations

The headman of Ulro village, late Sardar Lutuf Ulro, who incidentally also liked to speak English, said while discussing *karo kari* killings that 'it is an old custom', adding, 'I don't know who invented it'. He then listed Islam, *riwaj*, poor government, the corrupt judiciary, a hypocritical tribal chief 'who never made his family women black but decided about poor people's women', poverty and lack of justice as the underlying causes of the present practice.

The community may see *karo kari* violence as an 'old custom', but its articulation shows that it is deeply embedded in present-day social, political and economic conflicts and strategies of self-interest in Upper Sindh (cf. P. Schneider 1969). My material shows that complex forms of violence seem to be simplified in the moral idiom of honour and that violent practices are made moral as a result. Often the accused are surrogates standing in for other intentions, and below I have grouped different forms of social issues that the practice seems to mask. The case studies here all reinforce the following social conflicts or interests that are articulated through *karo kari* accusations.

Monetary and Material Exchanges

Who are *kariyon*? Who are the *kara*? Why do these men and women become black? As stated earlier, rarely are men and women killed as a pair and on sight, as is required by custom. In theory, *kari* women are sexual transgressors who have to be physically caught in flagrante delicto. In practice, very few women are killed or accused in the presence of their supposed paramours. And in most cases where the women are killed first, the men are allowed to live. One might ask why, if the custom stresses that both adulterers have to be killed, most men remain alive while most of the women are killed or shunned. It seems that men are allowed to survive if they pay fines for honour damage to the one who has killed or thrown out the woman following an accusation of honour damage.

One of the most popular counter-discourses of *karo kari* in Upper Sindh, repeated by all sections of society, including the mediators whose power this practice sustains, is that this is a *dhando* or business. 'I have even said this at a press conference, and am the only one', Mian Mitha, a mediator, said in denigrating killings as a form of moneymaking. Many others also say this. It is not easy to conclusively determine what is true: whether *karo kari* and its related violence emerge because of material exchanges, or whether this form of violence is resolved or normalized by material exchanges, or both. *Karo kari* can be seen as a transaction: embedded in both the accusation and the action of violence itself is a certain relationship of exchange, which is presupposed at the time of the accusation. This is because the exchanges make relationships ongoing, fluidly converting former enemies into friends or changing a relationship of vengeance into one of kinship. Many accusations are premeditated and designed to secure the compensation that eventually will flow from the accused black man to the accuser, as violence is part of an exchange system where the black man will compensate the man who has killed or expelled a woman.

It seems that *karo* men are often those who have access to capital of sorts, so one can say that men become black through their potential to compensate for honour damage and, therefore, they continue to live. In this study those accused of being *karo* are men from all walks of life: a school teacher, a student, a milkman, a police constable. A common feature of all the black men in my research is that except for one who was killed along with the girl (see Chapter 6), they all ended up paying fines to those who accused them of being black with their women.

In addition, a large number of accusations reflect material disputes. In one case study (see Chapter 4) a land dispute led to a woman being strategically accused of blackness in order to intimidate the accused side into negotiating the land title through marriage. A childless woman who was accused

of being black and then divorced, said in the mediation that her husband's nephew and his brother's wives had plotted to make her black because they wanted access to his property. Compensation and exchanges do significantly shape *karo kari* accusations and their timing, as for instance in this case:

Jalal accused his sister, earlier exchanged for his first wife, now divorced and childless, of blackness with a cousin. Jalal had earlier given this sister, and a cousin – two *sang*, since they were both prepubescent – in exchange for his first wife and, having had daughters with this wife, gave one daughter and another cousin – again two *sang* – in exchange for his second wife. In the meantime, his exchanged sister 'returned' to him, after she was divorced by his cousin. After looking after her for ten years, he said he 'saw' her with his own eyes with a man, declared her black and then took her to the *sardar*, and gave her in marriage through the *sardar* for a bride price of Rs.50,000. In the mediation he was able to get *sang* for his son from the accused *karo* in exchange for the honour damage.

Marital Exchanges and Domestic Violence

In most of the cases I studied in the field, it seemed that disputes over marriages were articulated in *karo kari* language. In one case (Chapter 4), the woman was killed by her brothers to punish the man, who had not honoured a *sang* agreement. The murder of the teenage girls introduced in Chapter 3 was an outcome of a contest for the right of marriage over the two girls.

A *kari* is defined as a woman who has adulterous relationship with a man outside her marriage, but many women are accused of being black when they contract marriages that their families do not approve of. Marriage by elopement also leads to accusations of blackness and sometimes to feuding (Chapter 5). Those who do not accept a forced marriage are also called *kari*, like one student who did not accept her marriage as a *fait accompli* (Chapter 7).

The unifying concept of *ghairat* and consequent labelling also covers up violence in the domestic space. Sometimes domestic quarrels over meals, weddings, household expenditure, drinking and gambling may end in women losing their lives.

Competition over Power

Power is clearly a factor in the *karo kari* phenomenon in Sindh: women and girls are the primary targets because they are socially weak and in the custody of men. Most women introduced as black women in this study were victims of scapegoating, objects through which disputes were played out.

None could fight back. Observations in the field suggest that the women killed may be the easy victims – very young girls, childless women, widows, separated wives, the ill or the old, the wives of insane brothers, or rich mothers with impatient sons waiting to take over their property. I have come across incidents where bright, assertive women were targeted because they challenged social relations or marriages. Further, women can become victims in their own houses because they are in the perpetual custody of men, both culturally and as ‘citizens’ of the state. Some categories are more likely to be accused. Mothers-in-law, grandmothers and aunts are seldom accused, but wives, sisters and sisters-in-law are easier targets in the power hierarchy. Most of the women killed are of reproductive age, as contests over younger women are likely both for childbearing and labour capabilities. Older women may also become victims, but they are relatively few.

Power seems to be the reason most men are allowed to live after they are accused. If men are accused and then killed, their relatives will not be likely to easily accept the verdict of killing and will probably engage in a blood feud with the killers. Yet there are rare cases when men are killed first, and then a woman of the family is killed. Here the killing may be a means of settling earlier scores with him. In some examples the accused *karo* men are themselves the aggressors. For instance, one accuser was killed by his *karo*, who was socially and politically stronger because his tribe had more people, weapons and land than the accuser’s. In the settlement, the aggressor who was accused of being *karo* ended up paying a fine, but he showed his superiority by inflicting greater damage. When the black men are already vigilantes or bandits, compensation for loss of honour is hard to come by, but then again, accusations of ‘blackness’ may perhaps never be made. In one case a woman and her alleged paramour had organized the killing of a husband. In another an older woman was killed instead of the one involved in the affair. There were also instances of accusations used in power competitions in which men sought mastery over others. A mediator related how a man from his community had killed his own wife and accused the man who challenged his power, whereupon the second man retaliated by killing his own wife and then accusing his accuser. ‘When they came to me, I refused to mediate and scolded them both for their actions’, he added.

Conclusion: Honour as Strategy

Accusations of blackness are not simply related to sexual transgressions but are often assertions of power and strategies of self-interest, articulating disputes relating to marriage and property. Bourdieu’s theory of practice (1977) illuminates how people use and create strategies in social relations, and how

these strategies are internalized into the *habitus*, a mechanical bodily disposition through which social action is learnt and performed.

'Strategy' as used here, is performative, visible and conscious. In addition, the target is to control social rather than sexual transgressions. The cases cited in the study show that women who assert their right to marriage can be branded *kari*, as can those who do not agree to a marriage arrangement, and therefore that *karo kari* accusations relate also to social change and assertions of agency. The most important point in these underlying assumptions is that women, especially, are made black not by their 'loose morals' or 'sexual adventures', and ultimately not even by their social transgressions, but by the actions of the men and/or women who accuse them or perpetrate violence against them. When sexual transgression is being used as a metaphor in Upper Sindh, the evidence is never about witnessing men and women's physical relationships. It is instead in the physical act by men and women of accusing women of being *kari*, because that is the act that can be witnessed and testified. The actions of the accusers take precedence because regardless of whether the victims live or die, their narrative is silenced. Thus the women become *kari* not because they were guilty of transgressions but because they were killed or evicted. This is the solid proof – the action justifies the meaning, subsequent or consequent, that is assigned to it.

If a woman is killed or expelled by a husband, father or brother, she must be a *kari*: no one questions the validity of the action. In the mediation, the accuser must be compensated, as he has lost his wife/daughter/sister. The story or event as it is constructed socially is tied intrinsically to the mediation – that is, the event presupposes the mediation. Hence it is the mediation that affects the *karo kari* constructions and not otherwise. The killing of a man is more likely to be challenged through conflict as well as through the law. But when a woman is killed, the plaintiffs are the very people who have taken her life (see Chapter 5). Since women are killed in the family, the complainant and accused often collude, and no punishment of the perpetrator is likely (see Chapter 3). However, the best recourse for an accused *karo* is to pay compensation to the accuser. If *karo* and *kari* are killed together, it is assumed that there must have been sexual transgression and proof that they had relations with each other. In this case, there are no fines (see Chapter 6).

In Upper Sindh, it is not honour that causes violent action. Rather, violent action seeks legitimacy by articulating itself in the moral value of honour. Ideological constructs like *ghairat* do not simply explain social behaviour; they can very well also be put up as screens behind which certain actions are legitimated and normalized. In that sense, they raise as many questions as they answer.

Meanwhile, another strong narrative among the people likewise contends that honour is a strategy for 'other' objectives but places the practice of *karo*

kari outside Sindh – it is said to have ‘travelled’ from Balochistan with the migrating Baloch. An intellectual discourse in Balochistan itself argues that the Balochi ballads of the fifteenth and sixteenth centuries show that *siyahkari* was followed by divorce, and never by violence. The violence is attributed to contact – Baloch encounters with Afghans, Pukhtuns, Jats and Hindus in their eastward journeys (Baloch 1987). All this points to a rootlessness in the ideologies of *ghairat* and *karo kari*. This will become clearer in the next chapter, where I will look at historical data to understand the continuity and changes in *karo kari* practices, especially with respect to law and power.

Notes

- 1 Head of the Ulro tribe.
- 2 A doctor who performed the post-mortem on two young women who had been killed as black (discussed in Chapter 3).
- 3 I have often been asked to examine the witchcraft literature to see if there is any resonance between witchcraft accusations and *karo kari* accusations. Anthropological work, shaped by Evans-Pritchard’s (1937) functional study of the Azande, presents witchcraft as a rational means by which to articulate misfortune or interpersonal relations. Several studies show witchcraft accusations to be a method of articulating social tensions (Marwick 1952; V. Turner 1954; Middleton 1960; also Douglas 1970), but the witchcraft material itself is diverse and contextual, and it is difficult to form a single theoretical idea that could be used as a comparative framework. Upper Sindh has practices such as the ‘evil eye’ and *taveez* (amulet) accusations, which are somewhat comparable with the witchcraft material of Africa. However, there is clearly an analytic salience; for instance, Geschiere’s (1997) account of witchcraft accusations in Cameroon shows that they are adapted into their modern context. See also Comaroff and Comaroff (2004) for witchcraft violence in postcolonial South Africa, and Green’s (2003) account of anti-witchcraft practices in the context of political processes.
- 4 Cf. Alvi (2001), who says that fathers or brothers are the most likely killers, not the husbands.
- 5 Although most *karo kari* cases concern heterosexual relations, I have come across one case in which a young man ended up killing his male violator and was later killed in revenge.
- 6 Section 13-D of the Pakistan Arms Ordinance.
- 7 The role of the media in the social construction of *karo kari* needs more investigation, and a closer look at the anthropology of the media at a later stage may provide some insight. The anthropology of the media has come a long way in explaining how the media shape social lives, especially in relation to their mediation of the regional, national and transnational circulation of cultural ideas and practices (Ginsburg, Abu Lughod and Larkin 2002). It has been influenced by Jurgen Habermas’s public sphere and Benedict Anderson’s (1991) historical link between collective identities and communication systems like the novel and the newspaper. The work of Appadurai (1991), who advocated interrogating the power of the imagination in the fabrication of social lives, especially in

relation to the media, led to an increased focus on ethnographies of and on the media. For the social circulation of media discourse in recycling and recontextualizing, see Spitulnik (1996); for the indigenization of the modern media in social production and transformation, see Ginsburg (1991); for Palestinians' techniques of self-objectification and suffering through the media as a means to build a case for their rights, see Allen (2009).

- 8 See Strathern and Stewart (2006), who argue that media images reproduce violent relations both mimetically and dialectically.
- 9 For a detailed survey of the concept of shame in the Italian and Mediterranean context, see Sciamia (2003).
- 10 *Ghairat* is elsewhere defined as a gift of personal integrity from God (Keiser 1991). Barth (1965) opposes *sharam*/shame and *izzat*/honour among the Swat Pathans, while Eglar (1960) describes *izzat* as prestige related to social approval and status. See also Ahmed's (1980) ethnographic account of Pukhtunwali, as well as Lindholm (1982), Choudhary (1999) and Alvi (2001) for the various meanings of the honour terms and the contexts in which they are used. Also, see Lefebvre's work (1999) on how remittances and money strengthen honour values in Punjab villages. For a review of general writing on honour violence, see Khan (2006).
- 11 In my random sample of sixty case studies, only two of the women killed were over forty (Appendix IIIB).
- 12 Structural insights into honour ideologies link agricultural and pastoral economies with control over both productive and reproductive resources. See J. Schneider (1971).
- 13 See Collier and Yanagisako (1987), who call for the removal of boundaries between gender and kinship, as well as analytical dichotomy in kinship between domestic and politico-jural issues.
- 14 Cf. *anjia* (James 2002).
- 15 Cf. Tapper (1991:141), who refers to exchange marriages as symmetrical, as they express social equality and uniformity, and bride price marriages as asymmetrical, since they create status differences.
- 16 A traditional birth attendant, who is usually influential in the local community.
- 17 The *hari* or the sharecropper divides the costs and profits of farming with the landowner. Socially, the *hari* defends the landholdings from encroachers, landgrabbers etc in return for protection from the police harassment by the *zamindar*. Some of the worst crimes occurring among the *hari* of Upper Sindh are committed under the patronage of the landowners whose lands they cultivate.

Chapter 2

HONOUR VIOLENCE, LAW AND MORAL POWER IN COLONIAL SINDH



*It [Sindh] was a quiet backwater, only entered by the highest floods;
and these usually receded as quickly as they rose, leaving behind
like a deposit, a new ruling class superimposed on the old.*

– Lambrick 1952

Organization of Space and Power in Nineteenth-Century Sindh

In this chapter I reflect on the past, offering glimpses of nineteenth-century Sindh that demonstrate continuities and changes in honour violence in Upper Sindh across time – from the period of British colonial rule to the postcolonial state – and in relation to the historical construction of law and power.¹ The objective of including this chapter in a largely ethnographic work is to provide the historical and legal contexts within which my field data are placed. I show here how larger power processes shape, construct and transform custom, and how custom and law share a dialectical history. This historical survey shows that both the construction of a ‘place’ from Sindh by disciplining a ‘barbarous’ frontier in colonial history² and the remaking of this ‘place’ into a frontier in the postcolonial state of Pakistan have involved political and legal discourses that provide spaces for the persistence and renewal of the ideologies of honour and self-help violence in the form of *karo kari*.

Historians have constructed Sindh as a turbulent in-between area in the sway of events, tides and larger power sweeps – Arab, Persian, Afghan, Moghul or British – a land constituted by travellers, conquerors and people on the way to somewhere else.³ As the historian Lambrick says: like the river, its history is whimsical, coming in floods, with each flood bringing a new ruling elite. Perhaps that is why only a few historians have attempted

to historicize this area.⁴ In the colonial memory, it is constructed as a young Egypt at best, or else as an 'unhappy valley' (Eastwick 1849; Burton 1877).

The British annexed Sindh in 1843, whereupon it became a 'non-regulation' province attached to the Bombay Presidency for ninety years before being separated from the Presidency in 1936⁵ to become part of the state of Pakistan in 1947. The geopolitical status of present-day Pakistan was constructed in the nineteenth-century imperial imagination as a frontier – an ambiguous space between civilized areas of the British Empire and the barbaric zones outside, a space that determined the security of the empire itself, being the centre stage of the politics of the Great Game, a site of a 'tournament of shadows' where covert wars were fought for control of resources. Bellew (1872: 2) writes, with reference to his expedition beyond British India, 'Cross the mountain barrier limiting the plains of India, and you pass at once from civilisation to barbarism, from order to anarchy, from security to danger, from justice to oppression'. The north and northwest of Upper Sindh was a strategic region, as it was the gateway to Afghanistan.

Prior to British occupation, Upper Sindh and its border areas had been situated between two centres of power: the Talpur confederacy in the south, and the confederacy of tribes with its capital in Kalat⁶ in the west. The people of the area were organized into fighting tribes commissioned by the Talpurs as and when required, perhaps on the basis of territorial identity.⁷ Land was not a commodity to be owned: the people who settled on the land had an entitlement to cultivate it, and paid the rulers in kind. The area, it is reported, was generally peaceful, with few cases of theft (Choksey 1983: 15), and life and property were secure (Aitken 1907: 136; T. Postans 1843).

The British occupation of Sindh happened 'in the tail of the Afghan storm', incidentally, in an effort to regain pride after losses in Afghanistan and to claim the 'savage' frontier. The conquest of Sindh,⁸ say historians and even British parliamentarians, was forced on the Talpur Amirs and waged on moral grounds⁹ by a sixty-year-old soldier, Charles Napier, and an ambitious Governor General, Ellenborough. After the conquest, the history of colonial Sindh in many ways follows the pioneer histories of frontiers becoming 'tamed' and incorporated into 'exactly the frontier we require' (Burton 1877: 339). In the words of Ellenborough, it became 'a new field for the exercise of the European mind in the administration of an Asiatic province' (Khuhro 1999: xv). The conqueror-turned-Governor of Sindh Charles Napier resolved to turn Sindh into a land of '*ghee*,¹⁰ sugar and candy' during his short rule under martial law (Khuhro 1999: 89).

The immediate projects after occupation were to survey the frontier, set up British outposts and infiltrate the alien hill-country of the highlander tribesmen in order to secure borders and passages to the Afghan country.¹¹ This was followed by a 'civilizing mission', the transformation of the frontier

into a settled country.¹² All these actions were placed a moral framework: the 'barbarous savagery' was to be turned into a civilization motivated by extracting resources and channelizing them into Western markets, thus linking Upper Sindh to the economic area of the empire (Ansari 2005).

Lieutenant Colonel John Jacob and his cavalry, the Scinde Irregular Horse, were sent to northern Sindh with the mission of disciplining the 'turbulent' hill tribes in the aftermath of Talpur defeat. They waged bloody expeditions against Baloch tribes such as the Jakhrani, the Dombki, and the Bugti, categorized as robber tribes; and carried out large-scale massacres often termed 'Beloochee hunting'.¹³ Jacob founded the town of Khangarh, now called Jacobabad, turning an area where there was nothing but a mud fort into a 'garden' in which he resettled one tribe after another, as tame and obedient.¹⁴ The three-pronged strategy to contain the tribes was to slaughter tribesmen on expeditions or capture them alive;¹⁵ to change, behead or exile their chiefs and replace them with pliant ones;¹⁶ and finally to 'settle' them by replacing their mares and matchlocks with ploughs and hoes. Lambrick, a prolific historian, romanticizes the Baloch as changing from 'half-starved beasts, to herdsmen with plenty of cattle' owing to John Jacob's civilizing mission. The tribes were further disciplined by Napier's newly constituted police force, and a judicial system that took pride in overseeing convictions and hangings by the dozen (Scott 1912: 29–33).

However, even after the tribes were disciplined, the river regulated and imperial power consolidated, contradictory spaces of power remained in Upper Sindh. From the 1840s until the early 1870s, three different sets of rules were applied to the Baloch tribes, which were divided into the territory of the Khan of Kalat, the territory of Upper Sindh and Khairpur, and finally the Punjab (Martineau 1895; Thornton 1895).

There was, in addition, a grand development exercise. By the 1850s a railway project was under way to connect Sindh with the Punjab and the rest of the Indian continent. The river Indus was at the centre of the spatial transformation. The marshlands of Sindh, known for their annual flooding by the Indus, were channelled into a network of canals. The expansion of the dysfunctional Begari Canal,¹⁷ and later the making of the Lloyds-Sukkur Barrage, harnessed the river and created channels in which thousands of people were settled,¹⁸ with fixed tenureships and *jagirs* conferred on chiefs who had been loyal to the British.¹⁹

In the 1860s, the management of the tribes underwent a significant change. A young officer, Major Robert Sandeman, reorganized tribal politics, created chiefs out of tribesmen who shifted their loyalties towards the British, and provided them with work in the process of state formation (Thornton 1895: 30). Unlike John Jacob and Napier, who saw themselves as monarchical rulers at the apex of power, Sandeman took on the role of a

mediator, a form of authority that was seen as more conducive to winning over the tribes' loyalties. The formal objectives of the indirect system were to establish and maintain peace and order, to administer justice promptly, to promote the goodwill of the chiefs associated with the government, and to improve communications, trade and irrigation (Thornton 1895: 187). The tribes were enlisted into government military service under a system of levies, a constabulary of tribes, whereby tribesmen were authorized to patrol the roads, provide information about tribal movements and impending raids, and detect crime (Thornton 1895: 189). Sandeman also created a supreme *jirga*, a collection of tribal elders on the model of the Pukhtun *jirga*, to settle intertribal disputes (Thornton 1895: 34, 206). In this way, it is stated, he brought the 'unruly elements' into perfect order, and the *Calcutta Review* reported at the time that 'Balochistan has been transformed from a region of incessant feuds and bloodshed into a peaceful province of her Majesty's dominion' (Thornton 1895: vii).

Ultimately Sandeman's politics held sway, which meant that British rule incorporated tribal arbitrations into imperial law and recruited tribesmen into service of the empire as part of the 'Sind Frontier Regulation' (SFR) of 1872. The tribal systems that the British law opposed as barbarous were now widely hailed as humane (Bruce 1900). The special regulations for the Upper Sindh Frontier and Kalat tribes allowed a council of elders to try a person for murder or to settle disputes, according to the 'Pathan or Beluch' usage (see Appendix I). In 1878, a proposal by Viceroy Lytton²⁰ suggested that the entire frontier, including parts of the Punjab, Upper Sindh and the Khan's territories in Balochistan, should be unified into a single administrative region with special laws and administration. From then on, there would be a more categorical divide between the frontier regions with a tribal system and those with the Anglo-Indian legal system, namely, the Indian Penal Code of 1860. The SFR seemed to emulate the tribal traditions of collective blame and collective punishment. The only exception was the supreme arbitration, punishment and regulatory power of the deputy commissioners, who could demolish the homes of outlaws, banish or punish tribal people, and exact fines from tribes.

The indirect rule on the nineteenth-century Sindh frontier created new traditional institutions by incorporating old customs into new political contexts. British administrators who denounced the normative custom at one level nonetheless took on the role of the supreme arbitrators of tribal justice with the help of a new class of tribal chiefs that they helped create, meanwhile ensuring that the power over the chiefs remained in their own hands. This form of power renewed and gave new contexts to certain practices, including adultery killings in colonial Upper Sindh, which I discuss below.

British Officials, Native Husbands and Women's 'Intrigues': Custom as Law on the Nineteenth-Century Upper Sindh Frontier

With the 'law and order' system in Sindh came the discovery of a 'barbaric custom' of killing women out of sexual jealousy, which was frequently reported and intensely debated. Almost every official account of the nineteenth-century Upper Sindh discusses adultery killings over 'intrigues' by women, a term perhaps implying love affairs. In colonial writings, part of the explanation is that the Talpurs allowed such executions under their law: 'It is to be deplored that a barbarous custom which legalized murder subjected them (women), under the Ameers, to an unmerited and cruel death, the slightest suspicious of infidelity being sufficient to warrant their murder. Sad were the scenes enacted under this revolting practice' (James 1855: 726).

The British officials' vilification of the Baloch as barbaric is evident in how colonial writings caricaturize them. For instance, for the barbaric Baloch, even British gallows were considered too good; writers at the time repeatedly stated that hanging did not affect the native, as 'he smiles when he is told that he is only to dangle for an hour at the gallows' (Burton 1877: 57). It was in the context of the bloody expeditions discussed above, against political, social and economic upheaval and change, that the 'civilizing' laws of the British supposedly led to 'the frantic outburst of debauchery' (ibid.: 339).

Police records from the 1850s right up to the 1930s in Upper Sindh document murders over jealousy primarily by the 'husband', but there are also extensive descriptive writings composed between 1843 and the 1870s. The term 'honour' is used in these accounts, but they hold no mention of the term *karo kari*, nor even the metaphor of blackness. The accounts are from diverse sources, so the absence of this term could imply that the officials did not know it, or that it may not have existed at that time. These writings contain romantic accounts of Baloch raiding, plundering, murdering and being murdered for forbidden love – for instance, the stories of Janee the 'Balochee', a bandit hero of Kachi who was killed 'for jealousy' by the husband of a woman he loved, and of Rahimdad the 'Brauhchee' hero, who rescued a woman kidnapped by a plunderer (M. Postans 2003). Some of the accounts sound similar to *karo kari* killings in Sindh today. For example, the superintendent of police, writing of two missing women found dead in sandhills in Mirpur Taluka (present-day Ghotki), described their bodies as having marks of 'strangulation, partially devoured by jackals and wild pigs'. In these accounts the figures provided are not high, but, like today, they state that such killings are seen as underreported, since unreported bodies surface with every inundation, as they do now.²¹

Struck by this brutality despite all his 'Beloochee hunting' expeditions, Charles Napier made the following proclamation on 6 August 1844:

Be it known to all the Mahomedan inhabitants of Scinde, that I am the conqueror of Scinde, but I do not intend to interfere with your religion. I respect your religion, but it is necessary that you should respect mine. We both worship one God, and that God has prohibited us to take away life; but notwithstanding this, you kill your wives without pity. I tell you plainly that I will not allow this. I am the ruler of the country, and if any one hereafter kills his wife, I will have the matter investigated by a Court of Justice, and the offender shall be punished according to his crime. This order is to be duly obeyed in Scinde. Let no one break it. (A. Scott 1912: appendix v)²²

Yet almost simultaneously, in one of his first proclamations, Napier told his officers not to change the customs: 'The above officers are not to make any avoidable change in the ancient customs and laws of the country as we now find them'.²³ Postcolonial studies have emphasized how the colonial authorities vilified native men through discourses of customary violence against women, who were shown to be 'victims' awaiting rescue by colonial officers (Spivak 1988; Chatterjee 1989). But although adultery killings in Sindh initially worked to vilify the native, they soon changed into sympathy for the killer husbands.

The debates around the adultery killings of the time show how the practice was incorporated into the local regulations and how it renewed the moral authority of the husband over the wife. This was therefore no simple case where power divides the ruler from the ruled in enforcing social control over women. The gender context shows that after the native was subdued, empathy prevailed between the native men and the British administrators who, despite Napier's radical proclamation, were not free from ambiguities in working out who was the guiltier of the two, the adulterer or the killer, and often sympathized with the man who had killed his wife:

But with respect to the man, who slew his wife, the case is far more difficult. Of her guilt, there can be no question, and their customs acquit him for killing her. But another question arises: the Government has said that it will not allow this. . . . Personal feelings must not be allowed to interfere . . . (A. Scott 1912: 72)

The British administrators' underlying sympathy for a dishonoured husband is evident in their castigation of murdered women's 'bad moral character'.

Another woman of bad moral character disappeared, and when the mother was questioned, she confessed that, assisted by her son, she had murdered her and thrown her body into the Sind canal. The police after inquiry produced sufficient evidence to inculcate both accused, and forwarded the case before the divisional magistrate who not being satisfied with the evidence of the corpus delicti acquitted both.²⁴

Captain Young, advocate general in the 1840s, states that women are trained to be sexually unfaithful: 'as the education of the women of Scinde teaches them to look upon sensual indulgences as the chief aim and end of their existence, it is matter of small surprise if in after life they generally proved themselves unfaithful and vicious' (A. Scott 1912).

Despite extensive 'hanging', the cuckolded husband was protected. In response to an article in the *Calcutta Review* that condemned Napier as a 'hanging' ruler, Young responds in the journal and defends him, stating that even if he hanged some men, it was rarely the husband.²⁵ Although the high number of deaths over the 'intrigues of women' was likely related to the general escalation of violence and lawlessness in the border regions of Upper Sindh and the simultaneous subjugation of the Kalat and Talpur states in Sindh (between which the border tribes of Upper Sindh were located) in the aftermath of British annexation, there was a tendency to believe that British law was having a liberating effect on women and thus provoking the violence:

Adultery and fornication were rare under the native rule, among wealthy greatest precautions were taken to secure the women, and the free use of the sabre kept the lower orders of females in the right path. When we conquered the country, and forbade the husband to take the law into his own hands, the woman felt, to translate a native phrase, that 'the sword was no longer tied to their trowser strings'. The result was that they freely indulged in all kinds of depravity (Burton 1877: 243).

The commissioner of Sindh in the 1850s emphasized that 'adultery is an offence which the state of feeling, perhaps, requires to be more strictly visited by the magistrate here than in most countries; the parties whose honour is affected by it are now severely punished if they take the law into their own hands, as was formerly the practice. It seems, therefore, right that the law should afford them what protection it can against dishonour, the sense of which is very keen among them'.²⁶ Meanwhile the advocate-general recommended that there should be 'a law to check the adulterers'.²⁷

Two parallel laws reflected the ambiguity of the British response to adultery killings, the SFR in Upper Sind Frontier and the provision of 'grave and sudden provocation' in the Indian penal law. The SFR of 1872 was applied to the Upper Sind Frontier, in line with the indirect policy of giving 'honour' roles, titles, *kursis*,²⁸ and *sanads*²⁹ to the chiefs, and setting up the *Shahi Jirga* or grand council of elders, a colonial construct,³⁰ in Jacobabad, where it was mediated by the deputy commissioner.³¹ The special regulations allowed the Baloch and Pukhtun chiefs to settle disputes, formally stating that 'from inadequacy of evidence or other causes, it is not expedient to try, according

to ordinary procedure, a person accused of murder or other offence punishable under the Penal code, with death or transportation for life', in which case, 'the case is to be referred to the decision of elders convened according to the Pathan or Beluch or other caste usage' (See Appendix I). Killings of women by men were defined as a 'Beluchi' usage, so they were referred to the council of elders. But even in the territories outside the frontier regulation areas, the law was softer on those who killed adulterers: the Indian Penal Code 1860 criminalized adultery but also treated murders of accused adulterers as cases of manslaughter incurring less severe punishment because the crime had been committed upon 'grave and sudden provocation' under Section 300.

To conclude this section, the British used laws, decrees and regulations abundantly to redesign space and harness resources, to subdue tribes and to enforce their moralizing rhetoric while also allowing natives to control their women, which meant customary usages were incorporated into law. But at all times, this inter-legal discourse was capped by the certainty of British domination.

What further allowed the practice to persist was a difference in the spatializing of authority and power. Law was an uneven turf, applied differently to different territories and to different people differently in the same territories. *Jagir* owners had indirect judicial authorities, the Talpur rulers had Khairpur state, and the Kalat authorities, who had their own systems of regulation, always complained that 'British subjects' used Kalat territory for settling scores, so that they would not be tried in the tribal area of Kalat. Only the Baloch in Upper Sindh were allowed the privilege of custom, and there were extensive debates on whether or not someone who was not a Baloch had the right to kill or feud for adultery under the SFR (Pearce 2001). For instance, a list of offenders found in the district commissioner's correspondence provides details of all cases of murderers of women who were fined by the court of elders and then let off³² under the regulations. Here we see the British officers frustrated that 'convictions in our courts in cases where the "Biluchis" are concerned, are very rarely obtained'.³³

Honour Violence, Law and Power in Postcolonial Upper Sindh

Continuities and Changes: Organization of Space and Power in Postcolonial Sindh

The spatial organization of power in postcolonial Pakistan has progressively turned Upper Sindh into a frontier, a land still in the making where all resources are heavily contested and where the power of the state continues

to be largely indirect, still as constructed by the British administrators. The SFR of 1872 became a comprehensive law, and the Frontier Crimes Regulation (FCR) was applied to different parts of Pakistan but phased out in the northern Sindh with the controversial One Unit Scheme, a policy by which the whole of West Pakistan became merged into a single administrative province;³⁴ however, indirect policy continued to be established through the structures of chiefs, former *jagir*-holders and *zamindars*, and now even political incumbents. Subsequent military rules strengthened the political and social power of the territorially organized tribes through their chiefs and landowners in Upper Sindh, a convenient arrangement in which the landed elite provided the ruling military regimes with political support and in return were allowed to wield quasi-administrative and judicial powers in the areas, with assistance from state functionaries. This happened in two ways: through informal continuation of the indirect rule, for example by vesting land rights with large landholders through the names of landless sharecroppers and peasants, called *hari*; and by strengthening the landed elite who created political constituencies around their earlier *jagirs* and also held the right to maintain private *shikargahs* (game reserves). Despite political rhetoric about giving land rights to cultivators and setting up the peasant as a proprietor, the large landowners of Sindh continue to own most of the land.³⁵

Under the democratic regime of Zulfikar Ali Bhutto in the 1970s, two land reforms were introduced and the tribal system was outlawed³⁶ in an effort to curtail the power of the landed tribal groups and establish a unified law, but this was reversed halfway through. In practical terms, the *jirga* continued to receive official support in Upper Sindh because the chiefs of tribes became members of parliament or ministers and therefore part of a modern political legislative system. Even today in the Jacobabad region, the *jirga* are called 'the State'.

The fixed tenure in land introduced in the nineteenth century increased the stakes in protecting both lands and identities.³⁷ In addition, the introduction of the canal irrigation system made hundreds of thousands of acres of land arable overnight, much more so in Upper Sindh than in Lower Sindh, leading to competition and claims over a wealth of resources.³⁸

The spatial organization of power corresponds to how titles, land allotments and settlements were carried out under different power regimes over time. Upper Sindh is now subdivided into various districts, and state officials have an extensive presence in the areas of administration, police, health and education; however, for the purpose of this writing I will discuss the locations of the political elite in the area. As this is a separate study in itself, here I will only briefly describe the locations of larger groups to show the contours of present-day power and politics, also comparing these

locations with the settlements of Baloch tribes under the British in Upper Sindh.

The former Upper Sindh Frontier district is now divided into Jacobabad and partly Shikarpur, Larkano and Qambar-Shahdadkot districts. The territories of tribes such as the Khosa, Jakhrani, Chandia, Magsi, Dombki, Bijerani and Buledi are delineated according to the nineteenth-century map, divided into these districts but interspersed with Samatr cultivators. Political power rotates in practice, with Bijerani, Chandia, Magsi, Dombki and Mazari all represented in the parliament, local government or, through their chiefs, the *jirga*.

The charismatic leader Zulfiqar Ali Bhutto, son of Shahnawaz Bhutto,³⁹ emerged in Larkano. Firmly entrenched into the landed elite of rural Sindh, Zulfiqar Ali Bhutto formed the first popular political party with a socialist ideology, the Pakistan Peoples Party, which came to represent *hari* or peasant-cultivators and labourers, forming a formidable opposition to the tribal and landed entities strengthened by the British imperial power. Bhutto became the prime minister in 1973, introduced land reforms, and nationalized privately owned industries to reduce the power of the elite. He was executed after a farcical trial orchestrated by General Zia-ul-Haq in 1979. His daughter Benazir Bhutto continued to lead the party and twice became prime minister, but was assassinated in 2007. Larkano's political elite also include the Khuhra and the Unar. Qambar-Shahdadkot tribal politics revolves around Chandia-Magsi oppositions.

In Shikarpur, political power is vested in the Durrani and Barakzai 'Pathan'. This influence has endured since Shikarpur was a protectorate of Ahmed Shah Durrani in Kandahar in the late eighteenth century.⁴⁰ The two foremost rival tribal groups are the Mahar and Jatoi. The opposition is Samatr-Baloch, with the Mahar considered recent converts to Islam and the Jatoi regarded as a prominent Baloch tribe. The current feud between these two began over territorial claims to a fish pond; two and a half decades later, it has taken the lives of more than two hundred men and women.

Sukkur, with its towns in the limestone hills of Sukkur-Rohri, is the most urbanized district, but its proximity to the riverine forests occupied by Jatoi and Chachar makes it an area of high violence. The Lloyds-Sukkur Barrage, an engineering masterpiece, is also located here. The Mahar are influential in Sukkur and patronized by the state. Ghotki, which was part of Sukkur until 1988, is one of the least developed districts of Sindh but is the most industrialized as well. Its power structure is characterized by opposition between two groups – the Baloch Lund and the Samatr Mahar – but Chachar groups control the resources of the riverine forests, while Pitafi Baloch protect their domain.

The earlier capital of Upper Sindh, Khairpur (Mir's), which is my home, did not merge with the state of Pakistan until 1955 through the One Unit Scheme. Until then Khairpur was an autonomous state designed as a post-conquest patrimony for the Talpur family, who sided with the British in the war. Huge tracts of *jagirs* were distributed among the various Talpur families across the territory, and since theoretically all of the land belonged to them, people were allowed to settle everywhere. As a consequence land-holdings are comparatively small and diverse, and many communities take their identities from the services they provided to the court of the Talpurs. Political power has now shifted from the Talpurs to the Syeds. One of them, Pir Pagaro, organized his disciples into fighting men, Hurs, who were sent into various battles from time to time. The Hurs opposed the British after the beheading of their Pir. Today, Pagaro's fighters serve the Pakistan army, which patronizes and supports their quest for political power.⁴¹ The Ranipur Syeds were patronized by Kalhora rulers in the past. Political power alternates between the Syeds of Ranipur and Pir Pagaro, with one or two parliamentary seats going to my family.

How territorial power operates in Upper Sindh can be further understood in the dynamics of cattle theft and kidnappings for ransom. When I was Nazim, I observed that cattle theft was not ordinarily reported to the police. Even the people who came to me would not ask me to register their complaint with the police, but to help secure the return of their cattle through the intervention of landowners who serve as middlemen between the cattle rustlers and the owners, between whom there was clearly a nexus.⁴² In cases of kidnapping for ransom too, the police negotiate through the influential chiefs and landowners to return the hostage, rather than take direct action.

The practice of indirect power allows violence to become a tool for holding and maintaining power in Upper Sindh. This form of power can be further experienced in the space called *kacho*, formerly the floodplains. The *kacho* area of one district forms part of my ethnographic study and is discussed in detail below.

Sindh, largely an arid area, is irrigated by the Indus, a river that in many ways has driven the fate of the people and their history. Sindh lies in the lower riparian region and the modern-day politics of Sindhi nationalism and identity revolves largely around political anxieties about the control and use of the waters of the Indus.⁴³ These anxieties are nothing new: when the British arrived to explore Sindh, Burnes (1835: 36) overheard a Syed say 'Alas, Sind has now gone, since the English have seen the river'. The introduction of a modern irrigation system has brought about a major transformation, whereby the Sukkur and Guddu Barrages between them irrigate about four million hectares of land (Khuhro 1999; Perara 2003), and the expansion

of the irrigation system led to a 275 per cent increase in settlements, most of them in Upper Sindh.

More than 60 per cent of the entire floodplain or *sailaba* of the Indus is in Upper Sindh. The floodplains have been contained by building extensive double rows of embankments, called bunds. *Kacho*, the land between the protective embankments and the river, is hence an 'official' construction of a marshland via a modern irrigation system. The *kacho* is a makeshift space created by the floods and bunds, and every time the river wanes it exposes a different part of the land. Because of this shifting nature of these lands, *kacho* is unsurveyed, unplanned and largely even unmapped formally, and is subject to different methods of measurement and allotment. The settlements in this area contribute to territorial power in Upper Sindh. Before 1992, *kacho* could be leased for a maximum of ten years, a rule that took into account the uncertainty of the river, and the land was reserved for traditional cultivators – the peasantry. The law tried to incorporate river movement, identifying rights that came into play if the land were inundated in one part and resilted in another. These were called the '*darya khurdi* right' or the 'right of river-eaten land'.

After 1992, fixed tenure was granted to landless *hari*, and land totalling about 650,000 acres⁴⁴ was identified for distribution, 60 per cent of it in Upper Sindh. For all practical purposes, however, this increased the large landowners' holdings via cannibalization of the land through the *hari*. Now, due to the scarcity of the availability of water in the Indus, the river hardly floods and the *kacho* is a centre of conflict.

Today, all land in *kacho* belongs by law to the *hari*, but the landed elite and tribes both occupy and control this area. Power is imprinted on the landscape by fictive territories called *ketti* – a Sindhi appropriation of KT, the acronym for Kacha Territory – which are private estates of riverine lands owned by landowners with political power. The *ketti* are unrecognized in the revenue records: 'There is no such thing', say the revenue officers. They are postcolonial creations of the spatially organized power of landowners, who are also derogatorily called *patharidar* – those who harbour bandits (cf. Blok 1974).⁴⁵ The state tacitly recognizes the *ketti* areas and acknowledges the landowners' role as middlemen between the state's law enforcers and bandits, for instance in the return of hostages or of stolen goods, after mediating share prices. *Kacho*, as a space of forests, fishponds and timber, is also the richest area of officially unclaimed resources. Hence, the power elite vie for control of these resources through *hari* and *dharial* (bandits), who make frequent raids and forays into the *pacca* (literally 'cooked', this term refers to the mainland outside the *kacho*) land, where they collect protection money. Elders in Upper Sindh say that no big landlord can operate without the

support of strong-arm outlawry and bandits, and that their mutual service relationship is well established.

The spatial organization of power in postcolonial Pakistan makes Upper Sindh a frontier, a land outside the domain of the Anglo-Saxon construct of 'law and order'; yet it is constructed by the modern state's irrigation system. The territorial basis of power means that the state enforces the law only through elites that are loyal to it. Many *kacho* villages in Upper Sindh are fortified, constituted as fighting grounds as much as farming units, with each village being responsible for its own security. In this context, as I explain next, the general legal changes brought about in the 1990s found ideal ground for construction and renewal of kin and group-based violence, leading to the articulation of custom in the framework of the law and power.

*Karo kari and Qisas and Diyat Laws:
Law as Custom in Postcolonial Upper Sindh*

This section discusses changes in laws that have had implications for family violence by way of *karo kari* in postcolonial Pakistan. Accounts of the killing of women for adultery, described above, became blurred as a general concern after the partition of India and the making of the state of Pakistan, and reappeared in the media only in the 1990s. Before then, the police did not set this apart as a separate category of crime, although early twentieth-century police reports repeatedly mentioned that a large number of murders were over 'intrigues' committed by women. The bureaucracy's earlier vesting of judicial authority to mediate murders in local chiefs, combined with the provision of 'grave and sudden provocation', which lightened the killers' punishment, were both carried over to the new state in the Pakistan Penal Code XLV of 1860 (PPC). It is not clear whether the violence reappeared or escalated in the 1990s: my informants say it did, but I have no data on violence with which to compare it. All I can say is that violence suddenly became visible but also magnified, as I explained in Chapter 1.

The Muslim Family Laws Ordinance (MFLO) of 1961 created a uniform code for marriage and made registration of marriages mandatory. The MFLO gave the right of choice to men and women, as allowed in colonial Muslim personal law, and recognized women's right of divorce. The laws did not recognize the customary forms of marriage, as explained in the earlier chapter; nor did it give any rights to parents or relatives in marriage. This law has provided a legal space within which men and women can contract marriages of choice, despite cultural prohibitions. This leads to both tension and opportunity, the subject of Chapter 7.

Unlike these marriage laws, which upset a cultural norm, amendments made to the homicide laws seemed to resonate with honour-based violence in Upper Sindh. The 'laws concerning the body', formulated as Islamic law in the 1980s and 1990s, allow the family, tribe or husband 'to take law into their own hands', as the colonial officers would say. These laws transfer the state's power to punish murderers to kin groups, specifically the family. They further allow the disputing sides to mediate and exchange compensation and fines, and thereby restore to the tribal chiefs their earlier power to decide murder cases. In the debates preceding the formulation of this law, the reasoning behind this, as with the colonial officers, was to empathize with local norms, patronize the poor rural dwellers and allow families and tribes their powers.⁴⁶

Pakistan was created as a 'homeland' for Muslims, and Pakistan's Constitution calls for life to be ordered according to the principles of the Quran and Sunnah.⁴⁷ This has led to intense debate as to what extent Islamic principles should order the society. Although many laws, including the MFLO, have used Islamic principles, the 'Islamization of law' in Pakistan is a historical construct of the 1980s that sought to scrutinize and rewrite the colonial common law in the light of the Quran and Sunnah. In the political memory of Pakistanis, this 'Islamization' is understood as the motivation of the power that the then dictator General Zia-ul-Haq needed to articulate in moral symbols, rather like the British administrators who brought their gallows and their law as a moral and civilizing force (cf. Kozlowski 1997). Interestingly, the term 'Shariah' was always avoided in legal officialese, as this, it was argued, would bring up issues of *fiqh* (Islamic jurisprudence) and different schools of thought. Therefore, the overarching term in the legal discourses is 'according to the Quran and Sunnah', which is quite deceptive because the Pakistani state overtly follows the Hanafi school of Islamic law, which influences most legal interpretations and formulations of the law. By providing for the creation of a Shariah court (Lau 2006), General Zia-ul-Haq provided for an institutionalized method of creating a parallel jurisdiction for Islamic law.

Islamic law, or Shariah, is generally considered eclectic, with multiple schools using methods such as *qiyas* (analogy) and *ijma* (consensus). Many innovations can be introduced, but General Zia's Islamization was biopolitical, emphasizing the body, especially that of the woman, as a site of social and political morality, which caused the Islamization of law to be perceived as a code of punishment (Mehdi 1994). *Hadd* was defined as punishments that are specified in the Quran and *tazir*, which are left to the jurists to decide on the basis of specific contexts. The Hudood laws brought the *hadd* punishment of stoning to death for adultery, and the chopping off of hands for theft if four adult witnesses of good moral character came forth. *Qanun-e-Shahadat*, or Islamic evidence, was also introduced.

Under the colonial laws, adultery was a crime punishable by a fine and imprisonment of up to five years. It was defined as an offence in marriage committed by a man who had intercourse with another man's wife without his permission. In the newer adultery laws, *zina* included fornication as well, bringing unmarried men and women into its ambit.⁴⁸ Prior to 1979, only the husband could be the complainant, but now relatives and outsiders could also complain, multiplying accusations of adultery. Earlier the law was compoundable: if the accuser of adultery wished to withdraw the case, then the state dropped the charge of adultery. This is no longer the case, as adultery is a non-bailable offence against the state. With the enforcement of the *zina* laws, allegations of adultery became widely prevalent. Like the normative allegation of adultery, charges of *zina* have been perceived as an instrument for women's subjugation. To prevent the use of the law as an instrument of revenge, an additional law accompanying the *zina* ordinance prohibited false accusations of *zina*. This law, called *lian*, allows a woman to swear her innocence if the husband swears that she is unfaithful, in which case the marriage is dissolved. *Lian* occurs when a man fails to produce witnesses after accusing his wife for adultery and his wife denies the accusation. He is then asked to swear four times followed by a fifth when he swears that he would incur the wrath of God if he is lying. If his wife swears oath of her innocence in a similar manner, the marriage is annulled. If the accusing husband fails to take oath he is punished with 80 stripes for false accusation.

The *zina* laws blurred the boundaries between rape, where the woman is a victim by law, and adultery, where she is defined as a culprit. Since a woman's evidence did not count in either, in the absence of medical evidence a raped woman could, until recently, be charged with a consensual sexual offence or *zina*. These laws have undergone amendments after a long struggle by rights-based organizations. Rape has been restored to its earlier position in the penal code, and in the sessions court the complaint of *zina* can be initiated and proceeded upon only after the judge has examined four adult male witnesses of good character. This obviously makes any accusation of *zina* very difficult now.⁴⁹

The penal laws concerning bodily violence underwent radical change in the 1980s and 1990s, and this study is more concerned with these amendments. The provisions of *qisas* and *diyat* were introduced as an ordinance and later incorporated into the texts of the PPC and the Criminal Procedure Code (CrPC) by parliamentary approval in 1997, but largely through the pressure of the Federal Shariat Court.⁵⁰ Hence, it was not a legislative exercise only: the courts played their role in introducing these provisions into the law.⁵¹ In 1989 an appeal before the Supreme Court that challenged the colonial laws concerning the body was upheld by the court.⁵² The government had to enact an ordinance after the court ruling, which was renewed

twenty-two times and then formally approved by the parliament (see Appendix II).

Amendments passed in 2004 in response to campaigns against honour-based violence attempted to check mediation, increase punishments for honour killings and disallow the exchange of women as a settlement for murder. The Criminal Law (Amendment) Act of 2004 does not allow settlements for murders committed in the name of honour. However, these amendments have not radically altered the structure of the law, which allows vast room for settlements in the case of murder. In addition, civil society activism and media magnification have led the Sindh Assembly to pass two resolutions⁵³ calling on the federal government to enact amendments so that the accused are tried under the earlier Penal Code Section 302. Both these attempts have been futile, as I explain below.

The Sindh Assembly resolution calls for those accused of murder to be tried under PPC Section 302, and demands that the federal government make the relevant changes in the law to ensure no settlements are made. The accused are charged under Section 302, and in the 2004 amendments prohibit the compounding of murders in the case of the accused, but this is unlikely to make much of a difference because the *qisas* and *diyat* laws have altered the very structure of law in the case of murder.

The *qisas* and *diyat* laws made two conceptual changes to earlier homicide law. First, whereas the earlier law had defined culpable murder as a crime against the state that could not be compounded, or settled between the victim and accused, under any circumstances (Section 302 of PPC), the new laws changed the state's role from deterrent to mediator between the accused and the victim. Second, they made homicide a private offence committed against the victim's heirs, defined as *wali* – not against the state or society, as is the case in Western jurisprudence. Thus, while burglary and theft are considered crimes against a society, murder is largely a crime against a person. Moreover, because this law is included in the general penal code and procedure, it applies to non-Muslim minorities as well.

The term *wali* merits some discussion here. As an Islamic concept, *wali* has branched out into several different meanings in institutional religion, the state, and even the law. Originally, in the Quran, *wali* – from the Arabic root *wly*, or 'near one' – is a designation for God as the supreme protector and guardian. The word *wali* is presently extensively used for saints, as 'friends of God' in mystic Islam, and at the same time for a political office or an administrator (Radtke et al. 2006). In the early days of Islam, its 'guardian' meaning filtered into the juridical domain, as the Islamic patronate regulating the manumitter-freeman relationship seemingly derived from Roman and provincial law (Crone 2002). In Islamic law today, *wali* is often used to define a legal guardian and a person who

gives the woman away in a Muslim marriage, conferring ties of symbolic relatedness, if not blood kinship. In Pakistan's legal system the term *wali* has clearly been given a new shape, being at the same time both the government, as the executive side of the state, and the victim's heir; hence, a son could become the *wali* of his killed mother. The state has therefore shared the guardianship or patronage between itself and the kin of the slain people. Interestingly, in marriage laws the courts have rejected the consent of the *wali* as a precondition for marriage, denying that kin have any right over women's marriage choices.⁵⁴

Sessions judge Mustafa Memon says, regarding the powers of the *wali*: 'The victim's heir has more power than me, according to the law – to forgive the accused'. Judges contend that a case can never reach its conclusion unless the complainant stands by his evidence. In a large number of cases, the complainants settle the case out of court and then retract their original statements, making it impossible for the courts to continue with the prosecution. The laws allow the complainant to steer the course of justice and punishment, as echoed in this extract of a judgement:

Under the Anglo-Saxon jurisprudence, society represented by the State holds a direct control over serious offences concerning the person and property. . . . The victim of the crime or his heirs have no say in the matter. In Islam, the individual victim or his heirs retain, from the beginning to the end, entire control over the matter including the crime and the criminal. They may not report it, they may not persecute the offender. They may abandon prosecution of their free will. They may pardon the criminal at any stage before the execution of the sentence. They may accept monetary or other compensation to purge the crime and the criminal. They may compromise. They may accept *qisas* from the criminal. *The State cannot impede but must do its best to assist them in achieving their object and in appropriately exercising their rights* (my italics).⁵⁵

Even though these laws are presented as Islamic and comprise Arabic terms, the structure, language, process and practice of the law continues to be in the Western and Anglo-Indian tradition (see Chapter 5).

To return to the provisions in the laws, in the case of intentional murder, called *qatl-e-amd*, three legal actions apply: *qisas*, meaning retribution; waiver from *qisas*, with or without *diyat* (blood money paid to victims' heirs); and compounding or compromise by taking *badl-i-sulh* – money as settlement.

The term *qisas* means 'equal' and implies equivalence through retribution. The law defines it as 'punishment by causing similar hurt at the same part of the body of the convict as he has caused to the victim or by causing his death if he has committed *qatl-e-amd* in exercise of the right of the victim or a *wali*',⁵⁶ provided that the requirement of evidence is fulfilled.

A *wali* (PPC Section 305) is defined as the heir of the victim according to his or her personal law, or the government, if there is no heir. The 2004 amendments say that accused will not be *wali* if the accused or the convict committed murder on the pretext of honour, which includes *karo kari* and *siyahkari*. This is an attempt on the part of lawmakers to deter mediation, but a futile one, as mediations are allowed by other heirs of the victim, if not the accused. Further, in the overarching power of the family members in violence, the causes of homicide can be reformulated as domestic violence, thereby still leaving abundant space for mediation.

Qisas is not applicable if the *wali* is a direct descendent of the offender, or if the offender has killed his own child. In other words, the law does not allow a son, daughter, grandson or granddaughter to take retributive justice on their parents respectively, and the parent who kills a child will not be subject to retribution (Section 306b and c).

The law states that the execution of *qisas* for injury shall be in public by an officer assigned by the state after confirmation by the appeals court. In case of injury, the court shall direct a medical officer to hurt the body in a similar place and in a way similar to that of the original injury. A young judge told me: 'I tried a man who had chopped off a man's limb. He was found guilty beyond doubt, but when I read the punishment in the law, I was nauseated and shocked . . . the law allowed for the chopping of his limb. I turned this into a simple imprisonment'. As I show in the next chapter, communities mime *qisas* in their everyday violence of self-help.

If *qisas* is not executed or executable, then punishments take the form of *tazir*, discretionary punishment whose power lies with the judiciary. Section 302, the strongest punitive section in the PPC concerning murder, for which the maximum penalty is the death sentence, falls now under *tazir*, or lesser punishment. In the case of a man who kills his wife, the court has discretion to award, for instance, a maximum of twenty-five years' imprisonment as the lesser punishment, according to the 2004 amendments.

The right of *qisas* or retribution can be waived by the victim's *wali* in two different ways. The first is called *afw* (Section 309), by which the heir can, if he or she wants, waive *qisas* without taking *diyat*. This right can be exercised at any stage – before the registration of the offence, during trial and even after conviction. Moreover, if the victim has more than one *wali*, any one can waive the offence.⁵⁷ *Diyat* is a conviction payment. A person must be found guilty of murder before paying money to the heirs. The distribution of a fine in *diyat* would be according to the inheritance rules of the personal law,⁵⁸ where the minimum fine is equivalent to 30,630 g of silver, where the value of silver is to be notified by the federal government on 1 July, every financial year (Section 323, 1 and 2). If a husband kills his wife, *diyat* flows from the father to the children.

Another method is to compound the offence, implying a settlement, which involves taking *badl-i-sulh*. Again, the 2004 amendments now disallow the exchange of women to compound a murder. *Badl-i-sulh* can involve both monetary compensation and compensations in kind. The amendments in criminal procedure⁵⁹ allow the judges to permit the compounding (settlement) of murder at any stage of the trial. This is processed through a legal document called the *Razinama*, a compromise deed. After conviction too, the law provides the opportunity to waive *qisas* (Section 309).

The courts have the discretion to disallow the pardoning of murders in cases of three types of offenders: habitual offenders; *fasadul arz*, concerning an offender who is a threat to society; and a previous convict. Recently, some judges have begun to use this provision to punish offenders in *karo kari*, but such use is arbitrary. Judges in the higher courts have simultaneously used the older common law provisions of 'grave and sudden provocation' and the newer laws to reverse convictions by lower courts. When condoning the violent practices, the judges have most often focused on the victim's conduct (Warraich 2005).

The text of the law provides for mediations outside the framework of the state for homicide, and puts the onus of such mediations on the perpetrators. In Upper Sindh, where power is vested in collective tribal entities and kin-based ideologies, this law finds resonance in social action in three different ways: as family violence in *karo kari* deaths of women attacked by their immediate kin; as *qisas* in the form of revenge via tribal feuds; and as mediations through which money is exchanged.

Conclusion: From Adultery Killings to *Karo kari*

In this chapter I have drawn on historical data to show how customary violence is shaped within power processes where the law is the instrument of power, first by way of custom presented as law in SFR and FCR, and later as law reshaping custom in laws concerning the body. Clauses in the Indian Penal Code (1860) recognizing 'grave and sudden provocation' allowed the persistence of honour-related violence. Later, transformations in the law contributed to escalating violence related to honour ideology by providing de facto powers for mediation involving the kin of murder victims, not only in the special territories on the borders of Upper Sindh but in all areas, thus changing the meaning of murder from an offence against the state to one against the family. The recent amendments disallowing the accused heir of victim to be *wali* in cases where the accused has killed for the sake of honour has had a limited impact, *karo kari* killings therefore continue to occur within the framework of the law and the legal system.

Criminal procedure continues to be based on the common law model, where the registration of the case or the complaint is the basis of the trial. The complainant, though not always the *wali*, is most likely a close relative of the *wali*. In practice, the complainant too mimes the *wali*, as it is he or she who withdraws the statements or compounds the offence. What we have in practice, then, is a curious mixture of Western legal procedures and Islamic laws in which people find ample space for private mediation.

Honour finds new grounds in the family and tribal identity as both continuous and changing, and leads to violent action that is shaped by historical and legal contexts. In subsequent chapters, I show how this kin-based power operates in collusion with state officials, and how official law can be used to understand normative forms of violence. In other words, data from the fieldwork will show how what is seen as cultural violence mimics and resonates with the formal law in Upper Sindh.

Notes

- 1 Part of this chapter is based on my Probationary Research Student (PRS) material, 'Honour, Moral Power and Violence: A Preliminary Study of *Karo Kari* Killings in Upper Sindh' (2001).
- 2 This period in colonial history is studied because it led to great changes in patterns of production and brought about what is known as the 'modernization of Sindh' (see Khuhro 1999). This chapter is largely based on archival and library work conducted in Karachi and Oxford.
- 3 Briefly, as historians put it, Arabs from Damascus took over from the Rai Dynasty in AD 712, and Sindh remained under Arab rule for nearly three hundred years. The following Soomra and Sama dynasties, of Rajput origin, lasted until the Moghuls took over in the fifteenth century. The Kalhora, viceroys of the Moghuls who traced their identity to Abbas, the great-grandson of the Prophet, came to power in the seventeenth century. After them, the Talpur formed a confederacy in Sindh. See Kalichbeg (1902) and Lambrick (1964).
- 4 E.g., Kalichbeg (1902), who also translated seminal Persian texts; Khera (1941); Lambrick (1952, 1960, 1964); Huttenback (1962); Pathan (1978); Lari (1994); Cheesman (1997); Khuhro (1999); Markovits (2000); Jones (2002) and Ansari (2005). There are copious writings on the area, largely in the form of travel accounts by Persian, Arabic, British and Chinese writers; and political writings by officers of the imperial service, but modern historical work is scarce.
- 5 Sindh was the first province of the Indian subcontinent to pass a resolution on the formation of a separate homeland for Muslims by a majority vote, in 1938. This resolution, it must be noted, was by the landed elite of the Anglo-Indian power, largely the *zamindar* class, which by then was largely indebted to Hindu middlemen. The separation of Sindh from the Bombay Presidency is considered a historical development that led to the creation of Sindhi identity politics.

- 6 The present-day spelling is Kalat, which is used here, but it is spelled Kelat or Khelat in British texts.
- 7 See Pehrson (1966), who says that Marri tribal organization may have evolved from a group of fighting men for military expeditions. See also Badshah (2005).
- 8 The war between the Talpur rulers and Napier was fought in Miano. About 8,000 fighters were killed on the Talpur side and 200 on the British (Napier 1858).
- 9 The conquest of Sindh is immortalized in Napier's telegraph to Governor General Ellenborough, '*Peccavi*, I have Sind', a pun that echoed the guilt over the unfair taking of Talpur Amirs' territory. There were several parliamentary presentations (W. Eastwick 1862) on the moral debate on the conquest of Sindh, especially when the Amirs seemed to be agreeing to all terms. The controversy was fanned further by a long drawn-out argument in writing between Charles Napier's brother William Napier (1858) and Major Outram (1846), the former defending the annexation and the latter condemning it. After annexation, Sindh was transformed from a surplus province into a deficit one and in just three years had accumulated a debt of 135 lakhs (Choksey 1983), creating further controversies in the British parliament.
- 10 Unprocessed fatty oil, used for cooking in Sindh.
- 11 The Upper Sindh Frontier later became the name of the district, with territories in present-day Larkano and Jacobabad. The entire Upper Sindh area, except Khairpur, which was still the property of the Talpur rulers, was part of the Shikarpur division until the 1920s.
- 12 For a summary of the imperial perspectives on political management of the northwest frontier from the nineteenth century to the present, see Embree (1977).
- 13 The term 'Beloochee hunting' is found repeatedly in writings by members of the British army. See e.g. A. Scott (1912: 87).
- 14 For instance, Hughes' account (1874: 158–160) in the *Gazetteer* reads like a fairy tale, with John Jacob praised as the hero of the frontier: 'on arrival at Khangarh, desolation and terror were found to prevail everywhere in the country; no man could go safely from place to place. . . . Not a man of the Baloch settlers, the Jakhranis and Dombkis, had as yet attempted any peaceful labour, or even put his hand to any agricultural implement. At Khangarh, there was no village, no bazaar, and but four or five wretched huts, containing in all twenty two souls . . . from that time, they were really conquered, and commenced to be reformed; they are now the most hardworking, industrious, well behaved and cheerful set of men in all Sindh'. See also John Jacob's *Report on the States and Tribes connected with Frontier of Upper Sind*'.
- 15 A bounty of Rs. 10 was paid for capture of a live Bugti (Lambrick 1952). According to Aitken (1907: 143), 'A man brought a sack with two heads to Captain Jacob, expecting 10 rupees, and got 24 lashes'.
- 16 E.g. John Jacob transported Dilmurad I of the Khosa tribe to the Andaman Islands, and shifted the chieftaincy, and in the 1850s the Bugti chief was slain and replaced with a new chief. See '*Report on the States and Tribes connected with the Frontier of Upper Sind*' by Major John Jacob.
- 17 Widened and deepened at a cost of 130,000 rupees (Lambrick 1960: 240), this irrigation work brought nearly 100,000 acres under cultivation in Jacobabad alone.

