

Structural Constraints and Women's Socio-Political Marginalization in the Pukhtun Region of Pakistan: The Nexus of Pukhtunwali, Mullahs, and Pakistani State Laws

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Abstract

This study develops an understanding about the issue of women's marginalization in the male dominated Pukhtun society with profound influence of clergy. It evaluates the structural components of Pukhtunwali, which is the social code of Pukhtuns; generally regarded as "Pukhtun's way of Life," the clergy (mullahs) and Pakistani state laws as significant sources of women's marginalization in Pukhtun society. The study argues that Pukhtunwali and the mullahs combine to diminish the position of women in politics and decision-making processes in the society. It also critically evaluates the status of Pakistani state policies in this regard and contends that state legislation is insufficient in this context and at times even contributes to this phenomenon. The study uses the broader framework of social constructivism as its theoretical basis, unfolding the significant role of structures. Methodologically, the study is based on interviews with activists (both men and women) from Pukhtun society, member of civil society, my own observations as member of the Pukhtun ethnic group, and analysis of texts, policy documents, and other secondary sources.

Key words

Pukhtunwali, mullah, socio-political marginalization, Pukhtun region of Pakistan

Introduction

According to the last census of Pakistan, women constituted over 50% of the total population (PBS, 2017), but the level of their participation in social and political activities continues to be dismal and the status of gender development is disheartening. In 2020, the World Economic Forum ranked Pakistan 151st of 153 countries in its global gender parity index (World Economic Forum, 2020).

Likewise, the Inter-Parliamentary Union's report of February 2020 ranked Pakistan 107th out of 192 countries a further slip down from February 2019 when it was 1010, in terms of the percentage of seats in parliament held by women, with 20% (69/342) in lower house and 19% (20/104) in upper houses (IPU, 2019; 2020a; 2020b). However, even these numbers are artificially high because of the measure introduced by the Musharraf regime in 2002 reserving 17% of seats in National and Provincial legislative bodies for women (Weiss, 2007).

In this context, it is also pertinent to mention that Pakistan's general election results for 2008 and 2013 show that less than 1% of women parliamentarians were directly elected (Aurat Foundation, 2011). In the recent 2018 general elections, there were 183 women candidates contesting for the 272 seats and only 8 were successful (Chaudry, 2018); the overwhelming majority of women parliamentarians won their seats through indirect election, mainly based on their political status and affiliation to political parties (Zakar, Zakar, & Hamid, 2018). Such women are therefore seldom aware of the sufferings of ordinary women and are also devoid of important portfolios (Zakar et al., 2018). Moreover, the social and political statuses of women in Pakistan are similar as the two aspects are interlinked. Women are least involved in the affairs and decisions of society and mostly tasked with responsibilities related to the household. Women also face multiple other threats apart from their exclusion from the socio-political arena. These include (but are not limited to) domestic violence, honor killings, rape, marital rape and forced marriages, (Ali, 2001; Ali & Bustamante Gavino, 2008; Aurat Foundation, 2011; Hakim & Aziz, 1998). In this context is pertinent to mention that, as with the World Economic Forum statistic mentioned earlier, the recent 2020 Global Gender Gap Index report also ranked Pakistan 151st out of 153 countries, while a survey carried out by the Thomson Reuters Foundation ranked Pakistan as the sixth most dangerous country for women in the world (Ali, 2018; Rauf, 2020).

There are multiple reasons why women have this position and status in Pakistan: They include a social structure that is conservative, masculinist, and isolationist, the roles played by religious political parties, tribal elders, and clergy, and the state legislative and institutional approach (see Naz, Ibrahim, & Ahmad, 2012; Saeed, 2012; Rasul, 2014; Saeed, Ullah, & Alam, 2019; Sanauddin, Chitrali, & Ahmad, 2015; Sanauddin, Chitrali, & Owais, 2016 ; Zakar et al., 2018). Women's gender role in Pakistan demands that they stay at home and do household work (Saeed, 2012; Sanauddin et al., 2016; Weiss, 1999) and they are marginalized by a masculinist, confrontational and alienating culture (Bock & James, 2005). Fear of

stigmatization, harassment, violence, and victimization discourages women from taking part in politics. As men dominate the political sphere, political structures and norms in general are male oriented (Shvedova, 2005). As public space is regarded as a source of power and prestige, it is a man's prerogative in Pakistani culture (Saeed, 2012).

