

Staatendokumentation Country of Origin Information



Afghanistan: Pashtuns and the Pashtunwali

from the COI-CMS

[Country of Origin Information – Content Management System](#)

Version 2

Publication date: 2024-04-10

(See date of actualization at each section heading)



This project was co-financed by the Asylum, Migration and Integration Fund

Disclaimer

This product of the Country of Origin Information Department (Staatendokumentation) of the Federal Office for Immigration and Asylum was prepared in conformity with the standards adopted by the Advisory Council of the COI Department and the methodology developed by the COI Department.

The Country of Origin Information - Content Management System (COI-CMS) is a database for COI contents drawn up in conformity with COI standards to satisfy the requirements of immigration and asylum procedures (regional directorates, initial reception centres, Federal Administrative Court) based on research of existing, credible and primarily publicly accessible information. The content of the COI-CMS provides a general view of the situation with respect to relevant facts in countries of origin or in EU Member States, independent of any given individual case.

The content of the COI-CMS is intended for use by the target audience in the institutions tasked with asylum and immigration matters. Section 5, para 5, last sentence of the Act on the Federal Office for Immigration and Asylum (BFA-G) applies to them, i.e. content of the COI-CMS is as such not part of the country of origin information accessible to the general public. However, it becomes accessible to the party in question by being used in proceedings (party's right to be heard, use in the decision letter) and to the general public by being used in the decision.

This product was designed as an expedient tool for Austrian authorities and courts. Consequently, readability, flexible usability and easy applicability have priority. Basically, every piece of information is referenced by at least one source; based on the reasons specified above, original quotes are not particularly highlighted – not least because there is no value added in relation to the decision making process.

This product does not claim to be exhaustive. Furthermore, this product is not conclusive as to the determination or merit of any particular application for international protection. Terminology used should not be regarded as indicative of a particular legal position. Specifically, this document may not be understood to be a political statement on the part of the Country of Origin Information Department or the Federal Office for Immigration and Asylum.

Quality and updating note

The individual chapters are kept as up-to-date as possible according to the available resources. An overall update of a country paper is carried out every 12 months. For certain countries, a partial update is also carried out, usually six months after the overall update. If there is a short-term and extensive change in the situation in a country, additional updates may be carried out. The topicality of the sources used is checked on the part of the Staatendokumentation. Consequently, sources used that are older may also be considered up-to-date in terms of content.

Translations of country information into English

The translations of the country paper into English provided by the Staatendokumentation are working summaries. Unlike the automatic translations (see below), these are subject to their own review.

The Staatendokumentation endeavours to ensure that the respective German and English language versions (if available) are published at the same time. However, due to the extensive quality assurance, it may happen that the date of publication of the two versions differs slightly. It should be noted that despite a possible slightly different publication date, the content of the German and English language versions is the same.

Automatic translations

Automatic translation is a machine translation of the Country Reports by means of a translation software into a target language specified by the user. This translation, since it is generated by the user directly at his or her own request, is not checked with regard to grammar, spelling and meaning and is only intended to give an impression of the content of the original document. If the product is to be used by the user for an official decision, it is strongly recommended that the translation be checked or carried out by a professional translator.

Contents

1	About the author	1
2	Introduction	1
3	Pashtuns	1
4	Pashtunwali	3
4.1	Jirga and Maraka	6
4.2	Blood Price (Bad o Por)	9
4.3	Blood Feuds (Badal)	10
4.4	Hospitality (Mailmastia)	11
4.5	Protection (Panah)	12
4.6	Bravery (Tora)	12
4.7	Freedom (Azadi)	12
5	Summary and Conclusion	13

1 About the author

Last modification 2024-04-10 14:51

This thematic report was written by an Afghan citizen with expertise in this field.

For security reasons, his identity is concealed and not disclosed. Information on his person is available to the Staatendokumentation

2 Introduction

Last modification 2024-04-10 14:51

In Afghan society, ethnic and tribal identity includes specific behavioral and moral codes that the members of that tribe are committed to implementing, and these codes have become unchangeable principles with the passage of history.

Although the people of Afghanistan are considered to be Muslims who are committed to Islam, the tribal culture in this society goes back to before the arrival of Islam, and in cases where the tribal codes of conduct are against Islam, they are also being implemented and practiced with respect and honor. However, the current government of Afghanistan has issued some decrees that are aimed to invalidating those codes of Pashtunwali that go against Islam.