- 18 Sukkur Barrage accounted for a net increase of 1.32 million hectares of cultivable area within ten years of its construction phase, leading to the creation of the largest surface irrigation network in the world.
- 19 See also Scholz's (2002) study of how colonial power led to spatial changes in the tribal settlements and movements of the Baloch nomadic tribes.
- 20 *Balochistan Papers*... In *Parliamentary Papers* 1878, vol. 58.
- 21 Police Reports, 1860s to 1890s.
- 22 Also in *Reports on the Administration of Scinde*, in *Parliamentary Papers* 1854, vol. 49.
- 23 *Compilation of General Orders . . . by Major-General Sir C.J. Napier*, 1850.
- 24 Police Report, Shikarpur, p. 49.
- 25 Young writes: "Now the truth is that not a single man, if my memory serves me, was hanged under these circumstances within the whole province in Sir Charles Napier's time. . . . Some few men were executed for murdering women on the ground of infidelity, but those so executed were the uncles, cousins, or other relations of their victims, but in no case the husbands." In *Calcutta Review* No. 27, July 1850.
- 26 Commissioner's Report No. 3,886 of 1847, Political Dept., pp. 53.
- 27 Response of Young to the *Queries on Crime in Sindh* in *Reports on the Administration of Scinde*. 1854, *Parl. Papers* Vol. 49.
- 28 *Kursi*, meaning chair, gave a tribal chief or a dignitary a seat on the *Shahi Jirga* and was a type of honour bestowed by the colonial administration in Upper Sindh.
- 29 Formally conferred titles of power, such as 'tribal chief'.
- 30 See Geschiere (1993) for the British and French colonial construction of chiefs and chiefdoms in Cameroon.
- 31 The amended SFR 1892 empowered the Collector to imprison individual offenders for seven years, but the law also provided for collective punishments. In 1901, a comprehensive Frontier Crimes Regulation (FCR) was introduced in the new Northwest Frontier province, the Sindh borders, parts of Balochistan and the Punjab borders.
- 32 Extract from *Register kept under Section 10 of Registration for Frontier Tribes No 57 C.P dated 18th November 1892*.
- 33 *Correspondence No. 1157 of 1890*, Judicial Department, 3 April 1890.
- 34 In 1955, Acting Governor General Iskander Mirza passed an order merging all provinces in Western Pakistan into a single unit, West Pakistan with its capital in Lahore, while East Pakistan, now Bangladesh, was the second province with its capital in Dhaka. After the military coup of 1958, the office of Chief Minister was abolished in West Pakistan and all authority was vested in the President in this case General Ayub Khan.
- 35 By the 1990s, 56 per cent of landowners, 58 per cent of them *haris*, owned less than ten hectares, while 20 per cent of the landowners owned more than 80 per cent of the land in Sindh. Today landlords with large landholdings account for less than 1 percent of all farmers in the province, and together they hold 150 percent more land than the combined holdings of 62 percent of small farmers with landholdings of less than five acres (Agriculture Census Organization 2003; Social Policy and Development Centre 2004; World Bank Report No. 35001-PK 2006).
- 36 System of Sardari (Abolition) Act, 1976.
- 37 For a detailed investigation of the changing patterns of land titles and rural indebtedness, see Cheesman (1997).

- 38 This was largely due to the construction of barrages in Sukkur (finished in 1932), Guddu (1962), and Kotri (1956). A total of four million hectares became available after these three barrages were built, most of it located in Upper Sindh. See e.g. Perera (2003).
- 39 He was elected to the Imperial Legislative Assembly of India, then became the Dewan of Junagadh, a state of India, and was later knighted by the British government.
- 40 See Goldsmid (1955), *An Historical Memoir on Shikarpoor*, prior and subsequent to its cession to Ameer of Sindh
- 41 See Lambrick (1972) for the life story of a Hur militant involved in the anti-British movement. From 1915 to the 1940s the Hurs were largely peasant-cultivators in middle Sindh in the desert district of Sanghar.
- 42 See e.g. Moss (1979) and Ruffini (2005) for an account of sheep raiding in the Sardinian highlands, and the ethnography by Herzfeld (1985) that describes sheep theft as constructing social relations in a Cretan village.
- 43 Sindhi nationalism currently centres around the proposed construction of the Kalabagh Dam in the Punjab, which most Sindhis perceive as depriving them of the Indus waters.
- 44 According to a Board of Revenue official briefing.
- 45 Some of the powerful KT's are Ketti Dodo Bhutto, Ketti Kharal, Ketti Unar, Ketti Khuhro, Ketti Bughio. At least two KT's belong to former chief ministers of Sindh; others are held by influential politicians who host hunting parties for generals on these estates.
- 46 Pakistan Law Commission (1984) recommends power to the victim's heir for murder but argues that there should be no compoundability in burglary. 'Some disputes leading to murder directly affect only the accused and the family of the deceased, e.g., disputes over water or trespass in the fields or tribal or personal vengeance, they involve Haqooq-ul-Ibad [rights of Man] and permission to patch up the differences are likely to diminish the sense of vindictiveness and cultivate amicable and harmonious relations between the parties. In such cases *diyat* will be an apt alternative to *qisas*. If, however, the murder directly involves or affects the Society as a whole, like an unjustified murder by a person who, on account of the depravity or immorality of his character, usually takes the law in his own hands and creates problems for the Society, as in case of highway robbery or dacoity or anti-State activities, in such a case the State can provide a law for sentencing the accused to death notwithstanding any pardon by the heirs of the deceased as it relates to Haqooq-Allah [right of God]'.
47 The Objectives Resolution passed by the first Constituent Assembly in 1949 is annexed as Section 2A to the present Constitution of Pakistan, according to which 'Muslims shall be enabled to order their lives in the individual and collective spheres in accordance with the teachings of Islam as set out in the Quran and Sunnah'.
48 The Offence of Zina (Enforcement Of Hudood) Ordinance, 1979.
49 Criminal Law Amendment 2004, Section 203A.
50 The mandate of the Federal Shariat Court is to review all laws for their conformity to Islam.
51 See Lau (2006), who argues that the Islamization of law was a means by which the judiciary appropriated power and autonomy for itself, in a way taking the mandate of the parliament.
52 *Federation of Pakistan vs Gul Hasan Khan PLD 1989, Supreme Court 633*.

- 53 Resolutions were passed on 6 November 2010 and 21 December 2011.
- 54 In *Abdul Waheed vs Asma Jehangir* the court ruled that a Muslim woman can contract a marriage without the *wali*'s consent.
- 55 *Federation of Pakistan vs Gul Hasan Khan*.
- 56 See PPC, Definitions: Section 299(k).
- 57 This has been criticized by, for instance, the report by the National Commission on the Status of Women (2007).
- 58 A law that applies to a person or a class of persons wherever situated as for example pertaining to a faith of a people.
- 59 Section 345 of the CrPC 1898.

PART II

**HONOUR, MORAL
POWER AND LAW**



**MIRRORING OF LAW IN THE
FORMS OF VIOLENCE**

Chapter 3

KARO KARI, WALI AND FAMILY VIOLENCE



CULTURAL VIOLENCE MIRRORING LAW

The parties settled their dispute outside the court and resiled from their statement, hence the accused was acquitted due to the benefit of the doubt.

– A police official, regarding one case

The heir of the victim has more power than me, according to the law, as he can forgive, and free the offender.

– Interview with Mustafa Memon, Additional Sessions Judge

It is evident from the field that in most *karo kari* cases, women are killed in their family home by their closest relatives – those socially assigned the role of their guardians and protectors. In the previous chapter I demonstrated that although the immediate families may see these acts as moral, the criminal justice system registers all these cases as culpable murders. I also showed that under laws in the postcolonial state, the same relatives who were likely to kill were legally empowered to either punish the accused offenders, waive their punishment, or enter into a settlement after taking monetary compensation. In this chapter I relate these two findings to each other to argue that *karo kari* killings are condoned by both the families in which they take place and a formal legal system that transfers legal powers to the kin, and I show how this is likely to happen.

The first part of the chapter is based on earlier data about registered *karo kari* cases, which show that convictions in the relevant trials were negligible, occurring in roughly 3 per cent of the total registered cases and 6 per cent of the total cases dealt with at the level of the trial court. Parallel to the women and men killed stand an almost equal number of men who are accused offenders but have been released through the legal process. The low number

of convictions is not due to problems in the law but is itself a product of the law. One can say, therefore, that the frequent acquittals do not show that the law is inactive or weak, but that it is active and robust.

The data also show that in most cases the murders of women take place within the family, and that the killers are mostly husbands, brothers or fathers and other kin. I argue that these two aspects – few convictions and the occurrence of violence against women in the family – are related not only to one another but also to criminal law and legal procedure that allow acquittal and compromises. I examine relationships between victim, accused and complainant to see how the families are implicated in the violence.

As discussed earlier, the criminal law allows the victim's heir, legally called the *wali*, to punish the accused when proven guilty, pardon him or waive punishment for a fine. *Wali*, as explained in the introduction, are sharers of property under Islamic personal law in Pakistan. They are primarily father, mother, son and daughter, but if these are absent the next of kin, brothers and sisters can also be *wali*. The family's legal empowerment to pardon crime allows lawful acquittals whereby one family member performs the act of violence, and then another condones the violence committed in the family. Even when strong discourses challenge violence within the family, in the final analysis the joint systems of marriages, collective ownership of land and local systems of power and mediations lead to family perpetrators' pardoning by family members.

This chapter shows that under the law, the perpetrators of violence against women especially, and the *walis* – officially legal guardians empowered to pardon or punish the offenders – may become one another's mirror images and alternate with each other. This, I argue, leads to the emergence of vigilantes within the family in opposition to the *wali* and creates space in the family for both family violence and family reconciliation. I demonstrate this by describing two case studies of women killed after being accused as *kari*, in which the courts acquitted the accused with the help of complainants who were closely related to the accused.

Data on Honour Violence in Upper Sindh

Despite plentiful activism, reporting and action, no systematic data on honour-based violence is compiled or sorted officially, as not all complainants would register the crime as an honour killing even if it was one. Recent changes in police procedures in Sindh encourage state registration of some cases of honour violence. Some police officers have also taken proactive positions and undergone special training to learn how best to investigate

such cases so that they can be effectively argued at trial, leading to more convictions.

Notwithstanding these changes, data from documented *karo kari* cases continue to be elusive. One report presented to the Senate gave a figure of 4,101 cases in the six years from 1998 to 2004. Random figures have subsequently been quoted. For instance, for the year 2011 the HRCP reported 943 deaths related to honour violence in Pakistan.¹ In Upper Sindh, most *karo kari* cases are registered at police stations as murders, investigated and sent for trial to the courts, namely, the sessions courts. There are two levels of appeal after that: the High Court at the provincial level, and the Supreme Court as the apex court.

These data, especially the number of *karo kari* cases reported to the police, are admittedly problematic. Many such murders are not reported as *karo kari* in crime registers.² Furthermore, in many cases of elopement women accused of blackness were allowed to live, but the accusation led to highly involved hostilities between extended kin that sometimes went on for years, with many deaths recorded (see Chapter 4). None of these deaths appear as *karo kari* deaths in the police data, although broadly speaking they are due to disputes relating to *karo kari*. In any event, the purpose of obtaining these data was to see how registered cases are disposed of in the trial courts. Thus the actual count of killings was not entirely relevant, as the objective was to see how the cases were processed once they were registered. There is no separate section in the Penal Code for registration of *karo kari* cases. They are registered as culpable murder or *qatl-e-amd* under Section 302 of the PPC (see Appendix II).

The police bring charges in almost all cases that are registered, and nearly a third of the accused are shown to be guilty of the crime as stated in the complaint. Despite registration of a large number of *karo kari* cases and the police's completion of case investigations and charging of the accused, only a fraction of the cases reach the conviction stage at the trial court level (see Appendix IIIA). To study why this is so, I collected two sets of data in the field, both of them original, as no separate compilation previously existed for *karo kari*.³ One set, given in Appendix IIIA, compiles the year-by-year case registrations from 1995 to 2004 and the disposal of these cases, to show how these cases were processed under the law. In the second data set, I tried to find a relationship between victim, accused and complainant, so as to establish linkages between such relationships and the compromises that took place. The underlying assumption in seeking this information was that compromises over murders would have been easier to achieve when the victim, accused and complainant were related. I did not set out to see whether there was a gender difference, but in looking at cases where only men were murdered I found some differences, explained below.

Here, it is important to clarify that I have not investigated how the courts disposed of such cases prior to passage of the *qisas* and *diyat* laws – in the 1960s and 1970s, for instance. My work does not seek to probe a before-and-after problem but rather to consider continuities and changes. Moreover, the articulations of the present laws do not draw a distinction from the colonial laws that accommodated customary norms, but instead consider these laws especially the procedures, as inclusive of the law.

In the first data set, I found that out of all the 1,482 cases of *karo kari* reported in ten years, in which perhaps more than 1,600⁴ men and women died, and each case reported at least one murder, 47 cases – a little over 3 per cent – reached convictions. These are net convictions; a third of the cases were still pending in the courts when I received these data. It should also be noted that these convictions were at the trial court level, after which they were, most likely, sent to the first court of appeal, the High Court, and then the final court of appeal, the Supreme Court. Many conviction cases that go into appeal in the High Court are reversed or the accused are given bail. So it is very likely that the 3 per cent that led to convictions are reduced even further at the level of the appellate courts.

In Khairpur district, out of 127 cases registered in the past ten years, 8 led to conviction. Eight of approximately 156 cases registered in Sukkur, 26 out of 375 cases in Larkana, and 4 out of 161 cases in Ghotki resulted in convictions. Shikarpur saw just one conviction in 139 cases, while of 524 cases registered in Jacobabad, no case ended in a conviction.

Police records show that about 45 per cent of all registered *karo kari* cases are pending in the courts or in the trial stage. Many cases end in compromises outside courts, and the accused are bailed out but await a final resolution because the principal witnesses show little interest in following cases once they are settled in informal mediations. In fact, both the police and judges told me in interviews that the primary reason these cases are delayed is that the principal witnesses affect the proceedings by not showing up. Police records show these cases as pending until final judgements are made, even though the litigants may no longer be pursuing the cases. Sometimes small legal irritants, like a lawyer's fee, the judge's absence or the requirements in the 'compromise deed' can likewise delay the finalization of the cases (see Chapter 5).

The figures further show that 38 per cent of the cases registered in ten years ended in acquittal and 14 per cent resulted in compromises, that is, were disposed of without convictions. Others pending would probably follow this course. Calculated as a percentage of total outcomes, called disposals, 69 per cent of cases ended in acquittals and another 25 per cent in compromise,⁵ implying that the accused here are formally pardoned by a criminal justice procedure centred on the statements of the *wali*. Six per cent

of defendants in trials that reach completion are declared guilty of murder in the trial court.

There are three kinds of disposals of cases in the criminal justice procedure. The first is conviction and the second, acquittal. The third, which is reported as 'other disposal' in the data, is what is called 'compounding of the offences' under Section 345 of the CrPC. Acquittals come about when settlements are reached outside the court and the witnesses and complainants withdraw their claims through statements before the police or courts. Compounding of offences or compromise is effected via the courts through a pro forma called the *Razinama*. Here also, settlements take place outside the court between the families, but the process may be somewhat more complicated because the compensation, *diyat* – the amount the victim's heirs receive – is channelled through a formal legal process.

In some of the trial-level judgements I examined, I noted that the rationale for acquittal was the common law term 'the benefit of the doubt', which, when given to the accused, showed continuity between the older procedures and the newer laws. The point to note from these data is that a large majority of the accused are freed through the legal process by either compromise or acquittal, and thus are deemed either innocent or not liable to physical punishment. In both of these outcomes, I observed that the complainants, who are the relations, themselves seem to facilitate the compromise or acquittal, as the case may be.

I observed in the field that women and men are killed in different ways. Almost all women victims die within the family or home, killed by husbands, brothers, sons or fathers, whereas most male victims are not killed by immediate family. Even when a male victim has had a relationship with the killer, it is not as close a relationship as those between females and their killers. As *ghairat* is connected to women, a man closely related to the woman will be the one to threaten the accused black man, who may or may not be related to him. This implies that compromises and acquittals effected in court are more likely when only women are killed. Even in the field, I was able to show that male killings are fewer and may lead to revenge acts by the families affected. The cases of *karo kari* feuds all demonstrate that communities do not always accept an accusation, especially one made by a male who is only distantly related or from a different group altogether. There are two examples of this in Chapter 4 and one in Chapter 6.

Not surprisingly, the second data set, on relationships, shows that that in 95 per cent of the sixty cases I used as a sample, the murdered women were victims of violence by close relatives who were responsible for their protection and custody. In contrast, men accused of being black were either distant relatives or unrelated. Looking at the relations between the victim, the accused, and the complainant, it is evident that when the victim was a

woman, the three were often related. Additionally, in a majority of the cases where women were killed, the complainant was related to both the accused and the victim. For instance, the complainant could be the brother, son or father of the accused as well as the brother, father, father-in-law or son of the victim. Further, the premises where the murder was committed belonged to either the family of the complainant or that of the accused.⁶ In cases where a woman was the victim, the victim and the accused tended also to be closely related, as the victim was most likely to be the wife, sister, mother or niece of the accused.

There were fewer cases of violence where only a man was killed, and in these cases the victims were comparatively less closely related to the perpetrator/accused (see highlighted cases in Appendix IIIB). My field observations show that compounding is more difficult when the victim is male, although I have not studied this in the data compiled. The complainant, however, was always related to the man killed. Strikingly, whereas only one accused was named when a woman was killed, at least half a dozen were named when a man was, indicating that these murders are initially challenged actively. In my case studies, I have shown that the relatives of male complainants are the ones who pursue the case, and that they do not enter into settlements easily.

It may well be that the complainant and the accused are complicit or collusive during the killing. However, when they were not collusive, during the course of the trial, the victim's heir or *wali*, when related to the accused, tended to waive the punishment or enter into a legal compromise. Looking at the relationship data, we see that if the son of the victim is the accused, the father registers the case; if one brother kills his sister, another brother becomes the complainant; if the father is the killer, his son is the complainant; if a husband kills his wife, the husband's father registers the case. There are many categories of in-laws, but scrutiny reveals them to be also related to the woman in other ways, for example, as her mother's or father's brother. In practice, perpetrator and complainant are interchangeable categories, especially when women are killed. In the category of the *wali*, the victim's heir could be both the accused and the complainant, as the relationships mirror one another.

In the field I also observed that the accused was not necessarily the actual perpetrator but rather the person named as the accused by the family. When two or more family members were involved in a woman's murder, the named accused was the one whom the family chose to expose as the perpetrator. In some cases, I learned that when the killer was the father-in-law, the son would be handed over to the police; or when an uncle was the killer, his nephew would take the blame. The collusion would become evident after a few months of trial, when the witnesses would retract their statements, as

the following cases show. The witnesses, too, would be family members – mothers, brothers or cousins.

A closer study of the relationship between women and the accused offenders shows that the most likely perpetrator was the husband or brother, followed by the father. Applying these facts to analyse the material I obtained from participant observation, it follows that where marriages are by exchange, brothers or husbands are the most likely killers of sisters or wives, and where marriages are by bride price, then husbands, brothers-in-law and even fathers-in-law are the wife's most likely killers. Where victims are young girls or unmarried, there too their fathers and brothers are the likeliest killers. But in cases of much older women, it is their sons who are most probably the killers. In Jacobabad, Shikarpur and Larkano, for instance, women are given in marriage through bride price, and in these places women's killers are mostly their husbands.

In the *avezo* system in Upper Sindh, brothers and sisters are bonded intricately in the dominant marriage arrangement of '*de wath* or exchange.'⁷ The husbands and brothers are coequals, as one replaces the other in the sister exchanges, and equal and opposite in these exchange marriage arrangements; therefore the main category of killers comprises these two relations. When the dead woman is not married, the main categories of potential killer are her father and her brother. These two replace each other in the criminal justice system, where one is likely to be the complainant and the other the *wali*, as my second case study in this chapter shows.

In the next section, I illustrate these tendencies with two examples of family collusion and show how the criminal laws, the courts and criminal justice system make this collusion legal. In the first case, the acquittal was based on the legal construct 'the benefit of the doubt'. In the second, the Islamic laws of *qisas* and *diyat* enabled the acquittal, via a waiver by the *wali*, of a close relative of both the deceased and the accused.

The Case of Abida and Tehmina

Abida and Tehmina, seventeen and eighteen years old, lived in Jano Sharif, a village of the Bhutto and Mahar communities. This village has 300 households and lies just outside of Shikarpur city.⁸ Abida and Tehmina were cousins. Abida's father Dad Mohammad and Tehmina's late father Abdul Ghafoor were brothers. Some time back, the two girls had visited Bhujja Nappar, the village of Abida's maternal grandmother, of the Bhatti community, on the occasion of a *chatti* – a naming ritual following a birth. There they met two young men, Waheed and Azhar, both Bhattis, who were related to the girls through their maternal great-grandmother.

On 1 May 2004, they left for Sukkur,⁹ covered in their *burqa*,¹⁰ having reportedly received their mothers' permission to visit a beauty parlour there. Soon the word spread in the village that they had run away and possibly even eloped with the cousins whom they had met earlier in the Nappar village. There was panic in the village, and two search parties, comprised of the girls' brothers, uncles and cousins, were sent out to look for them.

My informants did not clearly tell me what plans the girls had when they left for Sukkur – whether to go to the beauty parlour or to meet with their cousins – but it is apparent that some of their relatives on the mothers' side knew what the girls intended.

Because of pressure exerted by their paternal kin, the girls were secured by Muqem Bhatti, Abida's maternal grandfather, in his house in Sukkur city. One of the search parties reached his house, and eventually the girls were handed over to them. This party comprised Abida's father, Dad Mohammad; Tehmina's brother Hidayatullah, her maternal uncle Yunos, and her sister's husband; Abida's mother's brother, Haji Nazeer; and Tehmina's mother's cousin, Suleiman. From there the girls were returned to the village but kept in the custody of Abdul Rasheed, who was Abida's maternal grandfather's brother's son. Abdul Rasheed was a well-to-do government contractor, and Tehmina's brother Hidayatullah worked as his driver.

There are conflicting views about when the girls were declared to be *kari*, and who declared them so. At some point, however, the girls were killed with the involvement of the persons in the two search parties that had gone looking for them and brought them back. As no bodies had been found, there was resistance to registering the complaint of murder on the part of the police, even though informants had come forward. Soon, when human rights representatives and journalists also learned that the girls were missing, the possibility of murder was reported in the local print media. Pressure built up, and finally a complaint was registered at the police station by Fazaldin, Tehmina's brother, who was a constable. He implicated his close relatives, leaving out his father's brother Dad Mohammad and his own brother Hidayatullah, both of whom had gone to Sukkur to fetch the girls and were considered to have been present during the entire event. In this complaint recorded at the police station, Fazaldin wrote:

My sister Tehmina, 17 years old, and my cousin Abida, daughter of Dad Mohammad Bhutto, whose age is 18 years left home on 1-5-2004. And on 2-5-2004, my uncle Dad Mohammad Hajji Nazeer Bhutto, Hajji Shafi Mohammad Bhutto, Sanaullah Bhutto went to Sukkur in an Alto Mehran car of Sanaullah Bhutto to look for the girls. The other party consisting of Abdul Rasheed Bhutto (main accused) Hidayatullah Bhutto (my brother) and Yunos Bhutto,

went to look for the girls in a Toyota Corolla Car belonging to Abdul Rasheed Bhutto. Abdul Rasheed Bhutto is our relative. They found the girls in the house of their grandfather Muqem Bhatti, resident of New Pind Sukkur. The second party took the girls from there, and came to Abdul Rasheed's residence at Lakhi Gate Shikarpur. Here Abdul Rasheed called upon Suleiman son of Hajji Islam; Jamaldin son of Hajji Shafi Mohammad, Ghulam Sarwar, son of Ghulam Rasool, Hajji Abdul Karim s/o Allah Warayo; Ghulam Sarwar s/o Ghulam Rasool Hajji Nazeer s/o Abdul Khalique; Hajji Shafi Mohammad s/o Hajji Hurmal; Sanaullah s/o Moulvi Abdul Rehman were present. They also called upon my brother Hidayatullah, my uncle Dad Mohammad and me. They consulted with each other and said to us that the girls are safe with us, we will hand them over to you tomorrow. We went back to our village. On 3/5/2004, we went to Abdul Rasheed's residence, at Lakhi Gate Shikarpur, where all above mentioned perpetrators were present. They said to us 'You should go to the village; we will bring the girls there and they will be handed over to you over there'. As the time was about 12 a.m. midnight, we could not find any public transport to take us back, so we walked to our village. When we reached the Bhutta graveyards outside our village at about 1 a.m. on 4/5/2004, all the above mentioned perpetrators came along with the girls in two cars. They got down the girls from the cars. Then they ordered us to kill the girls because according to them they are both *kari* women and have bad character. We begged them not to do so because the girls don't have a bad character. Thereafter, the accused Abdul Rasheed Bhutto, Younis Bhutto, Sulaiman Bhutto took out TT pistols; accused Jamaldin Bhutto took out a double barrel gun from a car. Thereupon the armed perpetrators pointed their guns at the girls and fired at them with the intention of killing them. The bullets hit the girls; they fell to the ground before us and died. Then, the above perpetrators forced us not to report the incident to the police, telling us that otherwise the same thing will happen to us. Then the culprits put the dead bodies in the cars before us and went towards the Sindh canal in order to hide them. We reached home where we consulted with each other in the morning. And now I register my complaint that the above mentioned perpetrators have killed my sister Tehmina and cousin Abida with TT pistols and double barrel guns. And they have hidden the bodies in an unknown place. (Translated from Sindhi by human rights lawyers in Shikarpur).

Since the complaint clearly mentioned that the bodies had been hidden, the police officer responsible for the investigation launched a much publicised search for the bodies, spurred by the media campaign.

Discovering Bodies, Exhumation and the Post-mortem

Sant Cassia (2005) studied missing persons in Cyprus ‘as presences’ – representations through which interethnic contests (between Greek and Turkish Cypriots) of the past were configured. The missing bodies of Abida and Tehmina likewise became the most visible area of the contest between those claiming they had been murdered and hidden and those feigning a lack of knowledge. The print media focused the news story on the bodies of Abida and Tehmina: precisely because they were not there, the story turned on the mystery.

After days of searching, as human rights activists raised protests and alerts, demanding the bodies be recovered, the police found the two corpses. Central to the discovery was the police officer Fida Mastoi, a young investigator who had taken a keen interest in the matter and kept the media informed of the progress. The post-mortem examination is the primary forensic scientific evidence in the otherwise witness-based system of criminal justice in Upper Sindh. The discovery of the bodies was thus crucial to the complaint filed by Fazaldin, since murder could not be established without them.

There were indications that the bodies were in what had once been a fishpond behind a graveyard on the village common, now just a dry ditch. The police constable, who was also the complainant, obtained the information from inside sources – specifically, his mother, who had been given the information by his brother Hidayatullah, Tehmina’s brother, who I was told was involved in the burial. The fishpond became the site of high drama as police officials, doctors and judges gathered there to dig out the girls. ‘The ditch was 8 to 10 feet deep and even after that they had dug a 2 to 3 feet ditch and put the bodies there. And about 300 metres long and 200 metres wide. A lot of earth was put in and the ditch was filled, and then tractors were run over the whole area to level it, so that no one could see where the bodies were or could be,’ said police officer Ata Soomro, who was at the centre of the search for the bodies.

The exhumation became a highly charged and dramatic event. The local communities considered it a desecration of the bodies, and there was resistance to digging up the graves to take out the bodies. The media and human rights organizations were keenly involved in the exhumation, as they had made it the centre of their campaign. The unearthing of the bodies seemed like a special ritual. Doctors arrived; the police officer investigating the case was already present; the judge and city magistrates were there. Digging started by order of the city magistrate at 10:30 a.m. and was completed by 12:00 noon. The exhumation report, written in English, described the locality as follows:

In the east of the ground there was farm of Mr. Suleiman Bhutto, in the west there were multiple houses of villagers, house of Qasim Mochi and also one tubewell of Abdul Rasheed Bhutto. In the north there was farm of Abdul Rasheed Bhutto, in the south there was farm of Suleiman Bhutto.

Dr Naila, who was responsible for the post-mortem examination, recounted the event: 'When we went there, there were huge trolleys and tractors, digging out such a huge earth-filled ditch, I thought they will never be able to find the bodies, but then there was an arm, and the bodies appeared'.

'The body has an unmatched capacity to reveal the critical features of conditions in which it lives and dies', writes Klinenberg (2001: 122), reinforcing the argument of bodies as testimonies. In her lively account of the political life of dead bodies in post-socialist countries, Verdery (1999: 27) writes, 'Bodies have the advantage of concreteness that nonetheless transcends time, making past immediately present'. She considers them effective symbols because of their 'ambiguity, multivocality, or polysemy': 'Remains are concrete, yet protean; they do not have a single meaning but are open to many different readings' (ibid.: 28).

When the bodies emerged, they became a 'discovery' to which layers of meanings were ascribed by the community, the media, the doctors, the police and the judges reconstructing the event. The bodies would be read as evidence by the doctors, as a source for establishing of the facts of the case by the judges, as a narrative of murder by the journalists and as mourning and memory by the community. The media made the bodies into a spectacle, not by representing the violence of the killing, but by following up with the forensic details of the investigation and the 'torn bodies' (Whitehead 2004: 18).

The discourses of the killers showed how the bodies were treated as a polluted objects, shot at and then and thrown into the ground. It was evident from the way in which the girls were buried that they had been hurriedly thrown into the ground: both were found lying on their sides. The second burial, however, following the autopsy, involved washing and bathing the body, wrapping it in a white sheet, and burying it straight, facing upwards, in contrast to the earlier burial, and perhaps as also a statement that the girls were not black.

In the language of autopsy, Abida and Tehmina were reduced to objects holding not just evidence, but also the certainty of death. In cases of honour violence, the modern medical establishment, rather like the Foucauldian (1977) institutions constructed around systems of surveillance, gazes into the bodies of dead men and women to produce objective scientific evidence of death as murder. For the cases of both Abida and Tehmina, the doctor

used identical language – English (the court language) – naming only slight differences regarding the locations of gunshots and the colour of clothes. For example the body of Tehmina was described as follows:

The dead body was female, young, aged about 17 years, foul smelling, average built, lying in left lateral position head towards west and legs towards east, face was depressed on left side, tongue was pushed in between teeth, hair and nails were loose and easily pulled out, features were not very clear but visible, body was swollen. The dead body was taken out wearing one *kameez*¹¹ of pink colour, one *shalwar*¹² of pink colour, one *dupatta*¹³ of pink colour, one white *burqa*, one pair of earrings, one pair of black *chappals*,¹⁴ all clothes were wet and containing mud.

An almost an identical description of Abida followed. For both, the medical examiners found that death had occurred due to shock and haemorrhage, and that their viscera had punctures and perforations caused by use of firearms. The medico-legal establishment's examination reminds me of the Azande searching for guilt in the body, looking for substances or creatures embedded there that would prove accusations (Evans-Pritchard 1937). In this case the medical establishment disproved the victims' guilt. Recalling the post-mortem she performed, Dr Naila said in an interview:

They were bodies of well-dressed and well-groomed women. Black *burqa*, embroidered shoes and bags, they were not simply village women, they were much more than that. One had a close range shot on the breast; the other had tried to run a few paces out of fear. That is why she was shot in the back. They had had no sexual contact.

The verdict of the medico-legal examination was that the girls were indeed Abida and Tehmina and that they had been killed, so it validated Fazaldin's report. Thereafter, based on this initial report and having recovered the bodies, the police prepared a case neatly in line with the statement of Fazaldin, given above. The writer of the complaint above also knew that the bodies had been hidden, as was stated clearly in the report. The police recovery on the twelfth day of investigation fitted the complainant's narrative. The bullet wounds verified the weapons were the TT pistols, echoing the written text cited above.

Police Investigation, Trial and Case Disposal

The case in which Tehmina's brother Fazaldin became the complainant implicated nine persons, all of whom were cousins, uncles or brothers-in-law

of the two girls. The police charged them collectively based on the statements of the complainant Fazaldin, and on the validation and physical evidence recorded in the post-mortem report.

Because this was a high-profile case, the police investigated and charged all the accused persons. At the same time, human rights organizations campaigned for the case to be tried in an Anti-Terrorism Court (ATC).¹⁵ These courts are stricter and make bail hard to come by. As delays in trials are considered the main hindrance to speedy justice, the criminal procedure is also swift: the judge has to decide the case within weeks. Following the search campaign, the police sent the case on to the ATC, on the basis that it had created a 'scare' in the society.¹⁶ The defence lawyers, however, sent a petition to the High Court challenging the transfer of this case to the ATC. The High Court admitted the petition¹⁷ and directed that the case be tried in the regular sessions court.

Once the case went to trial at the lower court, the complainant Fazaldin denied having ever made the first statement, saying that he had not named the accused and attributing the appearance of his having done so to a police blunder. He did this after the family and political pressure had forced the disputing sides to come to a compromise outside the court, with the help of mediators. The disposal of the case was made after the principal witness, in this case Tehmina's brother, gave the following statement in place of the earlier one that he was now rejecting as a police concoction. Fazaldin's statement now read like this:

6/1/2005: I, Fazaldin son of Abdul Ghafoor Bhutto resident of Jano village, say on oath that approximately 6/7 months ago, I along with one of my brothers Hidayatullah and uncle, Dad Mohammad, approximately between 1 and 1:30 a.m. in the night, were passing by the graveyards near the village, when we saw that on the way, some people fired at my sister Tehmina, and cousin Abida and killed them. In order to hide their bodies, they took them away. We were scared and because it was night time, we could not follow them and afterwards registered a complaint with the new *faujdari thana*, and due to some suspicion gave some names of the Bhutta. But the police did not read out the complaint to me. If the honourable court gives bail to the accused Abdul Rasheed, Jamaldin, Abdul Karim, Mohammad Yunus, Ghulam Sarwar, and Sanaullah, then I will have no objection.

Signed Fazaldin

His brother Hidayatullah and Abida's father Dad Mohammad gave the same statement. In other words, all three, who under the law are the official heirs of the victims, reversed their statements and denied any knowledge of the link between the people accused earlier and the complainants/heirs of the victims Abida and Tehmina.

On the basis of this statement, first bail was granted and then the judge acquitted the accused. In his judgement, written in English, the sessions judge posed the two following questions:

1. Whether Ms. Tahmina and Ms. Abida died their unnatural death?
2. Whether on 4.5.2004 at 0100 hours, at the graveyard of Bhutta in village Jano, present 9 accused duly armed with pistols and guns having formed unlawful assembly committed rioting and *qatl-e-amd*¹⁸ of deceased Ms Tahmina and Ms Abida by firing shots at them and then secretly buried both the dead bodies in the graveyard in order to screen themselves from legal punishment?

After examining the medico-legal reports, the judge found the answer to the first question to be in the affirmative. However, he found the answer to the second to be doubtful: all the principal witnesses had changed their earlier statements and said that these people had not killed the girls.

All the p.w.s [principal witnesses] saw present accused in the court and categorically stated that they had not killed the girls, in their presence. The complainant was confronted with the contents of his First Information Report (FIR) but it is stated that it was not recorded on his verbatim. The complainant and both the p.w.s raised no objection to the acquittal of the present accused. The witnesses also disown the contents of their 164 CrPC statements by stating that those were not recorded on their verbatim. Thus entire ocular set of witnesses gave complete go by to the prosecution case.

The judge also wrote that the principal witness Muqem Bhatti, from whose house the girls were taken back, 'also denied that the girls, before their death, visited his house or that they were taken by the accused from his house. Both *musheer* even failed to support the case stating that they had not witnessed any event in this case and that their signatures were obtained by the police on blank papers'. Finally the judge, rejecting police evidence, wrote that 'there is no iota of evidence to connect present accused with the above crime'.¹⁹ With both the witnesses and the accused cleared, all other signs and symbols of death were then destroyed or returned to the community:

the property viz blood stained earth, empties and clothes of the deceased be destroyed after the expiry of the appeal period, while the gold ornaments viz, earrings, cash belonging to the deceased girls may be returned to the parents of the girls after proper identification after expiry of the appeal period.

Acquittal Due to 'the Benefit of the Doubt'

This was a case of reversal of a complaint, primarily because the perpetrator, the victim and the heirs of the victim were all close relations, but also because they shared an understanding, either before or after the killing, that they had to stand together. Because they were close relatives, neither the police nor the judiciary established clearly who the real killer was. Even after all my detailed research, I was unable to discover what person ordered the killing, who actually fired the trigger and what the different roles of the family members were.

During the investigation a confession was made by the accused, but once the case was sent to trial, the defence lawyers argued that the statement had been made under duress. In response to a community consensus on handling the case, the community elders carried out mediation and executed the agreement. Once the principal witnesses had retracted their earlier statements to the police, the whole premise on which the police had charged the accused came into question, leading to bail and acquittal.

The law seems to be centred on the complainant, who is either the *wali* or a close relative of the *wali*, so establishing guilt becomes difficult when this same person is the killer or has colluded with the killer. What is crucial to note in the case at hand is that the judge, as the face of the state, knew that each of the complainants and witnesses had completely changed their earlier statement, but instead of enquiring why this was the case, he used their changed statements as proof of their innocence in his judgement. He also did not ask who else could have killed the girls, if it was not those charged. He also clearly knew and stated that the disputing sides had settled the matter outside the court, and hence recognized that there was a compromise. The judge considered this a normal, routine, valid legal process, so in their closure report the police remarked, 'The parties settled their dispute outside the court and resiled from their statement, hence accused was acquitted due to the benefit of the doubt'.

The accused were therefore declared innocent because, according to the legal procedure, there was no evidence against them. Therefore it is not the case that the honour value system provides a legitimate space for *karo kari* in isolation from or opposed to the state law. Instead it is the law and its procedure that deem the alleged perpetrators innocent.

A Marital Dispute and Its Settlement among Kin

As discussed in the first chapter, marital disputes within the family can become major reasons for *karo kari* accusations and subsequent executions.

According to villagers of Jano Sharif, Abida and Tehmina had become objects in a contest over their marriage between their maternal and paternal kin, who both were keen to have the girls married to their part of the family. Abida, I learned, was betrothed to Abdul Rasheed's son but did not wish to marry him. Abdul Rasheed was her mother's father's brother's son. Tehmina was engaged to her mother's brother Yaqoob's son and was also unhappy with this arrangement.

Both the girls preferred the boys they had met at the *chatti*. Waheed was Abida's mother's grandmother's brother's son and Azhar was Abida's mother's grandmother's brother's son's son. It is reported that both the girls' mothers, too, preferred the girls to marry the boys from their *Nana's* – maternal – branch of the family, and thus 'return' the girls to their mothers' and grandmothers' families. Clearly there was a link between their Sukkur visit and a possible meeting with Waheed and Azhar, their maternal cousins.

There were two settlements in the case of Abida and Tehmina. The first was organized by the local chief, Sardar Ghaus Bux Mahar. The negotiations were held shortly after the police charged the accused and sent the case for trial to the ATC. This mediation upheld the argument of the complaint registered by Fazaldin. It also reversed the conventional structure of *karo kari* mediations (see Chapter 5). In the conventional system if the girls were declared *kari* and if they had left home, then the persons responsible for their running away would be declared *kara* and pay a fine. This settlement, probably undertaken under pressure from human rights organizations, followed Fazaldin's complaint and implicated Abdul Rasheed in the killings. In this settlement, Ghaus Bux Mahar imposed a fine of Rs.18 lakh²⁰ primarily on Abdul Rasheed. Part of the deed was in kind, meaning land was transferred.

However, some months later, Fazaldin was falsely implicated in a case and taken to the police station. This was Abdul Rasheed's way of pressuring him to settle the outstanding issues of the earlier case, and it likely was done because their family and that of Abida were involved in the killing of the girls. In another settlement arranged subsequently by Mumtaz Bhutto, a *sardar* of the Bhutto community, the earlier settlement was reversed. A fine of Rs.16 lakh was imposed on the girls' maternal grandfather, Mukeem Bhatti in Sukkur, from where the girls had returned, on the assumption that he had arranged their elopement. The girls, who had been declared innocent in the settlement by Ghaus Bux Mahar, were now assumed to be black, and compensation was now taken from Mukeem Bhatti rather than from the alleged killers.

Four years after the killings, settlement and acquittals, marriage relations have resumed. Haji Nazeer – who was Tehmina's brother-in-law and, according to my informants, was also involved in the decision to murder the girls – married his daughter to Tehmina's sister's son in exchange for his son's marriage to Tehmina's sister's daughter.

The Case of Lali Narejo: Acquittal after Compromise

Whereas the previous case showed how acquittals take place through the reversal of statements, using Western and colonial legal procedures, what follows is a short case study showing how compromises under the *qisas* and *diyat* laws are reached through the mediation of the courts.

On 21 September 2003 at about 9 p.m. in Phori village near Gambat, a 21-year-old unmarried woman named Rasheeda alias Lali was killed by her brother Haji Khan. Her father, Subhar Ali, registered the case at the police station in Gambat city in Khairpur district. He named his son, Haji Khan, stating in his complaint that his son had murdered his daughter. In the complaint, the father wrote:

I am a *hari* [sharecropper]. I have three sons and three daughters. My daughter Rasheedan alias Lali was the eldest of all siblings. I and my brothers Qadir Bux Narejo and Ustad Lal Dino Narejo live in the same compound. My son Haji Khan used to inform me that my daughter Lali visits strangers and he asked me to instruct her to stop going out. I instructed my daughter and explained to her that your brother is saying that your *chal challan* (movements) are not right. Today me and my brothers Qadir Bux and Lal Dino were sitting at home, when our daughter left home. At about 9 in the evening we heard two gunshots and heard noises *Murder, murder!* I and my brothers hearing the noise went to see what had happened. Outside the house of Qadir Bux, my son Haji Khan was standing there and our daughter Rasheedan was lying on the ground. Haji Khan told me that Rasheedan used to visit strangers and he used to stop her, but she would never listen. Therefore he had shot her now with a gun and killed her. Then we saw that she had gunshot injuries on her chest. She was bleeding. She had died. I left the body in charge of my brothers and came to the police station. Therefore I am stating that my son Haji Khan killed my daughter because he accused her of wrong behavior. (Translated from Sindhi)

One of my informants, the local councillor, told me that Lali's family was extremely poor. They lived away from the village, and their section comprised five households and twenty to twenty-five members.

Intense secrecy surrounded the motives. I did not carry out any direct interviews in this case; most of my information came from the local mediator and the police record. However, though I tried different methods to reach the family indirectly, they were not forthcoming about the details of the dispute or the accusation. They apparently also did not tell my informant that the girl was pregnant; I found this out from the medico-legal report. The only information available was that Rasheedan was accused of being black with Subhar's sister's son. The family refused to disclose the terms of the mediation with the accused black man's family – in fact, no one knows whether any mediation took place at all.

Acquittal through Razinama or Compromise Deed

Barely eight months after the incident, Subhar Narejo, who was the complainant as well as the father of both the accused killer and the victim, filed an application in the sessions court for a compromise using section 345(5) of the CrPC.²¹ My informant, the councillor Mohammad Ali Ujjan, visited the area at the behest of the court to verify the legal heirs of the victim. The legal heirs were declared to be the victim's mother and father. The mother, Thadi, gave a statement saying that she had forgiven her son for the murder and, further, had waived her right to *diyat*.

The grounds for compromise written out by the judge read as follows: that the complainant, as the real father of the deceased, was the *wali* and thus had the legal power to compromise; that the major legal heirs of the deceased waived their right to *qisas* and *diyat* against the accused and also forgave the *diyat* amount *in the name of Allah*;²² and finally that 'the heirs of the deceased wanted to continue to maintain cordial relations with each other because they belong to the same family and the accused was the real son of the legal heirs of the deceased and real brother of the deceased'. In the short order, the judge stated:

All legal formalities have been fulfilled and in my humble view there is no impediment in effecting the compromise, and so, I grant permission to compromise and so the compromise is granted. Resultantly the accused Haji Khan son of Subhar Ali Narejo is acquitted from the charge under section 345(6).²³

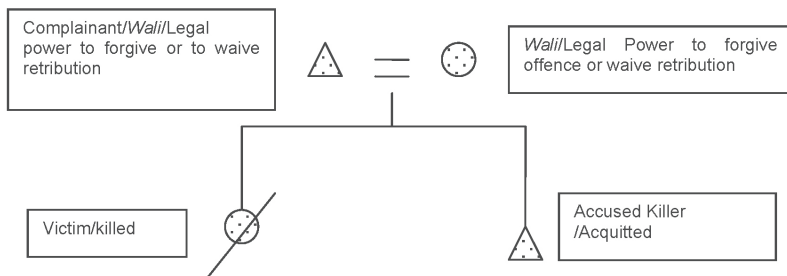


FIGURE 3.1. • *The Case of Lali Narejo*

Conclusion: Perpetrators and Complainants as Interchangeable Categories

The data presented in the first section showed that when the victims of *karo kari* are women, the victim, accused and complainant are typically closely related. This was clearly so in the case of Tehmina and Abida and that of Lali Narejo. The complainant in the first case was the victim's brother, and their cousins stood accused. The person who registered the case, Fazaldin, was Abida's cousin and Tehmina's brother. Although Fazaldin does not name his brother as a perpetrator, his brother Hidayatullah, according to my local informants and the police officers, was part of the group that took the girls to the graveyard and shot them, and Dad Mohammad, Abida's father, also knew that this had happened or was present at the time. Moreover, Hidayatullah knew exactly where the girls were buried and had been the driver of the car in which they were taken to be buried. The police said he had been the informant who revealed the girls' burial site. Still, the other persons implicated in the case were also closely related to both the girls. Abdul Rasheed's house was next door to Tehmina's. Quite clearly, therefore, it was decided collectively to both bring them back and execute them. Even if some family members were against the action, their subsequent retraction shows that they did not wish to oppose it formally.

My informant Haji Nazeer, who was Tehmina's sister's husband and Abida's mother's brother, said that if they had left home, they were *kari*. On the night of the same day they had left, they were killed. The key persons in the decision to kill were also the ones to whom the girls were betrothed. Abida was engaged to Abdul Rasheed's son, and Tehmina was engaged to Yaqoob's son. The women I interviewed said it was '*ghar hiku, khandan hiku*' – one household, one family. Whether they were directly involved in the decision to murder the girls or not, Tehmina's brother and father finally accepted a settlement and changed their statements, helping secure their cousins', uncles' and other relations' release from jail.

In many ways the Lali Narejo case is very simple, but it is also a perfect example of my argument. The incident took place in the immediate family, and right from the registration of the case, there seems to have been involved. The accused was the victim's brother and the complainant was their father. In his complaint he reiterated at least three times that his daughter's movements were suspect and she was visiting strangers; here the complainant is clearly implicating the victim. The victim was pregnant, so it is possible that the killing was motivated by that fact and the brother had been chosen to execute a plan that involved the entire family. Eventually an easy compromise was reached, with all *diyat* waived. This process was completed in less than nine months. The judges were sympathetic to the survivors and allowed

the compounding of the offence. The collusion was evident not only in the compounding but also in the absolute secrecy surrounding the case when I was trying to get the details.

This case also shows that the categories of father and brother – where one becomes the accused, and the other the legal heir or *wali* – can easily be interchangeable (see Figure 3.1). In practice, each could be the other; no one would be able to tell the difference. The same holds for the complainant and the accused: if the son kills, the father complains to the police; if the uncle kills, the nephew complains; if the father kills, the son complains; if one brother kills, the other brother complains and so on. Potentially, if the son kills the mother, the father, who may also be the complainant, may compound the offence; if the husband kills his wife, the law does not allow a *wali* who is the son to pursue *qisas*. The same can apply to a wife who kills her husband: if she has a child, she cannot be given the death penalty. Therefore blood relations and kin alternate between being vigilantes who check women's movements, becoming *wali* to pardon the offence through the *Razinama*, and backing out of statements in order to secure the acquittal of the accused.

In practical terms, there was little difference in the way the two cases were disposed of. In the everyday world, then, the family authorities who were assigned the rights of the *walis* and the family authorities who carried out death sentences supported each other and could therefore easily stand in for each other. Hence, parallel with the number of women and men killed, an almost equal number of men and some women are accused but then declared innocent under the law.

Notes

- 1 The State of Human Rights in Pakistan Report 2011.
- 2 Cf. Makris (1992) on the problems of using official data regarding a vendetta.
- 3 The anthropological method has relied less on statistical data and more on fieldwork where the anthropologist collects information from informants. Most of my work is based on the regular method of participant observation, but I have collected some statistical data relevant to the issue of administration of criminal justice to study how the law frames these practices, and have backed this up with field observations.
- 4 Roughly one in every ten cases is a double murder. Occasionally two or more women are murdered in one case, or both men and women are murdered in a single event.
- 5 In the data, the term 'other disposal' refers to the compromise deed.
- 6 In some cases of sons killing their mothers, the place of violence was the house of the complainant.

- 7 Cf. Van Baal (1975), who argues that a brother is deeply interested in his sister's behaviour both before and during marriage because she will bring him a wife in the exchange relationship.
- 8 District headquarters of Shikarpur.
- 9 The largest city in Upper Sindh, and headquarters of Sukkur district.
- 10 *Burqa* is a black gown with a veil worn by middle class women.
- 11 Long shirt.
- 12 Loose trousers.
- 13 Long scarf worn either on the head or on the shoulders.
- 14 Slippers.
- 15 Although anti-terrorism laws date back to 1975, the legal procedure was not put in place until the Anti-Terrorism Act (ATA) of 1997. This law broadened the scope of terrorism to include murder, kidnapping and burglary, and allowed for speedy trials. It further set up a parallel judicial system under the executive. However, the Supreme Court set aside many provisions repugnant to the general laws, thereby limiting their application. The appellate powers now rest with the High Court and the Supreme Court. Because of the vague definition of terrorism, many cases are transferred back to the regular courts.
- 16 A provision in the ATA of 1997 allows that an act is of a terrorist nature when it causes shock and fear in the society at large.
- 17 Criminal Revision Application 44 of 2004: *Suleiman s/o Haji Islam and Others vs The State*.
- 18 Islamic and now legal term for culpable homicide.
- 19 Court of Sessions Judge Shikarpur, Sessions Case no. 687 of 2004.
- 20 One lakh equals 100,000, so the fine was 1,800,000 rupees. The rate of exchange at the time of fieldwork was 86/87 rupees to a pound sterling, or around 60 rupees to the dollar. However, the local economy is a better gauge by which to estimate the value of the fine: an acre of agricultural land would cost approximately 200,000 to 600,000 rupees depending on the land fertility, location and availability of water.
- 21 This pertains to the compounding of the offence with the permission of the court when an appeal is pending. Section 395(5) reads: 'When the accused has been convicted and an appeal is pending, no compromise for the offence shall be allowed without the leave of the court before which the appeal is to be heard'.
- 22 My italics. This term means without any compensation, legally called a waiver.
- 23 395(6): 'The composition of an offence under this section shall have the effect of an acquittal of the accused [with whom the offence has been compounded]'.

Chapter 4

VIOLENCE, KIN GROUPS AND THE FEUD



THE MAKING OF FRONTIER JUSTICE

The first conflict was over karo kari, and there was one murder and settlement, then several years later they again fought, and this time there were two murders, over sang, and there was a settlement. Now they are fighting over a piece of land, in which some people have died . . .
– a man narrating the history of a family conflict during my fieldwork

*Khadim has the support of the bandits of Sindh.
And Rajab has the support of entire police.*
– Sardar Lutuf Ulro, on the feud between Khadim and Rajab

In the first chapter, I concluded that it is not honour that causes violence, but violence that seeks legitimacy in honour. This chapter provides field data to show how *karo kari*, which is largely family violence, may also be manifested in other forms of violence over *sang*, resources and power, and how complex social relations are masked and simplified in a timeless idiom of honour.¹ In Chapter 3, I showed by way of two examples that *karo kari* murders occur within families and that these murders are often condoned by formal laws that allow heirs of murder victims to pardon offenders. In cases where men are killed, however, resistance can occur in the form of a feud. The first two examples below show how this happens. Building on these arguments, the present chapter goes on to show also how extensions of violence occur within the framework of the law rather than outside it, and indeed seem almost to resonate with it. In Upper Sindh these group fights occur within the lineage, when they are called *jhero* or *dushmani*; and across larger groups, when they are called *qaumi jhero* or *qaumi takrar*. These *qaumi jhera* or *dushmani* can be regarded as feuds.

This chapter addresses three theoretical issues anthropologists have raised about feuding: social relations in the feud, the ideologies of social order and finally the relationship between law and feud. In structural functionalism, the blood feud provided material on which anthropologists built the organizational structure of a society, specifically the segmentary lineage theory, where group solidarity based on lineage affiliations determined political oppositions in a feud. This led to balanced opposition. In Evans-Pritchard's (1940: 181) words, it maintained 'the structural equilibrium between opposed tribal segments which are, nevertheless, politically fused in relation to large units'. Peters (1967) challenged this in his important work on the feuds in Cyrenaica, arguing that in practical terms the lineage model was ineffective because it did not recognize political authority and access to resources as creating differences within various lineage sections. Further, lineage theory did not consider the role of women and marriage, which was a major factor in determining feuding relations or resolving them.

In the feuds described in this chapter, what Peters described as 'contingencies' are the dominant causes within which fighting is articulated, often determining their shape and form. Hence resource competitions over land and water; alliances of power through chiefs, bandits or police; and marriages often determine who will fight, how and with whom. Two types of feuds are described in this chapter, one within the *'da' dang* or patrilineage, and one between two different identity groups. Both involve marriage and resources and use *karo kari*, and all three constitute the 'symbolic capital' of kinship dynamics. However, alliances built for fighting are not based only on kinship: state actors such as the police are also involved, as are outlaws. Equivalence as a foundation for feud is an important factor, if a feud is to persist, and it recurs as a common theme ideologically if not literally.

Further, limiting factors in the cycles of violence are few. Unlike a feud that is intrinsic to social order, resulting in peace (Gluckman 1955c) or causing deterrence through revenge or mobilization of kin ties (Evans-Pritchard 1940; Colson 1953), or setting limits to violence, as in the case of *tarburwali* (enmity between cousins in Swat; see Lindholm 1981), feuding in Upper Sindh seems to have no uniform structure within which violence is performed or ceased. Mediations only offer a temporary respite, and despite the strong presence of law enforcement agencies, violence is visible and continuous. In fact, circulation of arms, monetary investments and assertions of power seem to revitalize and recycle violence in Upper Sindh.

Finally, the third issue is the relationship of the feud with law. Earlier anthropologists of law considered feud something that happened in the absence of law (Hoebel 1954), and such assumptions determined empirical assessments as well (e.g. Otterbein and Otterbein 1965). Later anthropologists saw aspects of feud in terms of the law: Gronfors (1986) described it

as 'legal sanction'; Boehm (1986) perceived clan executions in Montenegro as a form of 'legal behaviour'. These studies rarely acknowledge the state law's presence when making these arguments. Nor have I come across any work that describes the relationship between feuding practice and formal state-driven legal discourses as interactive in a complementary dialectical process.

For the purpose of this study, my focus is on the third aspect. While relationships based on kinship, marriage and ideologies of honour in *karo kari* do form a causal link at one level, power relations, especially in terms of the state law and legal procedures, also determine the way the violence in feud is performed and dealt with. I view these feuds not just as articulations of local conflicts, but as forms of 'frontier justice', an idea that provides for a dialectical relationship between the state law and normative sanction. On the one hand, people embody the law by mimicking it; on the other, the law enforcement agencies incorporate the local mediation processes to maintain 'law and order', acknowledging the feud indirectly as a legitimate form of justice.

The large-scale violence within extended families or between larger groups is formulated in the popular imagination as retributive justice or *paland*, a Sindhi term meaning 'revenge'. Flagrant displays of violence, repeated raids, plunder, loot, destruction of crops and killing of close kin as *paland* involve an ideology of equivalence and exchange, of *dushmani*, enmity, and of the implicit right to self-help, within and by tribes and kin groups. The state legal system has involved itself in this ideology in different ways. First, with *kacho* (see Chapter 2) it has constructed a frontier space where bandits coexist with a landed elite that is protected by the state. Also, by constructing these disputes as *qaumi jhera* – group feuds – law enforcement agencies accept the ideology of *paland*, and therefore of large-scale murders to be finally settled in state-organized mediations. Moreover, the state has constructed an ideology of retribution, *qisas*, within its own legal framework. Therefore, far from being simple lawlessness, these forms of 'frontier justice' resonate with systems of law enforcement and its language.

In this chapter I describe forms of violence in a spatial context. From my location in Khairpur, I observed an area of 25–30 km² alongside the riverine belt next to the embankments to study these forms of violence. In this area, more than fifteen intrafamily fights, or blood feuds, have taken place in different locations.² And more than five intergroup feuds came up over 20–25 years in exactly the same area as the family feuds referred to above (see Tables 4.1, 4.4).

In the first part I describe two case studies where *karo kari* became the basis of a conflict that subsequently turned into a feud. Both cases show how families use the honour ideology in an intensely violent form. In the

Ghumra family case, a woman named Najma was accused by her brothers as *kari* and killed, but the killing led to revenge and an escalation of fighting that caused seven killings in fourteen years. In an Ulra extended family, Mumtaz Khatoon was accused of being black and expelled by her father-in-law, which resulted in a conflict that took six lives over eleven years.

The second part of the chapter illustrates an example of intergroup feud, which extends even further in spatial terms and engulfs a larger area. This case study is about a feud that erupted when a woman belonging to the Kandhro group eloped with a man from the Maitlo³ group. As a result, the honour of the Kandhra had to be avenged. So they declared the Maitla people as a group 'black', and the whole area became involved in a bitter battle that took more than fourteen lives in less than two years, with crop damage in three seasons running into millions of rupees. The dispute is still ongoing today. The dispute is located in the same riverine belt, near the *kacho* where the family feuds discussed above take place.

Kinship and the Making of Intrafamily Feud

Apart from the single incidents of killing of women by immediate family members, discussed in the last chapter, intrafamily feuding among 'da' dang – children of one paternal grandfather or patrilineage – has become increasingly common. In many instances of extended family disputes, small differences that are articulated as *karo kari* accusations often develop into feuds that last many years.

In all three examples covered in this chapter, the cause of dispute is expressed as *ghairat*, *sang* or *karo kari*, but these violent expressions seem to have other motives as well concerning land, money and sometimes simply power,⁴ as I will show below. When the ostensible cause is *karo kari*, an attached issue is a conflict related to marriage or land, and sometimes the causes mutate into or mask each other. Some may be over an issue of *sang* that is articulated as a *karo kari* accusation. When the ostensible issue is land, a parallel fight is waged over *sang*, leading to a *karo kari* dispute. It is never clear which issue takes precedence. One informant recently told me about a conflict among the Dhareja family that had claimed several lives over the past two decades:

The first conflict was over *karap*, blackness, and there was one murder and settlement, then several years later, they again fought, and this time there were two murders, over *sang*, and there was a settlement. Now I hear they are fighting over a piece of land, in which some people have died.

TABLE 4.1 • *Family Feuds along the Kacho of Khairpur District*

Name of community / village	Time Span of the Feud	Cause of Feud	Number killed	Status in 2006–07
Chandia <i>Tando Masti</i>	1996–97	<i>Karo karil sang</i>	5	Murders after mediation; migration
Odha <i>Karam Odha</i>	1995–96	<i>Karo karil sang</i>	5	Migrations and ongoing fighting
Lolai <i>Begmaji Pal</i>	About 10 years	<i>Karo karil sang</i>	4	Mediation in 2006
Kanhar <i>Hasoo Kanhar</i>	16 years (first murder in 1991)	<i>Karo kari</i>	4	Mediation in 2006
Ula <i>Ula Jagir</i>	14 years (first murder in 1991)	<i>Karo karil sang/land</i>	6	Mediation in 2003
Korkhani <i>Kot Mir Mohammad</i>	10 years	<i>Sang/ghairat</i>	7	Mediation
Ghumra <i>Soomar Khan Ghumro</i>	11 years (first murder in 1996)	<i>Karo karil sang</i>	7	Mediation and re-eruption of fighting; one side still in <i>kacho</i>
Juneja <i>Khanpur</i>	First murder in 1996	<i>Karo karil sang</i>	6	One side in <i>kacho</i> ; fighting ongoing
Utera <i>Mori</i>	16 years (from 1991)	<i>Karo karil buffaloes</i>	4	Mediation but likelihood of more fighting
Bhand Kot <i>Mir Mohammad</i>	12 years (from 1995/96)	<i>Sang/land</i>	5	Fighting ongoing
Dhareja <i>Piryalo</i>	20 years (ongoing)	<i>Karo karil sang/land</i>	7	2 mediations; fighting, new cause
Rind <i>Rind</i>	10 years (ongoing)	<i>Karo kari</i>	2	Murder after mediation; one side absconding, in <i>kacho</i>
Joya <i>Saidi</i>	20 years (ongoing)	<i>Sang/karo kari</i>	3	Migration and fighting
Khura <i>Dilawar Khuro</i>	10 years (ongoing)	<i>Sang/land</i>	5	Migration and fighting

Durations are approximate, as gathered from informants, and in the studied cases the date of the first murder is mentioned.

When conflicts are over *sang*, the locations of violence seem to follow the marriage pattern and related distance. For example, in marriages among paternal kin, it is between the agnates that violence occurs. Where marriages take place across extended family, a spatial extension of violence engulfs both affines and agnates; where marriages across groups are disputed,

feuds emerge across even larger social and geographical landscapes (e.g. the Kandhra-Maitla feud).

In these cases, it is observed that fewer women are killed. That is, once the fighting mutates from a simple *karo kari* issue into a battle between families for power or resources, far more men than women are lost. Women remain the primary targets of *karo kari* accusations within the family, but men who are co-accused resist and draw other families into what becomes a long-standing conflict. Importantly, *karo kari* is challenged, especially from the *karo* side, a point I earlier made. Whereas women are killed by immediate kin, men are either distantly related or not related to their killer, and when they are attacked or killed there is often a reprisal.