Scholars therefore contend that women's socio-political status in Pakistan will not improve unless they get equal access to public activities, particularly the political realm, a fair and gender-equal system is established, and misogynist attitudes discarded (Bari, 2005; Ghafoor & Haider, 2018; Mumtaz, 2005; Shami, 2009; Zakar et al., 2018). However, politicians and political parties also play a role in undermining women's political participation, particularly in the former Federally Administered Tribal Areas (FATA) (Hussain, 2018; Wasim, 2018a, 2018b) and in Khyber Pakhtunkhwa (KP) among the Pukhtuns.

It is pertinent here to mention that Pakhtuns, Pukhtuns, Pashtuns, or Pathans are different names used to describe the same people. The research participants used the word "Pukhtun" and that is why this is the version chosen for this article. In Pakistan, Pukhtuns constitute the second-largest ethnic group and are present across KP, Baluchistan, and the major urban centers such as Karachi and Lahore. As an ethnic group, Pukhtuns retain multiple identities, ethnic, national and religious. However, compared to their national and religious identities, the Pukhtun ethnic identity is the primary one (Jan, 2010).

Women's role and status in Pukhtun society is determined by the men of the society, who control social affairs. Pukhtun women in the rural areas of the province of Khyber Pakhtunkhwa are predominately illiterate, tradition-bound, and unskilled and live within a highly traditional and conservative social structure, marked by patriarchal male dominance and religious control. Beyond the household, there is no place or role for women (Alam, 2012; Quddus, 1987). The problems highlighted earlier in the article for women in Pakistan are generally more intense in the case of Pukhtun women. The extent to which rights violations go unpunished is particularly alarming in the ex-FATA and KP, where women face intimidating socio-cultural barriers and are subjected to state-sanctioned discrimination, militant violence, religious extremism, and sexual violence. Militants target women's rights activists, political leaders, and development workers without consequences (ICG, 2015). Even politicians and political parties are no exception to this.

During the recent elections (the 2008 local elections and 2013 local and general elections) most of the religious parties in KP convened meetings to sign agree-

ments to keep women from contesting seats or casting votes. This is just one example of how women in the Pukhtun region of Pakistan face many obstacles when trying to participate in societal affairs and politics. In rural areas, particularly the ex-FATA (now tribal districts), women's participation and power in decision making is almost negligible and there is evidence of a coordinated campaign against women's political rights, even the right to vote during elections (Mirza, 2002). In the political spheres, women in the Pukhtun region and the tribal districts in particular were not allowed to vote in elections, in the belief that to allow them to do so would be anti-*Pukhtunwali*. The practice still prevails in rural Pukhtun areas with the examples of Pk-23 Shangla in the 2018 general elections and Pk-95 Dir in the 2013 general elections. During general elections in Pakistan, a ban is imposed, either by the community or by family elders, or an understanding is developed between the contesting candidates that women should not come out of their houses to vote (Sherazi, 2013).

There are multiple examples of cases where election officials, contesting candidates, and political parties have prevented women from voting (Saeed et al., 2018). In some cases, like the one in Shangla, KP, women voter turn-out was less than 10% and the election was re-run as per the Election Commission of Pakistan rules. In Dir in 2013, women were barred from voting through a collective decision of the politicians of the region (particularly under the influence of mullahs and religious politicians) (Dunya News, 2015). However, when the issue was highlighted in the press and women's rights activists rose against the matter, the Election Commission of Pakistan ordered re-polling. Women of the region asserted that they were not allowed to attend political gatherings or vote during elections (Sirajuddin, 2015). There is no female member of parliament from the ex-FATA, while in the KP assembly following the merger of FATA and Khyber Pakhtunkhwa three women members were elected to seats reserved for women in 2019.

Thus, women are deprived of many fundamental rights and are socio-politically marginalized. It should also be pointed out that women are not passive observers and act as agents to work against this structure but that discussion, though significant, lies outside the focus of this article. In this context, the present study focuses on three important structures which, combined, contribute significantly to this process of women's socio-political marginalization in Pakistan and among the Pukhtuns. It focuses on Pukhtunwali (the Pukhtun social code of life) and the clergy (mullahs) using the prism of social constructivism, and also focuses on the policies of the Pakistani state and their role in the marginalization of women at different times.

Social marginalization is a complex and contextual term (Kagan et al., 2002). This study argues that women are marginalized, deprived of many rights, and have a negligible say in political and social affairs compared to men. Pukhtunwali, or “the Pukhtun social code or Pukhtun code of life,” is usually termed as the “way of the Pathans” (Spain, 1962, p. 25), “Pukhtun code of honor” (Ahmed, 1980), “manner and custom of the Afghan tribes and the Afghan code” (Raverty as cited in Glatzer, 1998, p. 3), and “a conglomerate and an inconclusive list of ideal cultural features of the Pukhtuns” (Jan, 2010, p. 30). *Pukhtu* or *Pukhtunwali* is therefore a name for the codes, customs, norms, and rules of Pukhtun social, cultural, and political life and has served as the ideal model for behavior (Ahmed, 1980, p. 91; Barth, 1969, p. 120). It is the exhaustive and contested list of social, cultural, and behavioral features of the society and individuals (Ahmed, 1980, pp. 90–91; Barth, 1969; Khattak, 1984, pp. 135–191; Lindholm, 1982, p. 211; Rome, 2013, pp. 93–112) It includes some cultural traditions, discussed in the coming sections, that contribute to women’s marginalization in the society.