Pashtuns make up the largest population of Afghanistan, and they have a code of conduct called 'Pashtunwali', much of which predates the arrival of Islam in the country.

Pashtuns are known, even among other ethnic groups, for their extraordinary executive codes. They grow up with these principles, and their individual freedoms are strongly influenced by Pashtun tribal laws and principles. This system determines the boundaries of individuals and social freedoms, and any crossing and escaping from these boundaries can have dire consequences including even death.

Among the Pashtuns, it has happened thousands of times that young men have lost their lives because of stepping beyond the behavioral principles of the Pashtun tribe, women have been forced into marriage (which the Islamic Emirate issued a recent edict against), and many people have paid for the mistakes of their close relatives.

Below, we will introduce the Pashtun people, and then we will talk about the codes of conduct of the Pashtun ethnicity, Pashtunwali.

3 Pashtuns

Last modification 2024-03-19 13:46

Pashtuns have lived since ancient times between the shores of the Oxus (the Amu or Amu Darya River that flows between Central Asia and Afghanistan) and the Indus River.

Pashtuns constitute more than 60% of the population of Afghanistan. Throughout the history of Afghanistan, Pashtuns have retained political control.

Pashtuns are divided into two large branches, and there are sub-groups of smaller tribes.

These two big branches are:

1. Durrani
2. Gheljai

These divisions have taken place throughout history due to differences over power and tribal and family leaders' competitions, and with the passage of time, smaller tribes have been placed under the set of these two large divisions.

More than a hundred small tribes under the set of these two big branches have adopted the identity of Pashtun.

The Durrani branch is more prevalent in the Southern provinces of the country such as Kandahar, Zabul, Helmand, Uruzgan and scattered in other provinces, but the Gheljai branch is more prevalent in provinces such as Paktia, Logar, Khost, Paktika, Maidan Wardak and other provinces.

Among the Pashtuns, family status, tribal influence, money, weapons, and popular influence are considered elements of power, and most of the Pashtuns in Afghanistan are engaged in agriculture.

Pashtuns prefer intra-ethnic marriages and most of them agree to marriages of close relatives, that means that most of the time Pashtun tribes do not want their members to marry into other tribes like Hazara, Tajiks or Uzbeks, even if it happens it would be an exception.

Pashtun children start their primary education in religious schools and mosques in their neighborhoods where they get to know Pashtunwali culture along with Islamic ethics. It is not common for Pashtuns to continue their education up to higher degrees (Bachelor, Master or PhD) and most young Pashtuns go to work and start a family after finishing primary school.

Family is the strongest organ in the Pashtun society and due to the prominent role of the family, individual crimes can also harm the family and victimise innocent family members too.

For example, in Dadukhil, a village in Logar province, a case of murder was settled by local tribal practices, rather than going directly to the authorities. In response to the murder, the victim's family killed two young men from the murderer's family, in accordance to Pashtunwali codes. This led to the murderer's family killing another member of the original victim's family. This enmity kept growing until a tribal jirga was held and a blood price, including the taking of brides from both sides, was arranged.

This case shows that family plays an important role among Pashtuns.

In addition, having more men among Pashtun families is one of the prominent cases of strength, and on the contrary, having more girls is considered as a weakness. Pashtuns are considered the main driver of political developments in Afghanistan and in the last two hundred years, political power has remained in the hands of this people by all meaning and only five people from other ethnic groups have been able to take power during this period.

The contemporary history of Afghanistan begins with the rule of Ahmad Shah Abdali, who was a Pashtun himself and so far, more than 20 Pashtun leaders have taken political power and now the Taliban have gained power. The majority of them - nearly 85% - are Pashtuns.

The competition of Pashtuns among themselves and with other ethnic groups for power resources continues fiercely and Pashtuns consider political and military power to be their own.

4 Pashtunwali

Last modification 2024-03-19 13:48

Pashtunwali can be seen as the constitution of Pashtuns as well as the behavioral and moral system of Pashtuns.

It is a special system and laws which were enacted to protect and maintain the honor and dignity of the Pashtun family. In other words, Pashtunwali is the guardian of the old traditions of the Pashtuns, which they built to protect themselves, their families and their nation.