Normally the males of the aggrieved side – those who are dishonoured or make claims that have to be met with either *sang* or property – escape into the wilderness or *kacho* to raid and attack their kin repeatedly till the matter is resolved through mediation. Feuding over *karo kari* within one village, neighbourhood and family is further intensified when disgruntled family members create partnerships with outlaws. Structural models construct feuds as everlasting conflicts mediated through opposition (Cohen 1965; Evans-Pritchard 1940; Black-Michaud 1975). Here, feuds have a certain structural form and certain common, general aspects with a historical basis (see Tables 4.1, 4.2 and 4.3). They all seem to have occurred within a particular time period and also to have been resolved, though⁶ followed by new ones erupting elsewhere. Violence here is not hidden in structures; it is present and visible in the Upper Sindh landscape in the mass funerals of men, women and children, the raids both by police and bandits, the watchtowers built over villages and the plunder and looting that accompanies fighting.

The Ghumro Feud

Soomar Khan Ghumro village is four generations deep, about 150 years old, and has seventeen households. The village has a high rate of literacy, so many families have migrated out and at least two dozen males have government jobs in education, agriculture or banking. The village was named after Soomar Khan Ghumro. Soomar, his sister's husband Bachal and Miandino moved from the *kacho* to the plains after floods more than a hundred years ago. Soomar bought 50 acres of land while Bachal and Miandino got 25 acres, or so goes the narrative. Some decades later, Sahibdino also moved out of the *kacho*. He was not related to the other three and nor did he have a share in their land but he was attached to Bachal and Soomar's family by marriage. A son of Sahibdino by his first wife was declared an outlaw by the state in the 1970s and killed by the police, perhaps in a targeted shooting.⁵

Bachal had four sons, Meeral, Fakir Mohammad, Rab Dino and Shahan; and one daughter. Sahibdino had two wives. The second was the mother of his sons Abdul Karim, Ali Nawaz, Nazir, their sister Najma and others. The feud concerns Sahibdino's sons by his second wife and Bachal's grandsons Baradi Khan and Khan Mohammad, sons of Meeral and Fakir Mohammad respectively. Soomar's family seems to be hierarchically superior in both wealth and status to Bachal's, which ranks higher than Sahibdino's. My informants, Soomar's great-grandson and grandson, were dragged into the battle in 2006, when the event that I encountered took place. Miandino is not discussed in this case, and Soomar's family features only marginally, as his family was forced to ally with Bachal in the course of the feud.

Nearly eleven years ago, an informant told me, at around 9:30 in the evening, Abdul Karim, Ali Nawaz and Nazir used rifles and hatchets to attack their sister Najma, who was sleeping on a mat with her husband Baradi Khan, Meeral's son and Bachal's grandson. They had accused her of being *kari*.

Her husband said, 'Do not kill my wife, she is not *kari*'. But even then the culprits did not stop, and they tried to tear away their sister from her husband's arms. In the ensuing ruckus, the villagers woke up, and the woman, seeing no other option picked up a Quran and swore on it that she was not *kari*, 'have mercy on my poor children, do not kill me.' But even then the murderers did not succumb and fired with a rifle, and with hatchets, and in no time, the poor woman fell with the Quran still in her hands.

After killing her, they accused Baradi Khan's nephew Pervez (son of Khan Mohammad, Bachal's grandson) of being the black man. They injured five people, and after shooting Pervez, they shouted, '*Asaan karo maryo a!*' – 'We have killed the black man!' The accused *karo* was taken to hospital and recovered after three months of treatment.

In the meantime, the relatives of the *karo*, with their Quran, elders and women in the form of *mairh minth*,⁶ went to the killers, considered the aggrieved party under honour rules, and asked for settlement, but Abdul Karim's side did not agree. The relatives also went to their mediator Zaheer, chief of the Ghumra, but the mediator was unable to do anything because the score perhaps was not equalized, as Pervez, the *karo*, had survived. Shortly after, the three aggrieved brothers left the village with their wives and children. This was a sign that they would fight the *karo*'s family.

Further, according to my informant, the complaint for the murder of Najma was registered with the police by Abdul Karim's side, the same people who had killed her. They made their young nephew confess to the murder of their sister, and he was subsequently arrested. The score had yet to be settled with the *karo* side, so in 1996 Abdul Karim and his brothers attacked

the village and killed Pervez's cousin Pinjal, who was then only fourteen years old, and injured Anwar, also Pervez's cousin. Abdul Karim was now assisted by Marri⁷ bandits from the *kacho*, which put the settled villagers at further disadvantage. A complaint was registered with the police for this case. Now that the honour damage had been equalized, Abdul Karim and his brothers acceded to mediation. In the mediation, the chief put a fine of Rs. 100,000 on the *karo*, as well as a heavier fine on Abdul Karim's side for killing Pervez's cousin and injuring his cousin (see Chapter 5 for the text), as they were not involved in the dispute.

TABLE 4.2 • *The Ghumro Diary of Conflict*

Sahibdino/Abdul Karim

Bachal/Khan Mohammad

Abdul Karim asks for *sang* from Khan Mohammad, Bachal's grandson.

Khan Mohammad refuses to give *sang* to 'loafers'.

In 1996, Abdul Karim and brothers attack and kill their sister, accusing her of being black with Khan Mohammad's son Pervez.

Khan Mohammad tries for mediation.

Abdul Karim and brothers migrate to the *kacho*.

In June 1998, they attack the village. Khan Mohammad's grandson Pinjal and brother's son Anwar are attacked. Pinjal, age 14, is killed.

Mediation in which Abdul Karim's side is fined for killing Pinjal while Khan Mohammad's side is fined for *karap* (blackness).

Abdul Karim's side returns to the village.

In December 1998, Abdul Karim and brothers attack and kill Pervez (*karo*), and then migrate back to the *kacho*.

In 2001, on route to a court hearing in the city, Abdul Karim's brother Nazir is attacked by Bachal's side. Nazir survives. A Hindu passer-by is killed.

In 2006, Abdul Karim and brothers attack the village, killing Ganwar, grandson of Bachal.

In the same showdown, Khan Mohammad's son Alam, avenges his brother Pervez's death by killing the brothers Abdul Karim and Ali Nawaz.

Abdul Karim and his brothers returned to the village and resumed residence there, but within months, in December 1998, they killed Pervez, the *karo* who had earlier survived the attack and had returned to the village after two years to see his ailing mother. The reason for attacking him, Abdul Karim's side claimed, was that Pervez should not have returned to the village. According to my informant, this second killing was wrong, since in the honour system as it is constructed today, Pervez had become '*garho*, red – that is, he had paid the fine for honour damage and was no longer *karo*. After another criminal case was registered against Abdul Karim's side, they left their women in the village and again went to live in the *kacho*.

In 2000 Bachal's side took revenge: sons of Khan Mohammad attacked Nazir, Abdul Karim's brother, as he was going to his court hearing. Nazir was only injured, but another man, a Hindu shopkeeper, was accidentally killed. In this case, a complaint was registered against my informant, who works in the Agriculture Bank, and his younger brothers. Then in January 2006, when I was in Khairpur, Abdul Karim and a brother once again attacked the village, killing Ganwar, another cousin of Pervez. When they returned to attack again, they were both killed by Pervez's brother Alam, who thus had his revenge. Ganwar was my informant's aunt's son. I went to the village on the evening of the fourth day and met with the mourning villagers, mostly family members of Bachal, Soomar and Miandino, and was shown Anwar, jawless since the attack in 1996 as a living example of the heavy toll taken by the feud.

My informant says the initial attack on Najma, who was accused of being *kari*, had indirectly targeted Khan Mohammad who was Pervez's father, and Bachal's grandson, who was asked to give *sang* to Abdul Karim's brother. Khan Mohammad had refused, primarily because he considered Abdul Karim and his brothers to be village loafers; and this is the price he paid.

Two cases were registered with the police: one by Abdul Karim's surviving brother against Soomar and Bachal's grandsons and great-grandsons; and then a second against Abdul Karim and his brothers by Bachal's grandsons and great-grandsons. Although the main aggressors who repeatedly attacked the village have been killed, there remains the threat that his remaining brothers, one of whom is a constable, may avenge his brother's death. My informants carry licensed weapons in their belts in case they are attacked on the way to the courts.

The Ulro Feud

Ulra Jagir⁸ is a large area of land close to the riverine area, occupied by the Ulra community. They have at least seven villages each with its own seven

paternities and each with its own headman. The headman of all seven was Sardar Ghulam Ali Khan, who died only recently. His son, Sardar Lutuf Ulro, now heads the *jagir*.

This example concerns rivalry between Mureed Ulro and Arbab Ulro (Figure 4.1). Mureed has three sons: Khadim, a forest guard; Hasan, a primary school teacher; and Riaz, a police constable. Arbab has five sons: Basheer, Bachal, Rajab, Mohammad Umer and Abdul Jabbar. Over the years, the sons of Mureed and Arbab, namely Khadim and Rajab respectively, led the feud. As the story goes, Arbab and Sardar Ghulam Ali Ulro, the Ulra Jagir headman, had a land dispute over 200 acres in the *kacho*. Mureed, Ghulam Ali's sister's husband, took his brother-in-law's side, and for this purpose in 1989, sent his nephew Hafeez in a *kando* – a call of help to guard and watch the land – in support of Ghulam Ali against Arbab. It was in this context that Arbab accused his own daughter-in-law Mumtaz Khatoon (wife of his eldest son) of being *kari* with Hafeez, who was accused of being *karo*. Hafeez's house was next door to Arbab's. After the accusation, Mumtaz Khatoon was divorced and married off to a distant kinsman in a symbolic action meant to establish that she was indeed black.

According to Mureed, Arbab did not like his support for the headman Ghulam Ali and had warned him against it, and Arbab had accused his daughter-in-law of being *kari* with his nephew Hafeez because Hafeez was assisting the village headman in securing land. After the accusation, Mureed negotiated between Arbab and Hafeez and organized mediation. Arbab's side was insisting on *sang* (a woman to be given in marriage) from Hafeez's father, to compensate for the loss of honour and for the fact that they had taken Mumtaz out of the community. But, according to the people around them, no *karap* was proved against Hafeez, so *sang* could not be given. In his statement at the mediation, Arbab said that he had been woken by his crying granddaughter, then looked for his daughter-in-law and saw she was missing. He went out and saw that his daughter-in-law had scaled the wall, and the dust of the mud wall was on her clothes. The *sardar* asked him how many men were on the other side of the wall. Arbab named them, saying that there were about nine. Then the *sardar* asked him if he knew or had heard of his daughter-in-law's *karap* before that. He answered in the negative. The *sardar* then asked how he knew it was Hafeez and not any of the others in a house full of men. To this, Arbab had no answer. But then, as Lutuf Ulro said, because the woman was thrown out, that still established *karap*. 'This is Sindh's *riwaj* [tradition]. Then it is considered that she is *kari*'.

In the mediation, Hafeez's side was fined Rs. 45,000. Arbab's side was unhappy with the mediation because they wanted *sang* as a part of the settlement. When they did not get one, Mureed's son Khadim taunted Arbab's

son Rajab, saying, 'Are you here to get two *sang*?' In anger, Arbab took his sons and left the village, making obvious their intention of avenging their damaged *ghairat*. 'We wanted *avezo* [marriage as compensation]. We got 45,000 rupees. And the other side fired bullets in the air, with happiness. We did not say anything, we just returned', Arbab narrated.

TABLE 4.3 • *The Ulro Diary of Conflict*

Mureed/Khadim

Arbab/Rajab

In 1989, Arbab and Ghulam Ali have a land dispute. Arbab asks Mureed, Ghulam Ali's brother-in-law, not to support Ghulam Ali.

Mureed refuses, and his nephew Hafeez assists Ghulam Ali.

In 1989, Arbab accuses his daughter-in-law of being *kari* with Hafeez and expels her.

The first mediation takes place. A fine of Rs. 45,000 is imposed on Mureed's side, but Arbab is unhappy because no *sang* is transacted.

Arbab migrates to Pano Aqil with his sons and grandchildren.

Mureed's brother takes *mairh* to Arbab for mediation.

Arbab's side kills Mureed's brother

Both sides vow not to fight anymore and there is peace for several years.

In 2000, Mureed's son Khadim attacks Arbab's sons, but his own nephew is killed in the attack.

Mureed, along with 22 family members, migrates to the Punjab. Later, Khadim and Mureed shift to *kacho* and threaten attacks on Arbab.

Rajab seeks police support.

Arbab takes *mairh* to Mureed's side for mediation.

In 2001, Khadim and Jatoli outlaws attack and kill three of Arbab's relatives.

From 2001 to 2003, Khadim's side sends *mairh* to Rajab's side for mediation.

Rajab demands *sang*.

In 2003, mediation by Sardar Ahmed Ali Pitafi.

Mureed said that his side twice took *mairh*, a delegation of elders for peacemaking, one led by his brother Ata Mohammad. But despite this Arbab's side attacked and murdered Ata Mohammad, right when he was moving to the city of Khairpur for safety. '*Assan ghairat jo paland kayo se*', Arbab said: 'We avenged our honour'. Now that the sides were even and the claims for damage to honour were settled, mediation became inevitable. Thus feud between Arbab and Mureed drew to a close – only to recur several years later.

For many years there was calm, but then the village began to gossip that Khadim would avenge the murder of his uncle. There must have been a new cause, but I have not yet been able to discover why Khadim opted to avenge his uncle's murder nearly ten years after the event and its settlement. Once the rumours became rife, both sides were called to a village meeting, where Arbab's side asked for an explanation for the rumours and an altercation ensued. Both sides left the talks fighting.

In 2000, Khadim attacked Rajab and his brothers. Rajab narrated the story of the attack:

My brothers Abdul Jabbar and others were returning from a *khushi* [circumcision ceremony], when they were shot at by a large number of people. They fired back, but Mureed's son, Riaz Hussain got injured and Khadim's own nephew Saeed died. So Khadim's side attacked us and also got their people killed.

It was now Mureed's turn to migrate: 'We left with twenty-two people. We left with my three sons, their wives, and their children. We migrated, first to Bahawalpur, and then to Shah Belo'.⁹ From then on, the battle changed from one between Mureed and Arbab, to one between their sons, Khadim and Rajab.

That was in 2001, the year I arrived in Khairpur as the District Nazim. Because the feud had re-erupted, the people of the area frequently visited me to ask me to resolve the problem, saying that very soon there would be bloodshed. Khadim and Mureed had taken refuge in Shah Belo in the *kacho*, a haven for outlaws. Khadim was now reputed to be an outlaw supported by Jatoi bandits and was expected to take revenge. Sardar Lutuf Ulro, who is married to Khadim's cousin, described the perfect opposition of the two young men in their methods of fighting, one with state support, the other aided by bandits. 'Rajab has the support of the police, and Khadim has the support of the outlaws. But Rajab is as difficult as Khadim. What Khadim is doing in *kacho*, he [Rajab] is doing in *pacco*'. Perhaps Lutuf Ulro meant that Khadim robs people with help from outlaws, and Rajab does the same with the help from the police.

In October 2001, four months after being sworn in as district executive, I was shaken by a serious ‘law and order’ event. It was one of my first close encounters with violence, which would slowly become the norm. The Ulra village was attacked with rocket launchers by at least two dozen bandits, who fired hundreds of bullets as well. In this attack, two girls – Fatima and Mariam – were killed along with their father, Ghulam Haider; and three women were injured. This, I learned soon, was the work of none other than Khadim Ulro, who was taking revenge on Rajab. Despite the village defences and police pickets sent by the district government, this attack could not be averted. When I visited the area, I saw Rajab’s family members carrying firearms as village guards. I went in to sympathize with the victims, and into the homes to condole with the women. Rajab’s aunt, who had miraculously survived the attack, told her story:

They shot at me once, I went under the *sandul*,¹⁰ and they shot at me twice and then shot at us repeatedly. They had killed three people. One is my husband, and two of them my granddaughters. They also injured my daughter-in-law and myself. My intestines had all come out, they were put together, stitched back by the doctors, and one bullet went from the side, one from the front.

Soon after this massive raid, Khadim’s side sent *mairh* for negotiation. In 2003, the two sides agreed to a mediation, in which both were fined, Khadim’s side by about Rs. 800,000 more (see Chapter 5 for text). Both sides are now in Ulra Jagir, rehabilitating their farms and their lives. Hafeez, the accused *karo*, is happily married in Karachi. ‘He has a job in the police. After *karap* he decided to marry a girl from the city’, said Mureed, smiling shyly. Mumtaz, the accused woman, is now outside the realm of the social and never discussed.

Karo kari, *Violence and Sang*

The narratives above show relationships between marriages, resources and power that result in a complex language of violence. In both cases the underlying issue is land or *sang*, and the *karo kari* accusation seems to provide a moral language within which disputes are articulated. In the Ghumro case, the outstanding issue is *sang*; in the Ulro case it is both land and *sang*. In both cases my informants deny that the women were having relationships with the accused men, but even if in fact they were, the public accusation seems to be linked to other grievances. Accusation of *karap* gave the accusers leverage to negotiate the outstanding issues. The other important point to note is that both these *karap* issues turned into feuds because of resistance

and challenge from the *karo* side. This also reiterates that *karo kari* allegations may be contested, but it is mostly the *karo* side that does this – accusations against women are hardly ever challenged by their relatives.

At the heart of dispute is the politics of *sang* exchange. Two of Abdul Karim's sisters were given to Bachal's son and Soomar's grandson. Sahibdino married Beebal, who was Soomar's son's stepdaughter. In return, Sahibdino's daughter – Abdul Karim's stepsister – was given to Soomar's grandson. Another stepsister of Abdul Karim was married to Bachal's son Shahan. Bachal's grandson Baradi Khan (Meeral's son) took Abdul Karim's own sister, Najma, and gave his niece, Nasa, to him in return. However there seems to have been no return of *sang* from Bachal's son Shahan. Abdul Karim's side had asked Khan Mohammad, Shahan's nephew, for *sang*, and Khan Mohammad had declined, saying that he and his brothers were loafers. Abdul Karim's side maintained that *sang* was outstanding against Bachal's sons but Bachal's side denied this, saying that earlier, Sahibdino's uncle had taken a *sang* from their side.

There is, however, a stark difference between Sahibdino's lineage and those of Bachal and Soomar. The latter two are at least one generation ahead of Sahibdino, as Abdul Karim's brothers are still struggling to find women for themselves. My informants give this reason for their repeated attacks: 'nobody in the village wants to give them their girls, so all except Abdul Karim are single'. The anger produced in the face of such a claim led to the killing of Najma, perhaps as a way of destroying a marriage in Bachal's lineage even if it meant killing their sister. The violence was directed at the third and fourth generations of Bachal – his great-grandsons – because Abdul Karim and his brothers vowed to finish off all the male members of Bachal's lineage.

The intricate marriage webs have produced strange stories as well. For instance, Soomar's son, Pandi Khan, married a Pukhtun woman from Shikarpur who had already had a daughter called Beebal, who was with her when she was brought down from the hills and sold by her kin to him. Beebal was first married to a Jagirani Baloch in Shikarpur, possibly in exchange for bride price, but according to the local stories she was accused of being *kari* and then divorced. She thus became the second wife of Sahibdino, who was already quite old when she was given to him in marriage. Abdul Karim and his brothers and Najma are Sahibdino's children from Beebal, but there are strong rumours of vague parentage as well; others say that their father was not Sahibdino but Baradi Khan, who had a long-standing relationship with Beebal, Sahibdino's wife, showing the complex way the two families are entangled.

In the Ulro case the conflict began over a claim for land, but this was articulated as *karo kari* and later as *sang*. It was the *sang* competition that

escalated the fighting. Arbab side's claim was that, having expelled Mumtaz Khatoon, they deserved to be compensated for their loss, and thus were demanding *sang* from the *karo* side. However, Mureed's side disputed this, and retaliated heavily so as to strongly reject the claim of *sang*. The accusation of *karo kari* would have helped Arbab in his land dispute with Mureed's brother-in-law Ghulam Ali in two ways. First, accusing Mureed's nephew of *karap* would weaken Mureed's side so that they would come for negotiations. And second, in negotiations, the demand for *sang* would establish a relationship and therefore access to the property of Ghulam Ali.

During the feud, Rajab's side stressed *sang* as his condition for mediation, and *sang* was what Khadim's side did not want to give. Not giving *sang* meant not giving them space for any claim on the Ulra land that was under dispute. That is perhaps why the feud erupted and went on for years. What remains a mystery is why, after ten years of peace, Khadim decided to fight again. The locals say that by then, it had become a game of one-upmanship – hence, intrinsically, the cause for fighting had shifted from *karo kari* to a battle for power. Khadim's family was that of the village headman, and Rajab and his father had challenged their authority over both claims to land and leadership roles.

Most of the killings are in the second generation for Sahibdino's family and the third and fourth generations for Bachal's, and there are no accounts of any other murders in earlier generations before this feud, except for the killing of Sachal by the police.

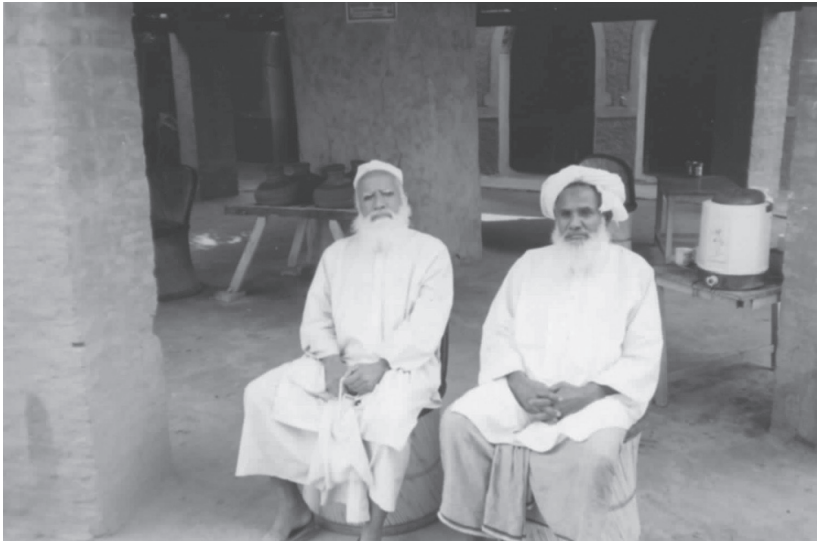


FIGURE 4.1. *Arbab (right)*



FIGURE 4.2. *Rajab (right, seated)*



FIGURE 4.3.
Rajab's House

FIGURE 4.4.
*Khadim's House
during His Migration*





FIGURE 4.5. *Rajab's Protection Team*



FIGURE 4.6. *Khadim's Rocket/Bullet Empties after the Attack in 2001*

The Making of a *Qaumi Jhero*

Besides the intrafamily feuds, there were prolonged and dispersed feuds between two groups in the same area as that of smaller family feuds (Table 4.4). During the same two and a half decades, at least five different instances of intergroup feuds erupted, leading to the deaths of more than a hundred people. The violence included the kidnapping of men for ransom, *karo kari* killings of women and wide-scale displacement. This violence related to honour and *karo kari* led to the formation of group identities. The local term for a feud between two groups is *qaumi jhero*, *qaum* being a general term for the larger group identity and *jhero* meaning 'fight'. An example of one such *qaumi jhero* arose between the Kandhra and the Maitla in 2004–05. The Kandhro-Maitlo feud erupted when Zainab, of the Kandhra group, decided to marry Nazir Maitlo.

Karo kari and the Widening Feuds

Kandhra and Maitla groups are dispersed over a few thousand acres in the *taluko*¹¹ of Kingri in Khairpur. Kandhra and Maitla settlements are farming communities. Maitla, as the name suggests, are related to buffalo (*meen*h in

TABLE 4.4 • Qaumi Jehra *Near the Kacho in Khairpur*

Area	Time Span of the Feud	Group Identities	Cause of Feud	Number killed	Present Status
Drib Meher Shah and Kolab Jial	Approx. 15 years (from 1993–94)	Ujjan, Korai and Kaleri	Watercourse, land, <i>karo kari</i>	60+	Calm after several mediations
Kot Mir Mohammad and Kot Pul	Approx. 10 years (from 2000)	Nareja and Jagirani	<i>Karo kari</i>	14	Calm after mediation
Kot Pul and Machyoon	From 2002	Jagirani and Solangi	Dispute over murder of Jagirani 20 years back	19	Calm after mediation
Drib Meher Shah, Kolab Jial and Ahmedpur	From 2000	Kandhra and Maitla	<i>Karo kari</i> Sang	13	Two mediations, but Kandhras refused to make peace; cases in court
KotMir Mohammad	From 2004	Katpar and Korkani	<i>Karo kari</i>	7	In mediation

Sindhi) farming, and the Kandhra are largely small farmers or sharecroppers. The Maitla dominate *deh*¹² Gumchi and *deh* Rafiq Mahesar, while the Kandhra inhabit *deh* Drib, and *deh* Kolab Jial. The Maitla are more numerous than the Kandhra. The groups share but also compete for water and land.

Over the years, the Maitla have acquired additional competencies, the most notable being their entry into the judiciary. There are at least three Maitla civil judges and a high court judge, and several lawyers. Many of them are public servants, and Maitla have larger tracts of land as well. The Kandhra, on the other hand, are impoverished, their sole livelihood being subsistence from land and daily wages. The Mahesar, another group, have been mediators between the two communities and are the most influential group in the area, especially in the central *deh* of Rafiq Mahesar. However, with the rise of the Maitla professionally, the Mahesar community has become resentful of their growing power and throughout this feud has benefited politically from the Maitla predicament – or at least the Maitla people believe this to be so.

The conflict between the two groups began in April 2004 when Zainab eloped with Nazir. Zainab, daughter of Chuttal Kandhro, was training to be a nurse in the Civil Hospital in Khairpur. There she met Nazir Maitlo from Talo Bhando village, who sold milk to the nursing hostel. The two decided to marry. Zainab, who is from a village named Lal Bux Kandhro, belongs to the headman's family. When she eloped with Nazir, her brother registered a case of 'kidnapping';¹³ subsequently, group sentiments were aroused against the Maitla community for damaging the honour of the Kandhra. Following this, Kandhra elders went to one Maitlo elder, a judge, and asked him to help get Zainab Kandhro back from Nazir Maitlo. They accused the Maitla of abducting their woman, even though pictures in the local dailies showed Zainab and Nazir holding hands and telling the world that theirs was a *pyar jo parano*, marriage of love (see Chapter 7). The Maitlo elder tried to explain that Zainab had voluntarily married Nazir, but the Kandhra would not negotiate on this point. The judge asked them for an eight-day period, within which he would talk to the concerned family and get back to them with a clear answer.

'At that time, some Maitla from Qadir Bux village laughed and that damaged Kandhra *ghairat*', my informant told me. As a rejoinder, Kandhra abducted two Maitla women from village Qadir Bux Maitlo. It should be noted that Nazir was from Talo Bhando, which is far from the place from where the Maitla women were abducted. Moreover, these women were not even distantly related to Nazir. Police were able to recover the women on the guarantee that Zainab would be returned to the Kandhra people.

As the administrator responsible for law and order, I worked with both the communities, motivating them to agree to a settlement but trying to skirt the issue of 'returning' Zainab, for fear that she would subsequently be killed. My diary notes, after a visit to the very tense Kandhra villages:

21st–22nd June, 2004: Yesterday, I went to the Kandhra area, with a message of peace. Shahnawaz, the light-eyed Kandhro, and Zainab's brother-in-law, had hosted the gathering. Hundreds of Kandhra men were there, but I was told that the women had all been sent away, fearing an impending fight. All were emotional and saying in one voice, '*asanji shay asan khe wapas khape*' (it is our 'thing,' we want 'it' back).

The condition they set for a settlement was that Zainab should be neither in the custody of the state nor that of the man who had married her, but taken to Pir Abdul Qadir Shah,¹⁴ a mediator they trusted. The Maitlo family was reluctant to agree to this, afraid of taking risks. I spoke to Zainab several times on the phone, and each time she seemed quite determined not to go to her people. Zainab was then taken to court, where she gave a statement that she had married Nazir and not been abducted by him. Pakistan's marriage laws allow women a choice in marriage after the age of sixteen.¹⁵ Her statement did nothing to alleviate the Kandhra's *ghairat*, however, so they continued to press their earlier demand of returning their '*banhan*' by once again abducting Maitla women:

19th July: Yesterday late at night, Kandhra along with Nareja, Ujjan, Korai bandits, attacked a Maitlo village and took away 3 women. The Maitla men followed them; they received police help and were able to recover the kidnapped women after negotiations. (Diary Notes)

The repeated abductions of women infuriated the Maitla, and it was now their turn to show their power. Thus, on 26 July, the bodies of two young Kandhra men – one a student, totally unrelated to the feud – were found in a drain near Talo Bhando village. On the same day, the Kandhra attacked and killed two Maitla wage-earners working on a date farm, also unrelated to the events. Complaints made to the police were registered by both sides, each naming several people on the other side, and the police arrested several men from both sides, taking with them their buffaloes, chickens, goats and whatever else they could lay their hands on. Now that the score had been equalized, both sides agreed to mediation.

The matter was settled at the most influential mediation place, Dargah Pir Jo Goth.¹⁶ Fines were imposed on the Maitla for 'abducting' a Kandhro woman, and on the Kandhra for kidnapping the five Maitla women. Equal

finest were imposed for the four young men killed on each side (see Figure 5.2). Both sides paid the fines, as decided in the mediation, and there was a semblance of calm. The dispute was temporarily settled.

However, it seems that among both groups, the anger and zeal to fight was still there. The fighting erupted again, but with a new cause. Residents described how in August 2005, a Jagirani Baloch and a Maitlo, both bandits, were passing by Kandhra villages when Kandhra men stopped them. Even though the Jagirani bandit asked the Kandhra to let them pass through their territory as they were not attacking the locals, the Kandhra organized *wahar*, a collective action to fight the bandits, in which the Jagirani was shot and killed. The Jagirani's brother, assisted by the Maitlo bandit, avenged his brother's death by kidnapping six Kandhra men and, after holding them overnight, killing all six. A complaint was registered with the police against the Maitla, including judges, government officers and bandits alike.

Thus the fighting began again. Villages on both sides were emptied by panic migrations, and outlaws and bandits began to roam the area. Although both the location of this fight and the causes were entirely different, the earlier cause was re-invoked. And even though all the compensations had been paid to Zainab's father and brother Saro, the brother was heard to say that he would like his '*banhan*' back – his *ghairat* was still not quenched.

Mediation was organized by the district administration in the circuit house¹⁷ for the deaths of the six Kandhra, and the Maitla were fined for informing and assisting the Jagirani bandit in the kidnapping and killing. It was decided that the money would be paid directly to the families of the six victims through a Mahesar mediator. Apparently people from Lal Bux Kandhro, who had financed the first round of fighting, wanted a share in the fines, so they reinvoked the narrative of *ghairat*. Immediately after the settlement they went again to the mediator for a revision of the settlement, repeating 'we want our '*banhan*' back'. As soon as the first instalment of Rs. 800,000 was deposited with the mediator, Kandhra fighters demanded a share in the deposited amount. The mediator refused, saying that this money would go to the victims as decided. The financers then threatened him, saying that if they did not get this amount, they would not let anyone else have it either. Shortly after, three more murders took place. Two Maitla men, one on his way to get medicine from a local clinic, and the other from the Sial community – both unrelated to the event – were killed. Again, this took place far away from the place of conflict.

I narrate these details to emphasize how much is going on when claims of honour damage are made. The feud, meanwhile, also consolidated and solidified the erstwhile dispersed identities of the two groups. The Kandhra have never identified themselves with a chief; nor have the Maitla, unlike many Baloch tribes. Neither seems to remember any serious violence between

them before this episode. However as this feud began and grew, each group was united by a collective threat. They bought weapons and called out for their chiefs, hundreds of miles away, from the Punjab and the south of Sindh.

Both communities used famous bandits in the feud. Kaleri, a notorious Maitlo bandit wanted in dozens of cases, was sponsored by the Maitla and summoned from the *kacho*. Zainab's brother Sarwar, alias Saro, paid a band of Jatoi, Korai and Ujjan bandits to join in the fighting. Altogether, fourteen people were killed in the feud, five women were kidnapped, and a collective punishment of fines was imposed on both groups (see Table 4.5). Every Maitlo and Kandhro paid, theoretically at least.

TABLE 4.5 • *Kandhro-Maitlo Diary of Conflict*

Kandhra	Maitla
	In April 2004, Zainab, a Kandhro trainee nurse, contracts a civil marriage with Nazir, a Maitlo.
In May–June 2004, the Kandhra call on a Maitlo elder to return Zainab but before the deadline elapses kidnap 2 Maitla women, returned only on police assurance.	In June 2004, Zainab gives a statement before a magistrate saying that she had contracted a 'free will' marriage.
In July 2004, Kandhra kidnap 3 Maitla women, then return them after pressure from the police and administration.	In July 2004, Maitla take revenge by killing 2 Kandhra men.
In July 2004, within hours, Kandhra settle the score by killing two Maitla men.	
September 2004, mediation at Dargah Pir Jo Goth.	
In August 2005, Kandhra kill a Jagirani bandit.	In August 2005, Jagirani assisted by a Maitlo bandit kill 6 Kandhra.
	In March 2006, mediation in Circuit House, Khairpur.
	First instalment deposited with the mediator.
In March–April 2006, Kandhra kill 2 Maitla and 1 Sial.	

At the outset the feud was about *ghairat*. The term *karo kari* was not used for the eloping couple, but the whole Maitla group was branded as black. The reason why the Kandhra did not declare Zainab and Nazir as black seems to be that this would not serve the purpose of their fighting as a group with the Maitla. The battle should have been exclusively between the family of Chuttal, Zainab's father, and that of Nazir. If revenge had to be taken, it should have been against Nazir: the family could have attacked his house, driven away his cattle or torched his mango trees. Instead, however, the Kandhra condemned the entire Maitlo community for Nazir's action, referring to the entire group as the '*kari side*'.

The fact that two different causes of conflict became articulated as one when the first cause of '*banhan*' was re-invoked in the second showed that the fight was not simply about *ghairat*, but about the local competition between the two communities. I was also told that some arms dealers within the communities were using the feud to expand arms trafficking in the area. 'Truckloads of arms come each time there is a *qaumi jhero*', said the local people. Also, mapping the murders shows that the sites of conflict and the sites of killing were two different places. Most of the violence was concentrated in the areas where the Maitla and Kandhra compete for resources. Very few incidents occurred in the Maitlo village that caused the trouble.

Feuding in the Law

The case studies above show that a lot more is happening in *karo kari* violence than simply a response to sexual transgression. The forms of violence escalate, mutate and disperse. From brothers and fathers accusing women in their family (as discussed in Chapter 3), to extended families fighting feuds within kin groups, to larger groups of villages fighting wars across group identities, the field of violence changes form and scale.

In the intrafamily feud in the Ghumra and Ulra villages, eleven murders took place within two decades, and in all cases all those implicated by the law or by the family were killed by families through a self-help ideology and never tried by the state. The Kandhro-Maitlo fighting claimed fourteen lives in two years. All the murders in that small area, totalled, would come to a couple of hundred deaths.

It seems that the two fighting sides want to inflict equal and opposite damage, and there seem to be occasional rules to this back-and-forth violence, though they are difficult to discern. Only after equality is achieved are the doors opened for negotiations and eventual mediation. Therefore, villagers often meet the most violent attack with a sigh of relief, knowing it has been done to finally equalize the damage and now mediation is possible.

As an executive officer, I took serious notice when Khadim and his team attacked and killed young girls. However, little did I understand that this firepower happened to be Khadim's last act before 'retiring' from fighting. Now that his *ghairat* was so dramatically avenged and the *paland* had been taken, there would inevitably be mediation, and there was.

Damaging the property of those who migrate is also part of the game, as those whose honour is damaged attack the property of the defenders. One of the most frequent and painful complaints I heard from farmers of the *kacho* was that their mango trees had been cut down by bandits asking for protection money. In the follow-up to a feud, land and property are seized and occupied, and buffaloes are stolen as a part of negotiations. Property damage often brought tears, as long years of work had gone into the nurture and care of orchards.

It may be noted that the main fighters avoid going for each other, pursuing side targets instead. Khadim deliberately did not kill Rajab, and Rajab did not kill Khadim, because the cause for fighting would be lost if one of them were killed, and moreover they eventually would have to negotiate a settlement. Rajab's side instead targeted his uncle and his nephew, and Khadim targeted Rajab's father's sister's family. In the Ghumro case Abdul Karim's grudge was against Bachal's sons and grandsons, but he attacked Bachal's great-grandsons, killing three nephews and sons of Khan Mohammad before a relative of Khan Mohammad killed him.

Sometimes the strategy seems unclear. For instance, in the Maitlo and Kandhro feud the Kandhra took revenge by kidnapping women who were not only unrelated to the dispute but also were in a different area. The area where the attacks and kidnappings took place was, however, a site of intense competition between these two communities, an area where water resources, grazing sites and land were shared.

In these feuds, migrations are not simple movements of families who do not wish to cohabit. Nor are they always a way for threatened communities or people to protect themselves from the feud or seek protection themselves (cf. Lindholm 1981). They are declarations of war, and also preparations for it. Family migrations are always a threatening sign. When a family migrates with women and children and belongings, the implication is that they cannot live in their own homes with their kin and will most likely attack those who have offended them. The defenders' initial reaction is to send community elders to convince the angry side to return and resolve the matter. In the Ulro case, Rajab's side migrated after rejecting mediation; soon after, they attacked and killed Khadim's uncle. After that, Khadim's side migrated with twenty-two members of the family and roamed from one place to another for several months. They finally settled in Shah Belo – the King of Forests – in the *kacho*, from where they repeatedly attacked

Rajab's side until one day three persons from his family were killed. Now that mediation has taken place, the two sides live alongside each other in the same village.

During the course of the Kandhro-Maitlo feud there were several phases of migration. First, when I visited after the Kandhra had threatened revenge, all the women and children had been sent away. Later, the Kandhra left their lands and their homes, and the Maitla eventually migrated as well. When the Maitla women were kidnapped, fighters on both sides migrated. In the second round, after the Kandhra were killed, the Maitla migrated. In fact, the scale of migrations in this feud was enormous. The important men of the villages all went into hiding to escape police arrest.

As someone subjectively involved in the district's affairs, I failed to see models of social cohesion in these forms of violence. I saw and experienced great social tension, as schools in the area had to be shut down and an informal curfew imposed. I also witnessed the lived-in world of fear, extreme trauma and pain expressed in multiple ways during funerals, and the panicked migrations and absolute stillness of villages in the aftermath of destruction. The frequent and repetitive tragedy of violent death turned the lived experience into a 'state of exception'. There could be no structural order in such a loss. At one level, I considered myself responsible and always kept the 'law and order' system of the district activated. At a personal level, and as a matter of routine, I ensured that I would at least share the pain of loss by attending the funerals of victims of violence. I was always conscious that this violence was not happening outside the state framework but within it, seeing it as intrinsic to the state's law enforcement and bureaucratic organs in the different ways discussed next.

The Fighting Grounds: The Making of Frontier Space

In Upper Sindh, the frontier exists in various forms (as discussed in Chapter 2): as history, when this area was constructed as a frontier for the empire; as politics, a meeting place between the state and people (Donnan and Wilson 1999: 13) where the modern state allows the rule of a network of landed and tribal elite; and as space in the *kacho*, the riverine belt where bandits hide under protection of a landed elite, where outlaws find an underworld refuge pervaded by weapons of war that have been trafficked in the area since the Afghan war in the 1980s. Every family here keeps a shotgun, or a rifle, and when disputes intensify they get a Kalashnikov.

The space of the *kacho* is a crucial element of the feuds. From the state's point of view, the *kacho*, within which embankments confine the river, is an area where the law dissolves into lawlessness, and where transgression

and law imitate each other. The liminality of the area provides constant and seemingly timeless support for those who want to wage war. Time and again, *kacho* areas are subjected to police operations that may even call on Pakistan's army to assist by 'cleaning up the area' and chasing away or killing the bandits. More often, though, the outlaws hide here from the law enforcement agencies with their full knowledge. These bandits are further protected by the *kacho* estate holders, the landed elite of the area, who are sometimes elected officials.

In the examples above, the attacking sides always migrate to the *kacho*, where they seek the support of outlaws who are key players in providing forces to fight over *karo kari* and *sang*, in many ways even leading them. Khadim, the prime force of his feud, hid in the *kacho*, where he got support from Jatoi outlaws. But just as Jatois helped Khadim kill his enemies, so Khadim helped Jatoi outlaws kill theirs: by the end of his stay in the *kacho*, Khadim was implicated in twenty-four cases involving murder, kidnapping, manslaughter and burglary. Similarly, Abdul Karim, the protagonist in the Ghumra feud, sought refuge in the *kacho* and got help from Marri bandits there. While Maitla depended on Kaleri, a notorious Maitlo outlaw, the Kandhra got the Jatoi outlaws on their side.

Qaumi Jhero, Law Enforcement and Frontier Justice

Anthropology has imagined the feud not as an expression of violence, but as part of social relations and a product of the tribal group structure (Peters 1967); as a cohesive force (Black-Michaud 1975); as an event leading to peace, since it produces social order (Gluckman 1955a,c); and at other times as a system of law and justice (Boehm 1986; Gronfors 1986). The violent manifestations in Upper Sindh cannot be categorized simply as a self-help system outside the state, nor can they be considered forms of justice in isolation, as the state's presence is visible everywhere. Although people construct ideologies of *paland* and *dushmani*, they also say that these ideologies are a response to the passivity of state law, which fails to punish the wrongdoers. The idea of 'frontier justice', by which private citizens mimicked law on nineteenth-century American frontiers where law enforcement was weak, could be used here to explain feuding in the context of law. Frontier justice is in a sense a product of law and inseparable from it, not a norm or custom independent of or parallel to it. Law accepted vigilante actions in frontier justice, such as lynching, and almost incorporated them (Pfeifer 2004; Gard 1949). The problem with this construct is that it is a specific historical phenomenon tied to American identity and race relations in the nineteenth century. It is also bound up with the problem of law in the

periphery – in this case the American Wild West. But in frontier justice, what constitutes crime and what is enforcement of the law are vague and interchangeable, and in this respect frontier justice is analogous to the phenomenon of violent exchanges in Upper Sindh. Violence, seemingly extra-legal, is formulated within formal power and authority, as the state holds no one accountable and facilitates mediations (see Chapter 5). These forms of fighting are regarded as outside the realm of ‘the rule of law’ by law enforcement agencies yet are also considered a legitimate form of fighting. Part of this approach seems to be contiguous with the FCR 1901, which allowed tribes to mediate feuds with the state as intermediary (see Chapter 2). The police say that these are *qaumi* problems, as though it were beyond their mandate to resolve the issues. These *qaumi jhera* are not seen as the work of individual offenders but as group expressions, and giving them a collective identity in the laws helps hide the bandits who are employed in these collective fights. The policy of registering complaints against hundreds of people establishes group guilt. Collective raiding of group property is used to put pressure on the group to come to mediation. Therefore the law acts, but only initially: despite registration of offences against hundreds of people, part of the process is to withdraw all cases once the two sides mediate. For instance, the police failed to see the Kandhro-Maitlo problem as a problem of law and order, a criminal activity, as the state’s legal ideologies would have them do. And no one was indicted for the murder of eleven people; instead, the entire group was held responsible. Hence this created a legitimate space for *paland* across groups.

In these *qaumi jehra*, rockets and bullets are fired and villagers defend themselves by staying up all night in the *morchha*, watchtowers, while the state’s law enforcement agencies and the local police watch quietly, arguing that they cannot enter the area because they lack weapons like those of the fighting communities. In all the cases cited above, *morchha* have been needed for the entire fifteen or twenty years’ duration of the feuds, with vigilant family men watching night after night, waiting for those who have moved out to come back and raid the village. Those who stay back are helped by the police, who provide pickets.

Little effort is spent to catch the fighters, as these group fights are not considered offences against the state. Even after decades of homicides, not only have there apparently been no convictions, but the fighters roam free in the *kacho*, declared ‘absconders’ in police paperwork. Though the police arrest the weakest targets, they often let the protagonists of violence go. So the killings continue for years. Abdul Karim was never arrested, nor was Khadim, nor was their bandit support. (After the mediation with Rajab, Khadim was briefly arrested for his involvement in a separate crime.) Rajab was arrested when he killed Ata Mohammad, but after mediation with

Khadim he was acquitted of this murder. Khadim and his father Mureed were both tried in the ATC for these offences and sentenced to seventy years' imprisonment. However, these cases were transferred back to the regular courts and the accused were bailed out upon the intervention of the Pir of Pagaro, because Mureed promised him his votes. In the end, the settlement allowed all the other cases of murder to be withdrawn. In this way, a space for self-help politics is constructed in the space of the law and power.

Finally, policemen too, even when in uniform, follow the same course of frontier justice. Carrying state-issued weapons and standing right in front of a judge, who hid under his massive table, a policeman on duty killed four people during a court hearing in Khairpur in May 2007. For the first one that he killed, he said '*assanjo karo a'*' – 'he is my *karo*' – and regarding the others, he explained that his desire for revenge carried him away. When a man settles personal scores in his uniform and under the eye of the law while the judge hides under the table, frontier justice is perfected.

Frontier Justice as Qisas

In addition to the space for frontier justice and the construction of *qaumi jhero* in law, frontier justice resonates in the language of the law too, in the legal concept of *qisas*. *Qisas* is a form of punishment implying infliction of the 'same' hurt as that caused in the offence concerned. In law, *qisas* is defined as 'punishment by causing similar hurt at the same part of the body of the convict as he has caused to the victim or by causing his death if he has committed *qatl-e-amd* (culpable homicide) in exercise of the right of the victim or a *wali*'.¹⁸ 'The basic principle of *qisas* is similarity', Justice Mian Qurban Sadiq wrote in 1990.¹⁹ The *wali* can, through the state, inflict the same damage as was inflicted on his kin. Hence frontier justice in inflicting equal damage is not outside the legal conception of retribution in the law. In Chapter 3, I argued that no judge has given a sentence of *qisas* or retribution to match what the victim suffers. In the everyday world, however, I argue that *qisas* does take place in the form of revenge killings, where equality and retribution are achieved.

Violence is not timeless, but performed and imagined under specific historical conditions for concrete reasons (Schmidt and Schroeder 2001). Retributive justice was structured into the FCR and seems to have escalated in the 1980s and the decades after, corresponding to the time when the new laws of *qisas* and *diyat* were introduced (see Tables 4.1, 4.2 and 4.3). It may also be noted that these feuds are not isolated events but a part of the landscape of violence now. The informants I interviewed repeatedly invoked a narrative of brotherhood, peace and alternative forms of dispute resolution

in the past, which has now been disrupted. All these families say they have no memory of any killing before that period. The Ghumra say that they all used to gather in the village common and discuss things, and people were free to take anything from anywhere and there were no complaints. The first murder took place in 1991. Mureed Ulro also says there is no history of violence in his family. It was only in 1988–89 that the *karo kari* accusation took place, whereupon the murders followed in the next fifteen years. Although historical evidence suggests tribal violence escalated in Upper Sindh after the British annexation of Sindh, violence seemed to have subsided by the 1890s, after the end of the tribal rebellions. Although this line of reasoning may be dismissed as false nostalgia regarding a supposed ‘golden age’, the narrative of the recency of killings is substantiated by community elders, police officials and the judiciary. Of course factors other than the law must be at work. There are issues of parallel law enforcement, more informal powers being granted to local chiefs and mediators, and ‘no justice’ from the state, as the people say. Aside from this, the 1980s, as explained in Chapter 2, was a period of important historical, political and legal cleavages in the region.

The three case studies presented here show that violence articulated as feud articulates not only social conflict over marriages and resources, but also relations of power between different groups and between the state and the people. The social world has adopted customary forms of violence as forms of justice, primarily because these customary forms are allowed inside the law and legal system by the state, and supported by local power constructed in the framework of the state. As I have heard the people of the area explain, since the government is not able to punish the offender, they have to resort to their own mechanisms. Each person in Upper Sindh embodies law and theoretically is an enforcer of the law as each person sees it. Hence multiple imaginations of violence are articulated as *karo kari*. The next chapter will show how communities and mediators activate peace ideologies and disputing sides come together in mediations after situations of extreme violence.

Notes

- 1 E.g. see P. Schneider (1969), who argues that conflict may generate or construct honour codes.
- 2 If I included cases that do not involve *karo kari*, the number of bloody conflicts would be far greater.
- 3 In Sindhi, *o* at the end denotes a singular noun, e.g. a Kandhro is just one person; whereas *a* at the end denotes a plural noun, e.g. Kandhra or Maitla means more than one, or the whole group.

- 4 For a relevant article making a similar argument, see Shryock (1988). The author uses Ortner and Whitehead's (1981) 'prestige structure', which unites family, power, material transactions and sexuality in culturally constructed notions of gender. Shryock shows how women are implicated in male prestige in the feud. When women 'become men', they are no longer a threat to the prestige structure, as in the case of the sworn virgins of Albania. For ethnography on inversion of women's role, see Young (2000). Also see Durham (1909); Hasluck (1954); Boehm (1984) for detailed accounts of feuding in Europe.
- 5 The police-bandit opposition is central to the crime narrative of Upper Sindh. The police chase after bandits like trophies and often improvise situations in which to trap and kill them. In most cases, though, bandits are tacitly allowed to live and operate from the *kacho*. For a recent study on bandits of Sindh see Sahito (2006); for literature on bandits presented as popular heroes, see Hobsbawm (1969); and similarly Blok (1972) and Koliopoulos (1987).
- 6 This is a visit by elders or women to the aggrieved side to convince them to come to mediation, or to pardon the offenders. See Chapter 5 for discussion on *mairh minth*.
- 7 A Baloch tribe, considered to be of Rind tribal extraction.
- 8 The *jagir* to the Ulra was a grant from the Talpur rulers of Khairpur.
- 9 Bahawalpur is a district in the Punjab, formerly a state of the Indian subcontinent. Shah Belo or King of the Forests, an island in the middle of the Indus, is a haven for people who have fled the law. It has been historically controlled by Jatoti tribesmen who live alongside embankments on both sides of the river.
- 10 A low wooden table.
- 11 *Taluko* is a revenue collection and administrative area. Khairpur district has eight *taluka*. Each *Taluko* has a revenue officer, a judge, a deputy health officer and a deputy education officer.
- 12 *Deh* is the smallest revenue assessment unit, hence an administrative category.
- 13 When women elope, their paternal kin call it *aghwa*, 'kidnapping', and register such a complaint at the police station. See Chapter 7.
- 14 Most Kandhra are disciples of the Pir of Ranipur, which is why the Maitla thought he would be a partial mediator.
- 15 The Child Marriage Restraint Act 1929 defines an adult woman to be sixteen or older. Recently, however, the provincial assembly in Sindh raised the marriage age to eighteen for both girls and boys (Sindh Child Marriages Restraint Act 2013). Marriages in Pakistan are determined by personal laws derived from citizens' religions. In the case of Muslim women, Muslim personal law applies; this is largely based on Hanafi *fiqh* and allows adult Muslim women a choice in marriage without a marriage guardian. See Chapters 2 and 7 for marriage regulations under MFLO 1961.
- 16 Dargah Pir Jo Goth is managed by the Khalifa of Pir Pagaro.
- 17 Circuit houses were colonial rest houses used for multiple reasons, mostly for official stays and meetings. More recently, they have become places where official mediations take place.
- 18 Section 299: Definitions, in 'Of Offences Affecting the Human Body', in the Pakistan Penal Code.
- 19 'Criminal Law (Second Amendment) Ordinance, 1990 and Its Application'. An undated paper for the Federal Judicial Academy.

PART III

**NORMALIZING
VIOLENCE**



THE EVERYDAY WORLD
OF UPPER SINDH

Chapter 5

MEDIATIONS ON THE FRONTIER



CEREMONIES OF JUSTICE, CEREMONIES OF *FAISLO* AND THE IDEOLOGY OF *KHEERKHANDR*

Hiku mo poe bhi thaha, sao moa poe bhi thaha.
(If one dies or a hundred die, ultimately there is a settlement.)
— an everyday saying in Upper Sindh

In the previous two chapters, I showed examples of *karo kari* violence being shaped within the law and legal processes. This chapter concerns people's interactive everyday world, within which violence is normalized. Primarily, it is about popular ideologies of peace, which are as exaggerated and widespread as the violence and used perpetually to come to terms with the everyday violence. Homicides have legally become private offences to be settled by kin, so the dominant form of justice is self-help, followed by mediations through judicial officers of the state as well as private mediators.

At its simplest, mediation is defined as third-party or triadic assistance to resolve differences (Greenhouse 1985; Kressel and Pruitt 1989). It presumes a community of shared values, and the disputants' general agreement to resolve their differences through the mediation (Witty 1980). Attempts have been made to provide a comparative theoretical basis for diverse mediation practices across cultures (Gulliver 1979; Greenhouse 1985). Greenhouse maintains that although mediations are central to social control, finding a comparative theoretical base is not easy. However, she does offer a model for theoretical comparison: drawing on Comaroff and Roberts (1981), she draws a distinction between implicit mediation, which is local, face-to-face and not easily abstracted from the events that constitute it; and explicit mediation, which is able to explicate from the narrow dispute and make linkages with the systems of authority outside the mediation.

In this chapter, I show that these typologies and distinctions lose relevance as mediators and mediations become part of the official systems of authority and normative orders. In the case of *karo kari*, the courts and the settlements eventually merge into a single process. The system of justice inside the courtroom reinforces informal mediations outside, but still via the formal legal system itself. In self-help justice, after a *kari* or a *karo* is accused or killed or two sides are exhausted from fighting (see Chapter 4), the intensity of the violence can push the disputing families to come together in ceremonies of peace organized by communities, mediators, elders, kin groups and even state officials. *Faislo*, which means settlement, is inevitable in Upper Sindh and has no alternative. 'Becoming one' with former enemies is poetically called *kheerkhandr*, literally translating as 'milk-sugar' but implying an ideal unity and coming together, as sugar sweetens milk by dissolving in it.

Anthropological work on mediations has repeatedly shown that the third party – the mediator – is neither distant nor neutral (Santos 1977); rather, elements of coercion (Merry 1982) are present in this role. The audience's role in coercion and reconciliation is also considered important in the social processes of mediations, as I describe below. But disputing parties too may use coercive tactics to force negotiation. In addition to coercion, the third party may have its own set of interests, as Santos says: 'personal interests of the third party, the interests inherent in the role he performs and the interests of the audiences to whom he looks for rewards. The third party organizes its own strategy in light of a complex weighing of these interests' (Santos 1977: 19). Below, I describe mediators as political actors, and mediations as systems through which political power is sought and achieved.

Performative aspects of both disputes and dispute resolution are a recurrent theme in ethnographies of dispute resolution (Santos 1977; Merry 1994). Language and rhetoric reinforce these aspects. As Mather and Yngvesson (1980) show, disputes are phrased and rephrased by disputants, mediators or audience in ways that constantly transform the disputes.

James (2003) critically examines anthropological knowledge by focusing on the 'lived in ceremonial forms' in which we live day-to-day, and likens the 'social form in movement' to choreography. I present the interchanging roles of mediators, judges and police alternating between the provision of formal justice and informal mediation as a ceremonial dialogue. In both the formal justice system and informal mediations, the ceremonial form appears everywhere – in the performances of judges, mediators, witnesses, victims and perpetrators. My emphasis is on the performative aspects of dispute resolution, where ceremonial forms in role-play and role switching show how the official and normative systems interact. The judge may decide

to allow traditional mediation, or the mediator, mimicking an official, may try to enforce his *faislo* by sending a copy of his written mediation to the police to make sure both sides abide by the decisions. The police may act like mediators by resolving disputes through mediations at police stations instead of investigating crimes.

I describe below how the criminal justice system operates in *karo kari* cases, how the *faislo* works and how criminal justice and mediations converge as legislators, judges, lawyers and police all become ‘official’ mediators in the *kheerkhandr* ideology. The system of exchanges in *faislo* is also explained; these are seen as allowing the normalizing of violence – embracing former enemies, giving them girls in marriage, exchanging sweetmeats, and staging feasts (cf. Peters 1967: 265) – resulting in an ideal state of calm before the next round of killings.

The Mediated Ceremonies of the Criminal Justice System

The criminal justice of Upper Sindh is almost entirely a colonial institution. It comprises the police and the judiciary and is regulated by two colonial laws – the Pakistan Penal Code (Act of 1860), PPC, based on the Indian Penal Code of 1860; and the Criminal Procedure Code of 1898, the CrPC.¹ The former defines offences and the punishments, the latter lays down procedures for enforcement of justice by the police, magistrates and judges. Both laws, as explained in earlier discussions, underwent conceptual changes in the ‘Islamization’ (see Chapter 2) of the 1980s; however, the procedure of criminal justice and its organization are based on Western legal constructs, primarily the common law in form and language.

Each district in Upper Sindh is headed by a superintendent of police now called the District Police Officer (DPO), and below them are Assistant Superintendents of Police (ASP) and Deputy Superintendents of Police (DSP). Every district is divided into *thana*, police stations, each headed by a Station House Officer (SHO). The police station is the primary place for registration of all crime. There are 135 police stations in the six districts of Upper Sindh.

As for the judiciary, each of those six districts has six session judges, three or four additional session judges, and several judicial magistrates. There are also hundreds of lawyers trained in the common law tradition in local law colleges, and district bar associations that hold regular elections. Therefore, the criminal justice infrastructure is visible everywhere in Upper Sindh. The people of the area are highly litigious. Only a slight excuse is needed to make a case out of an offence, and it is a well-known saying that ‘harvest earnings all go in cases’. *Haziri*, the court summons, is for many peasants their most

intimate link with the state, and the lives of those embroiled in disputes are circumscribed by court and jail visits.

According to criminal procedure, every offence has to be first registered at a police station. A *karo kari* killing is legally a culpable murder and therefore must be registered, preferably by the first witness of the incident. The person registering an offence is called the *feryadi* or complainant, in legal terminology. The complainant names the accused, the *jawabdar*. The registration of crime is the *feryad*, or First Information Report (FIR), a fundamental text of criminal justice affecting the course of the case. In spirit it is an instant and spontaneous report (a first-hand, first-sight account), but in practice it is a well-thought-out script that can dictate the case's future course.

Registrations of *karo kari* murders formally incorporate these cultural acts of violence within the legal system as offences. Even though the killers of 'black' women and men are victims in the honour value system, as it is their honour that has been damaged, in the criminal justice system, even in its Islamized form, they are considered offenders – not against the state, but against the complainant. Once a *karo kari* killing has taken place, a community has four possible legal courses for registration of the offence. First, when only the woman is killed, the family of the accused registers the case – the woman's in-laws if the husband is the killer, or the brother or father if she is not married. In the second instance, the perpetrator reports the murder as a confession. Third, a complaint may be registered by a relative of a killed 'black man'. And in the fourth case the community conceals the death; in this instance the police register the case when they learn of it.

Most *karo kari* cases, if registered, follow the first course. A family member, often related both to the victim and the accused, registers the offence and is the pivot on which the whole case hinges, according to the criminal procedure. As I explained in Chapter 3, complainants can eventually shift their loyalties from victim to accused and forgive the offender as the law allows, especially when they are related to both.

It is not uncommon for men who have murdered their wives to walk boldly into the police station and confess. 'The husband is expected to register the case – in many cases however, it is the husband who murders. If he learns that a case has been filed with the police by the woman's family, the blood money he charges is much higher. This discourages the relatives from coming to the police', says Ghulam Hussain Dahri, a police officer.

It is also possible that the confessor who registers the offence is not the actual killer but a proxy chosen by the family (the killer or vigilante, as I explained in Chapter 3, may be too precious to lose to law-enforcement agencies). That confessor is charged, but later in court he can deny the killing. If no one gives evidence, he is acquitted. In the Ghumro case, the killers handed over their young nephew to the police as confessor (see Chapter 4).

The third instance, where the family of a killed 'black' man registers the offence, can become the site of a legal contest or feud (see Chapter 4 and 6). In many cases the *karo* side are not the immediate kindred of the *kari* or are from a neighboring area, so the registration of the offence by the relations of a 'black man' is a more effective legal course: backed up by evidence, it is likely to go on for much longer, with longer periods of detention. This is especially the case where the *karo* has been deemed unjustly killed, and this is actively challenged by his kin legally.

In the fourth course, no one from the community registers the case, but the police may do so upon receiving information of the incident. This happens especially in Ghotki and Jacobabad, and in the *kacho* where bandits have influence. Says Inspector Ghulam Hussain Dahri: 'In *karo kari* cases, in Ghotki a number of the cases are not registered. If police finds out, the community response is that the woman died of an illness'. When the police register such cases, no witnesses come forward, and the police may resort to the staging of witnesses. This happened in the case of Husna Jatoi, who was drowned. The alleged killer's father and uncles were arrested and finally even charged with murder, but no one came forward with evidence. The police made a witness out of someone who did not attend the trial and the body was never found, so the judge had to acquit the persons charged.

In all four categories, the law-enforcement agencies depend on the community to provide all evidence, and on the complainant to steer the course of the case. In any case, conceptually these murders are offences against victims and complainants, so they are crimes only in the perspective of the complainant.

The registration of a *karo kari* offence is followed by police investigation in which named persons are arrested and brought before a judicial magistrate within twenty-four hours. Thereafter, the police retain custody of the named persons for up to fourteen days for purposes of investigation. During remand, police often use beatings to obtain confessions. This does not happen in a *kari kari* case, since the offender has usually already confessed, or the assumption is that it is a family matter.

Over the years, corruption in police administration has increased, and in investigations nowadays they may favour the party most likely to pay. Those who commit crimes have a higher stake in the investigation's outcome, so they pay the highest. For both complainant and accused, systems of payment are known. First, police may charge for every raid they conduct to catch the accused, with the rates rising each time. Meanwhile, the accused side can begin negotiations by offering the police more bribes to let off one or more of those named in the investigation. In most cases the complainants add extra names to the list of the accused to put pressure on the local elders. Communities speak of money put into cases, and into the pockets of police,

to no effect. In one case where a schoolmaster of the Rind tribe was killed for *karo kari* and the police failed to arrest the culprits, his father lamented, 'I don't even have enough money for the colognes the police officers use'. Despite corruption, however, the police do complete investigations, and in most cases some persons are confirmed to be the accused and are duly charged. The charge sheet is called a *challan*, and this report is the basis on which the judiciary proceeds with the trial.