Moreover, there is a complex relationship between culture, ethnicity, and religion among the Pukhtuns (Azim, 2019; Jan, 2010) and the clergy (usually termed mullahs) have important leverage by virtue of their position: They lead prayers in the mosques and run religious seminaries (*madrassas*). They also propagate their version of Islam through Friday sermons. These clerics influence the religious understanding and practice of the people in relation to political, social, and cultural aspects of life. Pukhtunwali and the mullahs are two important factors in the process of the marginalization of Pukhtun women and the centrality of these concepts’ forms part of the theoretical debate.

Theoretical Framework

There are many theories that attempt to explain and debate women’s issues and their roles in society and politics. Important examples are feminist theory,¹ economic modernity theory (Lane & Malami, 1999), and cultural modernity theory (Inglehart, Norris, & Welzel, 2002; Inglehart & Welzel, 2005). However, to understand the role of structures and agents, social constructivism is more useful. Social constructivism asserts that the social world is a construction of human beings,

¹ For an exploration of this position in relation to Pukhtun women’s issues see Naz (2011), Naz and Chaudry (2012), Khan (2012).

constructed through their experience (Hurwitz, 2009). Humans construct their cultural and social worlds and vice versa (Fairhurst & Grant, 2010).

If applied to gender studies or women's marginalization, it can be argued that the present definition of gender, Pukhtunwali, and other related social ideas are not inevitable. They are the results of social, historical, and political interactions and not of biology. It can also be argued that such customs, traditions, and social phenomena need to be changed, based on the social experiences of human beings (Hacking, 1999). Moreover, social constructivism broadly focuses on the importance of both structures and agents while dealing with social processes and issues. It, unlike other studies and models, emphasizes the significant role played by human individuals in the social processes, along with societal structures and institutions. Here, "structure" or "social structure" refers to a systematic arrangement which puts limits and constraints on the choices and opportunities available to individuals (Chris, 2005; Durkheim, 1982), while "agency" refers to an individual's ability to put limits on opportunities or act independently of a social structure (Chris, 2005). Social constructivism is used for the analysis in this study because it focuses on the role of structures which are socially constructed. This study, therefore, discusses *Pukhtunwali* and mullahs as parts of structures within a constructivist framework as significant factors for women's marginalization.

Data Collection

The study falls within the qualitative domain of social science research. Conceptually, the methodological understanding of studies as conducted by Fox and Miller-Idriss (2008), Seidman (2006), and Atkinson and Hammersley (2007) were used in this paper. Data is derived from interviews using a purposive sampling technique, personal observation, and policy documents. A number of studies, discussions, and interviews supplement this study and add to the data collected for it. Throughout this study and others on which it is based, pseudonyms were used, and interviews were conducted in the native Pukhtu language, some with the assistance of a research assistant (particularly for interviews and discussions with women). Interviews (termed "discussions") were conducted for this study with five social activists and research scholars from the Pukhtun region working on women's issues. Moreover, a translation and analysis of speeches by Maulana Muhammad Ameer, famous under the name Bijligar Mullah, a well-known clergyman and mullah from the Pukhtun region of Peshawar and associated with the political party Jamiat-i-Uluma Islam (Fazal Rehman group), was also carried

out. The videos of some of these speeches are available on YouTube, as is a lengthy video of over an hour with 223,900 views (Khushall1972, 2014; MsHamid81, 2012; Zabar10 channel, 2020; Islami aw bayan, 2020; Raheemdad Islami Channal, 2019). Data from respondents for an earlier study (Azim, 2012) as well as research interviews conducted for a PhD (Azim, 2019) were also used. Along with this, a critical content analysis of policy documents and laws of the Pakistani state relevant in this context also forms part of the data for this research. Finally, a thematic analysis of the data has been carried out with a focus on themes such as culture, religious clergy, and Pakistani state laws.