In another definition, Pashtunwali consists of a number of desirable rules, such as love and loyalty to family, friends and the Pashtun identity, protection of the village and its people, living freely without conditions, patriotism, courage and bravery, hospitality to friends, courage and masculinity in war.

Pashtunwali has the authority of the constitution of Pashtuns and all actions and behavior of Pashtuns originate from it. Although Pashtun tribes have different customs and traditions, the common denominator of all of them is Pashtunwali codes and all Pashtuns are obliged to implement them. Pashtunwali includes specific behavioral principles that have been formed throughout history and have become culture and behavioral values due to its implementation.

The rules of Pashtunwali throughout history have become unbreakable and extremely executive principles passed down generation by generation through Jirgas, people's meetings (Marakas), traditional education and sustainable implementation.

Adherence to the principles of Pashtunwali is considered a real pride for Pashtuns and any disrespect is accompanied by severe punishment.

An Afghan historian said that, 'the Pashtunwali rules for Pashtuns dictate what behavior is dignified and honorable and what behavior is against them. These rules have almost all the lives of Pashtuns under their influence and following Pashtunwali is the basic law of the Pashtun people.'¹

He added that, 'Pashtunwali rules have deep roots in history, Pashtunwali laws are very old and rooted in ancient Pre-Islamic tribal traditions. In particular, blood price laws are among the ancient laws of Pashtun societies, which have a history of more than 2,000 years, Pashtunwali has strictly prohibited all Pashtuns from these four things: alcohol, gambling, adultery and robbery.'

¹ Interview conducted by the author on 10.12.2023 in Kabul, Afghanistan

Pashtunwali includes codes that clarify the system of personal and social behavior of Pashtuns in which power, pride and honor have a special place, and in principle, power is used to preserve honor and pride, and Pashtuns believe in it.

If a Pashtun is going to be addressed as non-Muslim, he may not be upset, but if you call him a non-Pashtun or question his identity as a Pashtun, you will undoubtedly face his anger.

Pashto language is very important in preserving, spreading and promoting Pashtunwali. According to a Professor from an Afghan University the 'pashtu language is not only a language or a means of expression but also a practical exhibition of all the social, moral, cultural, psychological and traditional values that exist under the title of Pashtunwali. In other words, Pashto is both a language and a code which distinguishes it from other languages'.²

He added that, 'Pashto literature is full of references to Pashtunwali, from Rahman Baba and Khushal Khan Khatak to Ghani Khan, Qalandar Mohmand, Ajmal Khatak and Rahmat Shah Sail, many writers of this language have written in detail about various aspects of Pashtunwali, they praised its positive effects and also wanted to bring changes to it.'

According to a pashtun author, 'pashtun poets tend to show affection for Pashtunwali, and even Amir Hamza Shinwari, a great Sufi poet, wrote poems and couplets about Pashtunwali in most of his poems. After Sufism, Pashtunwali is the second subject of Hamza Baba's writings, the subject of Pashtunwali constitutes almost one-third of the writings of Pashtun writers.'³

In the light of Pashtunwali, one can easily understand the linguistic structure of Pashtuns, because Pashtunwali is a mirror that shows the lifestyle of these people as a whole, regardless of the geographical and tribal divisions of Pashtuns. The Pashtunwali code of conduct is so strong that any Pashtun found guilty of violating it must not only face public anger and rebuke, but also ostracism. A Pashtun can be forgiven if he fails to fulfill his religious duty, but violating Pashtunwali is intolerable in a normal Pashtun society.

Pashtunwali includes codes, that by implementation of part of these codes the rights of individuals are secured in some way, for example, respect for the property of others, prohibition of rape, punishment of murderers, protection of village people, financial cooperation with poor people as well as shelter for vulnerable people. But at the same time part of the existing laws in the framework of Pashtunwali brings negative results and can threaten social stability and lead the society towards chaos, such as revenge, being armed, superiority, banning girls' education, marriages coercion, the continuation of enmity for a long time.

A tribal elder from Paktia province stated that, 'the laws of Pashtunwali are not codified, but they are extremely executive and these laws were enacted by the Pashtuns in order to maintain stability and social security and they have become immutable codes throughout history due to continuous implementation and it is not easy to amend them in the short term'.⁴

2 Interview conducted by the author on 20.12.2023 in Kabul, Afghanistan

3 Interview conducted by the author on 13.12.2023 in Kabul, Afghanistan

4 Interview conducted by the author on 23.11.2023 in Paktia province, Afghanistan

In Afghanistan, Pashtuns refer lesser to legal and judicial authorities to resolve their cases and resolve them mostly through Pashtunwali mechanisms and laws related to Pashtunwali.