The judiciary as an institution is poorly developed in Upper Sindh, largely because of the continuation of a colonial administrative system that combined the judicial and administrative authorities. The executive district magistrate, who was primarily a revenue collector, had judicial jurisdiction over criminal matters as well.² After the Indian Penal Code was introduced in 1860, sessions and district courts were constituted, but in parts of Upper Sindh laws were also instituted under the SFR to suspend the verdict of a criminal court if the district magistrate decided that an offence punishable by death could complicate matters. He was authorized to refer the cases to the *jirga*, the council of elders granted formal powers by British administrators (see Chapter 2). Only recently have these judicial powers been withdrawn. Meanwhile, the police investigation is typically flawed, and judges say the police are hardly ever able to bring a case that can be prosecuted.

The entire criminal justice system relies mainly on oral and ocular evidence, so trials, being person- and statement-centred, are subjective and liable to change. Judges are lenient with witnesses despite laws against perjury, and they attach little weight to forensic and circumstantial evidence. The only forensic evidence that is taken seriously is the medico-legal report, which is easily manipulated. Broken bones signify a serious, more harshly punished offence, so a running joke is that the medico-legal officers keep hammers to break the occasional bone or tooth and thus make the case stronger in the court.

Once a judge sees that a trial is ineffective and the police investigation reports lack enough evidence, bail for the accused offender is very likely. Judges may also be offered bribes for bails. 'The lower judiciary has withered away', says a senior lawyer of the Sukkur bar, implying the corruption of justice at this level. 'When I was a session judge, I asked for the number of convictions of serious offences in that district in the past few years. Only 5 out of 300 offences were convicted,' says a judge of the High Court of Sindh. Where courts fail to convict, a self-help system operates – at least, this is the most popular explanation. Over the years, more and more revenge killings have taken place inside the court premises, as if they were being ironically used as a stage for self-help justice.

To reverse the above argument, the courts do not incriminate because the complainant steers the homicide case and in most if not all cases, the

complainant is either cajoled or coerced into settling the matter out of court. As mediations are perceived as inevitable, the formal justice system is often used only to harass and humiliate the reluctant side, forcing it to come to mediation. In some instances, a counter case of, say, arson may be lodged to pressure victims who have registered a case (see Chapter 6).

After *karo kari* cases are registered and the police have investigated, prepared the offenders' charge sheet and sent the case for trial, the complainant, accused, judge and lawyer all know that the law will allow compromise, with compensatory *diyat*, before, during and after the trial. Therefore, the judge holds the trial and lawyers cross-examine witnesses in the typical common law ceremonies of justice, awaiting compromise or pardon from the disputing parties, while at the same time the involved communities engage in far more energetic and lively parallel processes of reestablishing peace – *mairh minth*, the *faislo* and the eventual *kheerkhandr*, as I will now explain.

The Ceremony of *Mairh Minth Kafila*: Caravans of Peace, Pardon and Appeal

While the case is in the court, the victims in criminal justice are being persuaded – by kin, neighbours and even mediators – to come to mediation. In almost all conflicts, immediately after the aggression, communities initiate the methods leading to settlements. Indeed, every step is taken from the point of view of the eventual *thaba* or settlement.

One of the main events leading to both the negotiation of a settlement and its final implementation is the *mairh minth kafila*, a ceremony that is indispensable for a successful mediation. The term *mairh* means a gathering or collection, a *kafila* is a caravan, and *minth* is to beg for forgiveness, implore or appeal. In this ceremony the accused party goes to the victims for forgiveness, or community elders make appeals of peace on behalf of the accused (cf. Baloch 1987; Khalaf 1990; Koch et al. 1977). In *karo kari* cases, however, it is the *kari dhur*, the 'black side' implicated for honour damage, that has to take *mairh* to the aggrieved. In feuds, conversely, it is the most recent aggressors who take *mairh*, as they are expecting retaliation.

Someone who comes to the house – *ta'de te hali achan*, 'to come to the entrance mat' – must be treated with the utmost respect by the host. In the local honour system, it is obligatory to forgive a murder when women come to the aggrieved. When one is visited by a *mairh* comprising elders, women, Syeds, and now politicians and officers, the pressure to forgive a violation is tremendous. Sometimes force and *mairh* are used alternately as twin devices to bring the aggrieved to negotiations. Complainants who are determined to

have recourse to the law, and especially relatives of a *karo* unjustly killed, are alternatively begged, followed, chased or threatened with the goal of getting them into mediation.

Ahmed Ali Pitafi, head of Pitafi Baloch in Ghotki, sees *mairh* as an effective tool in community settlements. '*Mairh minth* has the power of 500 Kalashnikovs', he says. 'It is the method to make people give up blood feuds and murders', he adds. *Mairh* is a largely ceremonial event, so the choice of the number, ages, sex and status of its members, as well as who leads the *mairh*, who speaks, and what words are selected is debated endlessly in *mairh* preparations. The popular everyday dictum goes, 'whether one dies or a hundred die, ultimately there is a settlement'. This classic line is used by the lead speaker in *mairh minth*.

Mairh are of several kinds. The most powerful is centred on women, who carry Qurans on their heads and walk in large numbers along with little girls, begging forgiveness. This type of *mairh* is sent to an opponent who is aggrieved – that is, women who embody the honour of a family or tribe are sent to make the other side agree to a settlement. This form of *mairh* is called *niani mairh*. A *niani* is a virgin, but the word is also used generally for women. In the Kandhro-Maitlo feud, and earlier in the feud between Nareja and Jagirani, I played several roles simultaneously: administrator, community elder, visitor to both sides urging them to renounce violence and forgo revenge. Since these *mairh* were led by a woman, communities often perceived them as *niani mairh*. Such *mairh* are regular events throughout a conflict – one is never enough. In Upper Sindh, where several conflicts are ongoing, such ceremonies have become routine. Politicians increasingly use them to gain popularity, and social and peace activists lead caravans of pardon, as all these ceremonies receive good publicity.

The chiefs consider the *mairh* an effective method for mediation and even enforcement, but the results are mixed at best.³ In fact, refusals are as much a part of the ceremonies of settlements as the *mairh* are. More than a powerful tool to make the aggrieved side agree to come to a settlement, the *mairh* is a form of community negotiation to reestablish peace. The aggrieved side, when asked to negotiate with the aggressors during the *mairh*, looks for technical ways to evade acquiescing. Several times I arranged a *mairh*, only to see the next round of violence begin just days later. At other times, though, the aggrieved community seemed almost to expect and await a *mairh* before they would respond. They made this evident by sending numerous messages, *niyapa*, saying, 'nobody has come to us', alluding to their waiting.

One of the main reasons given for not responding to a *mairh* is that elders other than the guilty ones are included in the group. For instance, during a feud between the Nareja and Jagirani, when a *mairh* sent by the Jagirani

comprised other communities, the Nareja demanded that the Jagirani themselves bring a *mairh*. The Jagirani, however, sent Syeds, political party figures and other notables, never going themselves. To accompany the *mairh* would establish them as the guilty party, and guilt can only be established during the *faislo*.

Even when a *niani mairh* goes to beg forgiveness, excuses are sometimes made by the aggrieved, for instance, regarding someone who did not come in the *mairh* but should have. In the Ulra case described in Chapter 5, Khadim Ulro had sent a *mairh* of mediators to Rajab and Rajab, as always, had made demands. One Ulro elder complained about this: 'One hundred women's *mairh* led by their spiritual head had gone to Rajab for *faislo*, but he kept talking about getting *sang* – a woman in marriage – before. Now you have seen the world, and been everywhere, you are well educated, you have studied abroad, you tell us, how that is possible? How can you demand *sang* in a *mairh*. Then what is a *faislo* for?'

Mairh continues to play a role in peacemaking even after the settlement is announced. Often, when the settlement does not suit one side, that side will sulk, and then a *mairh* of women and girls is sent to get them to agree to the decisions of the elders. 'If the person does not abide by the *faislo*, the elders try and convince him in a *mairh* but if despite that there is no settlement, then there is a boycott of the community and the case is handed over to the police,' says Ahmed Ali Pitafi. Most settlement decrees, in fact, include *mairh* as an obligatory action. Before the mediation, community members, elders and disinterested people go, often in more than one *mairh*, to convince both sides to mediate, and after the mediation, women and girls of the guilty side go to the aggrieved party with Qurans on their heads.

In an extremely violent world of self-help, these peace caravans led by women, children, mediators, scholars, politicians, journalists, activists, poets and students are presented as a forceful institution. It is probable that this mobilization is triggered by extreme violence. It is yet another paradox that the police and local administrators, including myself, organize these movements of people when they become helpless in face of the bloody feuds. As the standard *sardar* saying goes: 'We don't force anyone to obey, we use *mairh minth*. And people accept *sardar*'s pleas. We have no power other than that'. Once *mairh* ceremonies have won over the disputing parties, the time is ripe for mediation. I will now describe the features of present-day mediations.

The Ceremonies of Settlements in *Jirga* and *Faislo*

The objective of the *mairh* is to come to a settlement, *faislo*, in which the disputing sides will become one, as depicted by the *kheerkhandr* ideology. Historically, the *jirga* – a council of local elders or tribal chiefs – was mandated to resolve tribal feuds. Through this semi-judicial body, the local administration controlled law and order by calming warring tribes and winning the loyalty of chiefs on the frontiers of the British Empire (Thornton 1895). However, bureaucracy had the final say, as the district commissioner in the area, or the political agent coordinated these *jirgas* and had the power to convict for up to seven years (see Appendix I). The *jirga* also had ceremonial power. ‘During the British times, a stage used to be set for the *jirga* council. It was an elevated platform. The chairs would be arranged in a hierarchy with the senior-most chiefs sitting in the centre’, says Ejaz Jakhani, a tribesman and a lawmaker from Jacobabad. ‘All other people would sit on the ground.’

The *jirgas* still operate as legal and administrative instruments in Upper Sindh districts like Ghotki, Shikarpur, Jacobabad and Larkano, where they rely on state structure and authority for their enforcement. However, now that the SFR has lapsed, the *jirgas* are not run as part of the law but continue as a traditional practice supported by the criminal justice and state administrative systems. Since a High Court ruling banning them,⁴ *jirgas* have shifted to private places, and the police and other officials participate in them in plain clothes.

Whereas the *jirga* is a formal gathering attended by bureaucrats and police and tribal chiefs, the present-day *faislo* – mediation – is a more informal institution that also incorporates and interacts with the criminal justice processes in its midst.⁵ And it is in the form of *faislo* that most settlements of *karo kari* disputes are carried out. The word *faislo* has various meanings encompassing resolution of a dispute, a settlement, a decision and a judgement. The *faislo* system can be used in the extended family, the village community or the larger *biradar* or *qaum*.

Faislo is used to resolve not only day-to-day disputes and conflicts over land and property, but also murders and feuds. Unlike the criminal justice system, whose objective is to prove guilt and punish one side, it seeks to resolve disputes by bringing disputing sides together. ‘*Faislo* is to mediate and the objective is to end the feuds by consensus of both the tribes. How can we punish?’ asked Sardar Khadim Hussain Jatoti, head of the Jatoti tribe from Shikarpur.

With changes in the law allowing private settlements in cases of murder, the *faislo* has become more widespread, and more inventive and dynamic. Meanwhile, the failure of the criminal justice institutions of the police and

the judiciary is equally and repeatedly cited: 'Nowadays, there is no justice with the police. The accused is released by bribing the police and then the tribes start fighting again. In the court it takes years to decide the cases', says one sub-chief from Jacobabad. *Faislo* is an instrument of political and social power, and mediations are organized not only by chiefs and their sub-chiefs, but also by spiritual leaders, politicians, landowners – indeed, anyone who can claim influence can mediate disputes (cf. Barth 1965).

In *karo kari*, it is the accused, the relatives of the *karo*, who seek arbitration, since they are held responsible for honour damage. The choice of *sardar*, time and place lies with the victims, in this case those who face shame or loss of honour and are threatening violence or retaliation. For instance, in the Ghumro case the *karo* side went to the *sardar* for mediation, but the option to agree or refuse mediation was with the 'aggrieved' side – the one that had killed the black woman.

The ceremony of *faislo* is chaired by a *sarpench*,⁶ usually a chief of a *qaum* or group, whose role is largely ceremonial. The function of the *sarpench* is to steer the *faislo* and to announce the decisions reached. Two *musheer* or advisers sit next to the *sarpench*. The *musheer* are nominated by each side, but they are also mediators and do not necessarily belong to the groups they represent. Representing the point of view of the side that nominates them, they also have the authority to shift the point of view in order to settle the matter. 'We have some advisers on each side who we consult for details but he will not do the *vigalat* [advocacy] for anybody', says a sub-chief from Jacobabad. Unlike the professional lawyers of the criminal justice system, the *musheer* are volunteers who represent their sides as an exercise of their overall political or social capital. In addition, each side must have a guarantor, a *zamin*, from within their group who guarantees in writing that the *faislo* will be implemented, no matter what the outcome.

The sequence of events in a mediation seems to mimic the courtroom sequence. 'Five of us sit in the centre. First the complainant presents his case and the other side's *musheer* cross-examines. Then the accused side responds and the complainant's *musheer* cross-examines. The five of us then move into a smaller room and draw a compromise plan comprising of a system of fines, compensations, instalments and ceremonies of *mairh minth*', says Ghulam Jaffar Shaikh, a lawyer turned mediator. Although many disputes resolved by *faislo* concern women and women actively constitute the ceremonial actions of *mairh*, their voice is largely absent from *faislo*, an almost exclusively male affair. A man would use a first-person account when talking about a woman's position in the case and, in so doing, become a female voice.

Each disputing side nominates a speaker; each side gives a coherent account of events and faces a few questions from the council. When both sides' statements have been heard, the *musheer* sit together and find the best

possible settlement – in most cases, a system of compensations – to *end* the conflict. Unlike in the state system of justice, there is no appeal, and once concluded, the same *faislo* is not held again. If one side does not agree, then another settlement with another *sarpench* is due, but this is an entirely new event with new actors. However, if the *musheer* do agree, there is no basis for a further mediation.

In *karo kari* cases, the question of proof is a non-issue; it is the action itself that is the proof of guilt or innocence. For instance, if a man and a woman are both killed as ‘a pair’, then there is no question that they were not *karo* and *kari*. The Pitafi *sardar* defends the killing of men and women in pairs because it establishes guilt: ‘The good thing among the Pitafi is that they always do double murders. Both *karo* and *kari* are killed, often together. This is not the case with others, which leaves doubt to their claim’. Similarly, if a woman is *kari* and the community has (instead of killing her) immediately given her away in marriage to a far-off community, this too is proof that she was in fact black.

In cases of *karo kari* mediations, the killer is mostly known. If he faces state justice, he will go and confess, either at the police station or to the community. Violators of honour, cattle thieves, murderers and trespassers are easily located – in the community, no one can hide. Where the identity of the suspect is in doubt, the Quran comes to the rescue. Implicit in the use of the Quran is the knowledge that those using it wrongly are cursed; the Quran will exact retribution. The Quran is a source of power in the settlements and is used for oath-taking as well. Used as a sacred object wrapped in colourful and shining materials, rather than as a text, the Quran is a final witness to settlements and, finally, forgiveness in the case of honour damage. The Quran is also the last bid to save life, a source of strength when all bridges have been burnt. Women put the Quran on their heads when they are attacked, as Najma, for example, did in trying unsuccessfully to save her life.

In the *faislo*, the main instrument for establishing guilt or innocence is *sakh* or an oath. There are various ways of taking *sakh*, but more important than the oath itself is who takes it. The *faislo* uses a well-reputed elder called *chan'go*, the one who never lies or cheats, to swear on the Quran. His word prevails as to whether or not the accused is a thief. If the crime is within kin groups, then the one to swear the oath will be anyone from the ‘*da'dang*’ or patrilineal kin group on either side. Says Ahmed Pitafi: ‘*Sakh* is taken by the members of the paternal family. We take them to the mosque and make them swear. Before people used to put hands on the *sardar's* seat and take the oath by the seat. Now there is more education’.

Sometimes, where there is doubt, both sides are asked to take *sakh*. A *chan'go* from the accused side would be asked to state under oath that ‘I

vow that X, son of Y, is not *karo*'. X's innocence is then established. If this honourable man refuses to take *sakh*, and there is a contradiction, then *faislo* reverses the oath strategy. Now, an honourable man from the aggrieved side is required to reiterate, under oath, the guilt of the other side: 'I vow that X, son of Y is *karo*'. When this is done, guilt is established. If both nominated men refuse to take *sakh*, then a minor compensation may be imposed on the accused side to palliate the aggrieved. It is the victims who determine who takes *sakh* and how. Victims often ask for *sakh* to be taken on remote shrines in far-flung areas, and at odd times. Since mediations are public events, oath taking can be extremely dramatic, as dozens of people will watch. One method of *sakh* is the *char'beli* – a fire oath.⁷ The accusing side names the one who should take *sakh*, who then walks across burning embers with bare feet bathed in goat's blood. The slightest scratch or burn on the feet afterward is read as the body's admission of guilt. The *char'beli* is particularly identified with the Bugti area that borders Upper Sindh, but it has now been adopted by some mediators in Jacobabad and Kashmore, one of whom has been a minister in the previous provincial cabinet of Sindh.

Mediations are also set in motion by procedures of criminal justice. For instance, people implicated in false cases, an extremely common event in Upper Sindh, use mediations to avoid police investigations. As noted earlier, most registrations of homicides include the names of people who are not involved, and mediations are the best way to resolve such issues, correcting the anomalies of the state justice system. For instance, in the feud between Maitla and Kandhra (see Chapter 5), each side named more than a hundred persons in the first round of the dispute; in the second, a large number of Maitla judges, teachers and notables were implicated.

Delay in the formal justice system contrasts with the speed of the *faislo*, which can resolve cases involving scores deaths in just hours. With *sakh*, *char'beli*, the Quran and a community resolved to settle the dispute at their disposal, mediators are able to decide the matter quickly. But in fact, the dynamic of the formal justice system often determines the dynamic of the informal one. It is the excess time taken by the formal system that helps informal mediations resolve disputes. 'The biggest flaw in the *sarkar* [state] is the delay of justice. It takes on average ten years to decide a murder case', says Ahmed Ali Pitafi. 'We decide within days and sometimes within hours. We have three to four respectable elders who have a link with the community and know all about the family and the background in which the crime occurs. The police know nothing', says Ahmed Yar Shar, head of the Baloch Shar in Ghotki, adding: 'My first mediation was a long chain of disputes. There were 35 allegations of *karo kari* in one village of Shars. They were blaming each other's daughters for being black for years. Some women were already killed, others were under threat. I resolved all of it in only one hour'.

The inevitable outcome – the *kheerkhandr* – is already known, and in most cases parties have come prepared for it.

However, the claim that *faislo* is speedy may be deceptive in some ways. *Faislo* is a system that depends on community enforcement and on the consensus of the groups that want a matter settled. In any successful arbitration the feuding parties must eventually agree to settle down: this, more than anything else, ensures mediation (cf. Black-Michaud 1975: 91). The process of making both sides agree to the details of the *faislo* – the method, place, nomination of *sarpench*, nominations of advisors – is long drawn out, taking months or even years. There are instances of disputes that go unresolved for decades because one side is not willing to give in to mediation.

There is a perception that that people do not lie when they testify in a *faislo*, but rather confess. However, I have heard whispers of people taking false *sakh* – swearing on the Quran with a straight face and lying. Interestingly, though the whole world may know it is false, a lie on the Quran is taken as the truth. ‘We were helpless when he took a false oath. We have left it to the Quran to avenge this’, the wronged party in the *faislo* might say.

Moreover, speedy mediations are fragile, as it is instalments or dates of payments, more than anything else, that will determine whether the mediation has worked. Mediation continues to be popular, but there is no guarantee that the warring sides will abide by their oaths and obey the decisions. In fact, the *kheerkhandr* ideology of loving your enemies and becoming one with them is a myth that is reiterated in order to perpetuate the cycles of mediations. After calm for months or years, violence re-erupts over a new dispute or cause. The Kandhro-Maitlo feud has already had two mediations, but the fighting goes on. The Mahar-Jatoi feud in Shikarpur has had at least ten mediations involving the highest of the *sardars*, sitting ministers and police protocol, but within weeks, new fighting breaks out and the mediation collapses.

The myth of the power of *faislo* is also sometimes exposed when women who have taken refuge with a mediator are killed, even after their safety has been guaranteed under oath. Mehboob Shah, a medical superintendent and a ‘Sunday’ mediator,⁸ told me about a woman who had come to him seeking refuge. Parvez (Pari), who was labelled as black, had complained against her husband’s nephews: they were being abusive, and her husband was impotent to stop it. ‘I made some conditions that the nephews would not visit her. I got the surety that no harm would come to her once she returns to her folk. I also ensured that there would be no case in the court’, he told me about the several steps he took to ensure her safety. ‘Some days later I heard that Pari was killed’, he added.

Although proponents of *faislo* say that it resolves community relations and allows peace to re-emerge from highly violent situations, in cases of

serious offences the two warring sides mediate only after retribution is equalized. I have often been startled by how disputes flare up again on the day before the mediation date. In a tribal feud, for instance, the side that has fewer killings in its score will try, just before *faislo*, to take lives so as to equalize the deaths. The ideal condition for negotiating a dispute resolution that ends in both sides becoming *kheerkhandr* is that scores are already roughly equal (see Chapter 4). Some chiefs are bold enough to tell the conflicting tribes that they should equalize the score before coming to them for settlement. In Khairpur district in 2001–02, the Jagirani and Nareja were fighting over a *karap* issue after two Nareja women had eloped with two Jagirani men. When the Jagirani went to their *sardar* to mediate, he first asked them how many people had been killed on either side. When Jagirani reported fewer Nareja killed by them and confessed that more Jagirani tribesmen had been killed so far, he insulted his tribesmen and told them to go back and equalize the number killed. The chief took a pragmatic approach, believing that mediation would not hold unless both sides had inflicted equal damage on each other. After that, the fines would simply assign blame to the side that initiated the conflict. The next section briefly explains how *faislo* resolves disputes through an extensive system of fines and compensations, and also shows how these exchanges normalize everyday life after violence.

Rates, Calculations, Fines and Compensations: The Language of Exchange in *Faislo*

In all the mediations I have come across in the past few years, perhaps the greatest emphasis – more than on establishment of the facts of the case or guilt – is on the ideology, forms, and methods of exchanges. So extensive is the system of exchange that it seems to be a total social phenomenon determining both the shape and course of the event, turning it from an event into a process. In anthropological writing on dispute resolutions, this has been referred to as rephrasing the dispute in the language of the currency of exchange (see Mather and Yngvesson 1980).

Translation of some *faislo* copies, reproduced below, shows them to be little more than a sum of damages stating who will pay whom what, and when (Figures 5.1, 5.2, 5.3). The claims settled by the exchanges concern issues ranging from murder, *karo kari* damages and insults to feuds. This makes for a significant local economy running into millions of rupees daily that has led to a growth of services, mediators and middlemen, as well as a system of damages. Each event eventually creates its own forms of exchange, but the system has some general features.

As the very first step, the final *faislo* unfolding the exchanges is preempted or expedited by the aggrieved party, which makes a claim for damages by damaging property and possessions. This is *faislo chikan* – to pull a settlement. Thus, if a woman is accused of being *kari*, her husband will damage the property of the *karo*. The most valued possessions in rural life in Upper Sindh are homestead, land, and buffaloes. If the accused *karo* does not respond to the accusations, the aggrieved party will attack his crops and property and steal his buffaloes, or prevent him from harvest. Considered legitimate retaliation for the damage done to honour, this serves a dual purpose – it is both a form of exchange for honour damage and a method of forcing the other side to enter into a settlement. The ultimate measure is to harm the women of the accused, but the society condemns this ethically. During my fieldwork period, only one major incident of kidnapping women took place, in the Kandhro-Maitlo feud (see Chapter 4) in retaliation for a *karo kari* accusation. The act was widely condemned and subsequently punished with a fine. Interestingly, the state authorities use the same tactics to punish accused communities. If a village has harboured a thief, fed a passing bandit or provoked a feud, for instance, then the police may torch the village or take away all the buffaloes, goats or chickens to force the village elders to bow to accepting guilt or coming to mediation.

The basic punishment recognized in the *karo kari* ideology is expulsion. This takes place before the final system of exchanges and affects the *faislo*. Husbands expel accused women in an unstated divorce, sending them back to their paternal kin, who marry them into a distant community or a tribe, often by charging a price. If the woman is not married, she is ‘sold out’ – *vekro* – again to a distant community. Once she is disposed of, the accused man, or *karo*, has to respond. He may not enter the community; if he is seen, his presence is implicitly assumed to be a provocation for action. In extreme cases, the *kari dhur*, the ‘black side’, which means the black man and his kin, will all be forcibly expelled. Aside from that, the *faislo* requires the accused man to compensate honour damage to the women’s kin by paying money or giving a woman in exchange.

Different liabilities or debts are created depending on how *karo kari* was carried out; that is, on whether both man and woman were killed as a pair, only a woman was evicted/killed; or only a man was killed. Most liability against *karo* is created when women are killed or evicted, which explains why two-thirds of total persons killed for *ghairat* are women. This is the most frequent action in *karo kari*, more common than the killing of pairs or men singly. The largest possibilities for exchanges lie in this act, which may include replacement of a wife or compensation, or both. When both *karo* and *kari* are killed as a pair, no compensations are due, since the deaths to the transgressors have equalized the damages to honour.

Faisla, as final settlements of *karo kari* disputes, use two terms for exchanges; '*dand*', 'fine'; and *avezo*, 'in lieu of', or 'as exchange'. Women exchanged in marriage are also called *avezo* (Chapter 1). '*Dand*' is a payment as a penalty for the wrong; *avezo* is a payment to compensate for damages. The two terms have different significances, and monies are divided between these two forms depending on the nature of the accusation. The '*dand*' is a far smaller component than the *avezo*, and only in the latter category can women be included as exchange items. Since '*dand*' is for the wrong committed, it is not owed to the other party and may be charged by the chief partly for himself. The *avezo* or compensation, on the other hand, is a transfer of money, women or land to palliate the aggrieved party. I have observed that mediators prefer to impose *avezo*, as compensation is considered a better method of bringing conflicting sides together than imposing fines, which may alienate one side. However, these distinctions are no longer maintained in the everyday world, where the terms are used interchangeably.

In feuds where a large number of people have been killed on both sides, it is calculated whether the killings on each side balance out. This is called *paran*, literally meaning 'to divide'. If there are ten killings on each side, then the killings balance out and there is no *avezo* to be paid, though a fine may be imposed on the initiator of violence. If there are ten deaths on one side and eleven on the other, then *avezo* of the eleventh would be charged. This principle is applied to tribes who historically have had a feuding relationship, although an ongoing debate among the chiefs weighs whether *paran* should be discontinued so that compensations can be charged against each murder and the amount recovered given to the family that suffered the damages.

The rate of exchange is linked to the market economy and fluctuates from one *faislo* to the next, from one time or even season to the next, but it increases progressively with inflation. Some rates are fixed according to precedents set by influential chiefs; sometimes rates of murder are negotiated between heads of two tribes that may have a long history of feuds between them. Factors such as the local economy and the conflicting parties' capacity to pay are considered, as are the scale and extent of violence. For instance, Hazar Khan Bijerani, whose brother is the head of the Bijerani tribe, and Akbar Khan Bugti, head of the Bugti tribe, had previously fixed an amount of Rs. 26,000 as *avezo*, should any of their tribe be killed by the other. This was later upgraded to Rs. 150,000. The average homicide compensation in Upper Sindh at the time of the fieldwork was between Rs. 300,000 and Rs. 400,000 rupees (approx. \$6,000 at 2001–02 exchange rates); now it is approximately Rs. 600,000. Rates for *karap* penalties vary from one tribe and one area to another. Generally speaking, the amounts are smaller within tribes or families, and more across tribes. At the time of fieldwork these ranged from Rs. 100,000 (\$1,600) within tribes or groups to Rs. 200,000

(\$3,300) across tribes or groups. Roughly speaking, compensations for *karo kari* damage are half the compensation for homicide fines. Killing a woman who is not black incurred a double charge – Rs 600,000 – where half was the *avezo* and half the '*dand*'. 'For a man killed 3 lakhs, for a woman killed by a man, 600,000 half compensation and half fine', explained one chief. The state's rates of compensation are slightly higher than those in Upper Sindh. The official rate for murder compensation should amount to 36,000 g of silver, equivalent to Rs 750,000, whereas the current rate for a murder is Rs. 600,000.

Other precedents keep evolving as chiefs meet in *faisla*. Wrong forms of killing and cowardly actions are punished with fines as well. The murder of a child also incurs a double rate, by the same count as the murder of a female. Maiming, disfiguring or mutilating a corpse triggers a hefty fine. Compensation for serious injury is half the compensation for homicide, but there may be a fine in addition. 'For instance, in one case, a man pulled the eye out before killing a man. We imposed *avezo* of 3 lakh and a '*dand* of one and a half lakh', said the chief of the Pitafi tribe. As for other fines, he added: 'If a woman voluntarily goes with a man, we return the girl to her family and then also fine 2 lakh rupees on the man. If a woman is taken by force, we return the woman and impose 3 lakh rupees fine on the man'.

Each action then may entail a separate compensation. The system of fines also separates a series of actions into sets of payments. In one case, a sub-chief of the Chachar tribe of Ghotki region told me that he put six forms of payment on the guilty side:

It was an issue of *karap*. One man, Aazu Chachar, also a bandit, and wanted by the police, married a woman who was already married. Her husband was on the lookout to avenge his honour. Aazu preempted him and attacked the village, and some people were killed. Aazu was eventually killed, and that woman was then married to his brother. When both sides finally agreed to mediation, I put 6 sets of payments on Aazu's side: one for kidnapping the wife, one for *karap*, then again, one for kidnapping by the brother, and one for *karap*, and two fines for honour damage.

One of the earlier rules of local settlements was to punish police officers for killing bandits rather than capturing them, especially when the officers concerned and the bandits belonged to neighbouring tribes. This rule also led to many acts of revenge between police informers and bandits. Some chiefs are now changing the rule to align it with the state law, arguing that if a thief is fired upon and dies, no compensation is due.

In the case of *karo kari*, payments are the liability of the *karo* when he is individually involved. Sometimes, when a *karo kari* issue turns into a feud between groups, the entire community may be labelled as black for

protecting the black man, as in the case of the Maitlo-Kandhro feud over a Kandhro women. In such cases the fines are collected through a system called *phori*, in which the fine is a collective liability that each family is asked to contribute to paying.

In the case of *siyahkari* in the colonial period, systems of money distribution had been written in semi-codified form by earlier political agents in frontier areas and signed by the local elders and chiefs. The records of *Shahi jirga* convened in Quetta or Sibi also set precedents in charges for both fines and compensations, and their distribution. *Avezo* is often directed at the person who suffers a loss, and claims a woman to be given in marriage as compensation. The accuser of course gets the main share. Roughly, as different chiefs tell me, if a woman is married and her bride price is fully paid, or if she has been exchanged for a sister, then the full rights are with the husband, to whom all the *dand* and/or *avezo* will be due. However, if a father is accusing his daughter who is not married, then the fine will be paid only to the father. If a woman's son accuses his mother of *karap*, the fine is distributed between that son and the father. If a woman does not have a father and it is her brother who looks after her, the fines for accusation will be paid to the brother. In actual practice distributions are not as neat as in theory, since pay-offs, bribes, cuts and even deals may be made on the way to the mediation. For instance, the accuser who has killed may have to pay off the police, or may have promised a cut to the *sardar* or an accomplice, and so on.

Although money is the central mode of exchange, women too are given in the form of *sang* or marriage. This exchange is called *sangchatti*. If no pubescent woman is available, two or even three girls are given instead of one. Because the law now clearly prohibits the transfer of girls to settle disputes, most chiefs have also disallowed *sangchatti*, but this principle of exchange still stands when *sang* is the best method to resume severed social relations in disputes within a family or group.

In *faislo*, the mediator also has waiver rights, amounting to up to 25 per cent. The mediator can reduce the actual fine or *avezo* at his discretion, but this has to be stated at the time of the *faislo*, keeping in view the financial circumstances of the accused side. He can also allow payment in instalments. In most cases, the instalments are three: one an immediate payment, and two with gaps of some months, as mutually decided by the *musheer* on both sides. The timing of instalments is crucial to the case. Being even a day late will often give the aggrieved party justification for retaliation.

The question of how mediations stand and how payments are ensured depends on the guarantors, who pledge both financial and moral sureties. The guarantor, or *zamin*, most frequently takes responsibility for abiding by the outcome of the mediation in advance of the mediation itself. If

his side defaults, then he is liable to pay the balance and will be called to answer. Another *zamanat*, or guarantee, is paid in advance. If there are a large number of murders, then the aggrieved side can demand that a deposit of money be placed with the mediator as a precondition for *faislo*. In the Narejo-Jagirani *faislo*, the Nareja side gave the mediators in Dargah Pir jo Goth a deposit of Rs. 2 million or 20 lakh (approx. \$33,000) before the Jagirani conceded to a settlement.

The chiefs also impose different charges. The basic charge is *kharch*, their expenses, but some also charge what is called *sardar ji pa'g* – the fee of the turban – which is an honorarium. Aside from this, there may be *pati*, a share that signifies collusion between the *sardar* and the side that claims compensation. Although the more influential chiefs I interviewed denied charging any share, fee, or contribution to expenses, saying that they paid out of their own pocket, they nonetheless conceded that 'smaller chiefs' did so. In Ghotki district, I heard from various chiefs that some chiefs take a cut in cases of *karo kari* accusations; thus accusations or killings happen by a preconceived plan. Ghulam Jaffar Sheikh in his interview described how local bandits would come and offer him a 50 per cent share for colluding in a *karo kari* accusation. In other words, the settlements themselves provoke accusations of *kari* and *karo*.

Exchanges signify new social relations between the accuser and the accused, but if the exchanges do not meet the expectations of either side, they could become a new cause of conflict. A murder after a settlement is most often due to improper compensation, or to the victim's having challenged the transfers and flows (cf. Peters 1967). This was the case in the Kandhro-Maitlo feud. Delays in payment are also often used to justify a fresh round of violence. Many murders have been committed when only the last instalment remains to be paid.

The Ceremonial Worlds of Criminal Justice, *Faislo* and *Kheerkhandr*

So how do the two processes of criminal justice and *faislo* become one? As the judge sits and hears lawyers cross-examine witnesses, a vigorous parallel campaign is organized, using both an ideology of peace in *mairh* and a method of coercion via state offices, to convince or force the aggrieved in the honour system to come to mediation.

In the *faislo*, along with a statement of monies to be exchanged as a fine or compensation, it is stated in the closing lines that 'the disputing sides withdraw all cases on each other, and become *kheerkhandr*'. This is why judges wait endlessly for witnesses from the complainants' side, but no witnesses

turn up to give evidence. Eventually, acquittals or compromises result in the courts because the very people the police have named as witnesses in their *challan* stand up in court and say, 'We do not know if the accused is the one that is named, as it was the police who gave names, and they did not ask us'. This term is technically called '*biyan phirain*' – to undo the statement. With this the judge acquits the accused for lack of clear evidence, in conformance with criminal justice.

So to sum up the typical trajectory of a *karo kari* case: after registration of the offence, there is a charge and then a trial, while outside in the community there are ceremonies of *mairh minth*, followed by mediation and *kheerkhandr* that usually require the *karo* to pay a fine, and ending in a joint meal, called *khairat*. But final closure occurs not with the mediation, but upon changes in statements given by the main witnesses and complainants in the courts, followed by acquittals. This process traverses the seemingly contradictory worlds of law and custom as a continuum. It is how one dissolves into the other. Apart from the merger of processes, I will now show how the roles of seemingly opposed state officers and mediators and judges are interchanged to support the world of self-help and *kheerkhandr*.

Anthropology has an extensive literature on mediators' role in dispute resolution, with emphasis on a certain class of people variously called saints, sheikhs, leopard-skin chiefs, and so on – those vested with power or status to mediate (Evans-Pritchard 1940, 1949; Barth 1965; Gellner 1969; Dresch 1989). Here, perhaps partly due to the interactive spaces of law and mediations, mediators are not a single category or group per se. Indeed, mediation is performed by a host of actors, both officials and non-officials. The mediators are also chosen according to the context of the event to be mediated.

In Upper Sindh, two parallel processes have shifted power towards the mediators. First, mediators are in executive, administrative and even law-making positions in government and state offices. They are lawmakers who may not originally have been mediators but become so, thereby encompassing formal power through and in the informal world. Second, state officials, both from within the criminal justice system – police, judges, surgeons performing their professional duties – and when back in their hometowns, play roles as mediators.

Legislators and Executives as Mediators

Mediators of Upper Sindh increasingly formalize their role by taking on some characteristics of state officials in the judiciary and in administration. Simultaneously, lawmakers of Upper Sindh who have no experience in mediation become mediators to add to their local power. Previously, chiefs

were given honorary magistracies; today, they wield political and executive power. Most likely they side with the government of the day, since they need their local police for implementation of the *faíslo*. They may shift political loyalties in order to maintain ties with state officials, which are necessary for a mediator to be effective. During my fieldwork, Upper Sindh was virtually divided into territories of power by the government of the day, with each district apportioned to one mediator.⁹ Political and social activists termed this parcelling out of territories ‘making *jagir*.’

All chiefs start with a disclaimer: they are reluctant to do mediations and are doing the job of law enforcement. ‘We do the job of the police’, says one Jatoi mediator from Shikarpur. Typically mediators would like have their sons in the police, a pragmatic arrangement that can reinforce their own power as mediators.¹⁰ However, their authority as chiefs, be it within or outside of the tribe, is contingent on the breakdown of law enforcement, so this reluctance is only role-play. The mediators reinforce their traditional power through both conflictual and good relations with the police. They have the power of ‘*badhrain-cha drain*’, putting anyone behind bars, or setting them free through the police collusion.. Allegiance to an influential chief is not just to protect oneself but can also shield criminal activities – murder, theft, and *karo kari* violence. Hence mediators are produced within the state’s law enforcement system.

There are different categories of mediators. The *sardar*, by virtue of his status at the apex of the power pyramid of his own particular *qaum*, has the authority to mediate its problems. The *sardar* would primarily be concerned with matters of his own group or sub-group, which has bestowed on him a turban symbolizing his chiefly power. *Sardar* is a dynamic category of power; recently many have officially ‘crowned’ themselves *sardar* by going through the *pa’g* ceremony, in which a turban is placed on their heads. I was told how one Sindhi Samatr, identified as Phulpoto, became a ‘real’ *sardar*. ‘Imtiaz Phulpoto is a real *sardar*, he became one after he threatened to burn down Mahar villages, when his nephew was kidnapped by the Mahar and he did burn them. That is what a *sardar* should do, show force’, says a Phulpoto man. Similarly, Ghulam Jaffar Sheikh, on ‘becoming’ a *sardar*, began to wield a stick and wear a large turban. He showed me photographs of this transformation.

Besides formal chiefs, who could be Baloch or Samatr, the Syeds mediate all types of *qaum* and *biradar* disputes in Upper Sindh. Genealogies linking them to the Prophet Mohammad give them a spiritual mandate for arbitration. This, coupled with their strict seclusion of women and practice of marrying in, places them somewhat ‘outside’ the community, even when they are in its midst. This makes them ‘natural mediators’, as they are considered

unprejudiced. Syed mediators also enjoy political power and in Upper Sindh; many are parliamentarians or local political officials.

Saints, called *fakir* and *pir* – heads or representatives of Sufi orders – may also become mediators. People trust them because they are ostensibly disinterested and outside the community. Present-day saints invite executives and parliamentarians to inaugurate annual festivals commemorating past saints, which also demonstrates the saints' links with state power. A well-recorded example in Upper Sindh is that of Pir Pagaro, who is a hereditary spiritual leader with hundreds of militant disciples, called Hurs, who are said to be prepared to fight to the death for him (Ansari 1995). Pir Sibghatullah Shah II¹¹ became a rebel and fought to oust the British, but the present Pir is supported by the military and depends on them for his political and even spiritual power. In Pir jo Goth, where his seat of power is called 'Dargah,' he has set up a system of arbitration for his Hurs through his officers, collectively called Khalifa. Pagaro's Khalifa arbitrated the settlement of the Maitlo-Kandhro feud and the Jagirani-Solangi feud.

Yet another category of mediator in this large selection is the *wadero*, the elder of the village, who often is also the landowner. The *wadero*, who can also be a Syed, saint, or *sardar*, is mandated to mediate by his value in terms of property. The sharecroppers or peasant-cultivators often use their *wadero* to mediate petty disputes. The landed *wadera* also act as middlemen between the police and outlaws, especially those who over the years have seized the riverine land and now claim tenure.¹² Police depend on *wadera* to help handle kidnappings and cattle theft by bandits (*dhariyal*) or thieves, who may have taken refuge on a *wadero's* land or in the *kachho*. Police also depend on *wadera* to negotiate with thieves to return cattle, for instance.

In sum, *sardar*, Syeds, holy men and *wadera* are created not only by hereditary rights, by virtue of holding lands, titles or management of shrines, or by communities' need to refer to an authority that would represent them during conflict; but also by their access to state power and their ability to capture its resources and prevail over the law-enforcement agencies. Ultimately, even legislators who are none of the above and may be ordinary lawyers must, after being elected, learn to mediate. Modern-day politicians become mediators, and mediators strive to acquire political power. Almost all the major chiefs are, or have been, in the state's legislatures at the local, provincial or national level. And most heads of the tribes are allies of the government of the day, switching parties and changing loyalties for one ever-present cause – remaining local chiefs and local mediators whose power and authority is accepted by the law enforcement agencies or by the people. Mediators play their roles in different contexts, so when I, as an Oxford-educated fieldworker and a former journalist, who believed in formal law

and state justice system had to play my role as a mediator to settle disputes – although unconventionally, as women do not mediate disputes. I arranged *mairh minth* meetings and spoke at length with tribal chiefs to settle bloody tribal feuds to bring peace in my area, seeing that the law and order and criminal justice system itself depended on system of mediations and supported it. I also negotiated the return of stolen cattle with landlords from the *kacho* as demanded by the people who did not wish to register cases of theft – even though the police were theoretically partially under my command.

Judges as Mediators

The judiciary has taken a contradictory position on *karo kari* and mediations. As serving judges of the High Court and the Supreme Court, many judges have taken suo moto notice of *karo kari* killings, as well as *jirga*, which they have declared illegal as an institution, in their judgements. However, the homicide laws allow mediations, so judges at the trial level very frequently allow mediations for murders, including those related to honour. Over the years, judges of the lower judiciary have become mediators at two levels. In one method, granted by the law, they provide forms by which the complainant and the accused parties write an affidavit stating that they both withdraw from the case, that the accused has been forgiven, and a fine defined by the law has been imposed or waived. Many judges look at mediations in the *kheerkhandr* spirit, regarding them as resolving conflicts as well as reforming the society. Ghulam Mustafa Memon, an upright judge in Khairpur, agrees with *qisas* and *diyat* laws, and supports mediations. Murder is compoundable and rightly so, he says:

We have to reform the society. In our judgments, one party is always prejudiced against. Both parties remain calm and quiet in compromise and this does not result in further litigation. Under Section 345/1 and 6, the courts can grant permission to compromise. So mediation is good, as here victims are allowed a voice.

The judge, however, favours mediation through the court – not through *faislo*.

Meanwhile, many judges in Upper Sindh have themselves become mediators in their own communities because of their position: inside the court they wear gowns, and outside it they wear turbans. Ali Nawaz¹³ is a judge, now of the High Court. In his village, though, he is an elder and a mediator. He has constructed a shrine for his father, which adds spiritual power to his otherwise mundane authority, and organizes annual feasts and festivals to which I am often invited; thus he is part judge, part *fakir* and part mediator. 'I only

mediate, when both parties come to me. Unlike others I do not mediate if only one party comes to me. It is voluntary', he says. Ali Nawaz is also one of those mediators who never write down a *faislo*. Ali Nawaz mediated the case of killing of the teenagers Ghafoor and Robina, discussed in the next chapter. He made the accused side take *sakh* that they were not guilty. They took that oath. Here Ali Nawaz acquitted the accused for double murder – not by his knowledge of the law, but in his capacity as an elder participating in the *kheerkhandr* ideology.

Lawyers as Mediators

Even practitioners of formal common law criminal justice, who speak the language of the law and defend formal justice, mediate when they are representing their own people. The lawyer Ghulam Jaffar Shaikh belongs to the Sheikh community, which is generally stereotyped as docile, cowardly and easily bullied. He narrates emotionally how he became a *sardar*.

We, the city sheikhs are peace-loving. But people take advantage of us and call us *kachi pindi*.¹⁴ My experience of this discrimination was when I had lands surrounded by Rind Baloch. They would get into unnecessary fights with me, and later I was told that this was a form of blackmail, because they wanted my land, so I quickly sold my lands. All this made me think that there should be a protection of the sheikh community. So initially I formed a Sheikh Association¹⁵ at the city level. But later, as I began to travel to the rural areas, I realised that there was discrimination in the villages. If Sheikh men only passed by a village they would get the blame of *karo*. Sheikh women were being killed like animals. People would come to me and say please wear *sardari pa'g* – turban. I said that as Sheikhs we cannot have a *sardar*, we can only have a 'President,' and I can become your President. But people insisted and then initially I would just be their *musheer* – advisor – representing them in mediation, and only later I became the *sarpench*.

Sardar Ghulam Jaffer says that a working criminal justice system would be the best thing in his view. On his experience of wearing the *pa'g*, he says:

In the time of SP Ghulam Nabi Memon,¹⁶ I was given many *faisla* to resolve. When I did *faislo*, I used to wield a stick. I travelled everywhere, to Ghotki, Sanghar, Nawabshah and resolved disputes concerning Sheikhs and I saved many women's lives. The Sheikhs of Ghotki are very violent, because they want to show that they can be as tough as the Baloch.

His most difficult *faislo* concerned a young girl killed by her husband after she had gone to visit her uncle. The decision took sixteen hours, whereupon

he declared her posthumously to be '*garhi*, red, and fined the killers. In another case, a poor girl had married someone in Khairpur; she was returned to her family and killed three days later.

Another lawyer, Bachal Shah, who has been elected president of the Khairpur District Bar Association nine times, is one of the main mediators in his area in Drib Mehar Shah because he maintains a shrine there and thus is also a *pir* of sorts. Yet another lawyer, Shafqat Mahesar, who was also elected president of the Bar for many terms, helped mediate the Kandhro-Maitlo feud.

The Police as Mediators, Judges and Elders

In Upper Sindh, the police play three roles other than those of law enforcer and criminal investigator. By bringing fighting communities to negotiate during investigation of a case, they become the paternalistic elders of the community. By inviting two parties to mediate they become mediators. And finally, as they decide at a very early stage in the investigation who is guilty and who is not, they are judges. Where mediations were once brokered by the district bureaucracy, now the district police broker peace mediations.

Almost all police superintendents proudly bring warring sides together in grand ceremonies of *mairh* and settlement. Sometimes outlaws are brought in to these settlements in the hope that they will renounce violence. In Upper Sindh, the best police officers, in the people's eyes, are those who work well with mediators and make warring sides negotiate settlements. The police are also actively engaged by chiefs, *pir* and *fakir*, who often have political clout, to help them bring disputing sides to mediate. Nowadays, in fact, it is the elected representatives who propose postings of police officers in their district to the higher administration.

Asghar Chachar, a mediator, says:

I was asked by the SP of Ghotki, to mediate one dispute between two Chachar outlaws. He brought me a chit¹⁷ from our *sardar*. It was a *ghairat* case, as one bandit had taken a woman who was married to another. There was a raid in the battle for the woman in which several people were killed. In the *faislo*, the outlaw with head money of 40 lakh rupees of the government was giving the statement in a mediation organised by the police. This is on record!

The police in Upper Sindh claim that they can be even better mediators than the *sardar*. As inspector Ghulam Hussain Dahri informed me about a successful mediation he carried out:

In the year 2002, I was the inspector in Ghotki.¹⁸ We had an encounter with bandits in which the Chachar community helped me. Now the Chachar were divided on the *karo kari* issue. After successful operations against the bandit, I thought I should reward the community by removing the existing differences between them. I did not want to involve a *sardar*, so I asked the DIG, who was also a Chachar, to mediate. He agreed. During *faislo*, there was a fight and there were eight more accusations of *karo kari*. Each side accused the other of being a *karo* with so and so. We locked up both sides, and finally succeeded in mediating between them.

The police are also an instrument for enforcing mediations when *faisla* are not implemented. In fact, village people take applications to police officers complaining against parties that do not implement the mediations. The police also lodge false cases to bring the two sides to negotiate and become central to deals. Such false cases may be brought against the aggrieved, to bring them to negotiate with the other party. The police therefore can have *faislo* organized, reorganized and implemented, which makes them an important part of the process as the primary means by which mediators force disputing sides to become *kheerkhandr*. The police, for their part, see mediators as key enforcers of the law.

Conclusion: A Case of Sugar Dissolving in Milk

With elected officials and formal officers of the state participating in murder mediations while judges nod at mediations and sometimes act as mediators themselves, Upper Sindh has accepted the inevitability of the *faislo* as the institution that settles violent disputes. However, the route goes through the courtroom, not around it. Cases are first registered at the police station, then there is mediation, and finally both sides must take the cases out by reversing their statements in courts of law. This allows culturally framed *faislo* to resolve *karo kari*, operating together with and within the state's criminal justice system.

Over the years, people have come to me to ask for help with police investigations. Once an old woman came, pleading and weeping that her daughter had been killed as *kari* by her brothers-in-law, but the police would not register her case. I agreed to help with the registration of the case so long as she in turn committed not to withdraw from the complaint and to fight the case until the culprits were brought to book. After her verbal commitment, I directed the police to register the case. She never returned, but I heard from her fellow villagers that the matter had been settled informally through an exchange of fines, and she had withdrawn the case.

The *kbeerkhandr* ideology, enabling disputing parties to embrace each other after spells of violence, creates spaces both for peace and for the normalization of violence in Upper Sindh. The payment of fines and compensation is a key factor in the normalization of violence. Finally, because everyone is 'one' and calm and quiet thereafter, all statements made in registering the crime and making the case against the accused are reversed – except perhaps the odd one. The knowledge that the ultimate outcome is settlement, whether one dies or a hundred die, means the state's instruments for criminal justice – the police and judiciary – simply become a part of the mediation process. Conversely, the knowledge that the state's legal system at all stages allows ceremonies of pardon or compromise makes settlement inevitable. The courts and *jirga*, the registration of a case and its eventual settlement are thus parts of a single process, a case of sugar dissolving in milk.

Ulro Mediation	
	Tel: 0703-51664 021-8143429
Sardar Ahmed Ali Pitafi, Ex MPA [Member Provincial Assembly] Dera Sardar Ahmed Ali Khan Pitafi, Keenjhar	
1. For Deceased Ata Mohammad and Saeedullah's murder	600,000
2. Avezo For Riaz's injury	100,000
3. For injury and damages to houses and orchards	25,000
4. Mureed's migration damages	600,000
Total damages	1,325,000
5. After deduction Mureed's side would give Rs. 825,000 to Rajab's side.	
6. The homesteads and lands would remain in the respective custodies of the owners as they were before the feud.	
After <i>Razinamo</i> both sides would remove cases registered against each other according to the law.	
Instalments: First Instalment, 15 th March 2003:	200,000
Second Instalment, 15 th July 2003:	225,000
Third Instalment, 15 th December 2003:	400,000
Whichever side now provokes a feud, that side would have to pay Rs. 10 lakh <i>dand</i>	
Signed	
Sardar Ahmed Ali Pitafi	Haji Karim Dino
Ghulam Mustafa Abro	Inayat Ullah Khan
Mureed Husain Ulro	Rajab Ulro

FIGURE 5.1 • Translation of Ulro Mediation (see Chapter 4).

Kandhro-Maitlo Faisto	
May 6, 2006 Circuit House, Khairpur	
<i>Bismillah-i-rahman-i-rahim</i>	
First Side: Shah Nawaz and others	Second side: Haji Moharram Ali Maitlo and others
<i>Faisto Ameen:</i> Sardar Manzoor Ali Khan Panwar <i>Advisor:</i> Haji Karim Dino Jatoi <i>Musheer:</i> Dr. Ibrahim Jatoi, Fakir Ghulam Qadir Panhar, Haji Anwar Ali Khan Maha	
Sardar Shah Nawaz Khan Khusk, Pir Niaz Hussain Shah: District Nazim	
After listening to the statements of both sides, this <i>faisto</i> is being decreed:	
-The earlier <i>faisto</i> of the <i>banhan</i> done at Dargah Pir Sain stands as it is.	
-Dr Hazoor Bux side should reveal thieves of the motorcycle or should pay Rs. 100,000 as fine.	
-Kandhar should give <i>sakh</i> , whether Nazo has stolen the motor bike or not.	
-In the fight, one Jagirani and one Kandhro were killed, they are therefore considered equal.	
-Maitla are responsible for the murder of 6 Kandhra who were kidnapped and killed. They are fined 24 lakh rupees.	
-The fine for kidnapping is 5 lakh rupees.	
-For identification of the injury of Hamid Tagial, two Maitla from their paternal family will take <i>sakh</i> stating that it is the Kandhra who have injured him. If Maitla take <i>sakh</i> then Kandhra will pay fine of Rs. 200,000. If they do not take <i>sakh</i> , then Kandhras will take <i>sakh</i> that they have not injured Hamid Tagial, and Maitla will withdraw the case and will go to the Kandhra for forgiveness.	
-Weapons: one rifle foreign, one double barrel Spain, one double barrel Pakistani would be returned by Maitla or pay compensation.	
-Kandhra will return the tractor.	
-The case will be withdrawn with the help of the lawyers with each side paying their expenses.	
-Feryadi (complainants) will change statements but expenses will be borne by the accused.	
-In the future, those named in FIR should be on merit. If any side gives names of public servants then they will be fined 2 lakh rupees.	
-In the future, if any side breaches the <i>faisto</i> , that side will pay a fine of Rs 5 lakhs and the <i>umins</i> will be responsible. Signed	
Sardar Manzoor Khan Panwar,	Dr. Ibrahim Jatoi
Nadir Panwar	Fakir
Sardar Shah Nawaz Khusk	Haji Anwar Maher
	Hajji

FIGURE 5.2 • Translation of Kandhro-Maitlo Mediation (see Chapter 4).

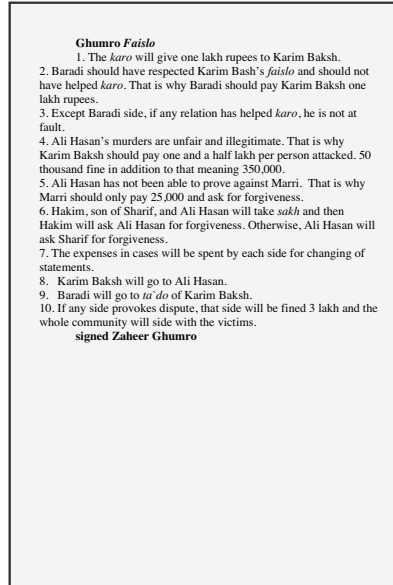


FIGURE 5.3 • Translation of *Ghumro Mediation*.

Notes

- 1 For historical development of precolonial, colonial and postcolonial law see Galanter (1993).
- 2 This seems to resonate with Moghul administration, which held the *kardar* – revenue collector – and local landowners to be jointly responsible for control of crime.
- 3 One informant told me about an altercation and a killing in the *mairh* to resolve a feud between Rind and Kanhar in Khairpur in the 1990s.
- 4 Justice Rehmat Hussain Jafree decreed that such private mediations should be banned in *Shazia vs. Station House Officer and others*, 2004. P.Cr. L.J. 1523. As a counter discourse, some members of the cabinet pressed for legislation to give formal space to *faisla* in Sindh.
- 5 Cf. *sulha* committees among rural Bedouin in Israel (Ginat 1997), where the judiciary acknowledges the role of *sulha* committees in reducing tensions between disputants.
- 6 The term is also applied to *panchayats* the village councils of rural India, and is probably derived from there. *Sar* meaning head, and *pench* meaning five are derived from *panchayat*.
- 7 Cf. the *bisha* discussed by Ginat (1997).
- 8 Many bureaucrats go to their villages on Sunday, a holiday, to participate in mediations between either the people working on their farms or, when they are from Pir families, their disciples.

- 9 In my district, e.g., all power of appointment and transfer of state officials was given to Pir Pagaro.
- 10 Police officer Javed Odho is the son of the chief of the Odho tribe. Police officer Qayyum Pitafi is the son of Ahmed Khan Pitafi, head of the Pitafis in Ghotki. Akbar Banghwar, a Deputy Inspector General of the Police, was recently made chief of the Banghwar tribe.
- 11 The Hurs backed him and were killed by the hundreds; others became outlaws, and the Pir himself was beheaded. His little son was sent off to Britain with a ward, to be returned when he came of age. When he returned many doubted his authenticity, saying that the British had planted their own agent among the disciples.
- 12 See Cheesman (1981) for an interesting case study of the *wadero*'s power over law enforcement in nineteenth-century Sindh.
- 13 Not his real name.
- 14 *Pindi* is a handwoven straw container; *kachi* means 'unfinished'. The term as a whole means easily intimidated.
- 15 During the unconstitutional rule of General Zia-ul-Haq, when all political associations were suspended, many communities formed identity groups all over Sindh, the Sheikh Association being one.
- 16 Ghulam Nabi Memon, a police officer, was highly successful as a law enforcer because he primarily used the technique of engaging mediators to resolve disputes.
- 17 The chit is the most powerful tool used in the primary political technique of accessing patronage. Hundreds of thousands of chits bearing little recommendations of support circulate in the province. When I was Nazim, half my public hearings involved either receiving chits introducing the applicant before me, or writing chits introducing someone else.
- 18 The Chachar say they are Samatr, and they largely reside in the district of Ghotki alongside the *kacho*. They are considered fierce fighters and boast many bandits among them.

Chapter 6

THE CRIMINAL JUSTICE AND 'LEGAL' CONTESTS OF HONOUR



TWO CASE STUDIES

'Dadhe wara khate waya. (The mighty ones won.)
– A woman whose daughter was killed, bewailing
the loss of a case against her rivals

In the previous chapter I showed that the criminal justice system and customary mediations become part of a single process in cases of honour-related violence. This chapter is an extension of the previous one and is concerned with incidents of *karo kari* that communities challenge using the criminal justice system. In these cases, it is shown that although mediation is an inevitable outcome, people engage fully with the criminal justice system and use it to their advantage.

As Nazim and a Syed woman, I faced intense conflict every day in Upper Sindh. Conflicts in most cases were oppositional: one family against another, one political candidate against another, farmers upstream against farmers downstream, one tribe against another, one neighbour against another and so on. However, establishing what really happened was indeed a challenge when both sides engaged in struggles over claims to truth: one day a version of the story from one part of the community would make me take one decision, then the second day would lead to another as communities pressured and lobbied for their differing versions to be heard. In fact, these competitions were a mechanism through which issues were fought out in full and then resolved.

Cultural and customary systems of dealing with conflict notwithstanding, the modern police station, courtroom and procedures of using these institutions to resolve conflict were ever-present in the lives of rural communities.

Communities fought for honour, justice and truth, qualities they considered natural or given that were in fact constructed and competed over.

In his work on the processing of cases in the lower courts in America, Galanter (1981) demonstrates that a large number of cases are 'negotiated' and settled even before they are adjudicated. He attributes this to the 'bargaining endowments' of the courts, whose legal rules provide entitlements against which disputing parties settle their problems outside the court. The term 'bargaining endowment' is introduced by Mnookin and Kornhauser (1978: 968) in their study of divorce negotiations between couples where 'the outcome the law would impose if no agreement is reached gives each parent certain bargaining chips – an endowment of sorts'.

In Upper Sindh, apart from the 'bargaining endowments' of courts, the litigants' tactics in accessing the criminal justice system made bargaining chips something that were actively constructed rather than just being there. After violent incidents, the criminal justice system became a way for communities to oppose each other and enter into negotiations with one another. In such cases, immediately after blood was shed, the contests began in the field of the law, simultaneously also create a basis for mediation.¹ Both the cases presented below show how communities use legal techniques to their advantage. The state's criminal justice system, in the words of one police officer, was simply used to raise the stakes for either side in the final mediation.

This chapter is based on two case studies. In the first, two families gave competing versions of an incident of a young teenage couple found dead on a haystack in Khuda Bux Maitlo village in Khairpur. The couple belonged to families who were next-door neighbours entangled in an intense honour battle, each accusing the other of murdering the couple, and manipulating the state machinery to serve their versions of the case. The second case involves a contest over two versions of an incident of a young woman allegedly killed by her first husband, six months after her divorce and remarriage. The complainant who reported this was her second husband. As the investigation moved on the story was reversed, and the version of the other side prevailed; eventually the police arrested the complainant, the second husband, for murdering her.

In these competitions, the facts or what actually happened became irrelevant in the lives of the people concerned. More important were the competitive moves each party made while seeking justice. The bases for competition were equality and exchange, the two principles on which the honour paradigm is based in Upper Sindh, but the method was embedded in the modern criminal justice system. These examples show how the modern instruments of justice interact with the interests of opposing parties.

Contest and Mediation in the Case of Robina Maitlo and Ghafoor Maitlo

Khairpur: 12 October 2001–11 December 2001

Between 12 October and 12 December 2001, the district police officer (DPO) and I became the focal persons through which a conflict was staged, fought out and then, without our prior knowledge, suddenly resolved. On the afternoon of 12 October 2001, two bodies were found on a haystack in Khuda Bux Maitlo village in Khairpur – those of a girl, Robina, and a boy, Ghafoor, each with gunshot wound to the temple. The first reports in the local dailies stated that as star-crossed lovers not allowed to marry due to family differences, both had committed suicide. Ghafoor was studying for a Bachelor of Arts degree and was about twenty-one years old. Robina was about eighteen and was to be married to her cousin in four days' time. It was reported that this suicide was a form of protest against a marriage that Robina was being forced into, and that blood-drenched notes were found alongside the bodies, allegedly written by the deceased couple, confessing their love and declaring that because they could never be together, they were taking their own lives.