Customs and Pukhtunwali: Pukhtun Women's Socio-political Marginalization

Customs and norms in a Pukhtun culture, known as Pukhtu or Pukhtunwali, have a significant impact on organizing and controlling the lives of Pukhtuns. It is a web of various social structures, recognized and followed by most of the Pukhtun people, irrespective of social status. Seclusion (*Purdah*) of women and the associated honor (*Ghairat*) (see Azim, 2019, p. 43; Barth, 1969, pp. 120–122; Jan, 2010, p. 31) are the two norms within Pukhtu which are relevant to the socio-political marginalization of women. *Purdah*, seclusion or veiling, is a traditional and cultural ideal of Pukhtun society, the Pukhtun code, and Pukhtunwali.

Naz and Aslam argue that the main factor in this issue is the dominance of men in a society that is largely “patriarchal,” or dominated by “masculine power” (Aslam, 2002; Naz, 2011; Naz & Chaudry, 2012), while Khan (2012) argues that in addition to socio-cultural factors, religion also plays a key role. Women in the region are constrained to live second-class lives in obedience to the strict century-old rules of Pukhtunwali. They are not treated equally to men and are marginalized in almost all aspects of society. Naz et al. (2012) argue that the social disempowerment of women is directly connected to politics, with the traditional patriarchal system linked to social empowerment. It is patriarchy, “the male domination system,” which shapes the role of women in society and politics. It transforms and assigns different roles to men and women and constructs the hierarchy of gender relations with a privileged position for men (Eisenstein, 1984). In Rich’s opinion, patriarchy is “the power of the fathers: A familial-social, ideological, political system in which men—by force, direct pressure, or through ritual, tradition, law, and language, customs, etiquette, education, and the division of labor, determine what part women shall or shall not play, and in which the female is everywhere

subsumed under the male” (Rich, 1976, p. 57).

For women, *purdah* is considered a norm and a significant aspect of culture: Women are not easily or freely allowed to leave the home to vote. Thus, the social construction opposes the forward movement of women in social and political empowerment (Naz, 2011), leading to women’s marginalization among the Pukhtuns. Moreover, in the general social setup, women’s *purdah* limits their participation in many more ways. *Purdah* is linked to honor, shame, women, and home. It is also linked by Barth to male autonomy, agility, self-expression, and aggressiveness, and through the forced seclusion of Pukhtun women, it ensures the virility and primacy of men (Barth, 1969, pp. 120–122). Violating the *purdah* of women is directly related to the masculinity of Pukhtun men, honor, and the shame of the tribe, and even the whole group; such a violation has severe repercussions which may lead to revenge.

Another significant cultural aspect of Pukhtun society is the *jirga*, or tribal council of elders. The *jirga* is exclusively the men’s domain, where decisions are made regarding social or communal issues related to both men and women. Women are not allowed to participate in such councils, which again makes Pukhtunwali strictly patriarchal.

Many “inhuman” and anti-women customs and practices also exist in the Pukhtun region. As Pukhtuns have been engaged in heavy inter-ethnic and inter-tribal wars for centuries, a custom called *swara* was developed in order to solve the disputes and end further bloodshed and is still practiced in the tribal regions (Khan, 2012). According to this custom, if a murder takes place, a girl of the killer’s family (in most cases his sister) must be married, with or without her consent, to a male member of the victim’s family as compensation. The basic motive was to stop further violence and bloodshed at the cost of the very basic right of consent to marriage. The custom contradicts Islam and many conceptions of human rights (Khan, 2012). It may temporarily solve the problem of enmity and violence, but it grossly violates some very fundamental rights and is also at odds with the traditional ‘bravery’ of the Pukhtun and their respect for women” This is coupled with another custom called *vulvur*. Like *swara*, which is almost obsolete elsewhere in Pakistan but is practiced in different forms in the tribal districts. According to *vulvur*, money is taken from the bridegroom or his family in exchange for his marriage to a woman; in other words, a bride-price. The price is negotiated for women of different tribes (Khan & Samina, 2009). Women are thus treated as a commodity and inferior, making it very easy for the family and society in general to continue to strip her of her rights (Khan, 2012).

Furthermore, women in the region are victims of yet another custom called *tor*, literally translated as “black” because of the assumed loss of honor by women. Based on this custom, honor killings (particularly of women) are rampant, based on charges of adultery. The custom has been used to kill women in the name of honor if a woman is even “suspected” of being attracted to a man, and not even involved in an illicit sexual relationship. Such cases are usually not reported to government authorities, the *jirga*, or any other council, and are decided upon by men within their families (Khan & Samina, 2009). Though a significant decrease has been noted in such cases over the last few years, this is limited to urban regions, and rural areas, particularly the ex-FATA, still experience high rates of honor killings. The custom does not take into account the rules of Islamic *Shariah*, and even contradicts Islam, as well as human and women’s rights. *Tor* is also used to further interests related to enmities among Pukhtuns (Khan, 2012). It has been used to kill a man or woman of a rival tribe, group, or family by falsely charging them of adultery, hence making them *spin* (white) as against *tor* black (based on the loss and regaining of honor). There is no chance of escaping, debating, discussing or deliberating the issue in these cases (Khan, 2012). The laws for such practices are derived from Pukhtun customary laws in the region, which ignore state laws and the practices of *Shariah*.