However, in the last two decades, the implementation of Pashtunwali and its special codes for Pashtuns in the centers of big cities has weakened and the reason for this is social, economic and individual changes.

The growth of Afghanistan's economy due to the presence of foreign forces and the extensive assistance of the international community has caused many Pashtuns living in the centers of large provinces to keep themselves from Pashtunwali traditions and to adopt urban principles and contemporary culture. Subsequently, it can be said that Pashtuns living in the villages are more committed to the Pashtunwali laws and codes than Pashtuns who have come to the provincial centers and especially the capital of the country who over time live their lives under the government laws.

Although Afghans in remote provinces and villages are in general against the education of girls, millions of Afghan Pashtun citizens in the big cities of the country allow their daughters to be educated and even give priority to the consent of their daughters in marriages.

Also, the media, public awareness and the expansion of educational centers in Afghanistan have caused Pashtuns to gradually react to some of the Pashtunwali codes and ignore them. But this does not mean the complete disappearance of the Pashtunwali system but is a result due to the changes in the society, since that part of the Pashtuns have kept themselves relatively far from the adaptation of Pashtunwali as in the past.

In Afghanistan, tribal culture has witnessed changes at the same time as the political system has changed and the Pashtuns are no exception. With the collapse of the first period of Taliban rule and the establishment of the Western-backed Republic government, Pashtunwali values were widely weakened in the capital and big cities of the country.

On August 15, 2021, when the Taliban regained power, part of the Pashtunwali laws were challenged not only in Kabul and big cities but throughout Afghanistan, and now the Taliban took over the implementation of Islamic laws.

The leader of the Taliban, through special decrees, prohibited the forced marriage of women and it is also forbidden to give away daughters for the purpose of resolving conflicts and creating friendships.

This case invalidates one of the Pashtunwali customs in which women are forced into a marriage in order to resolve the enmity between the two sides of the conflict. The Taliban have still maintained the role of Jirgas in resolving disputes but they have emphasized that any kind of belligerence and mutual killing is prohibited and violators will be dealt with seriously.

This is the first time that after decades, an Afghan government implements governmental laws in areas where Pashtunwali codes used to have the most power of implementation.

With all this, Pashtunwali is still the executive system in remote provinces and rural areas and part of its functions, especially Jirgas and Marakas, are still strong and its extensive and prominent role in the Afghan Pashtun community cannot be ignored.

Pashtuns consider Pashtunwali to be pride, honor and power and those who do not adhere to these principles are less respected among Pashtun communities and feel alienated from them.

At a glance, it can be said that Pashtunwali means the constitution of Pashtuns, which has become an unwritten but powerful law due to its successive implementation and practicality over hundreds of years which is passed from generation to generation through language, culture, meetings and families.

Below we discuss the most important parts of Pashtunwali:

4.1 Jirga and Maraka

Last modification 2024-03-19 13:49

Jirga is one of the most prominent Pashtunwali events among Pashtuns, which all Pashtuns know by its name, function and importance. Even for those Afghans who are not Pashtuns and belong to other tribes, they know that Jirga is the most important framework for resolving conflicts and an acceptable solution for Pashtuns.

Marakas are small meetings between several people that are held to solve a problem, resolve a conflict and achieve a goal.

A tribal elder from Paktia province stated that, 'a Maraka is smaller in terms of quantity and quality compared to a Jirga and is mostly used to solve small cases. Marakas are held with the presence of several elders, elders of families and youths to resolve differences and create understanding. Besides solving problems, Marakas can take place even for creating happiness and forming friendship pacts or financial understandings.'⁵

The houses of the elders of the tribe usually have a large guest house and the parties of the dispute usually hold the Marakas there.

A lecture from an Afghan university, said that 'Maraka is the gathering of several people from both sides of the dispute to discuss and understand in order to solve the case or achieve a goal, which is qualitatively and quantitatively and in terms of influences smaller than Jirga. But jirga has a higher position in terms of quality and quantity compared to maraka and plays a major role in solving big issues.'⁶

Jirgas can be considered as the parliament of Pashtuns in which a decision is made on a specific case. The decisions are implemented after consensus and any resistance or opposition to the decisions of the Jirgas can make the offenders investigated and forced to pay a fine.