On the same day, Ghafoor's brother, Naseem Ahmed, lodged a complaint of murder with the police. In it he wrote that he had a medical store in Mahesar Wada village,² and had four brothers. He stated that Robina's father Bukshan Maitlo's house was next to theirs in village Khuda Bux Maitlo. A week earlier, her brother Rajab had visited him and told him that Robina did not want to marry the boy she was engaged to and had shown an interest in Naseem's brother Ghafoor. He then threatened to kill Ghafoor if he continued to follow Robina. On the twelfth day of the month, he found his brother missing and later was informed that his brother had been found dead alongside Robina, both with gunshot wounds to their heads. He further complained that Robina's brothers Rajab and Niaz, father Bukshan and mother Shahzadi had jointly plotted and killed them, since their family honour had been damaged by Robina expressing her interest in Abdul Ghafoor at a time when she was engaged to be married. Hence it was subsequently reported as a *karo kari* case.

It was then widely narrated that Robina Maitlo's relatives did not lay the *ta'do* – a mourning mat, mentioned in the introduction: one of the rituals after death is to sit on the mat for three days after a burial as a ceremony of formal grief. In other words, it was reported that her relatives did not observe the ceremonies of mourning. This could signify either of two possibilities: that it was death by suicide, or death as *karo kari*. Neither

custom nor religion allows mourning for suicides, which are forbidden in Islam. And in the case of *karo kari* the families of black women do not take condolences.

I had an impression from the start that this was a case of an honour-related killing in which the perpetrators were probably covering up the case as suicide, I instructed the police officer to strictly ensure that the charges framed would lead to prosecution in the trial courts. But I wanted to make my own enquiries as well, so I spoke to local elected representatives, telling them to get details about this incident. The first informal reports that filtered in indicated it was a clear case of murder. Up to this stage, I had been inclined toward such a conclusion, which was supported by the impressions conveyed by elected officials from the area. Meheram Maitlo, the local councillor, became intensely involved in the affair and said it was a clear case of murder: '*Adi he khoon abai*' – 'Sister, this is a murder'.

The First Turn in the Case

Around this time, I had a visit from a judicial magistrate, Zahid Hussain Maitlo, who was Robina's sister's husband. He came to me after the arrest of men from his side of the family, specifically Bakhshan, Robina's father, and her brothers Niaz and Rajab. Initially, I was distant, reluctant and unwilling to hear his version of the story. The culprits had been arrested and there was nothing much that I could do. Eventually I agreed to meet him, and Zahid held to the initial version of the story: 'It is a clear case of suicide – even the post-mortem says it clearly. None of us knew what was going on; all we knew was that Robina was engaged to be married'. He showed me a photocopy of the medico-legal reports and explained that Robina and Ghafoor had pistol shots to the temple. 'Even the surgeon in Nawabshah has told me that it is a clear case of suicide. It cannot be anything else. There are no marks of torture or of beating'. He further added that they had died at different times: Robina had died some time before Ghafoor, as indicated in the report.

I asked him why Ghafoor's side had filed a case for murder if it was a case of suicide. Zahid explained that this was so because in the *faislo*, Ghafoor's side would become guilty, since he had the girl with him. In *faislo*, it would be made clear that the boy had enticed the girl Robina not to marry her cousin, or that the boy had encouraged the girl to come with him. In any case, if the boy and girl were found dead together, that in itself was proof that they were *karo* and *kari*, and that the boy had led the girl from her home. '*Ghairat ji 'gaal a'*' – 'It is a matter of honour and they are guilty in that', said the young judicial magistrate.

Zahid Maitlo claimed that the pistol, which was unlicensed, belonged to Ghafoor, who had earlier fired that same pistol in his own (Ghafoor's) *ataq*. He maintained that the sub-inspector had changed the pistol so that the fingerprints would not be evident. 'By God they have done it themselves', he said. This conversation made me somewhat doubtful. Although I still continued to think this was a cold-blooded murder, lest innocent people be implicated I spoke to the DPO, telling him there was a need to enquire into this in depth, which he was doing in any case. Zahid Maitlo had meanwhile appealed to the police, alleging that the investigating officer was favouring the complainant and therefore taking bribes. Bowing to this pressure to change the investigation officer, the DPO transferred the case to a different police inspector far away from the police station where this case was registered, in order to ensure neutrality and distance from the case.

Reaction from Ghafoor's Father, Turab Ali

Ghafoor's father, Turab Ali, who maintained that this was a case of murder by the relatives of Robina, regarded the transfer of the case as something that would change the course of the investigation. It was the first win for Bakhsan's side, and Turab Ali's side followed it up with a counteraction. Despite the DPO's transfer of the case from that police station to a trusted officer as his commitment to neutrality, those on Turab Ali's side wanted to establish themselves as the ones who would steer the course of the case. Hence they had the case shifted to yet another investigation agency, the Crime Branch, after Judge Zahid had moved the case from Ahmedpur police station. One of their relatives was a cook in this department, and this connection was used to get the Deputy Inspector General³ of the Crime Branch to take over the case. This was a signal from Turab Ali's side that they could swing things in their favour if they wanted to.

Lodging of a Second FIR: A Counter-pressure Tactic

When Turab Ali got the case sent to the Crime Branch, a separate investigating authority, Bakhsan's side planned retribution: registration of a murder case against Turab Ali and his side with the purpose of weakening their resolve to pursue the case in the formal justice system. The investigation was surely stalled by the registration of this complaint. The local police discourage the lodging of a second complaint because it complicates the investigation; thus the police administration refused to register such a case, knowing well that it was false. However, those on Bakhsan's side filed a petition in the

High Court,⁴ claiming that the police, in violation of the law, had not allowed them to lodge a complaint; and the court forced the police to lodge the complaint implicating Turab Ali's side for murder. In the complaint, the Bakshan side accused the brother of Abdul Ghafoor, Naseem Ahmed, of double murder. This clearly concocted complaint held a long narrative beginning with Abdul Ghafoor's abduction of Robina, and then her shooting by Naseem Ahmed, Ghafoor's brother, when she resisted, and thereafter the killing of Abdul Ghafoor when his mother asked Naseem Ahmed to equalise the murder, so that it could be shown as a suicide. Naseem Ahmed was not arrested by the police, who saw what a fraudulent story this was, given that the girl's side had so openly completely changed its earlier stand that this was a suicide. An *avezi*, a person in his stead, was put in the lock-up, until the accused presented themselves before the police. It seemed that the criminal justice system was available for the two sides to convert their honour battle into a full-blown legal battle. Two complaints by opposing parties accusing each other of murder had been registered, in addition to the version of suicide. One case was under investigation in Khairpur, the other had moved to the Crime Branch in Sukkur. We were being asked to believe the version of suicide one day, and the version of murder the next (see Table 6.1).

Just as Turab Ali's side had three persons arrested, Bakhshan's side had also had an *avezi* in custody in the police station. About three months had passed in this legal contest. The DPO and I agreed that we must try to transfer the Crime Branch case back into the district to give us full control over it, which we managed to do. But at the height of this competitive and aggressive legal battle, the DPO informed me that both groups had withdrawn all their earlier statements and accusations. A *faislo* had taken place, mediated by one sessions judge from Karachi, one civil judge and one judicial magistrate – all three Maitla from Ahmedpur. Both sides had gone to Pir Badal Shah, a local shrine, and taken an oath to forgive each other and withdraw the cases. The people told me that they had had a *khairat* – communal thanksgiving meal – and resolved the dispute in the shadow of the shrine and the Quran. Following this, both the investigating officer and the lower-court judge recorded the new statements, which were completely in contradiction with the earlier ones. The DPO had no choice but to sign the statement recorded before the courts, where the battle for honour had been reduced into one statement: 'The above subject case has been disposed of as Cancelled False and Suicidal death u/s 164 CrPC . . . [*sic*]'.

TABLE 6.1 • *The Legal Contest in the Case of Robina and Ghafoor.*

Bakhshan Maitlo (Robina's father)	Turab Ali (Abdul Ghafoor's father)
Statement by Robina's father that this was a suicide.	Complaint lodged against Bakhshan Maitlo and sons for murder in Ahmedpur, on 12 October 2001.
Zahid Maitlo, Robina's brother-in-law, fights for the version that this was a suicide and applies for the case's transfer. Case transferred on 3 November 2001.	Turab Ali applies for transfer of the case to the Crime Branch. Case transferred on 23 November 2001.
Petitioning of the High Court for permission to lodge a complaint against Turab Ali for murder. Permission granted. A second FIR is lodged on 16 November 2001. A member of Turab Ali's group arrested.	Meheram Maitlo and Turab Ali's family approach me to prevent arrest of the persons named in the second FIR.
Case re-transferred to Khairpur on 11 December 2001.	
	Mediation
	Withdrawal of all statements by Turab Ali side. DPO endorses the version of suicide in his investigation and orders release of Bakhshan, Niaz and Gulab, the accused, on 11 December 2001.

Contest and Mediation in the Case of Hasina

Khairpur: 16 May 2004–4 November 2004

After midnight on 16 May 2004, Hasina, daughter of Naziran and Sajan Janvri, was found dead in her home in Janvri Goth near Khairpur city with a bullet wound in her head. Janvri Goth, a large village with more than a hundred households, consists of Janvri, a Baloch group. The villagers are wage-earners and low-paid government support staff. Naziran was a political worker on my team of women workers. Naziran's husband Sajan was a

former councillor, and Naziran herself had recently won in the local council elections.

Naziran visited me the day after the murder, devastated by the incident. Just four months ago, she had married her daughter Hasina to Ghulamuddin, having one year earlier arranged for her daughter's divorce from her previous husband, Urs, who was Naziran's husband's brother's son. She had complained to me that her daughter's previous in-laws had threatened revenge as their honour had been damaged. Hasina was killed by a single gunshot to her right temple in the middle of the night. There were no witnesses. Ghulamuddin became the complainant and named Hasina's former husband Urs and his brother Roshan, nephew Abid, and father, Ghulam Abbas. The latter was Hasina's father's brother. In order to make a strong case, Ghulamuddin named his brothers as witnesses in the complaint report. Further, extra names of persons were given in the complaint report, mainly Naziran's husband's brothers, with whom she and her husband had some long-standing property disputes. Some days earlier, Naziran and Sajan had received threatening letters, which she was using as evidence that her daughter had been under threat. Sajan, she told me, had shown these letters to the neighbours and the elders.

Immediately after the case was registered, the legal contests over it began. Naziran came every day to get me to influence the police to arrest the named accused. I sympathized with her, considering what a mother must be going through, having lost a daughter. The police arrested all four accused – Urs, the former husband and Ghulam Abbas's son; Abid and Roshan, respectively nephew and son of Ghulam Abbas; and Ghulam Abbas himself. As the investigation began, Naziran started to complain that the investigation officer, Kali Khan Sheikh, had taken a bribe and was changing the course of the investigation. Naziran also stated that she had found out that the accused had sold their land for money to bribe the police. She further complained that Kali Khan was also trying to exclude from the final charge sheet some names of the accused she had identified. Ghulamuddin also filed suit in the court against the investigating officer, as a result of which the DPO transferred the investigation to a senior police officer, Javed Jiskani.

The Case Turns

One day, Naziran rushed in to tell me that the police had caught Hasina's second husband and the main complainant in the case, Ghulamuddin, and had 'hanged him upside down' in the police station, forcing him to confess to murdering his wife. Naziran was able to reach him through the courts, which ordered a night raid because he was, according to the law, illegally

detained. In all this confusion, I called the local elder Salim Janvri, who also supported Naziran's version, saying that her poor daughter had been killed by her former husband and in-laws out of jealousy. I rang up the police to ask why this was happening, and why the investigation had taken a different turn. The police provided me with the investigation report, according to which the earlier accused were innocent and the second husband was the new suspect.

The investigating officer had prepared a detailed enquiry report, in which he wrote that there was no evidence to believe that the accused nominated in the FIR by the second husband Ghulamuddin had killed Hasina. Firstly, he stated, when police had gone to the house of the main accused, they found everyone there fast asleep, although it was only a few hours after the murder. Secondly, he argued, there seemed to be no witnesses except for Ghulamuddin, and there were no footprints or signs to show that anyone from outside had entered the house at all. Thirdly, the complainant's statement contradicted the accounts of local witnesses, who said that when they had entered the house the door was locked from the inside, whereas the complainant was stating that the door had been broken from the outside and left open. He finally concluded that the second husband, having loved his wife too much, may have lost control, become jealous and killed her for honour. Further, according to the investigating officer's information, Ghulamuddin was a petty offender, so it must be he and not the earlier accused who had killed Hasina. The report then ordered the release of the accused and the arrest of the complainants, namely Ghulamuddin and two persons who – according to the report – had sold him the pistol a day earlier.

In another development besides this U-turn in the case, Naziran's own husband Sajan was implicated in a counter-case by the accused party, who accused him of setting fire to the outer boundary of their house made of shrubs. This was a typical pressure tactic to force Naziran and Sajan into a situation of compromise. So as a result of the police investigation, Ghulamuddin, the earlier victim and the complainant, had now become the new accused, whereas the earlier accused side had become the complainants and taken the upper hand in the case.

Now Naziran had to fight on three fronts: pursuing her daughter's case; saving her favourite son-in-law, Ghulamuddin, whose side she took, from being implicated; and keeping her husband from being implicated in the false arson case. When Ghulamuddin was arrested, Naziran organized a media campaign in which she stated that the police had taken a bribe from the accused side. She also had the police station raided by a raid commissioner⁵ after applying for habeas corpus in the sessions court. The police were put on the spot, and all very nearly lost their jobs. The court issued arrest warrants on the applications of Naziran, Ghulamuddin's brother and

Naziran's husband for the original accused. So Naziran's side had once again gained the upper hand in the case.

According to Naziran's account, later corroborated by the village elders, the accused brothers-in-law had sold land to bribe the police officers to clear their names during the investigation. The investigation officer, on the other hand, said Ghulamuddin had sold his house to compensate the parents of the deceased so that they would not charge him for the murder of their daughter. Once the police had reversed the direction of the case, claiming that in fact the complainants were the accused, there seemed to be no space left for the complainants to pursue the case. So when a letter arrived from their traditional mediator approached by the other party, the complainants rested their case and a private mediation was organized.

The following brief text is what closed the chapter of Hasina's murder within six months, and the former enemies became *kheerkhandr* with the following settlement:

786⁶ 4-11-2004

I, Sardar Turab Ali Janwri, today at Janvri Goth Khairpur, am settling the murder of Hasina Janvri on statements made on oath of the Quran, after considering different facts of the case, and am issuing the *fatwa* that Ghulam Abbas's side is guilty, and therefore a fine of Rs. 120,000 is placed on them. This money shall be paid in 3 instalments in four months and for this the surety is being given by *wadero* Mohammad Mithal Janvri. Aside from this Ghulam Abbas's side will go to Ashiq Ali's side along with women in form of *mairh* and seek forgiveness. After that the complainants will be bound to withdraw from the case. Now I am making both sides embrace each other and become one, like milk and sugar.

Sardar Turab Ali Janwri (signed).

First Instalment: 50,000 January 28th

Second Instalment: 50,000 April 28th

As *sardar*, I am waiving 20,000 rupees from the accused side.

In the mediation, my informants reported, Sardar Turab Ali had given *sakh* to both sides. Each side was to swear that 'Our side has not committed the murder'. While no one was ready to take *sakh* from the side of the first accused, Ashiq Ali, representing Naziran's side, took the *sakh*, swearing an oath that his side had not committed the murder. This decided the mediation. Indirectly, therefore, the people that Ghulamuddin named as the accused became guilty in the *faíslo*.

The Case Turns Again

Eighteen months after the *faislo*, one of the guarantors in the case told me that since both sides were denying guilt, the mediator had stated that if any side brought up evidence against the other beyond doubt, even subsequent to the *faislo*, then the fine would be imposed threefold on the guilty side. Now, he said, a witness had appeared and was saying that Ghulamuddin, Hasina's second husband, had asked him to write the letters. Ghulamuddin had also said that he had 'accidentally' fired upon his wife.

Naziran had apparently made her confession – that her son-in-law, who she called 'Dino', had killed her daughter – when she had gone for Umra (pilgrimage) with the money that she received in compensation. The local elder who earlier stood by her now said that Naziran had colluded in the incident of shooting: 'I was told that she was opposed to her brothers-in-law because of their property dispute, and she wanted to teach them a lesson,

TABLE 6.2 • *The Legal Contest in Hasina's Case.*

**Sajan and Naziran (Hasina's parents),
Ashiq Ali and others**

Ghulamuddin, Hasina's second husband,
files suit against Ghulam Abbas and sons
for Hasina's murder. Police arrest them
on 14 May 2004.

Naziran alleges the investigation is
influenced by bribes.

Naziran petitions the court for habeas
corpus in the matter of her son-in-law's
illegal detention, and organizes a court
raid to get Ghulamuddin out of the
police station where he is being held.

**Ghulam Abbas (Sajan's brother),
Urs and others**

Reported to be selling land for money for
the case.

The police investigation reverses the
complaint filed by Ghulamuddin, who is
now taken into police custody as the main
accused. All the previously accused are
released.

The opposing side files complaint against
Sajan for setting their house on fire.

Mediation

Turab Ali Janvri conditionally stands by Naziran's version

and so either plotted the murder of her daughter, or protected her son-in-law after he had murdered her, and used this to punish her in-laws over the dispute over the shop and the hotel'. The community became still more suspicious when, soon after the *faislo*, she gave Dino her younger daughter in marriage. The local elder also said that Hasina had been against her mother. She had not wanted the divorce from her first husband and had been forced into it, and had told her mother that the large amount of time Naziran was spending with her son-in-law was interfering with her, Hasina's, life. The police version, which I had doubted, now seemed to be on the right track. However in all these years no one has come to claim either version of the story, the truth has been forever buried in the mediation by the Janvri Sardar who made both sides 'embrace each other'.

The Evidence, the Statement and the Witness: Honour Battles in Criminal Justice Texts

In their investigation, the police referred to medico-legal evidence, statements by the complainants and eyewitnesses, and letters found or received as evidence. All of these formed the textual basis of the legal battle between the opposing parties. Both sides intelligently and convincingly used these three texts to steer the course of the investigation in their favour. The parties presupposed these interventions and their engagement with criminal justice involved manipulation of the evidence, the statement and the witnesses. I will briefly discuss how this was done.

The First Information Reports

The First Information Report (FIR), a legal document, is the foundation of the case and its trial. It has therefore become not just a way for a complainant to report a crime and press charges but also a way to exert pressure, negotiate or take revenge. In the complaint by Ghafoor's brother Naseem Ahmed, the main accused were Robina's father Bakshan, and his sons Gulab and Eidan. In his complaint, Naseem Ahmed stated:

We are four brothers, I, 2/Eidan, 3/Gulab and 4/Ghafoor. I have a medical store in Wada Mahesar. Near our house is the house of Bakshan Maitlo, whose daughter, deceased Robina was engaged to Azhar Maitlo. Deceased Robina was not happy with her engagement. One week ago, Robina's brother Rajab came to us and said that your brother loves my sister, my sister says that she wants to marry Abdul Ghafoor. So please stop him, otherwise I will kill your brother and my sister. . . .

The complaint then reports the murder, the date and time of the finding of the bodies, and details of place, names, and injuries. This FIR names four of Robina's family members – her parents and her brothers.

The second complaint was a mirror image of the first, and was filed with the objective of pressuring the complainants. It attempted to implicate not four but six members of Ghafoor's family. It reversed the earlier complaint filed by Naseem Ahmed, saying instead that Turab Ali, Ghafoor's father, lived next to them. It stated that Ghafoor's four brothers, carrying various weapons – a pistol, a rifle, an axe; Ghafoor, however, being empty-handed – barged into Bakhshan's home and kidnapped Robina. Later when they went home, it continued, the brothers watched a family drama, and at this point Ghafoor's brother shot Robina when she tried to escape and then shot Abdul Ghafoor at their mother's request, so that they could later present the double murder as suicide.

Both reports are statements of names, places and persons in this drama, and each pointedly targets the other. These reports are not just the primary source for building cases against one or the other party: they also become texts by which the police enforce the law, control crime and make money to run their operations besides. Hence, false FIRs are perfect for applying pressure and exacting a response. The effect of lodging a counter-complaint also discourages the police, who in this case were indeed discouraged, not only by the two complaints claiming two different versions of events, but also by transfers of written complaints claiming bias on the part of police officials, and the use of the judiciary to lodge complaints. In this case, as Bakhshan and his side had judges in their camp, it was easy to influence the local judiciary to order the police to register a second complaint about the same event, something not usually done.

Two FIRs were registered in the second case study: the first by Ghulamuddin, Hasina's current husband, implicating her former husband Urs and his brothers; and the second against Ghulamuddin and Hasina's father, Sajan. In the first complaint, registered on 15 June 2004, the complainant Ghulamuddin stated:

Hasina, daughter of Abdul Wajid alias Sajan, by caste Janvri, was my wife. About one year back, due to some differences, Hasina was divorced by Mohammad Urs and she got married with the complainant with the consent of her relations, four months before this incident. On 14th, he his wife and his brother were sleeping in the courtyard on separate beds, when at around 4 a.m. the complainant was woken up by a noise. They saw and identified on the light of an electric bulb, Mohammad Urs, Ghulam Abbas, Abid Ali and Roshan Ali, all Janvri. They were armed with TT pistols and they were standing near their beds. Mohammad Urs warned that no one should leave his bed, and then murdered Hasina by shooting her on the forehead and she fell on the floor.

The counter FIR, filed by Ghulam Abbas's side for arson and looting against Ghulamuddin and his uncle Sajan, Hasina's father, was intended to pressure the complainants to withdraw their cases. In both the cases the strategy worked, as it exhausted the complainant parties, who both rested their case in favour of mediation.

The Letters

In both cases in this chapter, the parties used letters as legal evidence to argue for their versions. In the case of Robina and Ghafoor, two blood-stained pieces of paper were found with the dead bodies. On them were short paragraphs, each written in a different hand. The letter attributed to Ghafoor said that he, Ghafoor, wanted to marry Robina, and because he could not do so, he and Robina were saying farewell to the world. The other letter, reportedly written by Robina, echoed the first, stating that Robina and Ghafoor had true love for one another, and therefore had died for each other. Splashes of the dead teenagers' blood make parts of the letter illegible.

It is difficult to know whether these were letters actually written by Ghafoor and Robina, or whether the party saying the deaths were suicides contrived them both as evidence. In this case, the letters were the key supporting documents provided by Bakshan's side, which claimed the writing was original and the deceased had left evidence of their suicide. On the other hand, Turab Ali side dismissed the letters as fake, saying that they were concoctions and should have been examined by handwriting experts.

In Hasina's case, Naziran presented the pieces of writing as evidence in her defence. There were two letters here, and both gave a warning to someone, clearly Naziran and her husband, against marrying Hasina to another man and hinted at revenge. As an example, the first of these, written in poor handwriting, read as follows:

786

You think that you will make your hotel and shop and be happy but your destruction will begin now and you yourself are responsible for that. Now happiness will be snatched and you and your wife will be like living dead. We are also happy that you have married your daughter and made our work easy since she lives alone. Mister Sajan Councillor will further see the scenario himself.

The chits that Naziran claimed to have received are a commonplace method used in rural Sindh to demand protection money. Usually, outlaws from the *kacho* send such notes to the rich. These letters were used in the FIRs, and subsequently in the statements of the principal witnesses as well. I was

informed about these letters before the murder of Naziran's daughter Hasina. But the accused side said the notes were to be used against them in the case. I am not arguing that both these letters were false, but only that this is a vague piece of evidence, and in my experience, such items are often an invention. What is important here is that the competing sides used these letters differently to serve their different objectives.

The Post-Mortem Reports

The post-mortem reports, especially in the case of Robina and Ghafoor, became the centre of argument on both sides. Although the reports use empirical language full of technical and medical terms, both sides found ways to interpret them to their advantage. The reports on Robina and Ghafoor, spelling out the details of their deaths and injuries, are strikingly similar. In the case of Robina, the doctor concluded 'that death has occurred due to brain haemorrhage', and the 'Injury is caused by firearm', with twenty-four hours between death and post mortem. In the case of Ghafoor too, the death was caused by brain haemorrhage by firearm, but the time between death and post-mortem was reported to be between 10 and 15 hours. The Bakshan side interpreted these reports to mean that since both Robina and Ghafoor were shot at close range and there were no injuries other than from a firearm, this could not be a case of murder for honour, where there would have also been marks of torture and other injuries due to resistance.

Another point of evidence in the reports was the difference in the times of the two deaths. Turab Ali's side argued that the post-mortem report was clear evidence pointing to murder. Robina's brothers had killed her first and then searched for the boy, killing him early in the morning. This is what normally happens in *karo kari* cases, as the women in the family are punished first and then the accused black man. Bakshan's response, on the other hand, was that the difference in the time of death corroborated his side's version: Ghafoor first killed Robina, and then himself. However, they had no answer when asked why Ghafoor had allowed a time lapse of 10 to 15 hours after the death of Robina before he killed himself; he should have done so within minutes of her death.

The Changing Statements

To build up a case for the police, formal complaints are followed by statements from the victims and witnesses – if these fit into the FIR, the

complainant's side is upheld. In most cases, with slight amendments, the police try to fix the statements of evidence recorded by witnesses so as to favour the complainants. These statements are the first evidence that come in after the report and are potentially the evidence that will be cited before the court in the case of prosecution. These statements are fictions: they are completely turned around, especially when matters are resolved outside the court.

The evidence presented by Ghafoor's brothers following the statement of the FIR has a similar structure, language and positioning in place and time as that of the FIR, only the facts are reversed.

I, Gulab, s/o Turab Ali Maitlo, resident of Khuda Bux Maitlo in Kingri state that we are four brothers, one myself and Naseem Ahmed, Gulab and the deceased Abdul Ghafoor, whose age was 20/21 years and was studying B.A. (Bachelors degree). Next to our house is the house of Bakhshan Maitlo whose daughter was engaged to Azhar Hussain Maitlo. Deceased Robina was not happy with this betrothal. Deceased Robina's brother Rajab came to us told us that 'Your brother Abdul Ghafoor loves my sister. We have fixed her betrothal to Azhar Hussain Maitlo and we have even set the date of marriage. But the girl refuses to marry him and says that she will marry Abdul Ghafoor. So please stop your brother, or we will kill both our own sister and your brother.' We replied that this was not the case. If you want you can take *sakh* from us. After that we looked for our brother and later Nasim Ahmed told us that he was informed by . . . that both Robina and Ghafoor were lying dead on haystack near the house of Bakhsan Maitlo . . .

The statement then goes into how the brothers, having discovered the two bodies with TT pistols at their sides, went to register the case at the police station against Bakhsan and his sons Rajab and Niaz. All the statements made by the complainants are almost identical in language and content to those in the FIR. But, after the resolution of the conflict, the same witnesses changed the statement to fit the official version:

I, named Gulab Ali, son of Turab Ali Maitlo state that Abdul Ghafoor was my brother. He studied for BA. Abdul Ghafoor used to tell us that I will marry Robina. On 11.10.2001 he told all of us family members that Robina's wedding date has been fixed, and I would commit suicide. We thought he was joking. The next morning we woke up to find him missing. We found Abdul Ghafoor lying alongside Robina. Both had blood on their clothes. There was a pistol alongside their bodies. Thereafter, I informed Naseem Ahmed who was in his store. Naseem Ahmed registered a complaint for murder against Bakshan, Rajab, Niaz and Shahzadi. But the truth is that my brother Abdul Ghafoor and Robina committed suicide as they could not marry one another. The above accused persons are all innocent.

On the basis of the above statement by the brothers of Abdul Ghafoor, the SDPO concluded that the deaths were by suicide.

In the Hasina case, the first statements quote Ghulamuddin as saying that some unknown person had killed his wife. But all the witnesses gave evidence absolving the earlier accused and building up a case against Ghulamuddin. In the report of the investigating officer, all the witnesses either gave alibi statements supporting Ghulam Abbas and others, or gave evidence against Ghulamuddin. For instance, a principal witness stated that Ghulamuddin had bought a pistol from him the day before the incident.

The police file does not show any reversal of statements; instead Ghulamuddin was charged with murder. As the police case was already made against Ghulamuddin, the legal way for withdrawal of the case was through *Razinama*, a court settlement of the dispute during which all reversals of statements were recorded before the judicial magistrate. In their statements in court, all the witnesses took a distant view, saying they had heard shots in the dark and that later Ghulamuddin had told them an unknown person had killed his wife Hasina in the middle of the night and fled. Therefore both the Ghulamuddin and the Ghulam Abbas side were able to emerge free from the case.

Conclusion: Criminal Justice as 'Bargaining Endowment'

I will make two observations in my concluding comments. First, in both case studies the state justice system became an object of competitive manipulation by the communities at every stage. Everyone in Khairpur admits that people speak the truth in the *faislo*, or the traditional system of justice, and that this system is therefore the one that reveals what really happened. Legal facts, in contrast, are not easy to come by, despite the seeming authority of the state. All the tools of investigation in the above cases – the letters, the petitions, the post-mortem reports – were subject to different interpretive uses by the conflicting sides.

In both cases, it seemed that the police's work had been subverted. The cases became legal feuds in which each side asserted its power through the official system to negotiate its position. The 'turns' (as I call them) in direction in the investigations are negotiating tactics between the disputing sides. These 'turns' – changing the investigating officers, fabricating 'other cases' to put on pressure, writing to the magistrates or even to myself to accuse the police of foul play – seem to be the means by which the opposing sides are made to come to a settlement mode. Like the feud, where retaliations and retributions continue till both sides equalize and become tired of fighting,

the legal system provides a space within which legal feuding can take place until the two sides grow tired.

In both the community mediations, *sakh* were taken. The accused in Robina's case swore they were not guilty, although they might have been. In the Hasina case, Ghulamuddin's side (Hasina's second husband) swore they were not guilty, although it also seems from subsequent evidence that they might have been. Ironically, neither I nor the police officer could control the manoeuvring of the instruments of the state justice system by the opposing parties, who succeeded by confusing any establishment of facts, making the criminal justice vague and mediation highly likely. The very protectors of that system, various representatives of the lower courts, looked to its informal, traditional mechanisms to settle this dispute: three judges sat in the mediation over Ghafoor and Robina's killing.

The second observation concerns the problem of establishing guilt in questions of honour. The communities used the state mechanisms to humiliate and dishonour each side. If what Zahid Maitlo said is true, then perhaps Turab Ali's side registered Robina and Ghafoor's case not to get justice for his son, but to save Turab Ali from the *biradari* guilt and compensation for honour damage. Following publicity depicting the deaths as an honour crime, Bakshan's family were implicated and humiliated when the police arrested three of their members and kept them in police custody for more than a month. Had this been a suicide, Turab Ali's side would have, as Zahid maintained, lost face or honour in the *faislo*, since it was his son who, in this version, seems to have organized the whole event. In the final *faislo*, the politics of blame was erased completely and no fines were exchanged, so Turab Ali's family retained their honour.

Meanwhile, the final statements from both sides clearly maintain that the young couple voluntarily committed suicide, so Bakshan's honour was also restored, since it was his side's version that was finally acknowledged and validated in the presence of spiritual leaders, the sessions judge, the police and myself. It is now the official version. If the DPO were to reinvestigate the case, the communities' silence or the denial of a killing would keep him from getting anywhere with the case.

As for the second case, the second husband, not the first, may have killed Hasina, perhaps with the knowledge of Naziran, the mother, to scapegoat Hasina's former husband. Since the criminal justice system was not followed through to its end, this led to conflicting versions. The only certainties in these two cases are that there were three killings; and that no convictions took place, despite the communities' active engagement with the criminal justice system; and that the mediations allowed the communities to live in peace.

Although later narratives from the communities attest that Ghafoor was killed in the early morning by strangulation and Robina had been killed earlier by her relatives, whether the first event was a killing or a suicide was from the outset irrelevant. According to the elders who mediated the case, the incident established one unspoken rule: the bodies were found together, which more than anything else established guilt. This uncomfortable truth was what closed the case for the community. I went to the judge who mediated this case and asked him why he, a person believing in and working for the formal justice system, had participated in the mediation. He gave two reasons: firstly no one at all from the community was a witness to this act; and secondly, in the *faislo* no one on the accuser's side took an oath that this was a murder, whereas those on the accused side did swear that it was not a murder. Perhaps this was done deliberately. Even if it was a murder, the way the two bodies were dumped together established the guilt of the dead. The communities would never testify against that.

As for the second case, even if it was the second husband and not the first who killed Hasina, he would never be implicated or challenged in this because, according to the investigation report, he had sold a house to compensate the parents. Naziran, his mother-in-law, wed her younger daughter to him soon after the murder of the first daughter, surprising many and leading to a belief that they had colluded.

In the United States, Nader (2002) calls for empowering the plaintiff, whose role has been largely taken away by the state. Arguing that the life of the law is the plaintiff, she says: "By contesting their injustices by means of law, illegality, or subversions, plaintiffs and their lawyers can still decide the place of law in making history" (Nader 2002: 658). Above, we see that the litigants, whether defendants or plaintiffs or complainants, use the law strategically. The plaintiff as *wali* today has power over life and death, which, as we have seen, leads to normalization of violence in the family. To get justice for those killed, the state would have to replace the plaintiff in Upper Sindh, and 'murder' redefined as a crime against the state. The role of state cannot simply be relegated to citizens – or plaintiffs- who may equally subvert and dominate the law.

To conclude, both within the state procedure and the community, justice is organized so that what happened or who killed the two women and the man was less important than how the disputing parties presented or fought their cases. The contest and the courts both were ways of bargaining for the eventual mediation. In the next chapter, I will provide the 'victim's' perspective in honour violence by looking at women's trajectories in *karo kari* and marriages of love, and the societal spaces within which such actions are made possible.

Notes

- 1 See Dupret, Drieskens and Moors (2008). The edited volume shows how legal truth is constructed in Muslim societies, and how people's accounts whether they are witness or defence representatives are within the context of their own hidden interests in the case.
- 2 A small town close to the village of Khuda Bux Maitlo.
- 3 The police hierarchy then was as follows: at the district level, a district police officer (DPO); at divisional level, a Deputy Inspector General (DIG), headed by a Regional Police Officer (RPO). The DPO has since been renamed SP, Superintendent of Police in the district, and the office of RPO has been abolished.
- 4 Under Section 154 of the CrPC, the police must register all crime. If the police fail to register a complaint, the would-be complainants often get a court order for the registration.
- 5 According to Section 491, habeus corpus law of the CrPC, the sessions judge has the power to take action against illegal detention.
- 6 A numbered code for the Quranic verse *Bismillah ir Rehman e Rahim* – 'in the name of Allah, the most Kind and the most Merciful', which is often used at the beginning of letters, applications and even letters of threat, as shown below.

Chapter 7

THE SOUND OF THE SILENCE



LIVES, NARRATIVES AND STRATEGIES OF RUNAWAY AND MISSING WOMEN OF UPPER SINDH

I ran out of my home at midnight and hid amid the date palms. They searched for hours, passing me by several times. I do not know how they missed me.

– Mali, who escaped from death as *kari*

So far in this study, I have referred several times to this chapter with respect to women confronted with violence and their strategies of action and survival. This chapter is about women's social mobility in elopement marriages, their strategies in the context of honour violence and their roles as negotiators of change. Like the previous two chapters, it describes the lived experience of people interacting between law and custom in Upper Sindh, but it focuses particularly on women, especially 'victims' of culturally articulated violence.

In Upper Sindh, women are never passive victims – they use multiple strategies to survive, resist and even change their life courses.¹ This chapter foregrounds women's voices,² actions and reactions to honour ideologies and violence, thereby illuminating their perspectives in this study. It may be repeated here that there are no unified discourses of women's narratives: women both participate in and resist discourses of honour, depending on their roles. But those who do decide to stand up to certain forms of power find that their resistances are articulated in certain social categories and spaces.³

In the first chapter in this study, I discussed how the Sindhi media often show pictures of 'love-marriage' couples alongside pictures of dead men and women, almost inverting the dominant *karo kari* discourse where men and women are punished for 'love'. The present chapter shows that despite

a punitive cultural regime discouraging marriages of choice, love marriages are common in Upper Sindh. It also shows that both cultural and legal spaces allow inversion of structural marriage in the form of elopement marriages, which alternate with *karo kari* as a discourse of choice and social change. Called *pyar jo parano* in the vernacular press, the ‘marriage of love’ phenomenon both shapes and is shaped by the discourse of *karo kari*, as women who leave their family homes to contract marriages in courts of law invite accusations of blackness. Marriage by elopement⁴ is certainly not a new practice in this region. What is new is its reformulation with respect to the idea of ‘love’, which is often perceived as subversion and contrasted with social dislike of choice in marriage. Further, men and women actively engage with the modern law when their families track them down. *Pyar jo parano* is therefore a new cultural formation with respect to family laws, as most of these marriages would be validated in magistrates’ courts.⁵

Women’s agency becomes particularly visible when women run away from their homes or villages. The immediate circumstances that force them to leave may include extreme violence, force or threat of death. Many are forced to flee upon hearing that they have been declared *kari*, in which case running away is a flight to safety. But equally important are the incentives for social mobility through marriage, as large numbers of women leave their homes to contract *pyar jo parano*. Running away presents women as autonomous and independent, reversing their role as cultural minors and putting them in new positions from which they can negotiate their status.⁶

But ultimately, even as women change their lives and escape social control by exercising their rights under the state law, they end up living invisible lives. The increased powers that kin hold over a woman’s body, along with the potential executions involved in *karo kari*, ultimately make women who marry of their own choice invisible in most cases, as they are not socially accepted by their kin. To show how the wider social world adjusts to women’s runaway strategies, this chapter discusses the lives of ‘missing women’ through emotional memories of their kin.

The chapter is divided into two parts. The first is a general discussion on the spaces between law and custom where women defy social rules of marriage even as they seek affirmation from the state laws. Here I also describe women’s runaway routes and the cultural space within which they take refuge, their possible fate and the space in which society eventually allows missing women in Upper Sindh to survive and live invisible lives. In the second part, I illustrate the arguments sketched above with a case study of a councillor in my district who wrote a dramatic letter to a Sindhi newspaper, saying that she would be killed as *kari* if she were not rescued. The district administration ‘saved’ Noor Khatoon by bringing her to a modern shelter in Karachi, but since 2004 her whereabouts are unknown – that is, she

has ‘gone missing’. Even though state law allowed Noor Khatoon to decide her fate and she managed to get a divorce from the man she ran away from several times, and perhaps has contracted another marriage, her invisibility is a strategy for social survival.

The Runaway Women: Between Fractured Spaces of Law and Custom

Although it is difficult to estimate the number of runaway women, it is commonly done in Upper Sindh. Newspapers frequently report on runaway women, and the state shelters that give refuge to many of them have a fast turnover. For instance, two such shelters in Sukkur and Larkano, both in Upper Sindh, receive 10 to 15 new cases every month. However, a larger number of women take refuge in the shrines and homes of tribal chiefs and mediators, and it is impossible to keep track of these runaway women.

In most cases the phenomenon of running away is linked to marriage. It could involve women fleeing from an arrangement of an exchange marriage – *‘de wath* – or *vekro* marriage through bride price (marriage forms are explained in Chapter 1), or a widow seeking remarriage. Many runaway women are already married; some are girls. Since a large number of them do eventually contract a civil marriage, it seems that running away is itself backed by laws that allow women a choice in marriage. *Pyar jo parano*, as a creative marriage form that posits ‘love’ as the object of exchange, runs counter to the highly structural marriages that happen through exchange or bride price. The MFLO 1961 provides not only that all marriages should be registered, but also that they should take place according to the personal laws of the individuals concerned. In the case of Islam, the marriage itself is a purely civil contract, formalized by the law, that simply requires a man and a woman to fill out a form in the presence of two adult male witnesses and an official *nikah* (marriage) registrar. The form requires the signatures of the man and the woman who are marrying, which ensures the woman’s consent to the marriage. The law also permits any woman to swear ‘an affidavit of free will’ before a magistrate to affirm that she has contracted marriage to a man without any coercion. The legal term ‘free will’ is an example of women’s legal autonomy in the choice of a marriage partner. However, as I will argue below, the choices are limited.

During my fieldwork, I very frequently heard *aghwa* – kidnapping stories – and came to believe that men were kidnapping large numbers of women. The women’s side calls runaway women *kha’ ji wai*, literally meaning ‘picked up’ and implying abduction. But upon going into the details, I would find that most women had voluntarily eloped with the men: within a short time,

the woman whose kin had said she was 'kidnapped' would re-emerge in newspaper photographs accompanied by news declaring her eternal love for her 'kidnapper', who the report would reveal to be her legally wed husband.⁷

In the course of my interactions with people, I came to understand that the term 'kidnapping' was used by the women's kin in a legal strategy through which they could contest the marriage by registering a complaint of offence against the man and his kin with the police. As a result, the police would arrest the man's family, which would also be fined in the mediation. This pressure tactic was often successful, as the man's family, after a few beatings by the police, would 'return' the kidnapped girl to the parents. The use of the term 'kidnapping' by the communities masks women's often voluntary collusion in runaway action.

When the offence of kidnapping is recorded, women carry one important legal tool in their hands – the statement before the magistrate, or Section 164. Section 164 of the CrPC empowers the magistrate, during the course of an investigation before a trial, to record a statement, free of any coercion, by a witness, victim or accused. Section 164 is perceived as a legal form of closure, as it gives women lawful autonomy to decide their life courses. This statement decides whether a woman returns to her parents who have filed a case of kidnapping, or goes with her husband. Moreover, the magistrate need not have a local jurisdiction, implying that the woman can make a statement anywhere and at any time. There have been cases where women have eloped in my area and reappeared in Karachi, 600 km away, to make their statements. I dealt with one case in which two women contracted marriage with one man at the same time and appeared before a magistrate in Karachi.

Although this statement liberates women, in many cases social pressures collude with a corrupt criminal justice system to manipulate the statements, so there is never an entirely 'free' will. The criminal justice system – police, the area magistrate, the judiciary – function as an extended family of a woman, colluding with families to use extrajudicial and extralegal means to extract a statement that serves the family. An inspector once told me how a civil judge had taken a bribe from the parents to change the text of runaway woman's statement and handed the girl back to the parents. The girl was subsequently killed. The following case I came across shows the family's appropriation of a woman's last words and legal manipulation of the statement under Section 164.

In October 2004, Mohammad Karim, a young man, contacted me regarding his wife, who he said had been forcibly taken away by her parents. About the same time, a letter by the wife, Salma, had arrived in my office by mail, translated from Sindhi:

‘Sister, I Salma, daughter of . . . state that:

I am confined, and in order to get this letter across to you, I am giving my husband’s wedding gift, a gold earring to a greedy man and sending this letter with him. Sister I have married with my own choice in Larkano courts, then I told my father on the phone that I am a married woman now and they should not bother me, nor my in-laws. Despite that, my father lodged a complaint of kidnapping with the police and had my husband and my father-in-law arrested for one month. Since my father-in-law is as dear to me as my father, we decided to come to Khairpur and give ourselves up to the police. Then I gave a statement u/s 164, that my father had registered a fake FIR and after that my uncle and my father swore by the Quran that they will by the evening, hand me back respectfully to my husband. The newspaper reporters were sitting in the courts at the time and front of lawyers they witnessed this before the Quran. It is now 22 days since and I really don’t know where I am and where I have been confined. I have been drugged and kept in some other place. Sister, for God’s sake, help me.

In the meantime, Mohammad Karim had gone to the sessions judge as I advised him, but the sessions judge had not really put pressure on the girl’s father to produce Salma before the court. He went to a High Court judge, who also was not very sympathetic and gave the young man a lecture on morality, saying it was not a good thing to marry in courts. Mohammad Karim then went to an additional sessions judge and then to the Human Rights Commission of Pakistan. He also tried to plead his case through the media. After all this, Mohammad Karim disappeared and I did not hear from him for several weeks. Then he called to say that Salma had changed her statement under Section 164 before the sessions judge and now was saying she did not know any Mohammad Karim.

Even as the law allows women to exercise choice in marriage, it opens up new ways for people to shape and interpret custom in relation to the law. The couples who contract civil marriages must eventually be reincorporated into the society through mediations and exchanges of fines, as the case of Zainab and Nazir in Chapter 4. Subsequently, many such couples may be declared black and pursued. The risk is always present. It travels across generations and can influence the fate of the children and even the grandchildren. Indeed, women have been chased and killed decades after runaway marriages in courts. During my fieldwork I heard of several cases where women were killed with their husbands or with their children. In the following section, I will trace the trajectories of runaway women and the cultural spaces that serve as refuges for them before describing community responses to their actions.

*Runaway Women and Saam:
Invisible Routes and Spaces of Women's Refuges*

Women's right to seek protection is recognized in Upper Sindh, and cultural sanctuaries give them the leverage to renegotiate their relationships with husband or kin, and demand mediation. The protection given to women is called *saam* or custody, and women who enter these spaces become *saam* women, therefore embodying their liminal status – neither here nor there – in their physical and social conditions. The status of *saam* is morally neutral, and even accused 'black' women who are chased to be killed can become *saam* women. In a large number of cases, men, fathers, brothers, uncles, and husbands who accuse women of being 'black' also voluntarily bring them to the local mediator to resolve the issue and ensure the required fine is imposed.

Although women who become *saam* come from different generations, classes and religious settings, the choices they make and the routes they follow can be similar. There seem to be fixed pathways and routes by which women move, and these escape routes are strategic positions both of and for negotiations. For instance, very few of the women who call for help ask to be taken to state shelters. Private institutions, especially homes of tribal chiefs, Syeds and Pirs – those with political and social power (see Chapter 5) – receive many more women than state shelters. In my four years as Nazim, Syed woman and mediator, I have received letters, telephone calls and lately text messages from women seeking refuge, who have also made personal appearances. Whereas some women got into the habit of using my house as a halfway place, a stop in their cycle of movement, I myself brought others there from police stations where they had been shut away when caught at the runaway stage. My strategy, however, was to facilitate their links to the courts, as I always feared that to return them to their families or mediators was to risk their death.

Giving protection is, as stated in the honour rules, a sacred duty of the mediator. The person under protection is as precious to the mediator as is his own life, and it is the mediator's personal responsibility to ensure safe passage through this time. The strength of a chief or a mediator is often gauged by his ability to protect *saam* women as well as circulate them in marriage. However, the guarantor of *saam* is no ordinary person: if a person without power and status attempted to do this, he could be attacked, his house torched, his fruit trees cut down or his buffaloes driven away for giving refuge to a woman wanted in a case of violation of honour. In several instances women who sought refuge with neighbours and relatives have been targeted in attacks.

In some cases, the place where a woman should be kept as *saam* has to be mutually decided by the opposing groups. Zainab Maitlo's case, discussed earlier, flared up when the issue of the place of refuge arose. While the Kandhro community insisted that Zainab should be *saam* at Pir Abdul Qadir Shah Jilani's *haveli*, the Maitlo community did not agree, fearing that Zainab would be returned to the Kandhra (see Chapter 4). As part of the government, I wanted Zainab to be taken to a state shelter, a neutral space where she could make her choice free from any pressure. The Kandhra, however, would not agree to this; they considered that space prejudicial to them. Where Zainab could take refuge became the central problem that was to determine the course of the feud. Finally, mediation only took place when Zainab was kept as *saam* at the choice of place that her kin agreed upon.

Routes of runaway women are predictable, and seem to follow a certain sequence. I have kept the following narrative by Mali, a Baloch woman from Jacobabad whom I met in the state shelter in the mid-1990s, in my notes because it shows what different options are available, and when, to women who escape:

They killed Wadero Mohib Khan, the man they accused me of being a *kari* with. They first invited him to a grand dinner, and after he had finished his food, they shot him. I was inside when I heard my name.

'Kill Mali, Kill the *kari*', they shouted.

I ran out of my home at midnight and hid amid the date palms. They searched for hours, passing me by several times. I do not know how they missed me. I ran to the Syed family close by and asked them to protect me. But the Syeds said they would hand me back to my tribe. So I ran from there too. I reached the shrine of Qalandar Fakir and then Bhit Shah, and then I lived for some months with some Syeds in Larkano.

But I missed my daughter so much. I asked a *fakir* [a mystic mendicant at the shrine] if he would be kind enough to go to my village in Jacobabad and give my daughter some embroidery I had made, but not to tell her that they were from me. The second time I sent him, my husband caught him. He said these embroideries have to be Mali's. No other person on earth does them like her. He caught the *fakir*, dug a grave for him and told him that if he did not tell him where I was, he would be buried alive.

They all came to take me to the village for mediation. They brought police with them. I gave them the Quran and asked them in the name of God to spare my life. One of my brothers intervened, and now I am here in Darulaman.

Mali's first stop was to seek *saam* with a Syed family, but they did not have the courage to take her in. Her second stop was at a shrine, then again with a Syed; her final stop was Darulaman, the state shelter, after which she re-entered the community by marriage to another tribesman.

State shelters are the options of last resort because although they can help women seek their rights within the state system, they can also isolate them from their community forever. Of the scores of runaway women that I have met in my time here, only three were sent to shelters. Two were sent to Darulaman, one at her own request, the other by the court. The third lady, Noor Khatoon, was sent to a private shelter in Karachi on my suggestion. The rest never mentioned Darulaman, or else openly resisted it when I mentioned it as an option. State shelters are the last destinations in women's runaway routes and the final options in their negotiations. Community spaces of protection are more frequently used because they offer room and a method to negotiate with and re-enter the community.

The Syed's *haveli*, the local mediator's house or *sardar's kot* (house with large boundary walls) serves as the first refuge among the places where women may become *saam*. If one visits any of these places randomly one is likely to find a woman or two waiting for their fate to be decided by these mediators. The women may end up spending their lifetime here, cooking in the public kitchen or waiting upon the chief's wives until the mediators determine their fate – most likely *vekro* marriage to the highest bidder.

The Syed, as a mediator and an outsider, has a special place. Once in the Syed's place, the woman knows that the family who would otherwise hunt her to death will allow her to live and will, in fact, come to the negotiation stage despite any previous reluctance to do so. The Syed encompasses rank superiority, rather like the Brahman of the Hindu caste ideology. The Pirs of Ranipur in Khairpur Mirs', our own *haveli* in the town, and the Pir Pagaro's Dargah have provided such a space, as have hundreds of Syed homes throughout Upper Sindh. The sacred status of a Syed home is embodied in a celibate and sacred Syed woman called the *Bibi*, and earlier *Bibi Sati*. The

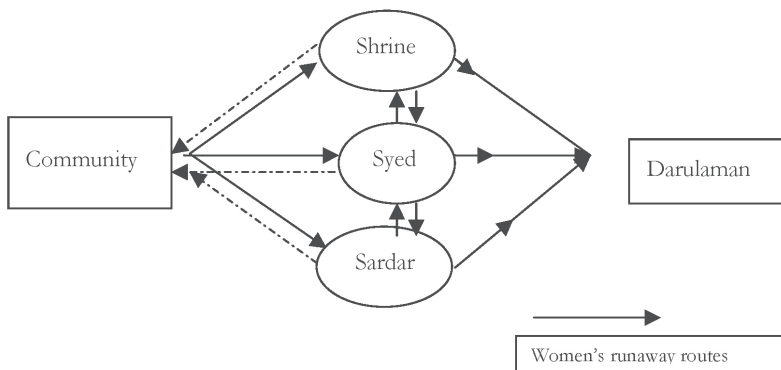


Figure 7.1. Pathways of Runaway Women.

Bibi plays host at home and is the confidante of the runaway women, some of whom end up serving the Syed women for years. For instance, a woman called Mubarakan, along with her sister and her sister's daughter, has spent the past six years away from home and is now trying to battle her sister's and her own in-laws for both the property and the custody of her nieces. Outside the few weeks they stayed with me, they have spent two years with Syed women from Ranipur and are now living with Syed women from Gambat.

The tribal chief's *kot* also serves as a sanctuary. For instance, Sardar Ali Gohar Mahar, who was the Nazim of Ghotki, helped a *saam* woman in his house reunite with her husband and child some years ago. Her mother had come to me with a note from her daughter, who had probably dictated it to a writer: 'My husband's brother has given me *ilzam* [accused her of blackness]. I am in Sardar Ali Gohar's *kot*. Please save me.' The story was that her husband's brothers had told him to kill his wife as *kari*. Her husband refused, stating that 'I have no suspicion of her blackness', and did not let his brothers kill her, even though they threatened to 'drive the tractor over him'. She ran out through the waterlogged country as they were looking for her. She first went to the Lund territory in Ghotki for protection and from there to the Mahar territory. However, despite her husband's resistance, the woman was ordered to go somewhere else and give the child to the husband's family, according to the local norms. Her mother came to me with her little child, Nadir, and asked me to 'unite the child with the mother'. I phoned Sardar Ali Gohar Mahar, who resolved the problem in a day, sending the woman from his *haveli* back to her husband. Days later, the woman and her mother visited me, ecstatic to have been reunited with their family. Since this had been done through the mediation, her brothers-in-law had to accept her reunification with her husband and child.

Shrines, like the private sanctuaries, can be either 'first-option' or 'second-option' places from which a woman can negotiate her future life. As the sacred house of the spiritual head – *murshid* – and a place where women are neither refused nor judged, a shrine serves as an anonymous waiting room until a woman's fate is settled. Many women, wanting to escape, would go to the shrine to make a wish to the saint, stay there for a few days, and then return home refreshed. A shrine has no middleman to help women re-enter the community. It provides only a space, time out, and a safe transition from one state to another. There are no costs either, as food and lodging are free. The shrine is a socially open space where women meet many like themselves. People often search shrines for missing women because large numbers of women seek refuge there.

Some, especially girls, have not planned where to run to, though they do know who or what they are running from. They just 'leave home' and find themselves on buses or in train stations. One of the folk anecdotes about

male responses to the first rail tracks set up by the British in nineteenth-century Sindh says that the village men came with sticks and batons against the rail workers, fearing that the tracks were being laid out to show their women routes for running away. The link between the railway and runaway children has spawned a network of middlemen who hang out at the station looking for such children with the aim of handing them back to parents for a modest sum. In Sukkur Darulaman, I met three young women who had come to the rail station. One said she was going to the megacity of Karachi. Another was just standing there waiting for destiny to come to her when the police came. Yet another girl, who had no parents and whose husband had died, had run away from her uncles; she was found loitering aimlessly in the railway station by a policewoman, and brought to Darulaman.

The use of the Quran as a safe passage into the world of refuge is common. It is as if the women are saying that henceforth they are in the hands of God and that they subscribe to a moral world, using that same symbolic world because it gives them agency. Like the sacred places of the Syed and Pir and the shrine, the sacred book offers immunity to one who transgresses a spatial boundary. Rahila, a nurse from Bhiria Road, narrated her final rites before leaving her parents' house for a short one-stop journey: 'And then one night after *tahajid namaz*,⁸ I took the Quran with me, and left the house. I went straight to the court, to the sessions judge who was kind, and recorded my statement and sent me to the Darulaman Sukkur'. Fehmida Golo also made her final departure with the Quran on her head:

So fed up with beatings and accusations, I took the Quran and went to the shrine of my *murshid* [holy man, guide] in Fatehpur Rijhal Shah where there are many women. *Jido allah thedo aasro* – Hope is as vast as God Himself. He told me to go to Darulaman when I told him my problem. I went to Sukkur and got a lawyer who helped me and now I am here.

Runaway movements of women are neither one-way nor one-time. As Assistant Director Social Welfare, Viqaar Parveen told me, almost 50 per cent of the women who register at Darulaman come more than once. Most women have used the runaway strategy to re-enter social worlds on their own terms. This strategy is only meant to apply pressure on parents or spouses to do things required of them: in the case of parents, to give up on certain marriage arrangements for a daughter; in the case of a wife, a demand that her husband stop beating her, provide her with more money or divorce her. These short, symbolic runs away – to relations, friends, local mediators who will negotiate on their behalf and help them re-enter their social world – last for a day or two. Running away and being returned to the norm is a repetitive experience for many women, especially when they are returned to the

place they left to reconsider their decisions. Thus some women are trapped in this perpetual cycle of movement. Women may strive for an ideal of settling down yet fail to break out of the cycle, especially when they know of no alternative destinations in which to settle down.

An example is Subha, a young woman in her late teens, who has made four stops to my *haveli* in her three-year runaway cycle, several stops to her husband's village, to her father's equally far, and to her sister's in Khairpur. Subha's running way from her parents' house, her husband's home, and her sister's home is cyclical. Subha's struggles lay in her various escapes, in her long-drawn-out movements all the way from the Punjab to Upper Sindh, and in her non-fixed moving world. She got married four years ago, and forcibly, to Mohammad Ali who she cannot stand. 'He's old, infirm and sterile. Their entire family is like that, they don't have children. His brother does not have kids his sister doesn't have kids, his brother married 3 times, he didn't have kids'.

Subha says her father made a deal in her marriage. 'He took 35,000 from the old man, gave me 5 suits and sent me off to Okara. I came back on the 11th day. My father sent me back. I realised very soon that I did not want to spend my life with the old man, so after a few days, I tried to escape. But they caught me. When I reached my father's house he was enraged, he tied me to a *charpai* (a traditional woven bed). I found a sharp knife when he was away to work and I escaped from there, went to my sister's house in Chakwal. But they too betrayed me. They took me to my father who promptly sent me to my husband who said I will not leave you because I have paid for you. I escaped from there and I reached your place . . . And after you sent me back, my mother came and fetched me. I went with them and they sent me back to my husband again. But only a few days there and I heard that my father died. He fell from a tree. He broke his spine and died. I came to his home and then told my brother that I would not go back to my husband, I now want a divorce'. The next morning Subha left without saying goodbye. Two days later, I got a call from her brother-in-law, where she was staying. Subha was still not home . . .

Darulaman: The Last Destination

Having traversed through various places of transit – the *pir*, the *sardar*, the Syed, the neighbour, the shrine, the train, the bus, even the police station – the state shelter, for most runaway women, is often the last destination, a stop they perhaps never even considered at the time they were moving out. When women reach the decisive point of not wanting to look back on their past lives, then they choose to come to Darulaman. In this space they reach the domain of the state, and are in state custody, guarded by police, managed by a social welfare officer and overseen by a deputy commissioner as opposed to the Syed, Pir or *sardar*.

Called Darulaman, House of Peace, a shelter home is located in each of Karachi, Hyderabad, Larkano and Sukkur. Upper Sindh women are served by the Sukkur and Larkano branches. The shelters, ironically, were put in place by the military regime of General Zia, whose regime was instrumental in passing legislation considered discriminatory towards women. The state of the Darulaman reflects the status of women in the society. First, unlike state refuges in the West, where women are free to come and go, registering at Darulaman is an unwritten violation of the local honour norms and therefore entails either violent action or a social boycott of the woman or child who has run away. Women cannot go to the shelter home directly. They must first register themselves with a magistrate, who is a civil judge, and ask to be given refuge through legal endorsement.⁹

Given the high rate of custodial violence and the notoriety of police departments, this is not easy. When runaway women are reported to the police, the latter first take the women to the subdivisional magistrate, who records a statement. During this time, intense negotiations take place with the relatives, who try to pursue them as far as possible, until the women reach Darulaman. Often women are made to stay in police stations for a few days, during which time the police officers may take bribes and allow their parents or husbands to negotiate their return. Theoretically, women can leave the Darulaman as and when they wish. But in practice, a custodian, preferably a male – husband, brother or father – must take her with him, provided that the woman records a statement saying she is going with him willingly. Therefore a woman must, before coming to the state shelter, ‘have’ a man other than the husband or father she left behind to take her away.

I first visited a Darulaman in the early 1990s in Sukkur to write a magazine article on the state of the shelters, and to interview the women there who had fled their homes. Darulaman Sukkur, a two-storey building, was in sad shape – barely furnished, squalid, and with a tiny food budget. The women were partitioned from the world by both their upstairs housing on the second floor and an iron grille, which was locked. While narrating their predicaments, women complained about the lack of facilities, food shortages, and their virtual imprisonment. ‘We look out of the windows, when we miss the outside world’, I recall the schoolteacher Hasina telling me. ‘*Baji* [sister] get us out of here’ was a common refrain. Women had no access to private lawyers and were dependent on the bureaucratic system to help them find lawyers in the court to negotiate for them.

More than ten years later, when I visited the same place on 25 January 2006, the Darulaman’s physical state was greatly improved yet not significantly changed. The food budget, though still small, was far better than before. There were fourteen women and five children this time. For their entertainment, there was one television, and one tape-recorder, both donated.

Quranic instruction and prayers were taught to the resident women. On average, women stayed up to six months. Some stayed longer; others for only a few months or just weeks. Social welfare officer Viqaar Perveen was kind and compassionate and knew the names and case stories of all the women by heart. She also had a good memory: when I discussed the women we had met ten years ago, she remembered them all. Darulaman had been repaired and three more rooms had been added on, but the lock and key and the bars remained.

The political will to maintain and manage these shelter homes is weakened by their public image. Most people believe that women seeking refuge there are temptresses who have run away with men, who traffic or are trafficked in sex, and who are bent upon disrupting society; hence they are 'black' women. 'Many social welfare visitors come to us and give us lectures on how we should become "good" women, they are always judging us', the resident women say with one voice. Newspapers have frequently reported how the Darulaman women were 'supplied' to politicians, generalizing and stereotyping the image of the only haven the state has ever been able to provide to women, making it even more difficult for women who do not wish to be labelled to use this space for refuge.

For instance, even Viqaar, whom the women loved as their head, kept these judgments in her heart. 'These women are not alone; they all have someone behind them – some support behind them', implying that every woman had some interested man who was waiting for the divorce to go through. Clearly this has become the reception structure of Darulman – divorce from the last husband and moving on to the next. All women seeking divorce from arranged marriages through the state's legal system move to Darulaman. Sometimes, men or families who are interested in these women, especially for marriage arrangements send them there and also offer them legal assistance.

Most women I have met there narrate dramatic tales of living through violence and escape. They say that whereas state shelters, the police and bureaucracy may safeguard life, and the law might allow them to choose their partners, these do not offer an alternative space for survival. As Hasina told me:

I expect the court to let me go any time now. My marriage is valid and I should be able to go to my husband. But what about tribal courts – which will never forgive us. A woman once ran away in our village. They took 15 women of her tribe and harassed them. I do not want this to happen because of me, and that is why I prefer a tribal settlement . . .

I will now show the possible fates awaiting women, once women come out of the state waiting rooms.