Thus, the customs and cultural aspects of Pukhtunwali form a structure that marginalizes women by limiting their ability to perform and engage in socio-political life. In the words of a female research participant and socio-political activist, Roshni Abbas:

The unseen chain of our customs and traditions limits our participations. Though laws of the state give us certain rights, unfortunately, in many areas of the region people give more value to traditions and customs than our rights. Voting is a basic right, but many women cannot cast their votes as society and the *jirga* (tribal elder council) do not permit women to participate in the electoral process. Following *Pukhtunwali* traditions is in our blood which is male dominated (Abbas, 2016).

As Pukhtunwali limits the role of women, Pukhtun women are socio-politically marginalized. Moreover, other than exceptional cases, women in Pakistan lack social capital because they are not the heads of communities, tribes, or kinship groups, resulting in their lacking a constituency base and means of political participation such as political skills, economic resources, education, training, and access

to information. The culture and societal structure are also important factors in shaping women's participation (Conway, 2001). The Pukhtun case is not different in this regard. According to Ahmad Nangyal, another research participant:

I think we are still living in a tribal era, our tribal values which are commonly known as the Pashtun code of conduct are the main hurdles in this regard. Women do not have options in many fields of life but act the way they are taught to by the men of the society. Women are thus easily marginalized among Pukhtuns (Nangyal, 2017).

Additionally, the cultural aspect is coupled to a male superiority complex involving (mis)conceptions regarding the capabilities of women. A research participant, Aslam Jan, stated that,

Pukhtun men think that we have been made superior and that women are inferior. That is why they cannot handle decision-making processes because they have a low mental level. However, I think this is a misconception. As far as the teachings of Islam and Pukhtun culture are concerned, this can only be regarded as a misinterpretation and has nothing to do with the reality of Islam and *Pukhtunwali* or any other code of Pukhtun (Jan, 2020).

Moreover, the social and cultural fabric is very important in defining the political environment and culture of a particular state or society. A participant, Hameed Khan, argued that,

In Pukhtun society these two, social and cultural conceptions, are playing very crucial roles and historically have been misinterpreted, which keeps women's participation very low as compared to men. Ironically, Pukhtun men are foolishly proud of it, which is a very serious problem to be addressed (Khan, 2020).

Thus culture, *Pukhtunwali*, plays a significant role in marginalizing Pukhtun women. The role of this culture and its code of conduct in women's marginalization is coupled with the role of the clergy, the mullahs.

The Role of Mullahs in Pukhtun Women's Socio-Political Marginalization

The socio-political exclusion of women is also influenced by the practice and interpretation of divine texts in a way that favors male authority and the subordination of women in Pukhtun society. The promotion of more appropriate, rational and clothed in the modernist interpretations of Islamic texts is important and required to expand the participation of Muslim women in political and civic roles. Munir argues that religion formulates our ideas of sexuality, marriage, family, and work (Munir, 2012). Though the meaning of the Quran has been interpreted differently, it does not contain any explicit prohibition of women's participation in politics and society. However, the clergy have attempted to interpret the Quran in a specific way to enhance their socio-political power.

The symbolic importance of the *jummat* (the mosque) among Pukhtuns has added to the authority of the mullahs who occupy this domain. Because the mosque is treated as sacred, the mullah's statements are sacred too. With religious and political authority in their hands, mullahs attempt to appropriate the authority of traditional secular leaders in the society. Women in the region are not allowed to vote when collective decisions are made by elders and mullahs, who believe that it is against Shariah for women to go out of their homes to vote. An example from the Pk-95 Dir general elections can be taken, in which women were stopped from casting their votes through a decision taken by a jirga under the influence of mullahs and religious politicians (Dunya News, 2015). It is now easy for mullahs to have an FM radio station and announce restrictions on women's participation in politics, and social gatherings.

Competition between clergy and traditional tribal leaders for authority is a current concern. When battles between the Pukhtuns and their foreign enemies ended, the Khans (landowners) and Maliks (tribal chiefs) who enjoyed a social status or one based on land, became leaders (Munir, 2012). However, the Afghan war changed this dynamic of power and authority, and the mullahs hold power and influence today (Munir, 2012). Their influence is not only exercised through Friday sermons, but through specific translations of the Quran read over loudspeakers each evening. By analyzing their avenues of influence, we can see how the mullahs shape the perceptions of local people. The famous and violent Tehrik-i-Taliban Pakistan chief Maulana Fazlullah, who was nicknamed "Radio Mullah," targeted women in the Swat valley in his sermons and speeches over his FM radio transmitter. Through his distorted interpretations of religious texts and history, he tried to cultivate support for his notorious methods in establishing his

violent dictatorship in the Swat valley while targeting women and banning them from public life.