The Fate of Saam Women

Women who seek refuge in community spaces or a state shelter face three different life-paths that, however, are not really separate as one may lead into another in no time. Generally speaking, the families succeed in getting most runaway women back. A significant number of women manage to contract their love marriage and survive, but some who succeed may one day be hunted and killed. Below I offer some examples of each case in point. In most cases, women who run away will be returned, and will revert to the parents' decision of marriage or to their earlier life with a husband. This is especially the case for girls, or single women who run away with inexperienced men who do not stand up for them, like the young man Mohammad Karim, described earlier.

Interestingly, women are 'returned' with the help of the mediators, police, even judges, and then (re)married to anyone but the person they escaped with. Most returns are negotiated even before the women reach Darulaman. In a large number of cases, especially those of women belonging to influential families, they are returned and, if they are single, quickly married off to a distant cousin in a remote place, very similar to the treatment of *kari* women. For instance, in 2003 a young woman of the Hajano community of Mithri ran away with a young man who belonged to the Shahani community. A kidnapping case was registered against the Shahani, and some of the men in their family were brought to the police station. The woman was returned through the intervention of a mediator who put pressure on the Shahani elders, and the girl was immediately married off to a distant relative in Shikarpur. She had three children from this man but recently, I heard this young woman died while delivering her fourth child... Meanwhile, the Hajana and Shahani are still fighting, implicating each other in false cases and spending hundreds of thousands of rupees contesting 'damaged honour'

Although women flee to safety and take refuge for security, their lives are in no way guaranteed. On the contrary, the runaway women have violated family honour and may be labelled as *kari*. This not only helps families exert social pressure in negotiating the return of runaway women; it also deters others. Some women have been returned by mediators through an extensive guarantee system and subsequently killed. In one case, a Manganhar woman who had run away with a young man and married him in civil court was returned through the intervention of a mediator (who was none other than my cousin) on a guarantee of safety but subsequently killed. Abida and Tehmina's running away, being returned and then being killed is a typical example of putting women who have defied spatial control to death.

Despite the risks of return or death, a significant number of women successfully contract civil marriages, marry the men they wish, and end up living with them, as in the case of Irshad:

Irshad came to have a chat with me on 13th May 2003. A long time back, when I was a journalist and travelling in the desert I had met her brother, a famous playwright and producer for state television. Irshad was crossing over then to a new life, and there was exuberance in her expression as she spoke and sang non-stop. Irshad's freedom is full of risks, personified in her love for a gangster, thief, raider and robber, Malook Fakir,¹⁰ a disciple of Pir Pagaro, who loves her dearly and is ready to rob the whole world for her. Irshad brings out a photograph from the wraps and folds of her vast desert skirt, showing herself with her love with big moustaches. 'I was married to my cousin when I was 14. I just did not like being with him, he was a *mawali* (drug addict) and further he never wanted me. For years I lived with my brothers but they never bothered about me, never gave me money, took over my father's lands, and didn't really care whether I lived or died. Then I became *saam* with Pir Pagaro, and he got me married to Fakir.'¹¹ Now tomorrow early morning, I will take the bus to Sanghar, then to Turi Muri where I will meet my husband. Fakir is my only hope. He is a big support and he is '*dingo*, difficult. He started robbing and throwing rocket launchers in the village, just to win me over'.

Similarly, when I went to Darulaman the first time, rose petals were showered and songs sung for Mali Buledi, who on that day was going back to her area with a husband she loved. She was making her final movement back into the tribal world, towards a new beginning, and entering into a relationship with another, distantly related tribe further north of Ghotki. Many of these women, who find new spaces with the help of the state law, live invisible lives escaping the constant movements in their pasts.

*The Missing Women of Upper Sindh:
Remembering the 'Socially Deceased Women'*

The runaway period is a liminal time – a place neither here nor there, but transformative – in which women negotiate their life trajectories. Some recreate their life's direction, some go back, some are forced to go back only to run away again, some are even killed, and some go away forever into the unknown and are 'still missing'. How does the social world respond to the women once they leave the state of *saam* and begin to live regular lives, especially in marriages that their families do not accept? The missing women are, like the murdered black women, considered 'socially dead'. '*Ho asan je lai marri wai ahai*', their parents often say: 'She is dead to us'. Hence

no one speaks of them, weeps for them or misses them. Once these women are beyond the reach of the family, hunting them down, locating them, or even talking about them is socially taboo. For the community, time stops as far as these missing women are concerned – they are discussed in clandestine conversations but remain unacknowledged in the social world they left behind. As is so for other ‘black’ women, there is always vagueness about their lives as no one is sure whether they are alive or dead. Even when their whereabouts are known or they are sometimes seen or heard of, they remain unrecognized and unacknowledged. In many ways they connect like phantoms to their pasts; otherwise they survive only in the hushed memories of their dear ones.¹²

These absent women are deliberately forgotten by their society through an imposed amnesia. But countering these social memories are private ones that remember and repeat the conditions that led these women to vanish from the social world. These memories are not simply events of the past; they are engaged subjective feelings deeply embedded in emotion. The stories of runaway women who are ‘socially dead’ are stories of pain and separation, and of yearning for reunion with loved ones. These yearnings for reunion, I have noted, are verbal wishes that will never be put into action, for the community threat for retribution is too great. To enact memories of these women is to relive them, to remember that in fact, they lived. It is through these narratives that the loved ones can relate to them, and communicate with them. Two examples of people remembering missing women are those of Gujjar who is searching for her mother who ran away two decades ago; and Khair Khatoon, who is searching for a sister who was forced to leave home nearly ten years ago. Neither has ever found the woman she seeks, even though she may not live far.

Gujjar Khatoon Remembers her Mother
(Compiled from Diary Notes 2005–06)

As I was thinking about missing women, and almost as if she wanted to be in my study, Gujjar Khatoon from Manganwari¹³ came to see me. She brought the card of a game warden from Nawabshah,¹⁴ Junaid Shah, as her reference. The Syed women inside the *haveli* of Junaid Shah had given her the reference to come and see me. At the moment I was speaking with another woman about the many tragedies in her family, including the recent killing of her son. Gujjar broke into our conversation: ‘They killed my brother too. But they have not arrested anybody yet’. I listened without responding, letting my initial informant finish her story about the *faislo*.

Then Gujjar interrupted again to say, ‘They killed my brother, I will bring papers tomorrow’. I asked her what the problem was, and she then informed me that some years ago her brother had accidentally killed a man in the village: ‘My brother only took the axe out. He did not kill’, explained Gujjar, implying that it was not revenge but an accident. But the incident was avenged and her brother was subsequently killed. Gujjar continued after a pause:

‘I am looking for a woman called Sabhai. I was told she is living in your *haveli*’. I told her that there was no such woman there.

‘Then she is living in your lands. She may have changed her name’, she added. I told her I would find out and asked her why she was looking for this lady. ‘I want to give her a message from my *Bibi*’.

I knew that Gujjar Khatoon was trying to avoid giving me details. But some minutes later, she opened up – especially after I ignored her because of her partial story and continued discussing my other visitor’s problems. Gujjar slowly unravelled her secret story.

‘Sabhai is my mother, who left her home twenty years ago, and I have not seen her since. She first escaped to the Syeds in Nawabshah. I went there searching for her, but I think she gave them the Quran, and so I was not told where she is. My mother left us, because this brother of mine, the one who was recently killed, threatened to kill her. He was difficult. And now that he is dead, there is no reason why we should not have our mother back! When she left us, we had a *phare* [an oracle], taken out by a good man of the village. He said she had gone to Roshan Shah in Karachi, so we went all the way to Karachi. But there was no one there’.

Despite all the references, words of God, fakirs, Syed women and Syed men, her mother remained hidden from view. Gujjar came to me three times, every time hoping that I would give her a clue about her missing mother. She was definitely not on my father’s lands, I found out. I had no news to give, and after three visits I did not hear from her again.

Khair Khatoon Remembers Her Sister
(Compiled from Diary Notes 2001–04)

Khair Khatoon, our neighbour, is from the Manganhar community. It is now nearly ten years since Samina, Khair Khatoon’s sister and Khuda Bux’s wife, vanished. Now, Samina’s daughter is getting married, and Samina is not around to give her away. Samina’s husband is heartbroken and bedridden. I attended the wedding – there was fun and dancing, and cross-dressers singing, dancing, pinching money provocatively placed on

the women's bosoms and backs by the bridegroom's mothers and aunts. Khair Khatoon, Samina's sister, initially chose not to come but then did, albeit reluctantly. She was crying, laughing and dancing at the same time; mumbling her sister's memories; abusing her in-laws, whom she blamed for driving Samina out; and singing songs for her niece's betrothal.

Ten years earlier, Ali Khan, a newspaper reporter, and Samina's brother-in-law had thrown her out of the house, saying she was black, on the third day after the death of her brother-in-law and Khair Khatoon's husband. She left behind three children – two boys and a girl – and an epileptic husband. Samina and Khair Khatoon were both married to brothers in exchange for two of their husbands' sisters married to two of their brothers. Samina was expelled from her home after she had fled the house a few times. The mystery of her running away, and since then of her parallel journeys from one informal shelter to another, forms the narrative of the suffering of Khair Khatoon and echoes through the entire Manghar community. For them she is a collective shame – the family's secret, but a secret the whole world knows. Khair Khatoon remembers:

My sister's home is *darbadar* [ruined]. When her husband fell ill, Samina would go from one place to another to earn a little bit of money. Her brothers-in-law fought with her, and even her husband beat her. 'She roams too much, she should sit in one place, she is ruining her own home,' they said. Frequent beatings made her more stubborn. She went to Sheikhs, to Mohajirs, to avoid the beatings for being a wife of an epileptic and to earn her keep. Then her mother-in-law declared that, 'I do not want her'. Then her sister-in-law also said she did not want her. And her brother-in-law said, *ghairat kiyo* to her epileptic husband, 'have honour'. But her husband replied, 'Why should I kill her, let her brothers kill her'.

That is when her sister was thrown out.

Khair Khatoon has been vaguely following the trajectory of Samina's escape. I have heard her mention her sister's whereabouts every time she is sad and nostalgic: 'The other day, I met a Rind woman who had spotted her at Sanhro Wah, in the house of Mohbat Rind'. Then, another time she placed her somewhere else, 'Some people I know returned from Ghotki, they say she is with the Mahar of Ghotki'. Another day, she said, referring to the Rinds where she was spotted: 'I have heard that they have sold her for 60,000 rupees. But now she knows her sister will bring police. Please give me the police and I will get her back. Why has he sold her, b——, was she his sister or mother? Mohammad Baksh [her brother] has left the country in *ghairat*. The other has been eaten by sugar [diabetes]'. And yet on another occasion Khair Khatoon would quote Samina's son saying:

Mukhe ma wathi diyo. Bibi khe chao mukhe police de the ma man motiyan. ‘Get me my mother. Tell Bibi to give me the police so that I can bring my mother back with their help’.

These extracts from the diary illustrate Khair Khatoon’s feelings of anger, loss and guilt as she remembers the circumstances of her sister’s leaving home. Most likely, the Rind Baloch, whose custody she was in, had paid the Manganhar men for her rights, as otherwise the Manganhars would have claimed honour damage; however, none of this was disclosed.

The runaway women who have contracted marriages live like phantoms when confronted with their pasts. When they appear, they disassociate themselves from that past as though it were another life. Khair Khatoon, remembering her sister, says: ‘They saw her eating *pakora* at the Civil Hospital; when they tried to greet her, she turned her face away, and then left in Mohbat Rind’s jeep’. I have always had the feeling that Khair Khatoon knows exactly where Samina is, but it is important for her to guard this secret. In Khair Khatoon’s imagination, her sister Samina has multiple lives in many places.

In the next section, I will give a detailed account of how a runaway woman went missing from a personal encounter with a young councillor who said she was declared *kari*; we like to believe that she would have been killed had we not rescued her.



ILLUSTRATION 7.2 • *Author with Women Residents in Darulaman Sukkur*

The Story of a Missing Woman: The Case of Noor Khatoon Shar

The District Police Officer
District Coordination Officer
And District Nazim, Nafisa Shah:

Janabe Ala [honourable]:

I am a *yateem* [a person whose parents or either of the parents have passed away] woman and a Councillor of Zila [district] Council Khairpur. I am doing my MPhil from Shah Latif University in Khairpur. My in-laws have already declared me as *kari*. They will kill me tonight.

I have no one, I am going to die. They have put the blame of *kari* and informed the Sardar, Sikandar Ali Shar. He has fixed the *faíslo* after the 13th of Moharram. But I have the news that they are not doing *faíslo*. My brother-in-law is a constable in the police. He wants to kill me. For God's sake, give me safety. Do not delay, save me.

Noor Khatoon Shar,
daughter of Ahmeddin Shar,
Goth Imdad Ali Shar Thari Mir Wah, Khairpur

The ones who will kill me
Haji Qadir bux s/o Hizbullah Shar
Liaquat Ali s/o Hizbullah Shar
[Both brothers-in-law of Noor Khatoon]
Ahmed Bux Shar s/o Imdad Ali [Noor Khatoon's Uncle]

This fax arrived in my office on 12 March as a letter on the same subject appeared in the Sindhi newspaper *Daily Kawish*. The letter in the newspaper was much longer and written in narrative form by Noor Khatoon Shar, a councillor in the district council of Khairpur,¹⁵ writing about her predicament and how she was declared 'black'. It sent shock waves not only across Khairpur but all of Sindh, since as a councillor she was politically influential locally. Furthermore, she was studying for her Master of Philosophy degree in Urdu in the University of Khairpur.

The letter in the newspaper gave a long story of her suffering, for instance, how Noor was forcibly married in exchange for a *sang* that was owed to her father's brother, and how her husband had tried to throw acid on her face when she made it clear that she did not wish to live with him. To summarize, it was a narrative of forced marriage, marital rape, torture, and her innumerable attempts to escape. Somewhere in her narrative she implicated me as well. The text stated that she had tried to reach my office but somebody had leaked this out, and she had been handed back to her relatives. She

concluded by saying that if she died, I and many others would be responsible for not saving her.

The District Coordination Officer (DCO), the DPO and I coordinated with one another regarding this fax and finally found her in her in-laws' house in Imdad Shar village. At Noor Khatoon's request, we sent her to her father's house. Her father, Ahmeddin Shar, was a lawyer, and I heard the next day that he had served a notice of defamation to the editor of the *Kawish*, saying that the published news and letters were frivolous and concocted.

The increasing pressure from the press for news made me think that the best course would be for Noor Khatoon to be taken from her father's place and put in the custody of the district administration or a state shelter. I spoke to her father and told him that I was under severe pressure to produce Noor Khatoon in a court of law so as to assure the state that she was safe. I requested he bring Noor Khatoon Shar to the state shelter, but he made all kinds of excuses to avoid the situation of handing her over to the administration. He first said his leg was broken, and then said he did not have a car to bring him to the headquarters. When I told them I could send a car, he replied that it was too late, there were many bandits on the way, and he would come after the Moharram mourning period. But I continued to insist firmly, and he finally compromised and asked that I meet the girl in the morning. Next morning, when visited Noor Khatoon it seemed that her predicament as stated in the newspapers was correct. Her face was burned on one side, apparently from an acid attack, and she looked nervous and extremely traumatized. However, surprisingly, she denied that she had ever written the letter. I and the DPO were both sceptical, and we thought she was covering up. We later found out she had not actually written it; someone else had done it for her.

The media pressure was huge, and I was so swamped by media reporters that some of my own actions were taken as pre-empting the questions the media were likely to raise. Noor Khatoon's father responded to the media's questions by saying she was already divorced from her husband. He seemed nervous, fearful and shift, and regarded himself as a victim alongside Noor Khatoon Shar.

Briefly, in her first statement to me, and later to the press, Noor Khatoon said that she had been married in July 2002 against her will and that her husband had started to mistreat her and hurt her in all kinds of ways, once beating her so hard that she had to be hospitalized. Once he had even thrown acid in her face and tried to rape her.

Noor Khatoon said she had tried to escape from her forced marriage several times. Just days before her story appeared in the press, she had again attempted to run away. She tried to convince her father to let her go, and

had called the chief of the Shar tribe, Ibrahim Jatoi, in Shikarpur but had not succeeded in reaching him. She then appealed to a local magistrate and wound up with a Jatoi relative in Sukkur. At that point someone gave her away – the judge perhaps, she suggested. There was a knock on the door, and her father came in and forced her to return to her village. She said that while he was pleading with her to go with him, she asked him to swear an oath on the Quran that he would not send her back to her in-laws. Although he did not take the oath, he promised not to return her to the in-laws – and then sent her back to them again. This time, she said, her husband threatened to make her *kari* with Mumtaz Shar, a primary school teacher who sympathized with her. During her narration, Noor Khatoon wept at two points. In telling how her stepmother and father were unsympathetic when she was brought back, she cried, mentioning that her mother was dead. She wept also when she told how her father had hit her hard when she was returned from where she had fled: ‘He injected me with a tranquilliser and took me back to my husband after I had been burned with acid’. Noor Khatoon said that she now wanted a divorce from her husband.

On 17 March, Noor Khatoon was brought to Karachi and officially registered at one of the private shelters called Panah. She gave an affidavit before a magistrate, saying that she had entered the shelter of her own free will. This was a Section 164 statement, which would be treated as a formal complaint. Noor Khatoon mentioned her uncle, her husband and her other in-laws in this letter. The letter was, in a way, an official complaint that kept her in-laws in fear, and under pressure.

In the shelter, I tried to keep a channel of communication open between Noor and her father, to give her the option of resolving her problems by talking to her family. She became very emotional when she spoke with her father, who seemed angry with me, holding me responsible for taking his daughter away. I had also learned earlier from a journalist that Ahmeddin was going to lodge a direct complaint against me in the judiciary for kidnapping his daughter. He also cried when Noor spoke with him after reaching Karachi. ‘I thought he was missing me, but all he said was “Save me from the media”’, she later told me.

After safely sending off Noor to the shelter, I returned to my district still wondering about the missing pieces in the story. For instance, who was the writer of the letters, if not Noor? I soon learned who the ghostwriter was; indeed, it seems everybody, at least in her village, always knew. The man behind the story was the schoolteacher Mumtaz Shar, a distant relative and a confidant who apparently saved Noor’s life. Mumtaz walked into my office one day, and I found him to be theatrical and inventive. After meeting him, I realized that much of what was written in the letters was relatively but not entirely true, and that the letter could have been a means to put Noor

Khatoon in a position of strength from which to negotiate with her in-laws for a divorce.

Mumtaz Shar told me that his life was being threatened, so he would be taking leave and going to the northern frontiers of Pakistan. A couple of weeks later he contacted me to say that he was in Gwadar in the south.¹⁶ He would like *faislo*, and would like to pay in order to resolve the issue, if he were fined. Mumtaz Shar was married without children, and his wife came to see me a few days later, asking me to save him from the wrath of the community. I said Mumtaz Shar should not have written the letter to the press; he should have informed us quietly as the media hype had put everyone on the defensive. She seemed or pretended to be ignorant about Mumtaz's involvement.

I also learned the details of Noor's marriage, which was a part of a *sang* agreement. Ahmeddin's side, having taken two *sang* from her spouse's family in the last two generations, had returned only one *sang* and thus owed them one. Noor Khatoon said it was the daughter of her uncle Ahmed Bux (Ahmeddin's brother) who should have been returned in *sang*; however, she had become an air hostess and they could not get her to agree to this arrangement. Thus Noor Khatoon had been forced to marry the man. I also learned that Ahmeddin's family had agreed to give Noor's in-laws another *sang* after Noor's divorce, probably her sister, in exchange for the honour damage sustained by Noor's in-laws.

Meanwhile, I learned from the shelter reports that the scarring on Noor Khatoon's face was not from acid, and from local sources that her husband had not thrown acid at her. Her medical report confirmed her father's story: the chemical was phosphorus, and Noor Khatoon had brought it from the university lab and rubbed it on her face herself. Ahmeddin's wife told me that Noor's in-laws had treated her well and that she had put the chemical on her face to get out of her marriage. 'It was Ramzan, I was up for *sebhri* [meals taken before morning prayers for the purpose of fasting] Noor took a long time in the bathroom and then covered herself in sheets but was making awful sounds. I asked her what was up. She then said she had put this thing on her face. We took her to the doctor and she was treated'.

The story, then, was that Noor Khatoon, wanting to escape her 'forced' marriage, had used many different methods to get out of her situation. Her confidant Mumtaz Shar had made up the story, which helped her escape by constructing a case against her in-laws. It seems that the story of her husband mistreating her did not hold. The interesting thing was that, while Noor may have been declared *kari* in the village for not yielding to a forced marriage, her ghostwriter was also able to use this as a strategy in her escape.

Noor Khatoon was shifted to another shelter in Lahore, and I slowly lost track of her. Her divorce was swiftly achieved through the courts, and

the shelter helped her find a job. The divorce severed her ties to her village, kin and family. One year after, I read in the press that Noor Khatoon had married someone from the Punjab and was off to Norway. Some reported that she had married her ghostwriter, Mumtaz Shar, and that was the main reason she had gone 'underground'; others said she was still single. It seems quite obvious that Noor has married someone her Shar community would not approve of, and hence has removed herself socially from the area. Mumtaz Shar, the storyteller, has meanwhile turned into a *Kawish* reporter, and it comes as no surprise that he is doing very well. He has moved to Karachi. The last I heard was that he was fined 400,000 rupees for the letter allegedly written by Noor, that he had written and sent to the press.

My only link with Noor's story was through her father, who phoned me regularly, all these years, weeping and asking the same question each time: 'Where is Noor, take me to her, you know where she is?' I repeated the same answer every time: 'I don't know where she is, and I don't know how to contact her'. Her father died recently, mourning the loss of his missing daughter and when I went there for the condolence, I was told that even the loss of her father had not made Noor Khatoon contact her family. Noor Khatoon has become one of the many hundreds of invisible women of Sindh.

Conclusion: Victims as Agents

In the last chapter, I demonstrated how women challenge the coherence of culture by subverting, challenging and even altering its conventions. Anthropological approaches to the idea of victims as agents, or victims' self-representation as a political strategy, are characterized by ambivalence and moral dilemmas (Jeffery and Matei 2006).¹⁷ Would anthropologists, for instance, be seen as promoting the perpetrators' objective if they were to show victims as political actors using ideas of victimhood to negotiate their own positions? The victim's position, however, is not static but historical, changing at each stage. At the same time the role of the victim is relational, dialectical and creative with respect to the perpetrators, as potential victims may want to pre-empt social threats by using multiple strategies. When the choice is between extreme violence and the use of a strategy of playing the narrative of victimhood, the latter should be gauged not in terms of morality but as an alternative language motivated by aspirations to a different life, or even as the resistance that is essential to altering forms of power. This is how Upper Sindh women like Noor Khatoon use their victim status.

Women contract marriages of choice with support from the state. Oddly, in *pyar jo parano*, the *wali*, who in practice conflates family members who kill with those who pardon, substituting them for one another, is rendered

powerless. One can argue that, while the state shares the right of life and death with families, it asserts the final power over women's fertility, rendering the parent or family member ineffective.

How does society reconcile itself with women's agency when it flouts the stated social rules, and when it is rejected periodically in explicit displays of defiant women who have been collectively and brutally put to death? In most cases, runaway women who exercise their lawful choice return to the community only to live invisible lives, creating simultaneous and continuous worlds of both social death and social survival. This helps one understand why so many women embrace the 'marriage for love' discourse and manage both to do this and survive it, despite the *karo kari* label. The social ban on these women ironically gives them a 'space of protection' in the very social amnesia – of forgetting – that is invoked for them. The social survival of women is dependent on social invisibility. Yet private and intimate memories show how intensely these women are missed in Upper Sindh. The secondary narratives of the missing women in the memories of mothers, daughters, sisters and even fathers (e.g. in Noor Khatoon Shar's case) reveal a vast landscape of invisible women who live outside the societal norms, yet are interspersed within the dominant and visible society.

Notes

- 1 For a review of how agency and victimization are conceptualized in feminist writings, see Connell (1997).
- 2 Women, as Ardener (1975) pointed out, were 'muted' in anthropology until the 1980s. See Raheja and Gold (1994) for how women's expressions reverse the cultural models of gender relations; Abu-Lughod (1986) for Bedouin women's use of poetry to express what honour rules do not explicitly allow; and Grima's (1993) ethnography of expressions of emotion among Paxtun women.
- 3 See Abu-Lughod (1990), who shows that forms of resistance can illuminate changing modes of power.
- 4 Many cultures in the world recognize marriage by elopement and/or capture as alternative marriage forms, and anthropologists have generally seen them as rational strategies where wives are not easily acquired through the regular forms of marriage. Early theories link exogamy with bride capture (McLennan 1865) and patrilocality (Tylor 1889). For a cross-cultural perspective on bride theft and bride raids see Ayres (1974), who demonstrates that bride capture is related to exchange marriages in places where parents exercise strict control over their daughters' spousal choice. For a review of anthropological work on bride capture and key debates, see Barnes (1999). For elopement marriages among British Pakistanis, see Shaw (2000). See also Eglar (1960) and Parkin (1992).
- 5 A number of ethnographies show how women use the courts to turn their subordinated status around, e.g. Starr (1989), Coutin (1994), and Merry (1994).

- 6 Refuges and shelters reinforce feminist theories of women's ideals of autonomy (Dobash and Dobash 1992) but also reverse them, as women very often become subservient to societal norms once they re-enter the society.
- 7 Anthropologists have distinguished between mock capture and real capture. In the former the woman and her family are complicit. Others have distinguished forced capture from elopements that hinge on women's choices.
- 8 This is the 'extra' prayer. Its time is unspecified, the only important issue is that it should be said between the *Isha* (night) prayer and the *fajr* (sunrise) one.
- 9 See Siddiqui et al. (2008), (a transnational report on Pakistani women's access to refugee protection in Pakistan and UK by South Manchester Law Centre in partnership with Manchester Metropolitan University) for a detailed description of services provided by shelters in Pakistan.
- 10 The disciples of Pir Pagaro add the title 'Fakir' to their names.
- 11 Pir Pagaro is considered a 'liberal' as he encourages women to exercise choice in marriage and has made it mandatory that they be educated.
- 12 Social memories construct and are constructed by common identities, and communities remember and forget strategically (Connerton 1989).
- 13 A small town in Khairpur.
- 14 A neighbouring district, since renamed Benazirabad.
- 15 The District Council Khairpur had 107 members, among which 76 were chairmen of union councils, 21 were women councillors in reserved seats. There were 4 each of the minority and labour seats. Noor Khatoon Shar was one of the members in the reserved seats for women.
- 16 Probably just a tale so that he could dodge those who were looking for him.
- 17 See e.g. Tarlo (1995) for poor people's creative responses to emergency in India; Utas (2005) on Liberian women's agency as war victims; and Halstead (2008) for officials and people engaging in complicit partnerships as victims and agents.

Conclusion

KARYAN JA KABRUSTAN



THE IMAGINARY BURIAL GROUNDS FOR BLACK WOMEN

In 1995, the Sindhi press ran an article by a reporter who claimed to have discovered a graveyard for 'black' women in the Chak area of Shikarpur. It made a tremendous impact and was repeated in a BBC documentary film, sparking a chain reaction in which one story after another reported similar graveyards in other areas. The reports of such gravesites, referred to generally as *karyan ja kabrustan* (graveyards for black women), created a sensation, almost implying that mass graves of women were being unearthed in Upper Sindh.¹ Discovery of a graveyard for *kari* women had 'breaking news' value for journalists, who began hunting for these sites as if they were archaeologists going on a dig, and as if gravesites were ancient and timeless relics.

In my long experience with this research, I was never sure whether such graveyards could really exist. As I have explained in this study, formal funerals or burials are not allowed for *kari* women, primarily because the communities demand the social erasure of accused black men and women. This even applies to black women who live, as they are married off to distant communities and never mentioned. Further, one could ask, why were no gravesites discovered or burial places identified for the black men killed? The reports held no answers to this question.

In 2007, I returned to my field area and visited one of the 'newly discovered' graveyards for *kari* women, the Fattoo Shaheed. This graveyard, like the others, had been 'big news' on the newly launched television channels. Accompanied by journalists from Ghotki, I drove to the area on a typically hot day in May on what turned out to be a long and rather tortuous journey. The particular journalist who had made the discovery was recounting how he had braved much danger to find this very remote and difficult place. He talked of how the villages in the surrounding area had hidden

information from him, and how scared they were to tell him anything about the graveyard. However, when I asked what had made him believe this was a graveyard designated for black women, he ignored the question, seeming to consider it rather rude and somewhat irrelevant.

We got out and walked across simmering hot, newly ploughed earth to the rather nondescript-looking cemetery. Its graves looked ancient and deserted. The graveyard was located amidst rich agricultural land. The only signs that it could be a graveyard were a lone *alam* (a flag of war), a Shiite sacred symbol for the Imam Hussain, who died in the Battle of Karbala; some scattered earthenware pots; the grave of a small-time Sufi saint; and a few mounds, bumps on the dry cracked earth that apparently were graves. We took photographs of the area and then went to the village nearby to enquire about the history of the graveyard. The elders of the Shar community scoffed when one of us asked whether any black women were buried there. 'Why would we bury black women here? We just throw their bodies in the ditches and dunes. There are no graves for the wretched women. This is simply an old graveyard, and there is a saintly figure buried there', they added. They further noted that because a saint was buried there, they had preserved the graveyard, even though it was surrounded by very valuable agricultural land.

The villagers' reaction to urban journalists in search of sensational news confirmed my own view – that such burial sites were most likely products of the Sindhi media's imagination. But a more important question was why such sites were being 'discovered' with such frequency. Was it an effort by the local media to draw attention to local issues that often are insufficiently covered by the national channels? Or was it the news spiral that constantly seeks the 'new angles' of a news story?

The boundaries between truth and fiction are never really clear in Upper Sindh's narratives, and this is not simply a matter of ethnographers writing fictions as partial truths, as Clifford (1986: 6) has said about the ethnographic genre. Local communities, and those that translate culture and mediate it, be it young, ambitious journalists or local elders, also provide partial truths in their own peculiar genres. The social imaginary of *karo kari* is everywhere mediated with various representations, and such fictive 'additions' are constantly being added to the core stories. In the recent past, two other 'partially' true *karo kari* narratives made it onto the international media and human rights circuit. One story was about 'three women buried alive', and the other concerned 'a young women thrown to the dogs'. In the first case, two women were killed and their bodies hidden, and in the second case the young girl was indeed brutally murdered, but the discourses of the bodies being buried alive and eaten by dogs were imaginative spin.² Many a time, communities themselves invent such narratives as a way of getting

even with their oppressors, as was the case with the story of the woman hunted and killed by dogs: it was narrated by the deceased girl's mother, who wanted to draw attention to her plight.

In a sense, both the *karyan ja kabrustan* and the two narratives are articulations of embodiment of the disembodied victims of *karo kari* in Upper Sindh. The social constructions of *kari* women, and the way they are killed and their bodies destroyed, effaces them and their identities. The difference between physical death and social expulsion is always blurred when the intended outcome is social death and social silence. In contrast, perpetrators of *karo kari* are active agents, presenting themselves as victims of honour violation but also strategizing after the killings, interacting with the legal world and, finally, re-entering the society by renewing their social relations with the victims' families. The social world at large, as a witness to the violence, keeps finding ways of normalizing and understating the multiple forms of violence. The *karo kari* victims, especially when they are women, are not only silent, but also unrecognized, disembodied socially and often physically. Perhaps that is why the search for the missing bodies of Abida and Tehmina (Chapter 3) became more important than the search for the perpetrators who had killed them. This 'memorialization of victims' (Das and Kleinman 2001), by marking them and giving them a separate place in *karyan ja kabrustan*, after their death, or by highlighting bodies 'bitten by dogs', or 'buried alive', claims a place for them and gives them, even in death, agency – a voice.

My ethnographic project physically ends in this imaginary, mystical, sacred landscape, which claims, in certain ways, to mark the victims as embodied and possessing agency. Ostensibly, the women of this study seem in large part to be passive victims as the whole society either colludes or keeps silent about the honour-based violence. But in the last chapter the victim's voices, particularly of women, and also their strategies, become visible. I show how alternative routes are charted and how life histories are altered by men and women who marry for love, elope, fight and survive, revealing the possibilities of love, transgression and choice in Upper Sindh.

Another kind of 'voice' for 'black' women is found in the growing literary material on the subject, in which Sindhi intellectuals, poets, writers and artists, largely male, represent women as victims of male violence and themselves as social heroes standing up to society to give the women a voice, seething with pain, fear and injustice, that *must* be heard. Sindh boasts a strong progressive literary culture, and a large number of poets, young and old, have approached the subject, often from a woman's perspective. They have strongly challenged the silence of the society: 'The innocent and the pure are dying everyday, why is my world quiet?' asks Mukhtiar Malik in one of his poems. 'I wrote my poem when I saw the picture of a woman's

dead body on a donkey cart. I learnt that she was killed by her brother while drying his clothes', says the literary activist and poet Adal Soomro, adding that 'poetry is art in a language of emotions; it is the best way to convey a social message'. Ustad Bukhari, another notable poet, wrote a poem about the '*Lash*' ('Body') belonging to a woman killed as *kari*. After describing her near ones' callous silence and failure to mourn for a disowned and disembodied body, the poet himself appeals to them to let him speak to her,

Mun khe hina jo moon kholian ta 'daiyo
Mun khe hina lash saan boolan ta 'daiyo
Mun khe hina je haal te roan ta 'daiyo
Mun khe hina je soore te sochan 'ta daiyo

Let me talk to this corpse
Let me get her to speak
Let me lament her pitiful plight
Let me agonise over her pain

But in the final analysis, the men and women who have been killed, and whose deaths are mediated both in courtrooms and in tribal courts, *cannot speak*. Spivak's account of the woman as *sati* – as a signifier between discourses of tradition and modernity, imperial power and the colonized subject – shows the impossibility of a 'subaltern as woman' speaking (Spivak 1988). The hundreds of women and men who have died as black, both in this project and in the imaginary grave-scapes of Upper Sindh, are to some extent signifiers or representations of social conflicts, power, and so much else; but their own 'conscious-voice' is silenced, not only by their deaths, but also by the legal and cultural mediations that bury not only their physical forms but also their historical presence. Their narratives are forever sealed in objects, the only testimonies of their existence. For instance, in the case of Abida and Tehmina the judge wrote: 'the property viz blood stained earth, empties and clothes of the deceased be destroyed after the expiry of the appeal period, while the gold ornaments viz, earrings, cash belonging to the deceased girls may be returned to the parents of the girls after proper identification after expiry of the appeal period'. *Kari* women's stories are similarly effaced in everyday mediations and exchanges of objects or marriages, and the renewal of social relationships, as when a mediator writes, 'Now I am making both sides embrace each other and become one, like milk and sugar' after settling a case of a young woman's killing. Hence, the subalterns, such as all the black men and women who have so far died, will never speak.

The imaginary graveyards in Upper Sindh are, in a sense, spaces outside the social world, but made to be so by the society itself. Agamben (2005) is now popularly quoted in anthropology because of his powerful analysis of

the state's coercion and violence in biopolitics, and its operation of power on the body, presented as 'bare life'. His formulation of the 'state of exception' that allows the killing of people through the state's use of extra-judicial action is, as Das and Poole (2004: 13) summarize it, a 'continual refounding of the law through forms of violence and authority that can be construed as both extrajudicial and outside, or prior to, the state'. This makes certain bodies 'killable' because the law itself positions them as prior to the institution of law.

With Pakistan as the site on which New Great Games are rehearsed and played out, the state continues to re-create power in interesting ways. In the 1980s, the state colluded with the West to manufacture a jihadi industry to counter the Russian incursion in Afghanistan. Later, in the 1990s, it was the site on which another war – described in moral terms as a 'war on terror' by the United States – was enacted against the terrorists who succeeded the very jihadis – Mujahideen and later Taliban – that the United States and allies helped support and nurture. With the jihadi apparatus promoted as an extension of Pakistan's foreign policy especially during the '80s, extremist articulations of culture and religion are manifest everywhere. Violence operates as a cultural meme in the militant, the insurgent, the tribal warrior, who were all at various stages constructed by the state as alternate forms of power. The victims are innocent women, minorities, children and state officials – all killable in consistent 'states of exception'.

In many ways *karo kari* operates within both a 'space of exception' and a state of exception. Upper Sindh, as a 'space of exception', is a frontier where indirect rule and now the legal power of the family mean that local life is governed by being outside the law, given the existence of a power to kill that is both against the law and allowed by the law itself. Most colonial and postcolonial law was written, devised and decreed at times when the supreme law, the Constitution for instance, was suspended. In that sense these laws are products of 'states of exception.'

This study was motivated by the question of how and why *karo kari* seems to have occupied a central moral, social, juridical and ideological space in Upper Sindh. This question itself resulted from observation of widespread violence against men, women and children that is committed with impunity provided by the moral basis of the ideology of honour. However, I noted too that honour constructions in Upper Sindh encompass parallel and contradictory moral categories: brutal acts of killing, often of women and men, are moral acts by men who have been wronged, but at the same time they are themselves moral wrongs, as they take a life. These multiple moral worlds in Upper Sindh constantly disrupt Riches' triadic model of performer, witness and victim. Riches (1986: 9, 10) points to tensions in these relationships when it comes to deciding on the legitimacy of violence, or the degree of

consensus among those involved. In Upper Sindh, however, there are fusions and interlocking aspects that make honour violence sometimes invisible. In honour violence the victim is simultaneously the perpetrator and the perpetrator simultaneously the victim; in other words, the one who is put to death is a perpetrator who has violated honour. Similarly, the witness is also at the same time perpetrator and victim. The mother of a daughter who is being killed would consider herself a victim and yet participate in the killing of her daughter. In fact the very act of killing, of 'amputating a rotten finger' as families say, engenders a discourse of killers as victims who have removed a loved one out of necessity. The victim of violence and death is never seen apart from the victim of honour.

In order to separate this bare violence from honour, my approach was not to study honour as a complex of social values alone that naturally necessitates a certain kind of action, but to study it, following Bourdieu (1977), as praxis of active and intentional violence rather than as a form of static *habitus*, using the notion of strategy: it was not honour that was leading to violence – vice versa, violence was being masked in honour. My study then shows that violence and killing have become a way of *establishing, affirming, and proving the truth*, a form of continuous power shared by the family and the state.

This study can be seen as a contrast to early idyllic Mediterranean ethnographies as well as rather structuralist Middle Eastern ones, as it repeatedly emphasizes violent action and focuses on the interactive, the ceremonial and the performative to show the subjective 'being-in-there' world of practice that deals with intensely violent forms. Das and Kleinman discuss how the 'recovery of the everyday' (2001: 4) lies in how 'communities cope with – read, endure work through, break apart under, transcend' (ibid.: 3) – traumatic violence and social suffering. In Upper Sindh, the constant re-enactment of ideologies of peace, the creation of places of refuge and the proliferation of mediators, all involve a process in which violence is reconciled and formally incorporated, yet there is no sense of recovery or coping, as everyday violence (Scheper-Hughes 1992) is constantly re-enacted.

In my position of authority, I routinely experienced the discomfort of what Aretxaga (2005) calls the 'intimacy of violence'. As I bring this study to a close, two images of my own intimacy with violence appear before me. One is the ubiquitous outpouring lament of women crying for relatives lost to violence as I repeatedly empathize with them in their grief. The other is my daily social interactions with people, men and women, who have been either victims of intense violence or those who have been somehow involved in deaths of their near ones. My pretending not to know about these personal involvements shows the contradictory forms of such intimacy – one of empathy, the other of myself normalizing such a world.

In the course of my research, I moved away from studying *karo kari* as one of many persistent cultural practices, or as a remainder of the past, or even as a historical evolution. Whitehead (2004) observed that whereas violence may be mediated through cultural forms, cultures do not cause violence; yet his approach nonetheless focuses on cultural forms in which violence is expressed through poetics and performance. To say that the present violent forms of *karo kari* are cultural, and to explain them with reference to systems of marriage, identity or territory without problematizing these concepts, would imply that the custom is genetically constituted, ingrained in the very way the social world is created. This would also deny the reality of the power of the state and its effects, which are present in the daily dispositions and practices of the people, especially in the form of the criminal justice system.

Instead, I enquired how a seemingly timeless cultural practice is constantly being reshaped in modernity, within modern law and the changing forms of power in the colonial and postcolonial state. In a way, the role of Nazim, which positioned me between state law and the people, gave me insights into the legalistic experience, as well as a close-up view of how law constitutes a critical means of providing a legal and moral space for continuing and articulating the custom. I reviewed the practice historically in order to understand its continuities and changes, bringing in legal discourses over time to show that the common law based Anglo-Indian laws and later Islamic laws both shaped the continuity and provided space for it. In addition, the local forms of power, linked with identity and resources, provided a firm foundation for the practice. The formal power in both past and present has allowed relatives to wield judicial powers over their wayward family members, be they men, women or children. In this way, the state has continuously shared its monopoly of violence through the legal empowerment of families.

From a theoretical standpoint, by not essentializing honour or an honour culture I have moved away from looking at customs as cultural archetypes so neatly bounded as to seem naturally designed within the sociocultural settings. Gupta and Ferguson (1992) note that there are inherent problems in the implicit mapping of cultures onto places, which often naturalizes the association of certain cultures with certain problems. In the case of Sindh, the people always say that the practice of *karo kari* came from elsewhere, showing the rootlessness of ideological concepts. It is a fact that *karo kari* cases increase as we move northward toward territory inhabited by Baloch tribes; yet these are also border areas where the geographical entanglements of different regions can also explain the increase in cases. I have shown that such practices are articulated in and through cultures, but they are then further shaped and renewed in the framework of history and power, implicating

a wider sphere of other people, other times and other places. This does not mean that there is no local base – indeed, I have shown that collective identities, shared resources, high demand for labour and exchange marriages all help shape local discourses of *ghairat* and *karo kari*. At the same time, delinking violence from honour helped me see not violence in the context of honour, but honour in the context of violence, where perpetrators' actions became central, illuminating the instrumental aspects of violence.

Such an approach could be applied to unravel simplifications and cultural stereotyping at three levels: the construction of honour stereotypes in Pakistan, new forms of honour violence in the Western world, and the practice of superimposing honour culture on the Islamic world.

In Pakistan, following the media representations of *karo kari*, an internal orientalist discourse arose and constructed a narrative of rural ethnic savagery in order to blame certain rural communities for violent practices. This discourse completely disregards individual motivations for such acts, instead seeing the motives as collective and cultural. One implication of introducing power and history is that it allows a reflexive context of a shared and interconnected narrative to emerge, rather than one that simply involves the Other. This context implicates state officials and the judiciary alongside the men and women who commit brutal acts. At the same time, the localized context of unmasking honour reveals the instrumental aspects of bare violence. This dual context eschews both relativism, which looks for cultural rationales or explanations for violence, and grand narratives of universalism.

At another level, the emergence of honour-based violence in the West seems to be presented as 'a problem that has migrated to Western Europe along with growing minority communities from South Asia, Africa, and the Middle East' (Rice-Oxley 2004).³ The simplistic assumption that honour violence is a carryover from emigrants' native countries engenders an orientalist discourse where the male savage native has entered the Western world as the male savage immigrant, so that now, to build on Spivak's (1988: 92) phrase, white Western men and women are saving brown immigrant women from brown immigrant men. This metaphor is apt in those cases where some Western countries that are extremely conservative towards immigrants from Pakistan nonetheless offer residence to men and women who claim to be threatened with death for marrying for love. Several such couples have recently been offered 'refuge' in Norway and Sweden.

The cultural explanation also distances the action from the actor as an individual. 'Honour crimes' may need to be contextualized in their own present-day variations of immigration politics, the status of migrants or localized events in the transnational public sphere; but this can only be done when the mask of honour is lifted. Lifting it, however, may expose many new aspects, including the killers' motivation and agency, rather than

the travel narrative that some Upper Sindh people also use when they say 'it came from Balochistan'.

Honour-related violence has been yet another way of stereotyping the 'Islamic world', as if honour were inscribed into the religious laws. Anthropology can place this noise in an appropriate perspective with a look back at the first ethnographies of honour concepts in Mediterranean countries, although there too Mediterranean culture was stereotyped into an honour/shame model. In my ethnography, however, Islamic discourse only enters the official legal system: it is largely absent in the moral world conjured up by the perpetrators of violence. The only time formal Islamic discourse is used is in campaigns against *karo kari*, where the *ulema* (Islamic scholars) are made to stand on a dais and declare these killings un-Islamic. I have never heard any local elder defend such killings with reference to Islam.

Appadurai (1991: 65) says that 'the most appropriate ethnoscares for today's world, with its alternative, interactive modernities, should enable genealogy and history to confront each other, thus leaving the terrain open for interpretations of the ways in which local historical trajectories flow into complicated transnational structures'. A regular condition of globalization processes is deterritorialization, not just of production and consumption but also of politics, identity and ideas, which can be simultaneously deterritorialized and reterritorialized. Werbner (2007) shows this in the way the hijab has been reterritorialized in Europe as a symbol of autonomy and strategic defiance by the girls who wear it, and as the mark of a distinct new Muslim identity in the West. There are no fixed and timeless 'brands' of honour violence of Middle Eastern, Mediterranean or Upper Sindh typologies. Rather, they may be picked up in the social imaginaries of different societies, in different locations and by individuals in different times and places, in transnational flows involving media, memory and localities, but using local contexts, language, religion and politics in their articulation. It is in the space of the 'interactive modernities' of colonial and postcolonial power and law, states of exceptions, and local political dynamics that honour and violence confront each other.

Notes

- 1 A talk show on Islam on Geo Television, a popular private channel, showed the anchorman visiting the site in a sensational reality TV format. According to him, there were eighty-two such graves in this cemetery.
- 2 I was asked to present a report to the President on the latter case. In the case of the former, which happened on the border of Sindh and Balochistan, I got the information from local authorities and the people.
- 3 For media representations of honour violence in Britain, see also Gill (2006).

APPENDICES



Appendix I. The Sindh Frontier Regulation, 1872

(Source: Regulations under Statute 33 Vic. Cap 3, Section I.)

Whereas the Secretary of State for India in Council has by Resolution in Council declared the provisions of the 3rd of Vic., cap. 3, section 1, to be applicable from the first day of January 1873 to the Districts of Khistan, Johee, Nasirabad, Sujawal, Sehwan, Kakaer, Kambar, Jacobabad, Thul and Kasmor bordering on the frontier of Sindh from Mithi on the Indus to the sea west of Karachi;

And whereas the Governor of Bombay in Council has proposed to the Governor General in Council a draft of the following Regulation, together with the reasons for proposing the same, for the peace and government of the said Districts;

And whereas the Governor General in Council has taken such draft and reasons into consideration, and has approved of such draft, and the same has received the Governor General's assent:

In pursuance of the direction contained in the said section the following Regulation is now published in the *Gazette of India*, and will be published in the local Gazette, and will thereupon have the force of law: —

1. In the event of any frontier tribe acting in a hostile or unfriendly manner to the British Government it shall be lawful for the Collector and Magistrate of the District, with the previous sanction of the Commissioner in Sindh, to sentence to simple imprisonment for such term as he thinks fit all or any members of the said tribe and to detain or confiscate their property (provided that the person so sentenced and the property so detained or confiscated be within

British territory), and also to debar members of the tribe from access into British territory, and to prohibit British subjects from all intercourse with such tribe.

2. No new hamlet, village, tower, or walled enclosure shall be erected in British territory within twenty miles of the frontier-line without the consent of the Collector and magistrate of the District, who shall have power to prohibit the erection thereof if deemed necessary. In the event of the Collector and Magistrate prohibiting such erection, he must record the grounds of his decision. The Collector and Magistrate shall also have power to pull down any such walled enclosure erected without his knowledge.
3. The Deputy Collector and Magistrate of the Division of the District, with the concurrence of the Collector and Magistrate of the District, may impose fines on village-communities, the members of which, after due enquiry, are found to be guilty of colluding with or harbouring criminals, or combining to suppress evidence in criminal cases:

Provided that when the fine imposed shall exceed Rupees (10) ten per head of offenders of the village, the case shall be referred for sanction to the Commissioner in Sindh.

All fines imposed under this section shall be recoverable in default of payment in the same manner as arrears of land-revenue.

4. When any person is known or believed to have a blood-feud or other cause of quarrel likely to lead to bloodshed with parties beyond the Border, the Collector and Magistrate may require such person to reside beyond the limits of the territory to which these rules apply, or in such place within the territory as he may deem desirable:

Provided that if such person be a resident of the village, hamlet, or place from which he is required to remove, the sanction of the Commissioner in Sindh be obtained.

5. Whenever it may be expedient on military grounds, it shall be lawful for the Commissioner in Sindh to direct the removal of any village on the immediate Border to any other site within fifty miles of the original site, and to award such sums to the inhabitants as shall, in the opinion of the Commissioner in Sindh, be proper compensation for any loss which may have been occasioned to them by such removal. The Commissioner shall grant an order on the proper officer for the amount of the compensation awarded.
6. When a person is accused of murder or other offence punishable under the Indian Penal Code with death or transportation for life, and the case appears to the Collector and Magistrate to be one

which from the inadequacy of evidence or other causes it is not expedient to try according to the ordinary procedure, the Collector and Magistrate may cause the case to be referred to the decision of Elders convened according to Pathan, or Beluch, or other caste-usage, and cause such decision to be carried into effect as if it were a sentence of Court; provided such sentence shall extend only to the infliction of a fine on the convicted party.

7. Any man who has sexual intercourse with a person who is, and whom he knows or has reason to believe to be, the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offense of rape, and any married woman who knowingly and by her own consent has sexual intercourse with any man who is not her husband without the consent or connivance of her husband, is guilty of the offence of adultery, and shall be punished with rigorous or simple imprisonment for a term which may extend to five years, or with fine, or with both.
8. The Collector and Magistrate of the District, any magistrate of the First Class enquiring into the case, or, with the sanction of the Collector and Magistrate of the District, any Magistrate duly empowered to commit to the Court of Sessions, may, after recording his reason for so doing, tender a pardon to any one or more of the persons supposed to have been directly or indirectly concerned in or privy to any offence on condition of his or their making a full, true, and fair disclosure of the whole of the circumstances within his or their knowledge relative to the crime committed, and every other person concerned in the perpetration thereof.

Any person accepting a tender of pardon under this section shall be examined as a witness in the case under the rules applicable to the examination of witnesses.

Such person, if not on bail, shall be detained in custody, pending the termination of the trial.

A Magistrate having tendered a pardon under this section and examined the accused person is precluded from trying the case himself.

9. Persons offending against any of the rules here laid down, or against any prohibition or requisition made under the first, second, fourth or fifth sections of this Regulation, shall be liable on conviction to imprisonment, rigorous or simple, which may extend to six months, or fine which may extend to Rs. 1,000.

10. In every District a register shall be kept of all cases dealt with under this Regulation, and a statement of all such cases shall be submitted half-yearly to the Commissioner in Sindh.
11. In so far as this Regulation is inconsistent with the provisions of the Code of Criminal Procedure and the Indian Penal Code, this Regulation supersedes the provisions of those enactments.

Appendix II.
Extracts of Provisions of Qisas and Diyat Inserted into the
Pakistan Penal Code, Including Subsequent Amendments

(Source: www.pakistani.org)

XVI

OF OFFENCES AFFECTING THE HUMAN BODY¹

Of Offences Affecting Life

299. Definitions:

In this Chapter, unless there is anything repugnant in the subject or context:

- (a) “adult” means a person who has attained the age of eighteen years;
- (b) “arsh” means the compensation specified in this Chapter to be paid to the victim or his heirs under this Chapter;
- (c) “authorised medical officer” means a medical officer or a Medical board, howsoever designated, authorised by the Provincial Government;
- (d) “daman” means the compensation determined by the Court to be paid by the offender to the victim for causing hurt not liable to arsh;
- (e) “diyat” means the compensation specified in Section 323 payable to the heirs of the victim;
- (f) “Government” means the Provincial Government;

1. Pakistan Penal Code (Act XLV of 1860) Act XLV of 1860 October 6th, 1860.
Amended by: Protection of Women (Criminal Laws Amendment) Act, 2006, Criminal Laws (Amendment) Act, 2004 (I of 2005), Criminal Law (Amendment) Ordinance (LXXXV of 2002), Criminal Laws (Reforms) Ordinance (LXXXVI of 2002), etc.

- (g) “ikrah-e-tam” means putting any person, his spouse or any of his blood relations within the prohibited degree of marriage in fear of instant death or instant, permanent impairing of any organ of the body or instant fear of being subjected to sodomy or zina-bil-jabr;
- (h) “ikrah-e-naqis” means any form of duress which does not amount to ikrah-i-tam;
- (i) “minor” means a person who is not an adult;
[(ii) “offence committed in the name or on the pretext of honour” means an offence committed in the name or on the pretext of karo kari, siyah kari or similar other customs or practices;]²
- (j) “qatl” means causing death of a person;
- (k) “qisas” means punishment by causing similar hurt at the same part of the body of the convict as he has caused to the victim or by causing his death if he has committed qatl-i-amd in exercise of the right of the victim or a Wali;
- (l) “ta’zir” means punishment other than qisas, diyat, arsh, or daman; and
- (m) “wali” means a person entitled to claim qisas.

300. Qatl-e-Amd:

Whoever, with the intention of causing death or with the intention of causing bodily injury to a person, by doing an act which in the ordinary course of nature is likely to cause death, or with the knowledge that his act is so imminently dangerous that it must in all probability cause death, causes the death of such person, is said to commit *qatl-e-amd*.

301. Causing death of person other than the person whose death was intended:

Where a person, by doing anything which he intends or knows to be likely to cause death, causes death of any person whose death he neither intends nor knows himself to be likely to cause, such an act committed by the offender shall be liable for qatl-i-amd.

302. Punishment of qatl-i-amd:

Whoever commits qatl-e-amd shall, subject to the provisions of this Chapter be:

- (a) punished with death as qisas;

2. Inserted by Criminal Law (Amendment) Act, 2004 (I of 2005), S. 2.

- (b) punished with death or imprisonment for life as ta'zir having regard to the facts and circumstances of the case, if the proof in either of the forms specified in Section 304 is not available; or
- (c) punished with imprisonment of either description for a term which may extend to twenty-five years, where according to the injunctions of Islam the punishment of qisas is not applicable [:]³
[**Provided** that nothing in this clause shall apply to the offence of qatl-i-amd if committed in the name or on the pretext of honour and the same shall fall within the ambit of (a) and (b), as the case may be]⁴

[...]

304. Proof of qatl-i-amd liable to qisas, etc.:

- (1) Proof of qatl-i-amd shall be in any of the following forms, namely: -
 - (a) the accused makes before a Court competent to try the offence a voluntary and true confession of the commission of the offence; or
 - (b) by the evidence as provided in Article 17 of the Qanun-e-Shahadat, 1984 (P.O. No. 10 of 1984).
- (2) The provisions of sub-section (1) shall, mutatis, mutandis, apply to a hurt liable to qisas.

305. Wali:

In case of qatl, the wali shall be--

- (a) the heirs of the victim, according to his personal law⁵ [but shall not include the accused or the convict in case of qatl-i-amd if committed in the name or on the pretext of honour]; and
- (b) the Government, if there is no heir.

306. Qatl-e-amd not liable to qisas:

Qatl-i-Amd shall not be liable to qisas in the following cases, namely:--

- (a) when an offender is a minor or insane:
Provided that, where a person liable to qisas associates himself in the commission of the offence with a person not liable to

3. Colon substituted by Criminal Law (Amendment) Act, 2004 (I of 2005), S. 3 for Full-stop: ".".

4. Proviso inserted by Criminal Law (Amendment) Act, 2004 (I of 2005), S. 3.

5. Inserted by Criminal Law (Amendment) Act, 2004 (I of 2005), S. 4.

- qisas, with the intention of saving himself from qisas, he shall not be exempted from qisas;
- (b) when an offender causes death of his child or grand-child, how low-so-ever; and
 - (c) when any wali of the victim is a direct descendant, how low-so-ever, of the offender.

307. Cases in which Qisas for qatl-i-amd shall not be enforced:

- (1) Qisas for qatl-i-amd shall not be enforced in the following cases, namely:--
 - (a) when the offender dies before the enforcement of qisas;
 - (b) when any wali voluntarily and without duress, to the satisfaction of the Court, waives the right of qisas under Section 309 or compounds under Section 310 and
 - (c) when the right of qisas devolves on the offender as a result of the death of the wali of the victim, or on, the person who has no right of qisas against the offender.
- (2) To satisfy itself that the wali has waived the right of qisas under Section 309 or compounded the right of qisas under Section 310 voluntarily and without duress the Court shall take down the statement of the wali and such other persons as it may deem necessary on oath and record an opinion that it is satisfied that the Waiver or, as the case may be, the composition, was voluntary and not the result of any duress.

Illustrations

- (i) A kills Z, the maternal uncle of his son B. Z has no other wali except D the wife of A. D has the right of qisas from A but if D dies, the right of qisas shall devolve on her son B who is also the son of the offender A. B cannot claim qisas against his father. Therefore, the qisas cannot be enforced.
- (ii) B kills Z, the brother of their husband A. Z has no heir except A. Here A can claim qisas from his wife B. But if A dies, the right of qisas shall devolve on his son D who is also son of B, the qisas cannot be enforced against B.

308. Punishment in qatl-i-amd not liable to qisas, etc.:

- (1) Where an offender guilty of qatl-i-amd is not liable to qisas under Section 306 or the qisas is not enforceable under clause (c) of Section 307, he shall be liable to diyat:

Provided that, where the offender is minor or insane, diyat shall be payable either from his property or, by such person as may be determined by the Court:

Provided further that where at the time of committing qatl-i-amd the offender being a minor, had attained sufficient maturity of being insane, had a lucid interval, so as to be able to realize the consequences of his act, he may also be punished with imprisonment of either description for a term which may extend to [twenty-five years]⁶ as ta'zir.

Provided further that, where the qisas is not enforceable under clause (c) of Section 307, the offender shall be liable to diyat only if there is any wali other than offender and if there is no wali other than the offender, he shall be punished with imprisonment of either description for a term which may extend to [twenty-five years]⁷ years as ta'zir.

- (2) Notwithstanding anything contained in sub-section (i), the Court, having regard to the facts and circumstances of the case in addition to the punishment of diyat, may punish the offender with imprisonment of either description for a term which may extend to [twenty-five years]⁸ years, as ta'zir.

309. Waiver (Afw) of qisas in qatl-i-amd:

- (1) In the case of qatl-i-amd, an adult sane wali may, at any time and without any compensation, waive his right of qisas:

Provided that the right of qisas shall not be waived;

(a) where the Government is the wali, or

(b) where the right of qisas vests in a minor or insane.

- (2) Where a victim has more than one Wali any one of them may waive his right of qisas:

Provided that the wali who does not waive the right of qisas shall be entitled to his share of diyat.

- (3) Where there is more than one victim, the waiver of the right of qisas by the wali of one victim shall not affect the right of qisas of the wali of the other victim.

6. Substituted by Criminal Law (Amendment) Act, 2004 (I of 2005), S. 5(a) for : "fourteen years".

7. Substituted by Criminal Law (Amendment) Act, 2004 (I of 2005), S. 5(a) for : "fourteen years".

8. Substituted by Criminal Law (Amendment) Act, 2004 (I of 2005), S. 5(b) for : "fourteen years".

- (4) Where there are more than one offenders, the waiver of the right of qisas against one offender shall not affect the right of qisas against the other offender.

310. Compounding of qisas (Sulh) in qatl-i-amd:

- (1) In the case of qatl-i-amd, an adult sane wali may, at any time on accepting badl-i-sulh, compound his right of qisas:
[**Provided** that a female shall not be given in marriage or otherwise in badal-i-sulh.]⁹
- (2) Where a wali is a minor or an insane, the wali of such minor or insane wali may compound the right of qisas on behalf of such minor or insane wali:
Provided that the value of badl-i-sulh shall not be less than the value of diyat.
- (3) Where the Government is the wali, it may compound the right of qisas:
Provided that fee value of badl-i-sulh shall not be less than the value of diyat.
- (4) Where the badl-i-sulh is not determined or is a property or a right the value of which cannot be determined in terms of money under Shari'ah, the right of qisas shall be deemed to have been compounded and the offender shall be liable to diyat.
- (5) Badl-i-sulh may be paid or given on demand or on a deferred date as may be agreed upon between the offender and the wali.
Explanation: In this section, Badl-i-sulh means the mutually agreed compensation according to Shari'ah to be paid or given by the offender to a wali in cash or in kind or in the form of movable or immovable property.

[310A. Punishment for giving a female in marriage or otherwise in badal-i-sulh:

Whoever gives a female in marriage or otherwise in badal-i-sulh shall be punished with rigorous imprisonment which may extend to ten years but shall not be less than three years.]¹⁰

9. Substituted by Criminal Law (Amendment) Act, 2004 (I of 2005), S. 6 for Provided that giving a female in marriage shall not be a valid badl-i-sulh.

10. Inserted by Criminal Law (Amendment) Act, 2004 (I of 2005), S. 7.

311. Ta'zir after waiver or compounding of right of qisas in qatl-i-amd:

Notwithstanding anything contained in Section 309 or Section 310, were all the wali do not waive or compound the right of qisas, or [if]¹¹ the principle of *fasad-fil-arz* the Court may, []¹² having regard to the facts and circumstances of the case, punish an offender against whom the right of qisas has been waived or compounded with [death or imprisonment for life or]¹³ imprisonment of either description for a term of which may extend to fourteen years as ta'zir []¹⁴

[**Provided** that if the offence has been committed in the name or on the pretext of honour, the imprisonment shall not be less than ten years.]¹⁵

Explanation: For the purpose of this section, the expression *fasad-fil-arz* shall include the past conduct of the offender, or whether he has any previous convictions, or the brutal or shocking manner in which the offence has been committed which is outrageous to the public conscience, or if the offender is considered a potential danger to the community [or if the offence has been committed in the name or on the pretext of honour]¹⁶.

312. Qatl-i-amd after waiver or compounding of qisas:

Where a wali commits qatl-i-amd of a convict against whom the right of qisas has been waived under Section 309 or compounded under Section 310, such wali shall be punished with-

- (a) qisas, if he had himself, waived or compounded the right of qisas against the convict or had knowledge of such waiver of composition by another wali, or
- (b) diyat, if he had no knowledge of such waiver or composition.

11. Substituted by Criminal Law (Amendment) Act, 2004 (I of 2005), S. 8(i) for : "keeping in view".

12. The following was omitted by Criminal Law (Amendment) Act, 2004 (I of 2005), S. 8(ii) : "in its discretion".

13. Inserted by Criminal Law (Amendment) Act, 2004 (I of 2005), S. 8(iii).

14. Colon substituted by Criminal Law (Amendment) Act, 2004 (I of 2005), S. 8(iv) for Full-stop: ".".

15. Proviso inserted by Criminal Law (Amendment) Act, 2004 (I of 2005), S. 8(iv).

16. Inserted by Criminal Law (Amendment) Act, 2004 (I of 2005), S. 8(v).

313. Right of qisas in qatl-i-amd:

- (1) Where there is only one wali, he alone has the right of qisas in qatl-i-amd but, if there is more than one, the right of qisas vests in each of them.
- (2) If the victim--
 - (a) has no wali, the Government shall have the right of qisas; or
 - (b) has no wali other than a minor or insane or one of the wali is a minor or insane, the father or if he is not alive the paternal grandfather of such wali shall have the right of qisas on his behalf:

Provided that, if the minor or insane wali has no father or paternal grandfather, how high-so-ever, alive and no guardian has been appointed by the Court, the Government shall have the right of qisas on his behalf.

314. Execution of qisas in qatl-i-amd:

- (1) Qisas in Qatl-i-amd shall be executed by a functionary of the Government by causing death of the convict as the Court may direct.
- (2) Qisas shall not be executed until all the wali are present at the time of execution, either personally or through their representatives authorised by them in writing in this behalf: Provided that where a wali or his representative fails to present himself on the date, time and place of execution of qisas after having been informed of the date, time and place as certified by the Court, an officer authorised by the Court shall give permission for the execution of qisas and the Government shall cause execution of qisas in the absence of such wali.
- (3) If the convict is a woman who is pregnant, the Court may, in consultation with an authorised medical officer, postpone the execution of qisas up to a period of two years after the birth of the child and during this period she may be released on bail on furnishing of security to the satisfaction of the Court, or, if she is not so released she shall, be dealt with as if sentenced to simple imprisonment.

[...]

323. Value of diyat:

- (1) The Court shall, subject to the Injunctions of Islam as laid down in the Holy Quran and Sunnah and keeping in view the financial position of the convict and the heirs of the victim, fix the value of diyat which shall not be less than the value of thirty thousand six hundred and thirty grams of silver.
- (2) For the purpose of sub-section (1), the Federal Government shall, by notification in the official Gazette, declare the value of Silver, on the first day of July each year or on such date as it may deem fit, which shall be the value payable during a financial year.

[...]

330. Disbursement of diyat:

The diyat shall be disbursed among the heirs of the victim according to their respective shares in inheritance: Provided that, where an heir foregoes his share, the diyat shall not be recovered to the extent of his share.

331. Payment of Diyat:

- (1) The diyat may be made payable in lumpsum or in instalments spread over a period of three years from the date of the final judgment.
- (2) Where a convict fails to pay diyat or any part thereof within the period specified in subsection (1), the convict may be kept in jail and dealt with in the same manner as if sentenced to simple imprisonment until the diyat is paid full or may be released on bail If he furnishes security equivalent to the amount of diyat to the satisfaction of the Court.
- (3) Where a convict dies before the payment of diyat or any part thereof, it shall be recovered from his estate.

Appendix IIIA. Disposal of *Karo Kari* Cases, 1995–2004

KHAIRPUR

S.No	Year	No. of Karo Kari Cases Reported	Cases Chal- lanned	Untraced “A” Class	False Cases “B” Class		Cancelled Class		Accused		Cases		Other Disposal	Pending in the Court
					Class	Class	Class	Class	Involved	Arrested	Convicted	Acquitted		
1	1995	15	15	0	0	0	0	0	15	15	3	10	0	2
2	1996	17	17	0	0	0	0	0	22	19	0	14	0	3
3	1997	18	18	0	0	0	0	0	37	28	0	14	0	4
4	1998	10	10	0	0	0	0	0	10	10	1	7	0	3
5	1999	9	9	0	0	0	0	0	10	10	0	6	0	4
6	2000	17	17	0	0	0	0	0	20	20	2	11	0	6
7	2001	9	9	0	0	0	0	0	9	9	1	3	0	6
8	2002	12	12	0	0	0	0	0	29	16	0	4	0	7
9	2003	9	9	0	0	0	0	0	17	10	1	6	0	2
10	2004	11	11	0	0	0	0	0	35	18	0	2	0	9
		127	127	0	0	0	0	0	204	155	8	77	0	46

SUKKUR

S.No	Year	No. of Karo Kari Cases		Cases Chal- lanned	Untraced "A" Class		False Cases "B" Class		Cancelled Class		Involved		Accused		Cases		Other	
		Reported			Class	Class	Class	Class	Class	Class	Arrested	Convicted	Acquitted	Disposal/ Compro- mise	Pending in the Court			
1	1995	16		15	0	0	0	0	1	51	36	2	8	4	1			
2	1996	18		18	0	0	0	0	0	66	36	1	6	8	3			
3	1997	11		11	0	0	0	0	0	48	28	0	2	4	5			
4	1998	16		16	0	0	0	0	0	52	29	0	4	6	6			
5	1999	23		19	2	1	1	1	1	57	24	2	5	8	4			
6	2000	23		22	0	0	0	1	1	55	30	1	3	4	14			
7	2001	12		12	0	0	0	0	0	19	13	0	2	3	7			
8	2002	7		6	0	0	0	1	1	25	13	1	1	0	14			
9	2003	16		16	0	0	0	0	0	48	22	1	2	2	11			
10	2004	14		12	2	0	0	0	0	31	19	0	3	2	7			
		156		147	4	1	1	0	0	452	250	8	36	41	72			

GHOTKI

S.No	Year	No. of Karo Kari Cases Reported		Cases Chal- lanned	Untraced "A" Class		False Cases "B" Class		Cancelled Class		Involved		Accused Arrested		Cases Convicted		Acquitted		Compro- mise	Pending in the Court
1	1995	12	10	10	1	0	0	0	1	1	21	14	0	8	2	0	0	0	2	0
2	1996	13	13	13	0	0	0	0	0	0	28	20	0	3	0	10	0	0	0	10
3	1997	11	11	11	0	0	0	0	0	0	25	19	0	6	2	3	0	0	2	3
4	1998	31	29	29	1	0	0	0	1	1	40	31	1	13	3	12	0	0	3	12
5	1999	20	18	18	0	0	0	0	2	2	35	28	0	7	4	7	0	0	4	7
6	2000	29	29	29	0	0	0	0	0	0	76	49	2	9	7	11	0	0	7	11
7	2001	6	6	6	0	0	0	0	0	0	8	6	1	1	3	1	0	0	3	1
8	2002	12	12	12	0	0	0	0	0	0	21	11	0	4	5	3	0	0	5	3
9	2003	14	13	13	1	0	0	0	0	0	38	19	0	7	3	3	0	0	3	3
10	2004	13	13	13	0	0	0	0	0	0	27	10	0	2	4	7	0	0	4	7
		161	141	141	3	0	0	0	4	4	319	207	4	60	33	57	0	0	33	57

SHIKARPUR

S.No	Year	No. of Karo Kari Cases Reported	Cases Chal- lanned	Untraced "A" Class	False Cases "B"		Cancelled Class	Involved		Accused		Cases		Other Disposal	Pending in the Court
					Class	Class		Involved	Arrested	Convicted	Acquitted	Convicted	Acquitted		
1	1995	15	15	0	0	0	0	15	15	3	10	0	0	0	2
2	1996	27	27	0	0	0	0	68	45	0	12	0	4	4	11
3	1997	15	15	0	0	0	0	39	26	0	8	0	1	1	5
4	1998	12	11	1	0	0	0	28	17	1	9	0	0	0	3
5	1999	12	12	0	0	0	0	24	15	0	4	0	3	3	5
6	2000	12	12	0	0	0	0	33	17	0	8	0	0	0	4
7	2001	4	4	0	0	0	3	6	5	0	4	0	0	0	0
8	2002	12	12	0	0	0	1	36	10	0	7	0	0	0	5
9	2003	14	14	0	0	0	3	39	28	0	7	0	0	0	7
10	2004	15	15	0	0	0	2	24	9	0	6	0	0	0	9
		138	137	1	0	0	10	343	200	1	73	12	12	53	

LARKANA

S.No	Year	No. of Karo Kari Cases Reported	Cases Chal- lanned	Untraced "A"		False Cases "B"		Cancelled Class		Involved		Accused Arrested		Cases Convicted		Acquitted		Other Disposal	Pending in the Court
				Class	Class	Class	Class	Class	Class	Class	Class	Class	Class	Class	Class	Class	Class		
1	1995	51	51	0	0	0	0	0	0	57	52	7	11	0	0	0	0	0	33
2	1996	50	50	0	0	0	0	0	0	85	84	2	6	0	0	0	0	0	42
3	1997	58	58	0	0	0	0	0	0	74	74	5	8	0	0	0	0	0	45
4	1998	54	54	0	0	0	0	0	0	99	95	10	8	0	0	0	0	0	36
5	1999	53	53	0	0	0	0	0	0	105	66	2	5	0	0	0	0	0	42
6	2000	33	33	0	0	0	0	0	0	71	43	0	0	0	0	0	0	0	28
7	2001	33	33	0	0	0	0	0	0	82	57	0	0	0	0	0	0	0	33
8	2002	22	20	0	0	0	0	0	0	44	23	0	0	0	0	0	0	0	20
9	2003	9	9	0	0	0	0	0	0	18	10	0	0	0	0	0	0	0	9
10	2004	12	12	0	0	0	0	0	0	21	12	0	0	0	0	0	0	0	12
		375	373	0	0	0	0	0	0	656	516	26	38	0	0	0	0	0	300

JACOBABAD

S.No	Year	No. of Karo Kari Cases Reported	Cases Chal- lanned	Untraced "A"		False Cases "B"		Cancelled Class		Accused		Cases		Other Disposal	Pending in the Court
				Class	Class	Class	Class	Involved	Arrested	Convicted	Acquitted				
1	1995	58	53	2	0	0	1	152	88	0	47	2	6		
2	1996	59	53	3	0	0	2	196	72	0	41	3	12		
3	1997	64	49	2	0	0	0	115	81	0	37	11	12		
4	1998	64	40	1	0	0	0	239	115	0	31	24	9		
5	1999	68	42	0	0	0	0	232	108	0	27	26	15		
6	2000	69	58	0	0	0	0	255	66	0	32	11	15		
7	2001	36	30	0	0	0	3	130	32	0	12	3	18		
8	2002	48	36	1	0	0	1	68	40	0	16	10	20		
9	2003	43	27	3	0	0	3	148	34	0	12	10	15		
10	2004	15	11	1	0	0	2	40	11	0	6	10	5		
		524	399	13	0	0	12	204	155	8	77	0	46		

Appendix IIIB. A Sample with Details Showing Relationship of Victim, Accused and Complainant

KHAIRPUR MIR'S

S. No.	FIR No. & Section of law P.S & date	Place of crime	Name & gender of victim	Age of Name of the involved victim accused	Relationships		Weapons used in offence	Cause of death / post-mortem report
					main accused with victim	complainant with accused	complainant with victim	
1	97/03 u/s 302 PS B-Section 31.12.03	House of the complainant	Panah Khatoon/ female	23	Gul Khan	Husband	Father-in-law	Father TT Pistol Haemorrhage and shock due to firearm injury
2	25/03 u/s 302 PS Baberloi 21/22.3.03	Near house of father of accused	Zareena/ female	17/18	Javed Ahmed	Brother	Mother's brother	Mother's brother Axe Injury by sharp cutting instrument
3	12/03 u/s 302 PS A-Pur 3.4.03	Shop of Rafique Chandio	Fahmizan/ female	15/16	Azizullah	Father	Son	Brother Gun Firearm injury
4	11/03 u/s 302 PPC PS T.M.K.20.3.03	House of complainant	Toree/Gulan female	60 & 70	Habibullah	Brother/son	Father	Father/ husband Gun Gunshot injury
5	01/03 u/s 302 PS S-Kalhorro 26.2.03	House of complainant	Pathani & Subhat/female	25 & 35	Zahid	Brother	Brother	Brother-in-law Hatchet Injury on back and neck
6	103/02 u/s 302 PS Mirwah 19.7.02	House of complainant	Kosar/female	15	Shaukat and Yousof	Brother	Father	Father Hatchet Injury on head, neck and back
7	01/03 u/s 302 PS Mirwah 1.1.03	House of accused	Sasui/female	19/20	Abdul Ghani Shar	Husband	Father-in-law's brother	Father's brother Pistol Firearm injury
8	75/03 u/s 302, 452, 109.34 PS Sobhodero	House of complainant	Syed Abdur Razak shah/ male	32	Asghar Shah, Ghareeb Shah and Qamardin Shah	Maternal cousin	Maternal uncle	Father TT Pistol Firearm injury
9	102/04 u/s 302 147,148,149 PS Kordijj	House of accused	Ashiq Ali/ male	40	Gul Mohammad, Rajib, Jhandal, Ghulam Mohammad, Mohammad Juman	Neighbours	Neighbours	Brother Iron rod/ lathie Injury on head, neck and back
10	17/02 u/s 302, 34 PPC PS Faiz 26.3.02	Land of Bashir Khan Bhanbhan	Noor Mohd/ male	18	Meeho Rind, Pyaro Rind	Relative	Relative	Father Hatchet Injury on head, neck and back

1. TT 30 or 33 are Russian semi-automatic weapons. They are also manufactured in northern Pakistan, in Federally administered tribal area regions. The police in Pakistan use these as well.

SUKKUR

S. No.	FIR/Section of law and Police Station	Place of crime	Name & gender of victim	Age of victim	Name of the involved accused	Relationships			Cause of death / post-mortem report
						main accused with victim	complainant with accused	complainant with victim	
1	46/06.05.2000 PS Pano Akil	Government land	Saghira/ female	30/32	Nazar Mohammad Jatoi	Husband	Relative	Sister	Hanging Ligature
2	03/2003/302/ PS Cantt	House of	Pir Bux/male Wagho	42	Karamdin, Ali Raza, Qasim, Fakiro, Imdad, Jamaduddin, Ghulam	Not related	Not related	Brother	Firearm injury
3	9/4/2003/302 PS A Section Sukkur	Race course road Sukkur	Janib Ali Mahar/male	25	Mandhal, Iqbal, Sadoro, Rafiq	Not related	Not related	Cousin	Firearm injury
4	26.01.2001/302 PS Site Area Sukkur	House of complainant	Malokan/ female	35	Allah Wadhayo	Brother	Nephew	Nephew	Hanging Ligature
5	14.08.2002/302 PS Site Area Sukkur	House of accused	Arbelan/ female	25	Abdul Shakoor Khoso	Husband	Relative	Relative	Fatal injury
6	17.11.2002/302 PS Pano Aqil	House of complainant	Pathani/ female	18/19	Ali Murad Bullo	Mother's Brother	Sister	Mother	Hanging Ligature
7	3/20.01.2003/302 PS Rohri	Near Gole Takri Rohri	Afroz/female	18/19	Gulzar Solangi	Husband	Relative	Brother	Firearm injury
8	21/28.02.2004/302 PS Rohri	House of accused	Manzooran/ female	22	Qamardin Domki	Husband	Relative	Sister-in-law	Concussion
9	09/18.02.2004 302/ PS Site Sukkur	Land of Nadeem Khoso	Benazir/ female	17/18	Javed Lohar	Brother	Son	Other Relative	Firearm injury
10	61/2004/302,34 PPC, Kandhra	Land of Govt: RD-186 Deh Dalwaro	Ghazi Khan/ Jiskani /male	55	Ali Gul, Subhan Ali, Ghous Bux, Qurban Ali all Jiskani	Not related	Not related	Father	Injury on head, neck and back

GHOTKI

S. No.	FIR/Crime and Police station	Place of crime	Name & gender of victim	Age of Name of the involved victim accused	Relationships			Weapons used in offence	Cause of death / post-mortem report
					main accused with victim	complainant with accused	complainant with victim		
1	110/2002/302 PS Ubaura	Village Meer Kosh	KhanZadi/ female	18/19 Jumu Kosh	Husband	Sister-in-law	Sister	Lathi	Strangulation
2	60/2002/302 PS WJ. Shah	House of accused	Sadul/female	23/24 Munir Ahmed Metlo	Brother-in-law	Brother	Husband	Pistol	Firearm injury
3	189/2002/302 PS Ghorki	House of complainant	Fahmeda/ female	20/21 Nawab Ali Kolachi	Brother-in-law	Brother	Husband	Gun	Strangulation
4	51/2002/302 PS Sarhad	House of complainant	Zulekhan/ female	23/24 Khameso Lakhani	Father's brother	Brother	Niece	Gun	Firearm injury
5	4/2002/302 PS Gaimro	House of complainant	Nawab, Azizan Ghoti/females	44/45 Mazari & Ali Gohar Ghoti	Son	Father	Husband	Hatchet	Strangulation
6	3/2003/302 PS Khanpur Mahar	Old Maso Wah complainant	Allah Jewayo/ male	34/35 M. Alim and Rajib Samejo	Other Relative	Other Relative	Other Relative	Hatchet	Strangulation
8	49/2002/302 PS Khanpur Mahar	House of complainant	Meeri/female	14/15 Gul @ Gul Muhammad Pitafi	Brother	Brother	Brother	Pistol	Firearm injury
9	83/2002/302 PS Khanpur Mahar	House of accused	Waziran/ female	18 Noor Muhammad Maha	Husband	Grandfather	Father	Gun	Firearm injury
10	01/2002/302 PS Yaro Lund	Ashrafabad	Hamedra/ female	20 Muhammad Murad @ Lorto, Shabir, Mohabat, Ashiq all Pitafi	Husband	Grandfather	Brother	KK ²	Firearm injury
			Rashee, and Shamee Pitafi/ females	21/13 Mahmood Pitafi	Husband and Brother resp.	Case was registered on behalf of state	Case was registered on behalf of state	KK	Firearm injury

2. Kalashnikov, also AK-47, originally Russian but also manufactured in China, and engineered in the border areas of Pakistan in the north.

SHIKARPUR

S. No.	FIR/Crime and Police station	Place of crime	Name & gender of victim	Age of Name of the involved victim accused	Relationships			Weapons used in offence	Cause of death / post-mortem report	
					main accused with victim	complainant with accused	complainant with victim			
1	16/2002/302/PS Gabjea	House of Mohd Al	Roza	20	Ghulam Qadir Lolai	Husband	Brother-in-law	Brother	Rifle	Firearm injury
2	127/2003/302/PS New Faujdari	House of accused	Soomar Khatoon/female	Not known	Noor Mohammad Lohar	Husband	Relative	Relative	Lathi	Fatal injury
3	45/2003/302/Sultankot	Land of Siddiq	Pathani/female	25/26	Sattar Sundrani	Husband	Relative	Relative	Gun	Firearm injury
4	76/2003/302/PS Ganj	House of victim	Naseeban/female	39/40	Mehboob Marfani	Son	Cousin	Nephew	Dagger	Fatal injury
5	17/2003/302/PS Lakhani	House of victim	Latifan Jeho/female	Not known	Ali Hasan Jeho	Stepson	Other relative	Other relative	Hatchet	Fatal injury
6	36/2003/302/PS Napar Kot	House of complainant	Shamian Ali & Gul Pari/female	24 & 25	Fatohal Pare	Husband	Son	Son	Gun	Firearm injury
7	4/2003/302/PS Napar Kot	House of complainant	Mehmooda/female	20	Kaloo	Brother-in-law	Brother	Sister-in-law	Gun	Firearm injury
8	85/2002/302/PS Khanpur Mahar	House of complainant	Shakul/female	24/25	Nehal Shar	Husband	Relative	Father	Pistol	Firearm injury
9	37/2003/302/PS Khanpur Mahar	House of complainant	Latifan & Razia/female	26 & 20	Abdul Latif Ptafi	Husband	Other relative	Other relative	KK	Firearm injury
10	65/2003/302/PS Khanpur Mahr	House of complainant	Konjan/female	35	Abdul Majeed Gabol	Son	Father	Husband	Gun	Firearm injury

LARKANA

S. No.	Crime and police station	Place of crime	Name & gender of victim	Age of Name of the involved victim accused	Relationships			Cause of death / post-mortem report
					main accused with victim	complainant with accused	complainant with victim	
1	3.01.2000/302 PS	House of complainant	Subhan Khatoon Ja/ female	25	Muhammad Usman Jat	Nephew (son of cousin)	Uncle	Pistol Firearm injury
2	16.02.2000/302 PS Sanjhar Bharti	House of accused	Bus Khatoon Mugheri/ female	24	Sachal Mugheri	Husband	Brother-in-law	Shotgun Firearm injury
3	13.2.2000/302 PS Behram	House of complainant	Zarina Gehlo/ female	33	Muhammad Uriis Gehlo	Husband	Brother-in-law	Axe Fatal injury
4	27.02.2000/302 PS Badah	House of complainant	Shabiran Khaki/ female	15/16	Ghulam Qadir Malano	Mother's brother	Brother-in-law	— Strangulation
5	3.2.2000/302 PS Qambar	House of complainant	Moochari Jagirani/ female	25	Gulzar Ali Jagirani	Husband	Son-in-law	Axe Fatal injury
6	8.01.2001/302 PS Waleed	House of complainant	Arbab Khatoon Brohi/ female	36	Hakim Ali 2, Lal Dino Chandia	Brother-in-law	Cognate ³	Pistol Firearm injury
7	09.01.2001/302 PS Mahorta	Govt. Tube well near village	Muhammad Panah Brohi/ male	50	Ghous Bux Anwar, Ghulam Sarwar, Abdul Rehman All brohi	Cognate	Cognate	Shotgun Firearm injury
8	31.5.2001/302 PS Mahorta	House of complainant	Baqees Agani/ female	20	Abdul Sartar Agani	Brother	Uncle	Axe Fatal injury
9	15.03.2001/302 PS Qubo Saeed Khan	Land of Ali Hasan Janwari	Sikandar Janwari & Rehmat Janwari/ female	30 & 20	Pasand Janwari	Husband of Mst. Rehmat	Cognate	Pistol Firearm injury
10	21.02.2001/302 PS Waggan	Common street near house of accused	Mukhtiar Ali Mangi & Sajida Kalboro/ female	28 & 24	Muhammad Hashim Kalboro	Husband of Mst. Sajida	Brother of Mukhtiar Ali	Shotgun Firearm injury

3. The term 'cognate', although anthropological, has been given to me by the police, probably meaning that it is a relation, but undefined.

JACOBABAD

S. No.	Crime and police station	Place of crime	Name & gender of victim	Age of Name of the involved victim accused	Relationships			Weapons used in offence	Cause of death / post-mortem report
					main accused with victim	complainant with accused	complainant with victim		
1	18/2000 u/s 302 PPC PS Saddar 30.1.00	Village Cheezal	Hasina/female	35	Soomar Rind	Husband	Father-in-law	Father	Gun Firearm injury
2	22/2000 u/s 302 PPC PS Thul 12.2.00	House of Allah Bux Soomro	Muhammad Qasim Soomro/male	22	Yousif Soomro	Son of his cousin	Cousin	Son	Gun Firearm injury
3	16/2001 u/s 302 PPC PS Thull 15.1.01	House of complainant	Shahmul/Shamul	30	Allahwasayo Pahore	Brother-in-law	Brother	Husband	Piece of cloth Strangulation
4	10/2001 u/s 302 PPC PS Moula dad 26.1.01	House of accused Khadim Hussain	Mahmooda/ Female	18	Khadim hussain Lashari & 1 other	Husband	Mother-in-law	Mother	Pistol Firearm injury
5	20/2001 u/s 302 PPC PS Ghari Khero 24.4.01	Near house of accused	Rasheeda/ female	25	Ghulam Mohammad Mastoi	Father-in-law	Relative	Sister	Gun Firearm injury
6	25/2001 u/s 302 PPC PS DilMurad 7.6.01	House of complainant	Haji Akbar Banglani/ male	35/36	Ayoub Bhayo & 6 others	No relation	No relation	Brother	KK Firearm injury
7	45/2001 u/s 320 PPC PS Dodapur 25.6.01	House of accused	Marvi/female	22/23	Hussain Bux Lashari	Husband	Father-in-law	Father	Gun Firearm injury
8	74/2001 u/s 302 PPC PS Airport 21.9.01	House of accused	Zarina/female	24/25	Asadullah Brohi & 4 others	Husband	Father-in-law	Father	Pistol Firearm injury
9	73/2002 u/s 302 PPC PS Saddar 16.9.02	House of accused	Janul/female	18/19	Zulfiqar Ali Umrani	Husband	Father-in-law	Father	Pistol Firearm injury
10	36/2002 u/s 302 PPC PS Garhi Khairo 13.7.02	House of accused	Sadhoni/female	32	Gul Hassan Brohi & 4 others	Husband	Father-in-law	Father	Gun Firearm injury

GLOSSARY



adi sister.

Afw an Arabic word for pardon, in Pakistani law *afw* implies pardon of an offence without compensation.

alam flag of war, a Shia sacred symbol.

aghwa kidnapping

andra intestines.

arti financing middleman.

assanjo ours.

ataq front of the house, exclusively for men and usually a social space.

avazlavezo exchange, compensation as fine.

avezi instead of, usually a criminal justice term for police arrest of someone instead of the absconding accused, to exert pressure.

‘badhrain cha’ drain to have someone arrested or released by the police.

badl-i-sulh legal term meaning compensation for compounding of a murder.

‘banhan metaphor for woman; literally ‘arm’.

‘bare children.

‘Baroch vernacular Sindhi term for Baloch.

beghairat without shame.

‘belo forest.

Bibi Sati title given to a woman who waives her right of marriage.

biradar group of patrilineal related lineages; shared identity (Punjabi: *biradari*).

biyan phirain to reverse a statement before the law.

bund a river embankment.

- burqa* a long coat with a veil, often worn by women when going out.
- chal challan* movement.
- challan* final charge sheet submitted by the police to the courts for trial.
- chan`go* a respected personage in the family or village.
- char`beli* oath of fire.
- chatti* naming ceremony for a newborn child on its sixth day.
- chori-chinni* a woman with no family support or attachment.
- chowvakro* marriage involving four families.
- `da`dang* patrilineage.
- `dadh* violence.
- dai* traditional birth attendant.
- `dand* fine.
- darya khurdi* land 'eaten' or covered by the river after flooding.
- deh* the smallest revenue assessment and collection unit.
- `de wath* exchange marriage.
- dhando* business.
- dharial* bandit.
- dhur* side.
- diyat* compensation for death paid to the victim's heirs (Arabic).
- `dingo* difficult.
- dupatta* a woman's loose scarf worn on the head or shoulders.
- dushmani* enmity.
- faislo* decision or settlement.
- fakir* title for someone from a saintly family; also, mendicant.
- feryadi* complainant.
- fiqh* Islamic jurisprudence (Arabic).
- `garho* red.
- ghairat* an emotion combining honour, shame and anger, usually tied to women's behaviour.
- ghar* a house; also implies a nuclear family or a family of brothers living together.
- ghusso* anger.
- `goth* village.
- hadd* extreme punishment (Arabic).
- haq bakshan* permission to waive right of marriage.

- hari* sharecropper, often landless.
- hath bund* social boycott; literally, 'to close hands'.
- haveli* house.
- haziri* a court summons.
- hiya* modesty (Arabic).
- Hur* disciple of Pir Pagaro, considered a militant as well.
- ijma* consensus (Arabic legal term).
- ilzam* accusation
- izzat* honour as prestige, related to status, property and reputation.
- jagir* temporary estates allotted in exchange for military service by the Moghul rulers. *Jagir* were primary forms of organizing irregular armies in the time of Baloch Talpurs.
- jawabdar* guilty.
- jhero* fight or feud.
- jirga* council of elders, who could be tribal chiefs or just renowned men of the area (Persian originally).
- kabrustan* graveyard.
- kacho* an area created by the modern irrigation system between the river and the flood protection embankments.
- kafila* caravan, procession.
- kalima* a verse declaring the faith of a Muslim. There are four *kalima*, the most important being *la illah a illalaho* – 'there is no God but Allah'.
- kameez* shirt.
- kando* call for help in emergency, especially in protection or defence of land.
- karap* to be black.
- kardar* revenue official during Talpur rule.
- karhain jo tiko* mark of blackness
- kari* black woman, implying lack of morality, usually a woman involved in sexual relations outside marriage.
- karo* black man, implying lack of morality, usually a man involved in sexual relations outside marriage.
- karo kari* black man and black woman; now used as a noun denoting acts of sexual transgression by men and women outside or before marriage.
- ketti* acronym for KT, Kacha Territory, a unit of land allotment within *kacho*; now used to describe private estates in floodplains of the Indus River.

- khairat* a thanksgiving meal, usually after mediation; also to bless a relation who has died.
- kha`ji wai* when a woman is abducted
- khandan* extended family.
- kharch* expenses.
- kharif* cropping season – crops are sown between April and June and harvested in October and November.
- kheerkhandr* milk with sugar, or sweet milk.
- khushi* celebration; circumcision ceremony.
- kot* a walled boundary; also the bounded house of a tribal chief.
- kursi* chair.
- maha`ge* unclaimed resources in *kacho*, e.g. timber, fish ponds.
- mairh minth* a gathering of elders and women who go to an aggrieved side to convince them to accept mediation or pardon the offense (Balochi).
- mayar* Baloch code of honour
- meenb* buffalo.
- mitho kheer* sweet milk.
- morcha* a defensive watchtower.
- murshid* spiritual leader.
- mursmanbu* machismo.
- musheer* adviser.
- namaloom* unknown (Urdu).
- Nazim* legal title for district executive (Arabic).
- niani* a girl or single woman.
- nikah* marriage contract (Arabic).
- niyapo* message.
- pacco* mainland, literally ‘cooked’.
- pa`g* turban; also a metaphor for being the representative or head of a group.
- paland* revenge.
- paran* to divide.
- paro* section of a tribe or group.
- pati* share.
- peth likhi `diyan* to pledge a pregnancy.
- phori* distribution.

Pir title of a saint.

pyar jo parano marriage of love.

qatl-e-amd an intentional act of killing (Arabic).

qaum term for a common identity, group or clan.

qaumi jhero tribal or group feud.

qisas same (Arabic); retribution.

qiyas analogy (Arabic legal term).

rabi cropping season, when crops are sown from October and November and harvested in spring in April and May.

ra' je a term for local groups sharing common norms or rules.

ra' juni normative system of group politics and mediations.

rasam custom.

Razinama a performa through which a lawful compromise deed is made
riwaj tradition.

saam mandatory protection for women.

sailaba floodplain.

sakh oath.

Samatr a large group identity, nowadays often set in opposition to the
Baloch. Samatr are considered Rajputs.

sanad formal title granted to a chief.

sandul low table also used as a seat.

sang relationship, primarily a marriage transaction, implying exchange of
women. Though informal, *sang* relations entail contractual obligations
often of marriage exchanges.

sangawatti system of marriages, usually exchange.

sangchatti exchange of women to settle feuds.

sardar chief of a group, tribe.

sarkar state.

sarpench chairman.

Shahi jirga colonial construction, a grand *jirga*.

shalwar loose trousers.

shaq suspicion.

sharafat honesty.

sharam modesty, shame.

shikargah a hunting estate.

- siyahkari* a practice sanctioning expulsion or death to perpetrators of adultery. Literally, 'black deed'.
- ta'do* mat; however, the term has come to meaning the mourning period.
- tahajid namaz* a special prayer said any time between the night and morning prayer in Islam.
- takrar* clash.
- taluka* administrative divisions of territory.
- tano* insult.
- taveez* amulet for healing, fertility etc.
- tazir* discretionary punishment under Islamic law, usually left to judiciary.
- thaha* settlement.
- thana* police station.
- tiko* tattoo.
- trevakro* marriage involving three *sang* arrangements in three families.
- vekro* marriage by bride price, but also sale.
- viqalat* advocacy.
- wadero* a village elder, but also someone who is in a position of power, and influence.
- wali* guardian (Arabic), but there are several variations of meanings. In Pakistan, legally it is defined as 'heir according to the personal law'.
- wate allah je* in the path of Allah.
- wate wari* one with a big mouth.
- zamanat* guarantee.
- zamin* guarantor in mediations.
- zamindar* farmer.
- zina* adultery (Arabic).
- zulum* cruelty, violence.

BIBLIOGRAPHY



Secondary Sources

- Abrams, P. 1988. 'Notes on the Difficulty of Studying the State', *Journal of Historical Sociology* 1(1): 58–89.
- Abu-Lughod, L. 1986. *Veiled Sentiments: Honour and Poetry in a Bedouin Society*. Los Angeles: California University Press.
- . 1990. 'The Romance of Resistance: Tracing Transformations of Power through Bedouin Women', *American Ethnologist* 17(1): 41–55.
- Agamben, G. 1998. *Homo Sacer: Sovereign Power and Bare Life*. Daniel Heller-Roazen (trans.). Stanford, CA: Stanford University Press.
- . 2005. *State of Exception*. Kevin Attel (trans.). Chicago: The University of Chicago Press.
- Ahmed, A.S. 1980. *A Pukhtun Economy and Society: Traditional Structure and Economic Development in a Tribal Society*. London: Routledge and Kegan Paul.
- Alavi, H. 1972. 'Kinship in West Punjab Villages', *Contributions to Indian Sociology* 6: 1–27.
- Allen, L.A. 2009. 'Martyr Bodies in the Media: Human Rights, Aesthetics, and the Politics of Immediation in the Palestinian *Intifada*', *American Ethnologist* 36(1): 161–180.
- Alvi, A. 2001. 'The Category of a Person in Rural Punjab', *Social Anthropology* 9(1): 45–63.
- Anderson, B. 1991. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, 2nd ed. London and New York: Verso.
- Anderson, M. 1996. *Frontiers: Territory and State Formation in the Modern World*. Cambridge: Polity Press.
- Anderson, M.R. 1993. 'Islamic Law and the Colonial Encounter in British India', in D. Arnold and P. Robb (eds.), *Institutions and Ideologies*. London: Curzon Press.
- Ansari, S. 1995. *Sufi Saints and State Power: The Pirs of Sindh 1843–1947*. Cambridge: Cambridge University Press.
- . 2005. *Life after Partition: Migration, Community and Strife in Sindh 1947–1962*. Oxford: Oxford University Press.
- Appadurai, A. 1991. 'Global Ethnoscapes: Notes and Queries for a Transnational Anthropology', in R. Fox (ed.), *Recapturing Anthropology*. Sante Fe: School of American Research.

Bibliography

- Appadurai, A. 1996. *Modernity at Large: Cultural Dimensions of Globalization*. Minneapolis: University of Minnesota Press.
- Ardener, E. 1975. 'Belief and the Problem of Women', in Shirley Ardener (ed.), *Perceiving Women*. London: J. M. Dent.
- Aretxaga, B. 2000. 'Maddening States', *Annual Review of Anthropology* 32: 393–410.
- . 2001. 'The Sexual Games of the Body Politic: Fantasy and State Violence in Northern Ireland', *Culture, Medicine and Psychiatry* 25(1): 1–25.
- . 2005. 'The Intimacy of Violence', in J. Zulaikha (ed.), *States of Terror*. Reno: Centre for Basque Studies, University of Nevada Press.
- Ayres, B. 1974. 'Bride Theft and Raiding for Wives in Cross-Cultural Perspective', *Anthropological Quarterly* 47(3): 238–252.
- Badshah, H. 2005. *Sindh mein Jagiran ji Tarikh*. Hyderabad: Roshni.
- Baloch, I. 1987. *The Problem of Greater Balochistan: A Study of Baloch Nationalism*. Stuttgart: Steiner Verlag Weisbaden.
- Barnes, R.H. 1999. 'Marriage by Capture', *The Journal of the Royal Anthropological Institute* 5(1): 57–73.
- Barth, F. 1965. *Political Leadership among the Swat Pathans*. London: University of London.
- . 1981. *Ethnic Groups and Boundaries in Process and Form in Social Life*. London: Routledge and Kegan Paul.
- Bayart, J.F. 1993. *The State in Africa: Politics of the Belly* (1989). London: Longman.
- Bellew, H.W. 1872. *From the Indus to the Tigris: A Journey through Balochistan, Afghanistan, Khorasan and Iran*. London: Trubner.
- Benda-Beckmann, F. von, K. von Benda-Beckmann and A. Griffiths. 2005. 'Introduction', in F. von Benda-Beckman, K. von Benda-Beckmann and A. Griffiths (eds), *Mobile People, Mobile Law: Expanding Relations in a Contracting World*. Aldershot, Hants, England: Ashgate.
- . 2009. 'The Power of Law', in F. von Benda-Beckman, K. von Benda-Beckmann and A. Griffiths (eds), *The Power of Law in a Transnational World*. Berghahn Books: Oxford and New York.
- Black-Michaud, J. 1975. *Cohesive Force: Feud in the Mediterranean and the Middle East*. Oxford: Basil Blackwell.
- Blok, A. 1972. 'The Peasant and the Brigand: Social Banditry Reconsidered', *Comparative Studies in Society and History* 14: 494–503.
- . 1974. *The Mafia of a Sicilian Village 1860–1960: A Study of Violent Peasant Entrepreneurs*. Oxford: Basil Blackwell.
- . 1989. 'The Symbolic Vocabulary of Public Executions', in J. Starr and J. Collier (eds), *History and Power in the Study of Law: New Directions in Legal Anthropology*. New York: Cornell University Press.
- Boehm, C. 1984. *Blood Revenge: The Enactment and Management of Conflict in Montenegro and Other Tribal Societies*. Lawrence: University of Kansas Press.
- . 1985. 'Execution within the Clan as an Extreme Form of Ostracism', *Social Science Information* 24: 309–321.
- . 1986. 'Capital Punishment in Tribal Montenegro: Implications for Law, Biology, and Theory of Social Control', *Ethnology and Sociobiology* 7(3–4): 305–320.
- Bohannon, P. 1965. 'The Differing Realms of Law', *American Anthropologist* 67(6): 33–42.

Bibliography

- Borneman, J. 1992. *Belonging in Two Berlins: Kin, State, Nation*. Cambridge: Cambridge University Press.
- Borofsky, R. 1987. *Making History: Pukapukan and Anthropological Constructions of Knowledge*. Cambridge: Cambridge University Press.
- Bourdieu, P. 1977. *Outline of a Theory of Practice*. Cambridge: Cambridge University Press.
- . 1999. 'Rethinking the State: Genesis and Structure of the Bureaucratic Field', in G. Steinmetz (ed.), *State/Culture State-Formation after the Cultural Turn*. New York: Cornell University Press.
- Bruce, R.I. 1900. *The Forward Policy and Its Results, or 35 Years Work among the Tribes on Our North Western Frontier of India*. New York and Bombay: Longmans, Green and Co.
- Burnes, A. 1935. *Travels into Bokhara Being a journey from India to Qabool, and Tartary. Also a Narrative Voyage of the Indus*. Vol I. Philadelphia: E.L. Carey and A. Hart.
- Burnes, J. 1831. *A Narrative of a Visit to the Court of Scinde; A Sketch of the History of Cutch*. Edinb. & c.
- Burton, R. 1877. *Sind Revisited, with Notices of the Anglo-Indian Army: Railroads; Past, Present, and Future, etc.* (2 vols). London: R. Bentley.
- Callaway, H. 1992. 'Ethnography and Experience: Gender Implications in Fieldwork and Texts', in J. Okely and H. Callaway (eds.), *Anthropology and Autobiography*. New York: Routledge.
- Campbell, J.K. 1964. *Honour, Family and Patronage: A Study of Institutions and Moral Values in a Greek Mountain Community*. Oxford: Clarendon Press.
- Caro Baroja, J. 1965. 'Honour and Shame: A Historical account of Several Conflicts', in J.G. Peristiany (ed.), *Honour and Shame: The Values of Mediterranean Society*. London: Weidenfeld and Nicolson.
- Chanock, M. 1985. *Law, Custom and Social Order: The Colonial Experience in Malawi and Zambia*. Cambridge: Cambridge University Press.
- Chatterjee, P. 1989. 'Colonialism, Nationalism, and Colonized Women: The Contest in India', *American Ethnologist* 16(4): 622–3.
- Chaudhary, M.A. 1999. *Justice in Practice: Legal Ethnography of a Pakistani Punjabi Village*. Oxford: Oxford University Press.
- Cheesman, D. 1981. 'Power in Rural Sind in the Late Nineteenth Century', *Asian Affairs* 12(1): 57–67.
- . 1997. *Landlord Power and Rural Indebtedness in Colonial Sind, 1865–1901*. London: Curzon Press.
- Choksey, R.D. 1983. *The Story of Sindh*. Pune: Dastane Ramchandra.
- Clifford, J. 1986. 'Introduction: Partial Truths', in J. Clifford and G.E. Marcus (eds), *Writing Culture: The Poetics and Politics of Ethnography*. Berkeley and Los Angeles: University of Berkley Press.
- Cohen, A. 1965. *Arab Border-Villages in Israel: A Study of Continuity and Change in Social Organization*. Manchester: Manchester University Press.
- Cohn, B.S. 1985. 'Command of Language and Language of Command', in R. Guha (ed.), *Subaltern Studies IV: Writings on the South Asian History and Society*. Delhi: Oxford University Press.
- . 1989. 'Law and the Colonial State in India', in J. Starr and J. Collier (eds.), *History and Power in the Study of Law: New Directions in Legal Anthropology*. New York: Cornell University Press.

Bibliography

- Collier, J.F. and S.J. Yanagisako. 1987. 'Introduction', in J.F. Collier and S.J. Yanagisako (eds), *Gender and Kinship: Essays toward a Unified Analysis*. Stanford: Stanford University Press.
- Colson, E. 1953. 'Social Control and Vengeance in Plateau Tonga Society', *Africa* 23(3): 199–212.
- Comaroff, J. and J. Comaroff. 2004. 'Criminal Justice, Cultural Justice: The Limits of Liberalism and the Pragmatics of Difference in the New South Africa', *American Ethnologist* 31(2): 188–204.
- Comaroff, J.L. and S. Roberts. 1981. *Rules and Processes: The Cultural Logic of Dispute in an African Context*. Chicago: University of Chicago Press.
- Connell, P. 1997. 'Understanding Victimization and Agency: Considerations of Race, Class and Gender', *Political and Legal Anthropology Review* 20(2): 115–143.
- Connerton, Paul. 1989. *How Societies Remember*. Cambridge: Cambridge University Press.
- Coutin, S.B. 1994. 'Enacting Law through Social Practise: Sanctuary as Resistance', in M.L. Black and S. Hirsch (eds), *Contested States, Law and Hegemony and Resistance*. New York and London: Routledge.
- Crone, P. 2002. *Roman, Provincial and Islamic Law: The Origins of the Islamic Patronate*. Cambridge: Cambridge University Press.
- Cutiliero, J. 1971. *A Portuguese Rural Society*. Oxford: Clarendon Press.
- Das, V. 1996. 'Sexual Violence, Discursive Formations and the State', *Economic and Political Weekly* 31/35/37: 2411–2423.
- Das, V. et al (eds). 2001. *Remaking a World: Violence, Social Suffering and Recovery*. Berkeley and Los Angeles: University of California Press.
- Das, V. and D. Poole. 2004. 'State and Its Margins: Comparative Ethnographies', in V. Das and D. Poole (eds), *Anthropology on the Margins of the State*. James Currey: Oxford.
- Davis, J. 1977. *People of the Mediterranean: An Essay in Comparative Anthropology*. London: Routledge and Kegan Paul.
- Debord, G. 1994. *The Society of the Spectacle*. New York: Zoon Books.
- Diamond, S. 1951. 'Dahomy: The Proto-state of West Africa', PhD dissertation. Ann Arbour: Columbia University.
- . 1971. 'The Rule of Law versus the Order of Custom', *Social Research* 38(1): 42–72.
- Dobash, R.E and R.P. Dobash. 1992. *Women, Violence and Social Change*. London and New York: Routledge.
- Donnan, H. 1988. *Marriage among Muslims: Preference and Choice in Northern Pakistan*. Delhi: Hindu Publishing Corporation.
- Donnan, H. and T.M. Wilson. 1999. *Borders: Frontiers of Identity, Nation and State*. Oxford: Berg.
- Douglas, M. (ed.). 1970. *Witchcraft Accusations and Confessions*. London: Tavistock.
- Dresch, P. 1989. *Tribes, Government and History in Yemen*. Oxford: Clarendon Press.
- Dupret, B., B. Drieskens and A. Moors, (eds). 2008. *Narratives of Truth in Islamic Law*. London: I.B. Tauris.
- Durham, E. 1909. *High Albania*. London: Virago.
- Eastwick, E.B. 1849. *Dry Leaves from Young Egypt: By an Ex-Political*. London: James Madden.
- Eastwick, W.J. 1862. *Speeches of Captain Eastwick on Scinde Question: The India Bill of 1858, etc.* London: Smith Elder.

Bibliography

- Eglar, Z. 1960. *A Punjabi Village*. New York: Columbia University Press.
- Embree, A.T. 1977. 'Pakistan's Imperial Legacy', in A.T. Embree (ed.), *Pakistan's Western Borderlands: The Transformation of a Political Order*. Durham, NC: Carolina Academic Press.
- Evans-Pritchard, E.E. 1937. *Witchcraft, Oracles and Magic among the Azande*. Oxford: Clarendon Press.
- . 1940. *The Nuer*. Oxford: Clarendon Press.
- . 1949. *The Sanusi of Cyrenaica*. Oxford: Oxford University Press.
- Faqir, F. 2001. 'Intrafamily Femicide in Defence of Honour: The Case of Jordan', *Third World Quarterly* 22(1): 65–82.
- Feldman, A. 1991. *Formations of Violence: The Narrative of the Body and Political Terror in Northern Ireland*. Chicago and London: University of Chicago Press.
- Fortes, M. and E.E. Evans-Pritchard. 1940. *African Political Systems*. London: Oxford University Press.
- Foucault, M. 1977. *Discipline and Punish: The Birth of the Prison*. A. Sheridan (trans.). London: Penguin.
- . 1991. 'Governmentality.' In G. Butchell, C. Cordon and P. Miller (eds), *The Foucault Effect: Studies in Governmentality*. Hemel Hempstead and Chicago: Chicago University Press.
- Fried, M. 1967. *The Evolution of Political Society*. New York: Random House.
- Fuller, C. 1994. 'Legal Pluralism and Legal Thought', *Anthropology Today* 10(3): 9–12.
- Galanter, M. 1981. 'Justice in Many Rooms: Courts, Private Ordering, and Indigenous Law', *Journal of Legal Pluralism* 19: 1–48.
- . 1993. *Law and Society in Modern India*. Delhi: Oxford University Press.
- Gard, W. 1949. *Frontier Justice*. Norman: University of Oklahoma Press.
- Geertz, C. 1973. *The Interpretation of Cultures: Selected Essays*. New York: Basic Books.
- . 1983. 'Local Knowledge: Fact and Law in Comparative Perspective', in *Local Knowledge: Further Essays in Interpretive Anthropology*. New York: Basic Books.
- Gellner, E. 1969. *Saints of the Atlas*. London: Weidenfeld and Nicolson.
- Geschiere, P. 1993. 'Chiefs and Colonial Rule in Cameroon: Inventing Chieftaincy, French and British Style', *Africa* 63(2): 151–175.
- . 1997. *The Modernity of Witchcraft. Politics and the Occult in Postcolonial Africa*. Charlottesville: University Press of Virginia.
- Ghai, Y., R. Luckham and F. Snyder. 1987. *The Political Economy of Law: A Third World Reader*. New Delhi: Oxford University Press.
- Gill, A. 2006. 'Patriarchal Violence in the Name of Honour', *International Journal of Criminal Justice Sciences* 1(1): 1–12.
- Gilmartin, D. 1988. 'Customary Law and Shari'at in British Punjab', in K.P. Ewing (ed.), *Shari'at and Ambiguity in South Asian Islam*. Berkeley: University of California Press.
- Gilmore, D. 1987. *Aggression and Community: Paradoxes of Andalusian Culture*. London and New Haven: Yale University Press.
- Gilsenan, M. 1996. *Lords of the Lebanese Marches: Violence and Narrative in an Arab Society*. London: I.B. Taurus.
- Ginat, J. 1997. *Blood Revenge: Family Honour, Mediation and Outcasting*. Brighton and Oregon: Sussex Academic Press.

Bibliography

- Ginsburg, F. 1991. 'Indigenous Media: Faustian Contract or Global Village', *Cultural Anthropology* 6(1): 92–112.
- Ginsburg, F., L. Abu-Lughod and B. Larkin. 2002. 'Introduction', in F. Ginsburg, L. Abu-Lughod and B. Larkin (eds), *Media Worlds: Anthropology on the New Terrain*. Berkeley and Los Angeles: University of California Press.
- Gluckman, M. 1955a. *Custom and Conflict in Africa*. Oxford: Blackwell.
- . 1955b. *The Judicial Process Among the Barotse of Northern Rhodesia*. Manchester: Manchester University Press.
- . 1955c. 'The Peace in the Feud', *Past & Present* 8(1): 1–14.
- Goldsmid, F.G. 1855. An Historical Memoir on Shikarpoor: Prior and Subsequent to its Cessation to the Ameers of Sind. Submitted to Government in November 1854, in R. Hughes Thomas (ed), *Selections from the Records of the Bombay Government, No. 17*. 2 vols. Bombay: Bombay Education Society's Press.
- Green, E. 1850. *Compilation of General Orders, and Commands, issued in 1842–7 by Sir C. Napier to the army under his command*. Bombay: Times Press.
- Green, M. 2003. *Priests, Witches and Power: Popular Christianity after Mission in Southern Tanzania*. Cambridge: Cambridge University Press.
- Greenhouse, C.J. 1985. 'Mediation: A Comparative Approach', *Man* 20(1): 90–114.
- Griffiths, J. 1986. 'What Is Legal Pluralism?' *Journal of Legal Pluralism and Unofficial Law* 24: 1–54.
- Grima, B. 1993. *The Performance of Emotion among Paxtun Women*. Karachi: Oxford University Press.
- Gronfors, M. 1986. 'Social Control and Law in the Finnish Gypsy Community: Blood Feuding as a System of Justice', *Journal of Legal Pluralism and Unofficial Law* 24: 101–126.
- Gulliver, P.H. 1979. *Disputes and Negotiations: A Cross-cultural Perspective*. Orlando: Academic Press.
- Gupta, A. 1995. 'Blurred Boundaries: The Discourse of Corruption, the Culture of Politics, and the Imagined States', *American Ethnologist* 22(2): 375–402.
- Gupta, A. and J. Ferguson. 1992. 'Beyond 'Culture': Space, Identity, and the Politics of Difference', *Cultural Anthropology* 7(1): 6–23.
- Hallaq, W.A. 2009. *An Introduction to Islamic Law*. Cambridge: Cambridge University Press.
- Halstead, N. 2008. 'Victims and Agents Un-made: Routinising the Extraordinary', *Social Anthropology* 16(1): 19–33.
- Hansen, T.B. and F. Stepputat (eds). 2001. *States of Imagination: Ethnographic Explorations of the Postcolonial State*. Durham, NC: Duke University Press.
- Hart, H.L.A. 1961. *The Concept of Law*. Oxford: Clarendon Press.
- Hasluck, M. 1954. *The Unwritten Law in Albania*. Cambridge: Cambridge University Press.
- Herzfeld, M. 1980. 'Honour and Shame: Problems in the Comparative Analysis of Moral Systems', *Man* 15(2): 339–351.
- . 1985. *The Poetics of Manhood: Contest and Identity in a Cretan Mountain Village*. Princeton: Princeton University Press.
- . 1987. *Anthropology through the Looking Glass: Critical Ethnography in the Margins of Europe*. Cambridge: Cambridge University Press.
- Hobsbawm, E. 1969. *Bandits*. London: Weidenfeld and Nicolson.

Bibliography

- Hoebel, E.A. 1954. *The Law of Primitive Man*. Cambridge: Harvard University Press.
- Hooker, M.B. 1975. *Legal Pluralism: An Introduction to Colonial and Neo-colonial Laws*. Oxford: Clarendon Press.
- Hutchinson, S. 1996. *Nuer Dilemmas: Coping with Money, War, and the State*. Berkeley and Los Angeles, CA: University of California Press.
- Huttenback, R.A. 1962. *British Relations with Sind 1799–1843: An Anatomy of Imperialism*. Berkeley: University of California Press
- Jacob, J. 1855. 'Report on the States and Tribes connected with the Frontier of Upper Sind'. Submitted to the Government on the 2nd November 1854, in Selections from the Records of the Bombay Government. R. Hughes Thomas (Ed). 1855. No XVII. Vol. 1. Bombay: Bombay Education Society's Press.
- James, H. 1855. 'Report on the Purgana Chandooka, Upper Sind'. Submitted to the Government on 31st December 1847, in R. Hughes Thomas (ed.), *Selections from the Records of the Bombay Government, No. 17*. 2 vols. Bombay: Bombay Education Society's Press.
- James, W. 2000. 'Beyond the First Encounter: Transformation of the 'Field' in North-East Africa', in P. Dresch, W. James and D. Parkin (eds), *Anthropologists in a Wider World. Essays on Field Research*. Oxford: Berghahn Books.
- . 2002. 'Lifelines: Exchange Marriage among the Gumuz', in D.L. Donham and W. James (eds), *The Southern Marches of Imperial Ethiopia: Essays in History and Social Anthropology*. Oxford: James Currey.
- . 2003. *The Ceremonial Animal: A New Portrait of Anthropology*. Oxford: Oxford University Press.
- Jeffery, L. and C. Matei. 2006. 'The Politics of Victimhood', *History and Anthropology* 17(4): 287–296.
- Jenkins, T. 1994. 'Fieldwork and the Perception of Everyday Life', *Man* 29(2): 433–455.
- Jones, K.A. 2002. *Politics in Sindh, 1907–1940: Muslim Identity and the Demand for Pakistan*. Karachi: Oxford University Press.
- Just, P. 1992. 'History, Power, Ideology and Culture: Current Directions in the Anthropology of Law', *Law and Society Review* 26: 373–411.
- Kalichbeg, M. 1902. *History of Sind*. 2 vols. Karachi: Commissioner's Press.
- Kandiyoti, D. (ed.). 1991. *Women, Islam and the State*. London: Philadelphia: Temple University Press.
- Kanwar, M. 1989. *Murder and Homicide in Pakistan*. Lahore: Vanguard.
- Keesing, R.M. 1994. 'Colonial and Countercolonial Discourse in Malenesia', *Critique of Anthropology* 14(1): 41–58.
- Keiser, R.L. 1986. 'Death Enmity in Thul: Organised Vengeance and Social Change in a Kohistani Community', *American Ethnologist* 13(3): 489–505.
- . 1991. *Friend by Day, Enemy by Night: Organized Vengeance in a Kohistani Community*. Fort Worth: Holt, Rinehart, and Winston.
- Kelly, T. 2006. *Law, Violence and Sovereignty among West Bank Palestinians*. New York and Cambridge: Cambridge University Press.
- Khalaf, S.N. 1990. 'Settlement of Violence in a Bedouin Society', *Ethnology* 29(3): 225–242.
- Khan, T. 2006. *Beyond Honour: A Historical Materialist Explanation of Honour Related Violence*. Karachi: Oxford University Press.

Bibliography

- Khera, P.N. 1941. *British Policy towards Sindh up to the Annexation 1843*. Lahore: Minerva Bookshop.
- Khuhro, H. 1999. *The Making of Modern Sindh: British Policy and Social Change in the Nineteenth Century*, 2nd ed. Karachi: Oxford University Press.
- Kleinman, A. and Kleinman, J. 1997. *The Appeal of Experience; The Dismay of Images Cultural Appropriations of Suffering in our Times*. In Kleinman, A., Das, V., and Lock, M., (eds.) *Social Suffering*. Berkley: University of California Press. 1-23.
- Klinenberg, E. 2001. 'Bodies that Don't Matter: Death and Dereliction in Chicago', *Body Society* 7(2-3): 121-136.
- Koch, K.F., S. Altorki, A. Arno and L. Hickson. 1977. 'Ritual Reconciliation and the Obviation of Grievances: A Comparative Study in the Ethnography of Law', *Ethnology* 16(3): 269-283.
- Koliopoulos, G. 1987. *Brigands with a Cause: Brigandage and Irredentism in Modern Greece, 1821-1912*. Oxford: Clarendon Press.
- Kozlowski, G.C. 1997. 'Islamic Law in Contemporary South Asia', *Muslim World* 87(3-4): 221-234.
- Kressel, K. and D.C. Pruitt. 1989. *Mediation Research: The Process and Effectiveness of Third-Party Intervention*. San Francisco: Jossey-Bass.
- Kressel, G. 1981. 'Sororicide/Filiacide: Homicide for Family Honour.' *Current Anthropology* 22(2): 141-158.
- Kristof, L.K.D. 1959. 'The Nature of Frontiers and Boundaries', *Annals of Association of American Geographers* 49(3): 269-282.
- Kugle, S. 2001. 'Framed, Blamed and Re-named: The Recasting of Islamic Jurisprudence in Colonial South Asia', *Modern Asian Studies* 35(2): 257-313.
- Kuper, A. 1994. 'Culture, Identity and the Project of a Cosmopolitan Anthropology', *Man* 29(3): 537-554.
- Lari, S.Z. 1994. *A History of Sindh*. Karachi: Oxford University Press.
- Lambrick, H.T. 1952. *Sir Charles Napier and Sind*. Oxford: Clarendon Press.
- . 1960. *John Jacob of Jacobabad*. Karachi: Oxford University Press.
- . 1964. *Sind: A General Introduction*, vol. 1. Jamshoro: Sindhi Adabi Board.
- (ed. and trans.). 1972. *The Terrorist*. London: Ernest Benn Ltd.
- Lattimore, O. 1962. *Studies in Frontier History: Collected Papers, 1928-1958*. London: Oxford University Press.
- Lau, M. 2006. *The Role of Islam in the Legal System of Pakistan*. Leiden: Koninklijke Brill NV.
- Layish, A. 2006. 'Interplay between Tribal and Sharia Law: A Case of Tibbawi Blood Money in the Shari'a Court of Kufra', *Islamic Law and Society* 13: 63-75.
- Leader-Elliott, I. 1997. 'Passion and Insurrection in the Law of Provocation', in N. Naffine and R.J. Owens (eds), *Sexing the Subject of the Law*. Sydney: Sweet and Maxwell.
- Lefebvre, A. 1999. *Kinship, Honour and Money in Rural Pakistan: Subsistence Economy and the Effects of International Migration*. Surrey: Curzon.
- Lewis, I.M. 1961. *A Pastoral Democracy*. London: Oxford University Press.
- Lindholm, C. 1981. 'The Structure of Violence among the Swat Pukhtun', *Ethnology* 20(2): 147-156.
- . 1982. *Generosity and Jealousy: The Swat Pukhtun of Northern Pakistan*. New York: Columbia University Press.

Bibliography

- Lindisfarne-Tapper, N. and A. Cornwall. 1994. *Dislocating Masculinity: Comparative Ethnographies*. London: Routledge and Kegan Paul.
- Maine, H. 1861. *Ancient Law*. Boston: Beacon Press.
- Makris, J. 1992. 'Ethnography, History and Collective Representations: Studying Vendetta in Crete', in J. Pina Cabral and J. Campbell (eds), *Europe Observed*. London: Macmillan Press.
- Malinowski, B. 1922. *Argonauts of the Western Pacific*. London: Routledge and Kegan Paul.
- . 1926. *Crime and Custom in a Savage Society*. London: Routledge and Kegan Paul.
- Markovits, C. 2000. *The Global World of Indian Merchants 1750–1947: Traders of Sind from Bukhara to Panama*. Cambridge: Cambridge University Press.
- Marsden, M. 2007. 'Love and Elopement in Northern Pakistan', *Journal of the Royal Anthropological Institute* 13(1): 91–108.
- Martineau, J. 1895. *The Life and Correspondence of Sir Bartle Frere*, 2 vols. London: J. Murray.
- Marwick, M.G. 1952. 'The Social Contest of Cewa Witch Beliefs', *Africa* 22(2–3): 120–135, 215–233.
- Mather, L. and B. Yngvesson. 1980. 'Language, Audience, and the Transformation of Disputes', *Law & Society Review* 15(3–4): 775–821.
- Mazzarella, W. 2004. 'Culture, Globalization, Mediation', *Annual Review of Anthropology* 33: 345–367.
- McLennan, J.F. 1865. *Primitive Marriage: An Inquiry into the Origin of the Form of Capture in Marriage Ceremonies*. Edinburgh: Adam and Charles Black.
- Meeker, M.E. 1979. *Literature and Violence in North Arabia*. Cambridge: Cambridge University Press.
- Mehdi, R. 1994. *The Islamization of the Law in Pakistan*. Monograph Series 60, Nordic Institute of Asian Studies. Surrey: Curzon Press.
- Merry, S.E. 1982. 'The Articulation of Legal Spheres', in M.J. Hay and M. Wright (eds), *African Women and the Law: Historical Perspectives*. Papers on Africa, Vol VI. Boston: University African Studies Centre.
- . 1991. 'Law and Colonialism', *Law & Society Review* 25(4): 889–922.
- . 1992. 'Anthropology, Law, and Transnational Processes', *Annual Review of Anthropology* 21: 357–379.
- . 1994. 'Courts as Performances: Domestic Violence Healings in a Hawai'i Family Court', in M. Lazarus-Black and S.F. Hirsch (eds), *Contested States: Law, Hegemony and Resistance*. New York: Routledge.
- Messick, B. 1993. *The Calligraphic State*. Berkeley: University of California Press.
- Middleton, J. 1960. *Lugbara Religion*. London: Oxford University Press for International African Institute.
- Mitchell, T. 1991. 'The Limits of the State: Beyond Statist Approaches and Their Critics', *The American Political Science Review* 85(1): 77–96.
- . 1999. 'Society, Economy, and the State Effect', in G. Steinmetz (ed.), *State/Culture State-Formation after the Cultural Turn*. New York: Cornell University Press.
- Mnookin, R.H. and L. Kornhauser. 1978. 'Bargaining in the Shadow of the Law: The Case of Divorce', *The Yale Law Journal* 88(5): 950–997.
- Moore, H. 1994. *A Passion for Difference: Essays in Anthropology and Gender*. Bloomington: Indiana University Press.