Mullahs and tribal elders state that “for women there are two places, *koor ya goor*” i.e., home or grave. They argue that the Quran and the prophet Muhammed have ordered women to remain at home and not to enter public life, either socially or politically. Arguing that the first woman was created from the rib of a man, they seek to prove that women are second-class citizens to men and always subordinate. They assert that men are superior, more powerful, and the custodians of women. Those women who take part in politics and social events are thus violating the teachings of Islam, according to their interpretation and they must therefore be prevented from doing so: This is done through *purdah*, the keeping of women in seclusion. If for whatever reason women must leave the home, they must be kept separate from men.

However, it is important to note that even among the mullahs there are still variations. Some are very rigid in their stance that Pukhtun women even leaving their hands or eyes open is a sin, a very extreme position. There are others who can be termed as moderate to some extent. However, there are very few who will allow women to take part in a *jirga*, lead a prayer, or hold political office, positions considered commonplace for women by many standards throughout the world today. These mullahs call women who participate in public life “impious,” a common judgment among men and women of the society (Schwoebel, 2012, pp. 200–201). Historians note that mullahs have been influential in controlling Pukhtun society (Tribal Analysis Center, 2009) and it is easy for them to marginalize women from society and politics through violence. In the words of a social activist and scholar from Ex-FATA, Fazal Khaliq:

Mullahs, you know, never try to investigate before issuing their *fatwas*’ they issue related to women, nor do they leave any clues for anyone to research. To them, their sayings are the ultimate truths and messages of *Shariah*. They are always against the involvement of women in the affairs of society (Khaliq, 2017).

Such a perception is common among Pukhtuns. In the comment of Sajjad Khan,

Mullahs are more responsible for women’s marginalization than other things. Islam has given women some rights, but mullahs are making things worse for women by not even giving those rights. Mullahs even talk

against women more than anything else (Khan, 2017).

On this aspect another research participant, Hussain Khan, commented,

Religious constraints over the mixing of women in societal matters or pertaining to working with men are one of the highest factors restricting socio-political participation on the part of women. In Pukhtun society, misinterpretation of religious ideas hinders the political participation of women; the deterioration of the concept of *pardah* in our society in particular has been the greatest obstacle in this regard. In general, in most instances these religious clerics misguide the people (Khan, 2020).

Though the Islamic religion itself might not be significantly restricting women, its interpretation by clergy is central in this regard. It is the clergy that actually exert a significant influence when it comes to people's perception and actions regarding women's socio-political status. As most of the people are illiterate and do not understand Arabic, the language of religious texts, they are easily manipulated. Another research participant, Ahmad Nangyal argued that,

One of the major factors in this regard is the religious interpretation of the mullahs, which do not allow women to participate in open events. Mullahs misinterpret religious texts and add to men's superiority and women's socio-political marginalization (Nangyal, 2017).

This argument can be additionally substantiated by referring to the speeches and Friday sermons of most of these clergy. For example, Maulana Bijligar, a traditional Deobandi cleric, argues that women should be confined to homes, that the evils and problems in society are due to women leaving homes and ignoring *pardah*, and that women should not be involved in politics. Moreover, the stereotypical characterization of working women or women coming out of the home is also propagated through sermons and speeches by clergy, including Maulana Bijligar. In a video speech, available on multiple channels on YouTube with thousands of viewers, he comments on the status of Pakistani society and women while linking socio-religious degradation to women leaving the home. Maulana Bijligar says,

The intentions of Sky (referring to God) are not good. Demolish the

centers of licentiousness. Control your women and let them remain in homes. Stop worshipping America (the United States). If not a storm like the one that came on the nation of Noah (the Prophet) is coming. You people will be destroyed and will cry then (Khushall, 1972, 2014).

Stereotyping, ridiculing taunting and even body shaming of women leaving the home is another aspect. Like societal problems linked to women, other problems like failures in family planning are also linked to women, the way they dress, and their venturing out of the home. Shaming of women's bodies and dresses is something Maulana Bijligar touches upon frequently (MsHamid81, 2012; Zabar10 channel, 2020). In another video, referring again to women working outside the home, he says, while ridiculing women working in the armed forces, that "women have become *thanadars* (in charge of a police station)." In the video commentary, he also makes fun of women working in the police force, also arguing that when men are available to serve, why are women recruited? (Zabar10 channel, 2020). Though such arguments do not flow directly from religious texts like the Quran, they are understood as religious because of the position mullahs enjoy. As the self-acclaimed custodians of the Prophet and Islam, their arguments are considered the messages and precepts of the Quran and have a significant influence in this regard.

Women's visibility in public spaces, already too limited, is thus projected as something anti-religious and pro-western, is criticized and ridiculed. Moreover, jokes are made at the husbands of such women, are criticized and abused, by Maulana Bijligar and others, for not controlling their women and allowing them to come out (MsHamid81, 2012, *Islami aw bayan*, 2020). Such men are also considered "impotent" and unable to control women, while it is claimed that such women leave the home to be looked at and to be "touched" or seek sexual encounters with men.

Moreover, women's politics is criticized and looked down upon. Even maulana Bijligar argues that when he was offered political seats in parliament by Maulana Mufti Mehmood (the head and founder of JUI-F), he refused by saying that he cannot be part of a parliament where women are present. In this regard, his statements are also situated in the context of the first and only woman prime minister of Pakistan, Benazir Bhutto of the Pakistan People's Party, when he is criticizing people for welcoming her on her visit to Peshawar (*Islami aw bayan*, 2020), as well as criticizing Benazir Bhutto and her appearance. The party was criticized for having women as a leader as Maulana Bijligar argues that religion and politics are inseparable, and Islam does not allow a woman to be a leader and prime minister

(Raheemdad Islami Channal, 2019). Likewise, Wali Khan of the Awami National Party (the secular nationalist) was also criticized in a speech for allowing women to lead (Raheemdad Islami Channal, 2019). Such narratives are propagated by religious clergy to influence people and contribute to women's socio-political marginalization in the region.

As revealed through our fieldwork, many people now argue that since the Afghan War and the installation of the Taliban government in Afghanistan, as well as their rise in Pakistan's Pukhtun regions, mullahs have superseded tribal elders. The authority of Pukhtunwali and social elders has been replaced by mullahs and their distorted version of Islamic Shariah. With *fatwas* in their hands to declare people sinful and infidels, clergy holds a commanding position in the society. (Khaliq, 2017). In jirgas mullahs now also have a say and decisions are made based on Islamic Shariah or a blend of both Shariah and Pukhtunwali. With the programmed killing of traditional tribal elders by the Taliban, they have created a space of authority for themselves and this authority determines that women are lower-class citizens with no public presence. In many cases, such mullahs are supported by tribal and social elders, especially in terms of women's social or political participation. This is done by reference to the patriarchal Pukhtun culture, Pukhtunwali and the two, Islam and Pukhtunwali, weave together in the process of women's socio-political marginalization. In this context, Pakistani state laws and policies offer little support to women.

Pakistani State Laws and Women's Socio-Political Marginalization

In the context of Tribal areas of Pakistan, it is pertinent to note that the colonial FCR limited tribal people to vote as only the tribal elders (Maliks) were allowed to vote for a member of the parliament. Additionally, Pakistani state laws were partially applicable here (Dil, 2016). Added to this is the fact that only in 1996 Pakistani state introduced the right to vote in the region but there were no political parties, and the members of Parliament were 'independent Candidates'. Political parties were only allowed in 2011 after Political Parties act was implemented in the region (The News, 2011). In this context it can be argued that the state had excluded the common people in the tribal regions from political participation for the last fifty years. This is thus a major reason for women's exclusion from political and social life. Furthermore, due to the poor implementation of suffrage laws in settled areas this situation has resulted in poor participation levels by women and ultimately their marginalization. Pakistan has been unable to change this situation. While

Articles 4, 8, 14, 25, 26, 27, 34, 35, 37, and 38 of the Constitution of 1973 of the Islamic Republic of Pakistan state that there can be no discrimination on the basis of gender or sex among the citizens of Pakistan, in practice this is clearly not so. These articles also authorize the government to take steps to ensure the protection of women's rights in the country, but politicians have seemed unconcerned with this issue (National Assembly of Pakistan, 2018). Moreover, in the face of the *mulahs* and the culture, the Pakistani government seems helpless to address the issue of women's socio-political marginalization. The Pakistani state has also ratified the Convention on the Elimination of Discrimination Against Women (CEDAW, see United Nations, n.d.) in 1996 but civil society and other organizations are still demanding that the Pakistani state implement this convention in a practical sense (Pakistan Today, 2013).