Bibliography

- Moore, S.F. 1978. *Law as Process: An Anthropological Approach*. London: Routledge and Kegan Paul.
- . 1986. *Social Facts and Fabrications: Customary Law on Kilimanjaro 1880–1980*. Cambridge: Cambridge University Press.
- . 1989. 'History and the Redefinition of Custom on Kilimanjaro', in J. Starr and J. Collier (eds), *History and Power in the Study of Law: New Directions in Legal Anthropology*. New York: Cornell University Press.
- Moss, D. 1979. 'Bandits and Boundaries in Sardinia', *Man* 14(3): 477–96.
- Nader, L. 2002. *The Life of the Law: Anthropological Projects*. Berkeley and Los Angeles: University of California Press.
- . 2002. 'The Life of the Law – A Moving Story', 36 *Val. U. L. Rev.* 655.
- Nader, L. and H.F. Todd (eds). 1978. *The Disputing Process: Law in Ten Societies*. New York: Columbia University Press.
- Napier, W.F.P. 1858. *The History of General Sir Charles Napier's Administration of Scinde and Campaign in the Cutchee Hills*. London: Charles Westerton.
- Nordstrom, C. and A.C.G.M. Robben. 1995. 'The Anthropology and Ethnography of Violence and Conflict', in C. Nordstrom and A.C.G.M. Robben (eds), *Fieldwork under Fire: Contemporary Studies of Violence and Survival*. Berkeley and Los Angeles: University of California Press.
- Okely, J. 1992. 'Anthropology and Autobiography', in J. Okely and H. Callaway (eds), *Anthropology and Autobiography*. New York: Routledge.
- Ong, A. 1990. 'State versus Islam: Malay Families, Women's Bodies, and the Body Politic in Malaysia', *American Ethnologist* 17(2): 258–276.
- Ortner, S. and H. Whitehead. 1981. 'Introduction: Accounting for Sexual Meanings', in S. Ortner and H. Whitehead (eds), *Sexual Meanings: the Cultural Construction of Gender and Sexuality*. Cambridge: Cambridge University Press.
- Otterbein, K.F. and C.S. Otterbein. 1965. 'An Eye for an Eye, A Tooth for a Tooth: A Cross-Cultural Study of Feuding', *American Anthropologist* 67(6): 1470–1482.
- Outram, J. 1846. *The Conquest of Scinde: A Commentary*. 2 vols. Edinburgh: W. Blackwood.
- Paine, R. 1989. 'High Wire Culture: Comparing Two Agonistic Systems of Self-Esteem', *Man* 24(4): 657–672.
- Parkin, R. 1992. *The Munda of Central India: An Account of their Social Organization*. Delhi: Oxford University Press.
- Pathan, M.H. 1978. *Sind: Arab Period History of Sind Series*, vol. 3. Jamshoro: Sindhi Adabi Board.
- Pearce, R. 2001. *Once a Happy Valley: Memoirs of an ICS officer in Sindh, 1938–1848*. Oxford: Oxford University Press.
- Pehrson, R. 1966. *The Social Organization of the Marri Baloch*. New York: Wenner-Gren Foundation.
- Perara, J. 2003. *Irrigation Development and Agrarian Change: A Study in Sindh, Pakistan*. Jaipur: Rawat.
- Peters, E.L. 1967. 'Some Structural Aspects of the Feud among the Camel Herding Bedouin of Cyrenaica', *Africa* 37(3): 261–282.
- Pfeifer, M. 2004. *Rough Justice: Lynching and American Society, 1874–1947*. Urbana: University of Illinois Press.

Bibliography

- Pieke, F. 2004. 'Contours of an Anthropology of the Chinese State: Political Structure, Agency and Economic Development in Rural China', *Journal of the Royal Anthropological Institute* 10(3): 517–538.
- Pitt-Rivers, J. 1954. *The People of the Sierra*. Chicago: University of Chicago Press.
- . 1965. 'Honour and Shame', in J. Peristiany (ed.), *Honour and Shame: The Values of Mediterranean Society*. London: Weidenfeld and Nicolson.
- Pospisil, L. 1971. *Anthropology of Law*. New York: Harper and Row.
- Postans, M. 2003. *Travels, Tales and Encounters in Sindh and Balochistan 1840–1843*. Karachi: Oxford University Press.
- Postans, T. 1843. *Personal Observations on Sindh: The Manners and Customs of Its Inhabitants and Its Productive Capabilities with a Sketch of Its History*. London: Longman.
- Radtke, B., F.M. Denny, A. Francoise, J.O. Hunwick and N. McHugh. 2006. 'Wali', in P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel and W.P. Heinrichs (eds), *Encyclopaedia of Islam*, 2nd ed. Leiden: Koninklijke Brill NV.
- Raheja, G.G. and A.G. Gold. 1994. *Listen to the Heron's Words: Re-imagining Gender and Kinship in North India*. Berkeley: University of California Press.
- Rice-Oxely, M. 2004. 'Britain Examines "Honor Killings"', *Christian Science Monitor*, 7 July.
- Riches, D. 1986. *The Anthropology of Violence*. Oxford: Blackwell.
- Roberts, S. 1979. *Order and Dispute: An Introduction to Legal Anthropology*. London: Pelican Books.
- Rosen, L. 1989. *The Anthropology of Justice: Law as Culture in Islamic Society*. Cambridge: Cambridge University Press.
- . 2000. 'From Courtroom to Courtyard: Law and Custom in Popular Legal Culture', in *The Justice of Islam*. Oxford: Oxford University Press.
- Rouland, N. 1994. *Legal Anthropology*. P.G. Planel (trans.). London: Athlone Press.
- Ruffini, J.L. 2005. 'Disputing over Livestock in Sardinia', in L. Nader and H.F. Todd (eds), *The Disputing Process: Law in Ten Societies*. New York: Columbia University Press.
- Sahito, I.H. 2006. *Decade of the Dacoits*. Karachi: Oxford University Press.
- Sant Cassia, P. 2005. *Bodies of Evidence: Burial, Memory and the Recovery of Missing Persons in Cyprus*. Oxford: Berghahn Books.
- Santos, B.S. 1977. 'The Law of the Oppressed: The Construction and Reproduction of Legality in Pasargada', *Law and Society Review* 12(1): 5–126.
- . 1987. 'Law: A Map of Misreading – Toward a Postmodern Conception of Law', *Journal of Law and Society* 14: 279–302.
- Scheper-Hughes, N. 1992. *Death without Weeping: The Violence of Everyday Life in Brazil*. Berkeley and Los Angeles: University of California Press.
- Schmidt, B. and I.W. Schroeder. 2001. 'Introduction', in B. Schmidt and I.W. Schroeder (eds), *Anthropology of Violence and Conflict*. London: Routledge.
- Schneider, J. 1971. 'On Vigilance and Virgins: Honour, Shame and Access to Resources in the Mediterranean Societies', *Ethnology* 10(1): 1–24.
- Schneider, P. 1969. 'Honour and Conflict in a Sicilian Town', *Anthropological Quarterly* 42(3): 130–154.
- Scholz, F. 2002. *Nomadism and Colonialism: A Hundred Years of Baluchistan, 1872–1974*. Hugh van Skyhawk (trans). Oxford: Oxford University Press.

Bibliography

- Sciamia, L. 2003. *A Venetian Island: Environment, History and Change in Burano*. Oxford: Berghahn Books.
- Scott, A. 1912. *Scinde in the Forties: Being the Journal and Letters of Colonel Keith Young, CB, Sometime Judge Advocate General in India*. London: Constable.
- Scott, J.C. 1987. *Weapons of the Weak: Everyday Forms of Peasant Resistance*. New Haven, CT: Yale University Press.
- Service, E. 1975. *Origins of the State and Civilization*. New York: Norton.
- Shah, A. 2007. 'Keeping the State Away: Democracy, Politics and Imaginations of the State in India's Jharkhand', *Journal of the Royal Anthropological Society* 13(1): 129–145.
- Shah, N. 1993. 'Karo kari: Ritual Killings in the Name of Honour,' January, *Newsline*.
- . 2000. 'Violence in the Rhetoric of Honour in the Mediterranean and the Middle East', MSc Thesis. Oxford: Oxford University
- Sharma, A. and A. Gupta. 2006. 'Introduction: Rethinking Theories of the State in an Age of Globalization', in A. Sharma and A. Gupta (eds), *The Anthropology of the State: A Reader*. Oxford: Blackwell.
- Shaw, A. 2000. *Kinship and Continuity: Pakistani Families in Britain*. Amsterdam: Harwood Academic.
- Shryock, A. 1988. 'Autonomy, Entanglement, and the Feud: Prestige Structures and Gender Values in Highland Albania', *Anthropological Quarterly* 61(3): 113–118.
- Snyder, F.G. 1981. 'Colonialism and Legal Form: The Creation of Customary Law in Senegal', *Journal of Legal Pluralism* 19: 49–90.
- Spatz, M. 1991. 'A "Lesser" Crime: A Comparative Study of Legal Defenses for Men who Kill Their Wives', *Columbia Journal of Law and Social Problems* 24: 597–638.
- Spitulnik, D. 1996. 'The Social Circulation of Media Discourse and the Mediation of Communities', *Journal of Linguistic Anthropology* 6(2): 161–187.
- Spivak, G. 1988. 'Can the Subaltern Speak?' In C. Nelson and L. Grossberg (eds), *Marxism and the Interpretation of Culture*. Urbana: University of Illinois.
- Starr, J. 1978. *Dispute and Settlement in Rural Turkey: An Ethnography of Law*. Leiden: E.J. Brill.
- . 1989. 'The Role of Turkish Secular Law in Changing the Lives of Rural Muslim Women, 1950–1970', *Law & Society Review* 23(3): 497–523.
- . 1992. *Law as Metaphor: From Islamic Courts to the Palace of Justice*. Albany: State University of New York Press.
- Starr, J. and J. Collier. 1989. *History and Power in the Study of Law: New Directions in Legal Anthropology*. New York: Cornell University Press.
- Starrett, G. 2003. 'Violence and the Rhetoric of Images', *Cultural Anthropology* 18(3): 398–428.
- Stewart, H. 2006. 'Customary Law in North Africa and Arab East: Introduction', *Islamic Law and Society* 13: 1–5.
- Stirling, A.P. 1960. 'A Death and a Youth Club: Feuding in a Turkish Village', *Anthropological Quarterly* 33: 51–75.
- Strathern, A. and P. Stewart. 2006. 'Introduction: Terror, the Imagination and Cosmology', in A. Strathern, P.J. Stewart and N.L. Whitehead (eds), *Terror and Violence: Imagination and the Unimaginable*. London: Pluto Press.

Bibliography

- Tapper, N. 1991. *Bartered Brides: Politics, Gender and Marriage in an Afghan Tribal Society*. Cambridge: Cambridge University Press.
- Tarlo, E. 1995. 'From Victim to Agent: Memories of Emergency from a Resettlement Colony in Delhi', *Economic and Political Weekly* 30(46): 2921–2928.
- Taussig, M. 1989. 'Terror as Usual: Walter Benjamin's Theory of History as a State of Siege', *Social Text* 23: 3–20.
- . 1992. 'Maleficium: State Fetishism', in *The Nervous System*. New York: Routledge.
- Thornton, T.H. 1895. *Colonel Sir Robert Sandeman: His Life and Work on Our Indian Frontier*. London: James Murray.
- Tilly, C. 1990. *Coercion, Capital, and European States, AD 990–1992*. Cambridge, MA: Blackwell.
- Turk, A.T. 1976. 'Law as a Weapon in Social Conflict', *Social Problems* 23(3): 276–291.
- Turner, A. 2000. 'Embodied Ethnography: Doing Culture', *Social Anthropology* 8(1): 51–60.
- Turner, F.J. 1961. 'The Significance of the Frontier in American History' (1894), in R.A. Billington (ed.), *Selected Essays of Frederick Jackson Turner*. N.J: Prentice-Hall.
- Turner, V. 1954. *Schism and Continuity in African Society*. Manchester: Manchester University Press for Rhodes-Livingstone Institute.
- Tylor, E.B. 1889. 'On a Method of Investigating the Development of Institutions; Applied to Laws of Marriage and Descent', *The Journal of the Anthropological Institute of Great Britain and Ireland* 18: 245–272.
- Utas, M. 2005. 'Victimcy, Girlfriending, Soldiering: Tactic Agency in a Young Woman's Social Navigation of the Liberian War Zone', *Anthropological Quarterly* 78(2): 403–430.
- Van Baal, J. 1975. *Reciprocity and the Position of Women*. Assen: Van Gorcum.
- Verdery, K. 1999. *The Political Lives of Dead Bodies: Reburial and Postsocialist Change*. New York: Columbia University Press.
- Vinogradoff, P. 1966. 'Custom and Law', in Lawrence Krader (ed.), *Anthropology and Early Law*. New York: Basic Books.
- Waldren, J. 1996. *Insiders and Outsiders: Paradise and Reality in Mallorca*. Oxford: Berghahn Books.
- Warraich, S. 2005. "'Honour Killings" and the Law in Pakistan', in L. Welchman and S. Hussain (eds), *'Honour': Crimes, Paradigms and Violence against Women*. London: Zed Books.
- Werbner, P. 2007. 'Veiled Interventions in Pure Space: Honour, Shame and Embodied Struggles among Muslims in Britain and France', *Theory, Culture, Society* 24: 161–186.
- Whitehead, N.L. 2004. 'Introduction: Cultures, Conflicts and the Poetics of Violent Practice', in N.L. Whitehead (ed.), *Violence*. Sante Fe: School of American Research Press.
- Witty, C.J. 1980. *Mediation and Society: Conflict management in Lebanon*. New York: Academic Press.
- Young, A. 2000. *Women Who Become Men: Albanian Sworn Virgins*. New York: Berg.

**Colonial Reports and Papers (in India Office Records,
British Library in London and Sindh Archives, Karachi)**

- Aitken, E.H. (comp.). 1907. *A Gazetteer of the Province of Sind*. Mercantile Steam Press, Karachi.
Calcutta Review No. 57, July 1850.
Commissioner's Report No. 3,886 of 1847, Political Dept.
Correspondence No. 1157 of 1890. Judicial Department from R. Giles Esquire M.A., Deputy
Commissioner to A.C. Trevor Esquire C.S. Commissioner in Sindh Jacobabad, 3 April
1890, Sindh Archives.
Extract from *Register kept under Section 10 of Registration for Frontier Tribes No 57*. C.P. dated
18th November 1892 of persons dealt with from 1st Jan to 30th June. Sindh Archives.
Hughes, A.W. (comp.). 1874. *A Gazetteer of the Province of Sindh*. 1874. Compiled by A.W.
Hughes, George Bell and Sons.

Parliamentary Papers

- Balochistan Papers relating to the North Western Frontier of India, Khelat affairs and the
proposed transfer of Sind to the Punjab*. 1878, Volume 58.
Reports on the Administration of Scinde. 1854, Volume 49.

Nineteenth-Century Police Reports

- Annual Police Reports for the Years 1868 and 1869*. Bombay at the Education Society's Press.
Annual Police Report for the Year 1870. Province of Sind, Bombay at the Society's Press.
Annual Police Report for the Year 1873. Province of Sind, Bombay Printed at the Government
Central Press 1874.
Annual Police Report for the Year 1899. Province of Sind. Printed at the Commissioner in
Sind's Press.

Laws

- Anti-Terrorism Act of 1997*.
Child Marriage Restraint Act, 1929.
The Sindh Child Marriages Restraint Act 2013.
Code of Criminal Procedure (West Pakistan Amendment Act) 1964.
Criminal Law (Amendment) Act, 2004. ACT No. I OF 2005: *An Act further to amend the
Pakistan Penal Code, 1860, and the Code of Criminal Procedure, 1898*.
The Domestic Violence (Prevention and Protection) Sindh Act XX of 2013.
Frontier Crimes Regulation 1901.
Indian Penal Code, XLV of 1860: W.Morgan and A.G Macpherson ESQRS
The Muslim Family Laws Ordinance, 1961.
The Offence of Zina (Enforcement Of Hudood), Ordinance No. VII of 1979.
Pakistan Penal Code, (PPC xlv of 1860).

Bibliography

Protection of Women (Criminal Laws Amendment) Act, 2006.
Sind Frontier Regulation, 1872.
Sind Frontier Regulation 1892, for the suppression of crime.
System of Sardari (Abolition) Act, 1976.

Legal Documents and Papers

Pakistan Law Commission. 1984. *Tenth Report: Offences Against the Body (Enforcement of Qisas and Diyat Ordinance) 1984.*

Case Law

Abdul Waheed v. Asma Jehangir. 1997. PLD. Lah 331.
Federation of Pakistan vs Gul Hasan Hasan Khan. 1989. PLD Supreme Court 633.
Shazia vs. Station House Officer and Others. 2004. P.Cr. L.J. 1523.
Suleiman s/o Haji Islam and Others vs The State. Criminal Revision Application 44 of 2004.

Reports

Agriculture Census Organization. 2003. *Pakistan Agricultural Census-2000.* Statistics Division, Government of Pakistan. Lahore.
Amnesty International. 1999. *Violence against Women in the Name of Honour.* AI Index: ASA 33/017/1999.
Amnesty International. 1999. *Honour Killings of Girls and Women.* AI Index: ASA 33/18/1999.
Amnesty International. 2002. *Pakistan: The Tribal Justice System.* AI Index: ASA 33/024/2002.
National Commission on the Status of Women. 2007. *The Concept of Justice in Islam: Qisas and Diyat Law.*
Social Policy and Development Centre. 2004. *Combating Poverty. Is Growth Sufficient?* Social Development in Pakistan, Annual Review. Karachi.
South Manchester Law Centre in partnership with Manchester Metropolitan University. 2008. *Safe to Return? Pakistani Women, Domestic Violence and Access to Refugee Protection – A Report of a Transnational Research Project Conducted in Pakistan.* N. Siddiqui, Sajda Ismail and Meg Allen.
Human Rights Commission of Pakistan. 2011. *The State of Human Rights in Pakistan.*
World Bank Report No. 35001-PK. 2006. *Pakistan: Securing Sindh's Future – The Prospects and Challenges Ahead. Poverty Reduction and Economic Management.* Sector Unit South Asia Region, January.

Websites

www.hrcp.pk.org
www.pakistani.org

INDEX



- Abrams, Philip: the state, 7
 adultery: British responses to, 65; Islam punishes, 37; Islamic punishment and *zina* laws, 71–73; invokes symbolism of black, 33; killings, 22, 62–66, 77; laws, 5, 66; *lian*, 73; men and women accused of, 42; punishable by death, 40; rarely witnessed, 50
 Afghanistan, 16, 18, 60; Afghan war, 219; migration from, 17; strategic rivalry site, 27n25
 Agamben, Giorgio: state of exception, 7; bare life, 218–9
 agriculture, 17, 111
 Agriculture Bank, 114
 agriculture census, 80n35
 AI (Amnesty International), 25n4
 Aleppo, 27n27
 Alvi, Anjum: *biradari*, 28n30, 57n4; *ghairat*, 12; meanings of honour, 58n10
 anthropologist: legal, 5, 107; as mediator, 20, 104n3
 anthropology, 4; of feuds, 131; and fieldwork, 19, 20; of law, 3, 4; of marriage and bride capture, 212, 213n3, 214n7; of media, 57–58n7; and mediation, 159; native, 20–21; of women, 13, 213
 APNS (All Pakistan Newspapers Society), 25n3
 Appadurai, Arjun, 7; fabrication of social lives, 57; interactive modernities, 223
 Arab, 11, 17, 59, 78n3; Arabic, 9, 40, 74, 75, 78n4; East Arabia, 11; horse-men, 11
 Aretxaga, Begona: violence, 220
 ATA (Anti-terrorism Act)1997, 105n15, 16
 ATC (Anti-terrorism Court), 97, 100, 133
 Aurat Foundation, 25n4
 Baloch, 16–18, allowed custom, 66; bal-lads, 57; Baloch-Samatr opposition, 16, 48, 68, 160; diaspora, 12, 16; group identities in, 28; Hughes' account, 79n14; *karo kari* travelled with the, 57; language, 17; marriage, 119; *mayar and riwaj* or honour code, *see under* honour; nomads, 47, 48, 80; oral accounts of the, 27n27; raiding, 65; Rind, 135n7, 163, 207; social organization, 17; tribes, 16, 36, 61, 126, 221; vilification of the, 63. *See also* tribes
 Balochistan, 15–16, 18, 40, 57, 62, 80, 223n2
 Bayart, Jean-Francois: incomplete state, 8
 Begari Canal: expansion of, 61
 Bellew, Henry Walter: expedition, 60
 Benda-Beckmann, Franz von: law and religion, 9
 Benda-Beckmann, Keebat von: law and religion, 9
 Bhutto, Benazir, 68

- Bhutto, Zulfiqar Ali: land reforms, 67;
Larkano politics, 68
- Blok, Anton: Sicilian mafia, 13, 14
- body: agency of the, 38; amputating parts of the, 33; as bare life, 219; biopolitical, 72; of the convict, 75, 133, 229; desecration of, 34; deviance of the, 50; disembodied, 218; laws of the, 8, 72, 73, 77; medical officer to hurt the, 76; metaphors of the, 45; mutilated, 35; organ of the, 229; searching for guilt in the, 96; woman's, 190
- Boehm, Christopher: legal behavior, 108; feuding, 135n4
- Bohannan, Paul: law 'out of phase'; 'double institutionalization,' 26n9
- Bombay Presidency, 60, 78n5
- Borneman, John: state and family, 9
- Bourdieu, Pierre: as praxis, 220
- British Council, 25n4
- Caro Baroja, Julio: honour, 12
- caste, 66, 181; identity formation, 17; low caste, 17; and tribe, 16; usage, 66, 227
- census, 4; district, 27n24. *See also* agriculture census.
- Child Marriage Restraint Act 1929, 27n20, 135n15
- Clifford, James: ethnographic writing, 216
- Cornwall, Andrea: masculinity, 13
- Comaroff, Jean: courts and custom, 6; witchcraft, 57n3
- Comaroff, John L.: courts and custom, 6; law, 26b11; witchcraft violence, 57n3; mediation, 139
- common law: 'benefit of the doubt,' 89; criminal justice based on, 141, 163; cross-examine witnesses, 145; criminal procedure based on, 78; deriving equally from custom, religion and, 9; rewrite in the light of Quran and Sunnah, 72; Anglo-Indian laws, 221. *See also* grave and sudden provocation
- community, 41, 110; became suspicious, 180; Bhatti, 91; Bhutto, 100; Chachar, 165; ceremonies of, 159; closed the case for, 187; collective act, 34; complicit, 35; conceals, 142; consensus, 99; donor, 38; elders, 99, 129, 134, 145, 146, 147, 164; enforcement, 152; expel or banish from, 1, 33, 115; gave in marriage to the, 150; Hajano, 202; Hindu, 32; Kandhro, 194; legal course, 143; local, 40, 58n16; Maitlo, 124, 128, 195, 202; Manganhar, 205; meanings ascribed by, 95; mediations in, 151, 186; negotiation, 146; outside the, 160, 161; practices, 37; protects itself, 42; protection by, 196; representation of, 39; representative, 2; reproductive resources in, 50; responses to, 193; re-enter into, 197, 202; return to, 98, 213; rural, 48; Shahani, 202; of shared values, 139; Sheikh, 163; Shar, 212, 216; Sial, 126; threat for retribution, 204; Ulra, 114–5; women sold to, 154; *See also faislo*; kin
- compensations, 77, 126, 150, 153–157. *See also* exchange
- compound: an offence, 77, 104, 162, 233–234
- Constitution: incorporated in the, 10; Pakistan's, 72, 81n47; was suspended, 219
- crime, 151, 227, adultery as a, 73; against the state, 74, 187; control, 181; Crime Branch, 173, 174, 175; detect, 62; as evidence, 98; honour crimes, 28n38, 86, 87, 186, 222, 227n8; not reported as *karo kari*, 87; punished according to his, 64; register or registration of, 86, 87, 141–142, 166, 188n4; report, 180, 135n5, 167n2; separate category of, 71; victim of, 75; within kin groups, 150, 151, 227.
- criminal justice, 159–162; administration of, 104n3; as bargaining endowment,

- 185–187; common law, 163; and *faislo* (see *faislo*); ‘legal’ contests, 24, 169–192; procedure, 88, 89, 94, 151; state, 165, 166; system, 9, 85, 91, 94, 141–145, 148, 149, 192, 221
- Criminal Laws (Amendment) Act 2004, 74, 81n49, 228–234
- Criminal Law (Amendment) Act 2006, 228–234
- culture, 22; attributes of honour in different, 12; elite, 26n14; honour culture, 221, 222; law and, 4; literary, 217; mediation practices across, 139; recognize marriage by elopement, 213n4; and religion, 219; of rural and tribal systems, 10; translate, 216; and violence, 221
- custom, 22, 31, 52; challenged the, 36; contradictory worlds of law and, 159; dialectical history of law and, 59; Islamic law and custom, 9–11, 27n17; interacting between law and, 189; killed as a pair as required by, 62; and law in anthropology, 3–6; and law as single process, 25; and law in nineteenth century Sindh, 63; moral space for, 221; protected and reshaped, 18; in postcolonial Upper Sindh, 71; and power, 59, 62; powers driving from law and, 25; relationship between law and, 23, 26n8–9, 193; and religion, 48; spaces between law and, 190–191; and violence, 2, 18, 63–64, 77, 134; used for objectives other than honour revenge, 32. *See also* law; *karo kari*; sexual transgression
- Dargah Pir jo Goth, 125, 161; disciples of, 69; disciples as *fakir*, 214; mediation at, 127; managed by, 135n16; mediators in, 158; as place of refuge, 196; *saam* with, 203. *See also* Pir Pagaro
- Darulaman, 195, 196, 198, 200; in Sukkur, 207, 198, 199–201, 203
- Das, Veena: law, 219; state, 6; violence, 220
- DCO (District Coordination Officer), 208, 209
- Diamond, Stanley: custom and law, 3, 4, 5, 8
- divorce, 52, 176, 180, 191, 198, 199, 201; as a cultural category, 49; taken out of the community through, 34; negotiations, 170; Noor Khatoon’s, 210–212; in Shariah, 37; *siyahkari* followed by, 57; unstated, 154; women’s right of, 71; women seeking, 201
- DPO (District Police Officer), 141, 171, 188, 208
- DSP (Deputy Superintendent of Police), 141
- economy: agrarian, 11, 44; cash, 17; local, 105n20, 153, 155; market, 155
- elopement: arranged their, 100; as cover up operations, 51; inversion of structural marriage, 190; marriage of, 45, 54, 213n4, 214n7; social mobility in, 189; women allowed to live, 87
- embankments, 18, 70, 108, 130, 135n9; bunds, 70
- enmity, 13, 107–108; *dushmani*, 106, 108, 131. *See also* revenge; feud
- ethnography, 5, 15, 223; on Berlin, 9; of Deia, 20; elite, 27n17; on Marri Baloch, 12; of Paxtun women, 213n2, 223; on sheep theft, 81n42; on Sicilian mafia, 13; on women’s role, 135n4
- Evans-Pritchard, 11, 26n13; balanced opposition in feuds, 107, 111, 159; witchcraft, 57n3
- exchange, 8, 17, 32, 91, 108, 119; and fines, etc, in *faislo*, 141, 153–155, 158, 165, 186–193; material and monetary, 53, 72, 153; and violence, 54; of women in, 74, 77. *See also* exchange marriage; *sang*
- exchange marriage, 32, 45–51, 222; arrangement of, 91, 191; bride capture and, 213n4; equal and opposite, 91; as symmetrical, 58n15; in Tehmina’s case, 100; politics of, 119;

- women given in, 155, 157; in Noor Khatoon case, 208, 211
- faislo*: becoming one, 165, 166; criminal justice and, 158–165; damages or compensations in, 153–158; enforcement of, 141; in Ghafoor and Robina case, 175–187; in Hasina case, 178, 179, 18; as inevitable, 24, 140, 165, 166; as instrument of power, 149; in Noor Khatoon Shar case, 208, 211; resolves disputes, 148, 151; *sakh* or oath in, 150–152, 187. See also *kheerkhandr*
- family: in Abida and Tehmina case, 100; and body, 33; collusion, 9; compensation of, 155, 156, 157; conflict, 106, 169; extended, 49, 148, 192; Ghumra, 111, 112, 114, 116; heirs, 9, 23, 81n46; honour and the, 78, 146, 171, 202; and *karo kari*, 9, 34, 51, 52, 142, 143, 183 (see also *karo kari*); killing of women in or by, 55, 56, 72, 76, 109; in Lali Narejo case, 101, 103; law, 9, 190; Noor Khatoon Shar, 219, 211, 212; paternal, 150; in Robina and Ghafoor case, 172, 15, 181, 184, 186; and state, 8, 28n39, 72, 77, 212; Ulra, 109; vigilantes in, 23, 86, 142; violence in the, 23, 35, 71, 77, 85–99, 106, 187; women reunited with, or returned to 164, 197; women who leave their, 190; See also *wali*; women; violence
- FCR (Frontier Crimes Regulations), 67, 77, 80n31, 132–133. See also SFR, 1872 (Sindh Frontier Regulations, 1872)
- Federal Shariat Court, 73, 81n50
- Ferguson, James: mapping cultures, 221
- feud, 16, 18, 28n37; bloodfeuds in SFR, 226; compete for resources in, 11; feuding and law, 107, 108, 128–134 (see also frontier justice); Ghumra, 111–114, 128; intrafamily, 106–134; Kandhro Maitlo, 123–128, 129, 146, 154, 156, 158, 164; *karo kari* and, 54, 55, 66, 89, 111, 118–120, 123, 156; kill innocents in, 42; and migrations, 129, 130; region of incessant, 62; revenge via tribal, 77; resistance in, 106; and settlements (see settlements), Ulra, 114–118, 128. See also *faislo*; *mairh minth*
- fieldwork, 19–22; compensation rates, 155; conflict during, 106; data from, 78; districts at the time, 15; exchange rate, 105n20; Khairpur Mirs, 27n23; kidnapping of women, 19, 154; killing of women, 193; liminal stage, 19; method, 104n3; power, 160; site, 25
- floodplain, 69, 70. See also *kacho*
- Foucault, Michel, 7, 95
- frontier: colonial, 59, 60; definitions of, 28n32; geography, 8; hero of the, 79n14, 130; of honour violence, 22; mediations on the, 24, 25, 139; political, 18; political agents in, 157; postcolonial frontier, 15, 22, 59, 66, 71; regulations, 23, 66; space, 62, 108, 130; zones, 19. See also frontier justice; Upper Sindh; Upper Sindh Frontier; SFR, 1872
- frontier justice, 23, 106, 108, 131–133; as *qisas*, 133–138
- Galanter, Marc: cases settlements, 170
- gender: binarism, 13; context, 64; culturally constructed notions of, 135n4, cultural models of, 213n2; difference, 13, 87; defines relationships, 28n36; gendered, 12, 13, 20, 42, 44; violence, 15; and kinship, 58n13, lines 42; politics, 24; same, 51; and state identity, 27n14
- ghairat*, 164, 172, 206; avenging, 116, 117; cause of dispute, 109, 110; as defensive honour, 12; discourse of, 222; no grieving in, 41; ideology of, 5, 22, 32, 56, 57; Kandhro-Maitlo feud and, 124, 125, 126, 128; and *karo kari*, 40–43; as mask, 52; a moral sanction, 1; moral idiom of, 2;

- natural instinct in men, 40; psycho-social sanction, 52; unifying concept of, 54, 58n10; women killed for, 154; women signify, 32, 89; women's behavior, 42, 43; *izzat*, 12, 40, 41, 58n10
- Ghotki: Chachars in 156, 168n18; chiefs in, 158, 206; district, 15, 16, 197, 203, 215; *jirga* in, 148; *karo kari* cases, 31, 63, 88, 143; least developed, 68; mediators in, 146, 151, 163, 164, 165, 168n10; population, 27n24. *See also* mediators
- government: assistance, 21; allies of the, 161; British, 81n39; chiefs associated with, 62; centralized, 7; district, 118, 225; enact an ordinance, 73; execution of *qisas*, 235; federal, 74, 76, 236; local, 26n6, 28n34–5, 52, 68; jobs, 111; not able to punish offenders, 134; offices and officers, 126, 159, 164, 175; part of, 195; provincial, 228; territories of power by the, 160; *wali* and, 75, 76, 81, 92, 230–235
- grave and sudden provocation: allowed a legal space, 23; common law provision, 77; in Indian penal law, 65; less severe punishment, 66, 71. *See also* Indian Penal Code 1860
- graveyard, 20, 93: Bhutta graveyard, 94, 97, 98, 103; for black women, 25, 215–218; Fatooh Shaheed, 218; *karyan ja kabrustan*, 25, 215–217
- Great Game, 16, 60; New Great Game, 219; strategic rivalry, 27n25
- Greenhouse, Carol, J: mediations, 139
- Griffiths, Anne: law and religion, 9
- Gronfors, Marti: feud, 107
- Gupta, Akhil: the state, 7; mapping cultures, 221
- Habermas, Jurgen, 57n7
- Hallaq, Wael A: Shariah, 9
- Herzfeld, Michael: unveiling of intimate practices, 4; sheep raiding, 11, 81n42; honour difficult to translate, 12
- High Court: appellate power for terrorism laws, 105n15; first court of appeal, 88; judge of the, 124, 144, 162, 193; petition to the, 97, 174, 175; provincial level, 87; ruling banning *Jirga*, 148
- hijab*, 223
- Hindu, 17, 32, 57, 78n5, 113, 114, 196
- history: colonial history, 22, 59, 78n2; of family law, 9; frontier, 26n32, 130, 216, 221, 222, 223; history of Sindh, 59, 60, 69; and law, 187; oral history, 16; and power, 5, 221–222; of Sicilian mafia, 13; of violence and feuds, 134, 155
- honour: battles, 170, 174, 180; codes, 134n1; complex of social values, 219; equality and exchange in, 170; family, 78, 171, 202; giving protection in rules of, 194; honour-shame, 41, 223; honour role, 65, 80n28; ideology of, 1, 22, 32, 35, 40, 58n12, 77, 108, 189, 219; killings, 11, 25n1, 31, 74, 87; loss of, 55, 115, 149, 186; *mayar or riwaj*, 10, 31, 33, 36, 37, 40, 52, 115; Pukhtun code, 40; rules, 112, 194, 213n2; as strategy, 11, 15, 55, 56, 220; unmasking, 220; value system, 32, 40, 43, 99, 114, 142, 145, 158
- honour damage: claims of, 126, 207; compensate, 36, 53, 154, 186; defying narrative of, 38; equalized, 113; in exchange for, 54, 154, 211; fines for, 53, 114; forgiveness in case of, 150; implicated for, 142; men who accuse women of, 42. *See also* honour
- honour violence: 1, 3, 11–15, 58n10, 66, 222; continuities and changes in, 59; data on, 86; deaths related to, 87; frontier of, 22; *ghairat* linked to, 40; invisible, 220; justify, 42; both right and wrong, 19; not timeless, 23, 223; takes place all over Pakistan, 31; victim's perspective, 189. *See also ghairat*; honour crimes
- HRCP (Human Rights Commission of Pakistan), 26n7, 87

- Hudood Ordinance, 1979, 72, 81n48
 Hur, 69, 81n41, 161, 168n11
- ideology: caste, 196 (*see also* caste); of equivalence, 45, 108; of peace, 139, 141, 158 (*see also* peace); protection, 17. *See also* ideology under honour; *kheerkhandr*
- India, 16, 18; Anglo-Indian law, 62, 75, 221, 225; British India, 60, 61, 71, 81n39, 167n6, 135, 214n17
- Indian Penal Code, 62, 66, 77, 141, 144, 226, 228, 268; *See also* grave and sudden provocation
- Indus: river, 15, 61, 69–70, 81n43, 135n9 (*see also* irrigation). *See also* floodplains; *kacho*; embankments
- investigation: of Abida and Tehmina case, 93, 95, 96, 99; of Hasina case 176–179; *karo kari* case, 39, 87, 143; of land titles, 80n37; role of media in, 57n7; and mediations, 164; by police, 96, 97, 144, 151, 165, 180, 185; of Robina and Ghafoor case, 170–175
- irrigation, 18, 62, 67, 69–71, 79n17, 80n18; canal irrigation, 67; Guddu Barrage, 69, 81n38; Lloyds-Sukkur Barrage, 61, 68, 80n18. *See also* Indus
- Iran, 16
- Islam, 52; conformity to, 81n47; convert to, 68; forbidden in, 172; guardian meaning in, 72; injunctions of, 236; killings with reference to, 222; law in, 9; marriage in, 191; mystic Islam, 15, 74; punishes adultery, 36, 52; punishment of *qisas* in, 230; representation of, 10, 11, 15; TV show on, 223n1. *See also* Islamic law; law; Shariah
- Islamic law: custom and, 10; divergence from, 49; introduced into personal law, 10; Islamization of law, 72, 81n50–51, 141, 142; laws concerning the body; 72; Shariah, 9; *wali* and, 74; Western legal procedure and, 23; *See also* Islam; law; Shariah
- Jacobabad: accusers pay fines in, 32; council of elders or *jirga* in, 65, 67, 148; district, 16, 32, 68; *karo kari* cases in, 31, 88, 143; Khangarh, 61; marriage through bride price in, 91; mediations in, 149, 151; population of, 27n14; SFR in, 225; Upper Sindh Frontier area, 28n23. *See also* SFR, 1872.
- James, Wendy: ceremonial forms, 140; field, 19; sister exchanges, 45
- John Jacob: civilizing mission, 61, 79n14; tribal chiefs, 79n16
- judge: acquittals, 98, 99, 143, 144; anti-terrorism court, 97; attack in court, 133; compromise, 102, 103, 145, 186; delay of cases, 88; exhumation, 94, 95; Maitla, 124, 126, 156, 173; mediation by, 140–41, 159, 162–165, 174, 187; Mustafa Memon, 75, 85; settlements out of court, 75, 77; trials, 144; use of law by, 77; and witnesses, 73, 144, 158
- jurisprudence: Anglo-Saxon, 75; Islamic, 72; Western, 74
- Just, Peter, 4
- Kachi, 17, 63
- kacho*: armed gangs from, 28n37; bandits from the, 113, 127, 131, 135n5, 143; dispute in, 109, 110, 115, 123; farmers of the, 129; fighters roam free in, 132, 135; frontier space in, 23, 108; a haven for outlaws, 117, 131, 182; higher rate of violence in, 31; landlords from, 162; live in the, 14; makeshift space, 69–71; meaning raw, 18; refuge in, 161; shift to, 116; space of the feuds, 130; subjected to police operations; 131; vague place, 19; wilderness or, 111. *See also* floodplain; frontier; irrigation
- kalashnikov, 35, 130, 146

- Kalat: state, 60, 61, 65, 66, 79n6; tribes of, 62
- Karachi, 78n2, 118, 192, 205, 225; sessions judge from, 174; shelter in, 190, 196, 198, 200; Noor Khatoon in, 210, 212
- karo kari*: accusations of, 43, 51, 52, 54, 56, 99, 109, 120, 134, 154, 158; and Baloch tribes, 16; black man or and woman, 1, 63; conflicts in, 18; case of Abida and Tehmina, 91–100; case of Lali Narejo 101–103; case of Robina and Ghafoor Maitlo 171–175; central position in Upper Sindh, 2, 8, 15, 22, 219; custom of, 1, 5, 6, 15, 22, 31–36; data on or number of, 16; 26n7, 87–91, 221; *ghairat* and, 32, 40–44, 57, 222; Hasina case, 175–180; honour based practice, 10; laws and, 2, 9, 77, 139, 142; legal space in, 3, 140; legal procedure in, 143–145, 150; material exchanges in (*see under* exchange); newer forms of, 22; news story on, 1; prevalence of, 15; punish offenders in, 77; religion and, 36, 37, 223; resolutions against, 2; sexual and social sanction, 32; social control in, 50; victims silenced, 217–219; violence, 3, 5, 22–24, 52, 118, 128, 139, 160 (*see also* violence); witchcraft and, 57n3; women's trajectories in, 187, 189, 190–213. *See also* honour; *ghairat*; mediations
- Khairpur Mirs: bar association, 164; constituency, 28n34; data on *karo kari* cases, 31, 88; district, 27n24, 135n11, 164; district council, 206, 208, 214n15; feuds in, (*see* feuds); fieldwork in, 20, 27n23; mediations in, 176, 185; refuge in, 196, 147; Talpur state, 15, 27n22, 61, 66, 69, 79n11; violence in, 35, 170, 171, 174, 175
- kheerkhandr*, 24, 140, 148–153, 158–166
- Kingri, 123, 184
- kinship, 41, 44, 53, 58n13, 75, 107; and feud, 108, 109; kin groups, state and power, 6–9, 75, 78; kin groups and law, 23, 72; marriage in kin, 45, 46, 48; mediation in kin, 77, 107, 139, 145, 154; paternal kin, 92, 100, 110, 154; structures of, 51; violence in kin, 23, 43, 71, 86, 87, 106–135, 140, 150; women's kin, 190, 192, 194, 195. *See also* marriage.
- Klinenberg, Eric: bodies, 95
- Kornhauser, Lewis: bargaining endowments, 170
- Lambrick, Hugh Trevor, 59, 61, 78
- Larkano: courts in, 193; district, 15, 16, 27n23; *jirga* in, 148; *karo kari* cases, 31, 79; marriages in, 91; part of Upper Sindh Frontier, 28n33; political elite in, 68; population of, 27n24; shelters in, 191, 200
- law: Anglo-Saxon, 71, 75; British, 62, 65, 66, 72; civilizing laws, 63; colonial, 4, 9, 18, 22, 23, 73, 88, 141; as cultural concept, 3; and custom (*see* law under custom); customary laws, 4, 5, 6, 9, 10, 11; enforcement, 2, 71, 134, 160, 161, 165, 168n12, 168n16; enforcement agencies, 130, 131, 132, 142, 143; family, 9, 190; law of necessity, 27n15; lawful, 225, 226; lawless, 19, 65, 130 (*see also* lawyers; legislators); martial law, 60; and order, 4, 108, 118, 125, 130, 132, 148, 162; personal laws, 4, 9, 71, 76, 82n58, 86, 191; and power, 3, 4, 6, 7, 15, 22, 23, 26n10, 57, 59, 71, 77, 133, 221; postcolonial, 85, 219; and state, 6–7, 72; prohibits transfer of girls, 157; state of exception, 7, 219, 223; state laws, 11, 22, 24, 31, 99, 108, 156, 190, 191, 203, 221; transnational, 6; and violence, 6, 23, 26n14, 77; vigilante action in frontier justice (*see* frontier justice). *See also* body; criminal justice; Islamic laws; laws under marriage;

- Qisas* and *Diyat*; *zina* laws under adultery; *wali*
- lawmakers, 1, 76, 148, 159; as mediators, 140–141, 159, 160, 162–165
- lawyers, 93, 124, 149, 161, 193, 200; cross-examine witnesses, 145, 158; defence, 97, 99, 144; legal powers, 102, 219; plaintiffs and, 187; as mediators, 141, 163–164.
- legislation: anti-honour killing bill, 2; against violence against women, 15, 167n4; discriminatory laws, 200; legislators, 21, 141
- Lindisfarne-Tapper, Nancy: masculinity, 13
- mairh minth*: caravans of peace and pardon, 145–149, 159; community negotiation, 146; effective in settlements, 146, 147, 164; elders, women and Syeds, 112, 145; *niyani mairh*, 146–147; take peace delegation to aggrieved, 112, 116, 145; in Ulra case, 116, 118, 147. *See also* women; community
- Malinowski, Bronislaw, 6, fieldwork, 19, 20
- marriage: and agrarian economy, 11, 44; arrangements of, 13, 44, 198, 201; bride price, 45, 54, 58n15, 91, 119, 157; civil, 24, 127, 191, 193, 203; and disputes, 2, 23, 28n31, 32, 39, 54, 55; expenses, 17; forced, 54, 208, 209, 211; *lian*, 73; of love, 38, 39, 187, 189, 190, 202, 213; and resources, 107, 118, 134; registration of, 71, 191; right of choice in, 71, 72, 190, 193, 212; structure, 16; systems, 18, 43, 221; *pyar jo parano*, 24, 48, 124, 190, 191, 212; unmarried, 43, 73, 91, 101, 142; *vekro*, 47, 48, 49, 154, 191, 196, women's role, 107, 135n4. *See also* MFLO, 1961
- masculinity, 13, 42
- Mazzeralla, William, 39
- media, 1; campaign, 93; images, 58n8; magnification, 74; reports in Abida and Tehmina case, 92, 93, 94, 95; representation of *karo kari*, 32, 37–39, 57n7, 71, 222–223; Sindhi, 25, 37–39
- mediation, 18, 23, 24, 147; accuser to be compensated, 56; of Bedouins, 13; becomes mandatory, 43; to check or deter, 74, 76; forms and methods of exchanges, 150–153; as inevitable, 24, 145; interactive spaces of law and, 159–165; of Kandhro-Maitlo, 125, 126, 127, 128, 152, 164, 166; law and, 76–77, 86, 88, 100; of Lali Narejo, 101; 107–108; organized by, 149; state, 167n4, 169, 186, 193, 218, 253–254; space for, 78; as system of authority, 140, 139–141, 143; of Ulra, 115, 116, 117, 118, 132, 166. *See also mairh minth; kheerkhandr; faislo*
- mediators: in Ghumro case, 112; in Kandhro-Maitlo feud, 124–126, 134; state as, 74; as third party, 140, 159, 160, 162–165; take women to, 33, 53, 55. *See also* Sandeman, Robert
- Mediterranean: culture area, 11; ethnographies, 13, 220, 223; gender roles, 42; honour-shame opposition, 41; shame, 58n9; stereotyping culture, 223
- MFLO 1961 (Muslim Family Law Ordinance), 71, 72, 135n15, 191. *See also* personal laws
- Middle East, 40, 220, 222, 223
- migrations; from Afghanistan, 17; as declarations of war, 129; in family feuds, 110, 126; in Kandhro-Maitlo feud, 130
- military: corporate like, 8; coup of 1958, 80n34; expeditions, 79n7; levies, 62; General Zia regime, 200; and Pir Pagaro, 161; rules, 27n15, 67; SFR, 226
- Mitchell, John: state effects, 7
- Mnookin, Robert: bargaining endowments, 170

- Moghul: administration, 167n2; in history of Sindh, 78n3; power, 59
- Nader, Laura: plaintiff justice, 187
- Napier, Charles, 60, 61, 63, 64–65, 79n8, 79n9, 80n25
- National Assembly, 2
- Nazim, 47, 69, 117, 168n17, 194, 208; experiences as, 21; faced intense conflict, 169; in the field, 19; of Ghotki, 197; as outsider, 20; role of, 221; time as, 45
- Newsline*: magazine, 1, 25n2
- Norway, 212, 222
- North Africa, 11
- One Unit Scheme, 67, 69
- Oxford, 19, 20, 78n2, 161
- outlaws, 107; attack and kill, 116; and bandits, 126; demolish homes of, 62; *kacho* haven for, 117; hide from law enforcement agencies, 131; Hurs as, 168n11; partnerships with, 111; police and, 161; protection money from, 182; in settlements, 164; an underworld refuge, 130
- Pukhtun, 48, 37, 119
- Pukhtunwali, 40, 58n10; *Jirga*, 65
- Pakistan: adultery practices in, 33, 40; army, 69, 131; competitions in, 27n25; constitution of, 72, 80; foreign policy of, 219; formation or making of, 18, 71, 72; frontier geography of, 8; honour violence in, 1, 2, 13, 31, 87, 222; law in, 86; legal history of, 8; northwestern tribal population, 40; parliament in, 12; patrimonial state, 9; postcolonial state, 8, 59, 66, 71; religion in, 72 (*see also* religion); rural, 15; Sindh in, 15, 60; site of New Great Game, 219; state power in, 8; weak or fragile state, 8
- Parkin, Robert: caste and tribe, 16; bride capture, 213n4
- patrilineage, 107, 109; patrilineal, 150
- patrimony: women as, 13; Talpur, 15, 17, 69
- peace: bearers of flags of, 24; ceremonies of, 140; ideologies of, 21, 24, 134, 139, 158, 220; mediations, 164; reestablish, 145–146; space for, 166; and social order, 107, 131. *See also mairh minth; kheerkhandr*
- Pehrson, Robert, 12, 79n7
- Peters, Emrys Lloyd: contingencies, 107
- Pir Abdul Qadir Shah, 125, 195
- Pir Pagaro, 168; disciple of, 203, 214n10; hereditary spiritual leader, 161; intervention of, 133; Khalifa of, 135n16; a ‘liberal’, 214n11; organized disciples, 69. *See also* Dargah Pir jo Goth
- Pitt-Rivers, Julian A.: opposing moralities, 12; violence and honour, 11
- police, 64, 67, 92–96, 162, 195, 206, 207; arrest, 130, 132, 170, 176, 186; and bandits, 107, 111, 135n5; bribe, 143, 148, 177, 178, 200; charged the accused, 100; or courts, 89; custody of, 143, 186; data, 35; evidence, 98; failed to see as law and order, 132; force, 61; guarded by, 198; handed over to the, 90; investigation (*see* police under investigation); and the judiciary, 20, 134, 141, 166; killed by the, 111, 120; officers, 22, 24, 38, 86, 103, 144, 156, 164, 165, 168n10, 170, 172, 176, 178; procedures, 86; records, 22, 31, 63, 88, 101; reject evidence, 98; reports, 80n21, 24, 71; recover women, 124; registered with the, 112, 113, 114, 126, 142, 143, 184; reported to the, 69, 87; retracted statements to, 99; safeguard life, 201; stations, 87, 92, 101, 135n13, 142, 150, 165, 169, 173, 194, 199, 202. *See also* criminal justice
- politics: gender, 24; of Great Game, 60; identity, 78, 223; immigration, 222; meeting place between state and people, 130; power and, 67, 20;

- religion and, 223; of *sang* exchange, 119; self-help, 133; social relations, 3; tribal, 61, 68; of violent deaths and marriages, 21
- Poole, Deborah: state, 6; law, 219
- post-mortem, 57n2, 94, 185; report of Abida and Tehmina, 95–97; report of Robina and Ghafoor, 172, 183
- power: custom and, 2, 4–5, 6, 27n17, 77; and elite, 4, 8, 25, 66, 68–69, 70; of family heirs, 9, 75–76, 81n46, 85, 86 (*see also* family); fieldwork and, 22; forms of, 189, 212, 218; gendering of, 13; history and, 5, 221, 222; and history in Sindh, 27n22, 59, 60, 78n3; imperial, 16, 18, 61, 62, 68, 218; indirect, 69; law and (*see* power under law); over life and death, 9, 187; in local conflict, 124, 125, 185; local systems of, 86, 126, 134, 159; moral, 22, 32, 34, 59–78, 83; as Nazim, 20; political, 68–69, 70, 140, 149, 194; spatial organization of, 66–71; spiritual, 161, 162; state violence and, 14; state, 7, 8, 23, 72, 161, 219, 221; and self-interest, 55; territorial; tribal chiefs, 72, 80n29, 134, 159, 160, 161. *See also* tribes; mediations; marriages
- PPC (Pakistan Penal Code): Section 302, 74, 76, 82; Section 299, 135n18. *See also qisas* and *diyat*
- Prophet Mohammad: genealogies linking Syeds to, 160
- Punjab: borders with Sindh, 16, 17, 80, 81, 116, 127, 135; *biradari* in, 18, 28n30; honour and remittances, 58n10; imperial rules in, 61, 62; runaway women, 199
- qisas* and *diyat*; *badl-i-sulh*, 75, 77, 233; changes to homicide laws, 74; compromises under, 101, 145, 75; *diyat*, 76, 102, 103; introduction as ordinance, 73; law, 9, 22, 71–78, 81n46, 88, 104, 162, 228–236; legal heirs, 102; lesser punishment, 76; and mediations, 162; retribution, 75, 108, 133–134 (*see also* frontier justice); similar hurt, 133; waive, 76, 77, 102. *See also wali*
- Quetta, 157
- Quran: forbidding violence, 36; *Hadd* punishments in, 72; instruction, 201; in *mairh minth*, 112, 146, 147; pleaded to be spared, 37; resolve disputes, 174; as safe passage, 198; to save life, 150; source of power, 50; and Sunnah, 72, 81n47, 236; swear on oath, 112, 150, 151, 152, 178, 210; verse, 188n6
- Ranipur: Syeds of, 47, 69; Syed women from, 197; Pirs of, 135n14, 196
- Razinama*: compromise deed, 77, 89, 102; pardon of offence through, 104, 185
- refuge: places of, 220; spaces of, 194–196; take, 117, 152, 161, 190, 191, 195; women seeking, 152, 197, 201, 202, 194. *See also* Darulaman
- religion, 223; extremist articulations of, 219; guiding principles, 10; honour and, 12; and *karo kari*, 36; Napier's proclamation, 64; in relation to custom, 9; and suicides, 172; *wali* in, 74
- revenge, 40, 108, 182, 205; acts, 89, 156; of Bedouins, 13; desire for, 133; deterrence though, 107; forego, 146; honour, 32; killed in or killings, 57n5, 133, 144; law as instrument of, 73; led to, 109; *qisas* in the form of, 77; to take or took, 114, 117–118, 127–130, 180; threatened, 130, 176; traditional instruments of, 35; *paland*, 40, 108, 117, 129, 131–132
- Rosen, Lawrence: Islamic law and custom, 10, 27n17
- saam*: custody of women, 194–201; fate of, 202–203; guarantor of, 194; places for, 195, 196; protect, 194. *See also* shelter; refuge

- Samatr, 16, 160; Chachar, 253; cultivators, 68, 168, 168n16; marriages, 48; natives, 32; Rajputs, 27n26
- Sandeman, Robert, 61, 62
- sang* relations, 45–47; agreement, 54, 211; resources or power, 106; conflicts over, 109–123, 131; demand in *mairh*, 147; and exchange in, 157, 208. *See also* marriages; exchange
- Sant Cassia, Paul: missing persons, 39, 94
- Senate, 26n7; *karo kari* cases, 87
- settlements, 55, 100, 103, 106, 109, 112, 117; *badl-i sulh*, 75, 77; ceremonies of, 148; community, 146; courts and the, 140, 185; does not allow, 74; do not enter into, 90; equalize score, 153, 161, 162; inevitable, 140, 166; of *karo kari* disputes, 155; negotiate, 129, 145, 164; of marriage and land disputes, 23; methods leading to, 145; outside the court, 89; revision of, 126; tribal, 201; ultimately, 146. *See also faislo; mairh; mediation*
- sex: outside marriage, 40; provided women for, 51; social life of, 50; and status of, 146; trafficked in, 201
- sexual transgression: death for, 15; honour violence for, 19, 128; issue for outrage, 42; meaning, 15n2; regulate social rather than, 50; transgressors, 31, 33, 53; used as a metaphor, 56; women accused of, 22, 23, 33
- SFR (Sindh Frontier Regulations), 1872, 28n33, 62, 225–228; Balochi custom in, 66; collective punishments in, 80n31; comprehensive law, 67; criminal justice and, 144; custom as law, 77; frontier in, 225, 226; indirect policy in, 65; lapsed, 148. *See also* FCR; frontier; law
- Shah Belo: King of Forests, 129, 135n9; migrated to, 117
- sharecropper: as *hari*, 58n17; Kandhra farmers, 161; Lali Narejo's father, 101; landless, 67
- Shariah, 9, 27n17, 37, 41, 72. *See also* Islamic law
- shelter: informal, 206; in Karachi, 190; in Noor Khatoon case, 209–212; public image of, 201; state, 195, 199, 200, 201, 209. *See also* refuge
- Shikarpur: Abida and Tehmina case, 93; district, 15, 119, 148, 160, 202, 210; division in British period, 6, 79n11; *karo kari* cases in, 31, 88; *karyan jo kabrustan* in, 215; Mahar-Jatoi feud in, 152; marriage in, 91
- Sibi, 157
- Sindh: agrarian, 17, 18; Baloch tribes in, 16; elite of, 68; ethnography on, 15; incorporation in British empire, 18; history of, 78n3; lower riparian, 69; land ownership in, 80n35; progressive, 15; rural, 15, 182; southern province, 15; nineteenth century, 17, 59, 62; conquest of, 60, 79n9, 135; exchange marriages of, 45; railway project, 61. *See also* Upper Sindh
- Sindh Assembly, 2, 74
- Sindh Child Marriages Restraint Act, 2013. *See* Child Marriages Restraint Act, 1929
- Sindhi: identity, 78n5; intellectual, 25, 217; journalist, 25; language, 17, 134n3; marriage, 160; media, 25, 37, 38, 189, 216; nationalism, 69, 81n43; newspaper, 37, 190, 208; Samatr, 160; word for sister, 20; word for children, 45; word for revenge, 108
- Spivak, Gayatri: subaltern as woman, 218, 266
- Starr, June: history and power, 5; law, 27n17
- state: analytical category, 6; authorities, 154; concepts of, 6–9, 26n14; crime against, 74, 187; elite, 23, 26n4, 108; and gender, 26n14, 27n14, 55; as guardian 9, 75; justice, 150, 151, 187; and power, 7–8, 10, 23, 66, 72, 219, 220; and people, 8, 130, 134; power over life and death, 213; state and society, 7, 74, 75; *See also* power; law; custom; family
- Stewart: customary law, 10, 11

- sufi: orders, 161; saints, 216
- Sukkur: Abida and Tehmina case, 92, 93, 100; bar, 144; barrage in, 69, 80n18, 81n38; district, 15, 68; division, 27n23; *karo kari* cases in, 31, 88; population, 27n24; shelters in, 191, 198, 200, 207; women in, 49, 61, 68
- Sunnah, *See under* Quran
- Supreme Court: anti-terrorism laws, 105n15; appeal before, 73; as apex court, 87; final court of appeal, 88; judges of, 162
- Syed, 195, 198, 199; *Bibi Sati*, 49, 196; family, 195; prediction on Sindh, 69; mediators, 196; woman and Nazim, 20, 169, 194; women, 197, 204, 205; *See also* mediators; *mairh minth*
- Syria, 16, 27n27
- System of *Sardari* Abolition Act 1976, 80n36
- Taliban, 219
- Talpur: allowed executions, 63; conquest of Sindh, 60; confederacy, 27, 60, 78n3; defeat, 63; *jagir* granted by, 135n8; Khairpur state, 66; state in Sindh, 65; as patrimony, 15, 17; power shifted from, 69; war between Napier and, 79n8; wrested power from Kalhora, 27n22
- tribes, 15, 36, 47; border, 55, 65; confederacy of, 60; disciplining of, 61; enlisting of, 62; fighting, 60, 149, 153 (*see also* feud; compensation; enmity); management of, 81 (*see also* FCR); marriages in, 48; self-help in, 108, 132, 148; subdue, 66; powers to, 72; territories of, 16, 67, 68, 70; tribesmen, 11, 35, 61, 148, 153, 195; tribal chiefs, 24, 32, 62, 74, 148, 162, 191, 194. *See also* tribes under Baloch
- Upper Sindh: border, 60, 65, 77; border tribes, 68; caste and identities, 16–17; colonial, 62, 80; compensations in, 155, 156; crime in, 135, 187 (*see also* criminal justice); districts of, 16, 31, 67, 141, 225; fieldwork in, 21–22; floods, 18, 59, 70, 111; frontier in, 18; geography, 8, 15; *ketti* or *Kacha Territory* in, 70, 81n45 (*see also* floodplains); land and people, 15–19 (*see also* religion); languages of, 17; map of, 14; population of, 16, 17, 20; power in, 61, 69, 70, 107, 160, 161 (*see also* power); strategic region, 60; Upper Sindh Frontier, 28n33, 62, 63, 68, 79; villages in, 44, 71; women and girls in, 43, 189, 194, 200. *See also* honour; feuds; law; power; *karo kari*
- Verdery: bodies, 95
- violence, 15, 36, 41, 123, 126; act of, 34, 86, 142; bare, 19, 220, 222; biopolitics, 219; bodily, 73; collective, 34; cultural forms of, 6, 8, 23, 78; customary, 10, 18, 64, 77; displays of, 108; domestic, 54, 76; escalating, 21, 65, 71, 77, 128, 137; in everyday, 3, 10, 76, 139, 220; extreme, 15, 134, 147, 190, 212; forms of, 3, 19, 23, 78, 108, 130; honour-related or honour-based, 9, 72, 74, 86, 169, 217, 223; locations of, 110; monopoly of or over, 6, 7, 22; normalizing, 24, 139, 141, 153, 166, 187; physical, 11, 35; perpetrators of, 10, 23, 56, 220, 23; renounce, 146, 164; self-help, 55, 76; spectacles of, 31, 32, 34, 35, 37–40, 95; terrorist, 15; victims of, 89, 130; visible, 71, 107; witness to the, 217; against women, 23, 64, 86. *See also* violence under honour; *karo kari*
- Waldren, Jacqueline, 20
- wali*, 229, 230–235; accused and, 90, 91; complainant and, 78, 91; and family violence, 23, 85, 86; friend of God, 75; and honour killing, 77; to

- pardon an offence, 23, 104; perpetrator as mirror image of, 86; sharers in property, 86; victim's heir as, 23, 75; waiver by, 90, 91. *See also Qisas and Diyat*
- Whitehead, Neil, L.: violence and culture, 221
- women: abduction of, 124–127, 129, 130, 154; and agency, 190, 212; behaviour and movement of, 43, 64, 104; expelling of, 1, 33, 36, 37, 51, 53, 56, 109, 116, 120, 154, 206; social and political status in the family, 42; killing of or killed, 12, 13, 37, 41, 63, 71, 109, 111, 151, 123, 187; killed in family home, 85; killing of men and, 85, 89, 104, 150; killed decades after, 193 (see also *karo kari*; violence) men as guardians of, 42, 43; migrating with, 129, 130; missing, 24, 63, 189, 190, 197, 203–204, 213; numbers killed, 2, 88, 104n4, 26n7, 58n11; older, 42, 55, 91; as patrimony, 13, 15, 17, 69; punished first in the family, 183; reproductive roles, 43, 44; runaway, 21, 24, 48, 189–203, 207, 212 (*See also* refuges; Darulaman); and sexual relations, 50–52, 64; as socially dead, 36, 203, 204; strategies of, 189, 192; trafficking of, 52; voices of, 24, 149, 189, 217; younger, 42–43, 55. *See also* exchange; family; marriages
- Zia-ul-Haq: farcical trial by, 68; Islamisation, 72, 168n15