Not only do Pakistan's laws fail to protect women or empower them, the adopted polices, laws, and ordinances actually disempower women and allow for discrimination against them. Significant in this regard are the Hudood Ordinances (1979), the ex-FATA's Frontier Crimes Regulations (1901 and replaced by Pakistani state laws in 2018), and the Nizam-e-Adl regulations (2009) in KP's Provincially Administered Tribal Areas (ICG, 2015). For example, the *zina* (adultery) ordinance of military dictator Zia-ul-Haq in the 1980s lent itself to massive abuse, with thousands imprisoned for marrying against their family's will, seeking divorce, and escaping domestic and sexual abuse. By 1988, with institutional discrimination against women at its peak, nearly half of all women in prison had been accused of *zina* (Jahangir, 2006; Jahangir & Jilani, 2003; Mumtaz & Shaheed, 1987). The situation has improved somewhat in urban areas, but many of the laws and ordinances still prevail.

Child marriages are another important issue. The Child Marriage Act of 1929 is still in place, which dictates the minimum age for men as eighteen and sixteen for women. In some areas, attempts have been made to improve the situation. For example, in 2014 the provincial government of Sindh province raised the minimum age for both men and women to eighteen through the Child Marriage Restraint Act 2014 (Tunio, 2014). Until the merger of FATA with KP, the issue of the legal age of marriage in this region was outside the domain of legislation and regulation, unlike the rest of Pakistan which was governed by measures such as the Formation of the National Commission on the Status of Women Ordinance 2000 (Government of Pakistan, n.d.), Prevention of anti-Women Practices (Criminal Law Amendment) Act, 2011; Bolo Bhi, 2008; Khan, 2011), the Criminal Law (Amendment) Act, and the Acid Control and Acid Crime Act, 2011 (Khan, 2011;

National Assembly of Pakistan, 2011).

In the Musharraf era (1999–2008), civil society and women’s rights organizations in Pakistan tried to convince the government to pass legislation relating to women’s rights. They tried to pass the Protection of Women Act, which was primarily aimed at separating the concepts of *zina* (sexual intercourse) and *zina bil jabr* (rape) (Dawn Daily, 2011; Senate Secretariat, 2006). It also made it easy to file a case against rape, which was not the case under the Zia regime (1977–1988). However, in 2010, the Federal Shariat Court declared the Act un-Islamic and in contradiction to the *Hudood Ordinances*, which are viewed by many scholars as the root cause of discrimination against women and minorities in Pakistan (ICG, 2015; Jahangir, 2006).

Likewise, an amendment act was passed in 2004 amending the Pakistan penal code to assert that some discriminatory customs are crimes and punishable by law. This includes a new section 310A, which prohibits *badla-e-sulb*, thus prohibiting the giving of girls in marriage as compensation for someone’s crime or as *financial honor*. It directly deals with all forms of “marriage as compensation,” which is practiced all over Pakistan under different names such as *badla-e-sulb*, *sawara*, *wanni*, *sung-chatti* and *irjaee*. Disappointingly, the numbers of such cases a decade later remain the same, which speaks to the strong roots of cultural traditions and customs, and the inability of the state to change them. Cases were reported across the country and at least some action was taken, though many cases went unreported (Abbas & Riaz, 2013). Another attempt to improve the situation came through the bill entitled the Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011, which was drafted, presented, and enacted (Mooraj, 2011). This act was termed as a victory for women’s rights organizations and was believed to be a historical milestone in this regard (“Better late than never,” 2011). However, based on personal observation and the data analyzed in this study, it can be argued that the situation has changed only slightly since then.

Analysis of the laws and their implementation, or lack thereof, shows us that the state is unable to stop the socio-political marginalization of women in the Pukhtun region. The reasons for the persistence of marginalization include a lack of interest among policymakers/politicians, the social value of culture and customs, and the social authority of mullahs. Many of the existing laws are working against the empowerment of women, adding to their discrimination and socio-political marginalization, thereby further increasing the socio-political marginalization of women brought about by the combined effects of Pukhtunwali and the mullahs.

Conclusion

From a study of the literature and interpretation of data, this research concludes that Pukhtun women are underrepresented and socio-politically marginalized in Pakistan. *Pukhtunwali*, Pukhtun customs, and the patriarchal culture combine with the misinterpretation of Islam by local mullahs and Pakistani state laws and policies, resulting in the socio-political marginalization of women. The ex-FATA and rural Pukhtun regions of KP are witness to the disproportionate role of the mullahs and traditional Pukhtun customs as factors creating women's marginalization and women, as a result of the confluence of these structural factors, are excluded from the region's socio-political life. Moreover, the present study argues that the State of Pakistan has still not been able to either frame workable laws or properly implement the existing ones. In fact, many of the existing laws, in practice, actually work against basic human rights and women's rights and add to the socio-political marginalization of women.

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