⁵ Interview conducted by the author on 4.12.2023 in Paktia province, Afghanistan

⁶ Interview conducted by the author on 12.12.2023 in Kabul, Afghanistan

A lawyer from Kabul stated, that 'Jirgas in Afghanistan, especially among Pashtuns, are considered the backbone of the local legal mechanism, and that is why Afghanistan is called the land of Jirgas, which the Pashtuns consider to be the basis of Pashtunwali.'⁷

In Jirgas, influential people, elders, scholars and tribal figures are placed as judges to solve cases, other participants are regular members of the Jirga.

A Jirga is mostly held to resolve cases of murder, enmity, honor disputes, family disputes, division of wealth, disputes over land, etc., it is mostly held in an open area or at the house of an influential person. It may take days, weeks or even months.

In the 20 years of the Republican rule, the Jirgas remained in power but now the Taliban in addition to paying attention to the importance of the Jirga, have tried to infiltrate the Jirgas and bring them under the administration of their government.

A tribal elder from Helmand province stated that, 'since the Taliban came to power, this group has tried to bring Pashtunwali codes under the control of government laws.' He added, 'this is not an easy task, and for this reason, the Taliban have tried to use the Jirga mechanism to prevent other aspects of Pashtunwali, such as hostilities and forced marriage of girls'.⁸

After the Taliban took power on 15.8.2021, 700 ethnic disputes have been resolved through Jirgas, according to a spokesperson of the Taliban, which are mentioned below in the following provinces:⁹

- 12 cases in Helmand
- 60 cases in Kunduz
- 46 cases in Kapisa
- 45 case in Baghlan
- 36 cases in Daikundi
- 33 cases in Ghazni
- 25 cases in Herat
- 21 cases in Laghman
- And the rest in other provinces

In Garbz district of Khost province, two tribes have been fighting over the ownership of a mountain for 15 years, during which 12 people have been killed.

An Afghan tribal elder in Khost and a side of this enmity said: "At first, the Taliban made a ceasefire between us and warned both sides that with this ceasefire no one has the right to kill

7 Interview conducted by the author on 12.12.2023 in Kabul, Afghanistan

8 Interview conducted by the author on 21.11.2023 in Helmand province, Afghanistan

9 Interview conducted by the author on 29.12.2023 in Kabul, Afghanistan

the other party, and following that, the Taliban held a big Jirga, as a result of which we made peace and ended the enmity of 15 years.”¹⁰

A member of the Taliban who participates in the Pashtun Jirgas on behalf of the government, said: “In the first step, we force both parties to accept the ceasefire through negotiation, mediation and if necessary, by force. After the ceasefire is established and the traffic between the two sides is safe, we prepare the ground for talks, and with holding two or three Jirgas, will eventually resolve the enmities. If both sides do not accept the Jirga and negotiation, then we will send their case to the government and if they do not want to resolve it there, we will force them to accept this.”¹¹

The Taliban are trying to strengthen their judicial system and put the Pashtunwali codes under the control of their own interpretation of Islam. The belief of the Taliban is that the continuation of Pashtunwali’s authority will lead to the marginalization of the functioning of their judicial system.

A member of the Supreme Court of Taliban, said that, ‘in our judicial system, customs, Pashtunwali, people’s culture and the views of the elders are on the sidelines, and our first priority is the Islamic and Shari’a rules, and all the cultures that were practical in the judicial department for many years have been pushed out of priority and used only occasionally for expediency and is used only if it does not conflict with Shari’a laws.’¹²

Among the Taliban, the Minister of Interior, the Governor of Kabul, and the Minister of Migration have prominent roles in resolving disputes through Jirgas.

Government officials have traveled to Khost, Paktia and Paktika province many times and have resolved cases of enmity between clans through mediation. In Paktia province, there was an enmity between two tribes, Sabri and Umarkhail for nearly 14 years, as a result of which 85 people were killed and this enmity caused dozens of youths from both tribes to flee from their places. However, with the mediation of the Taliban, both tribes agreed to a ceasefire at first and finally agreed to peace.

The Taliban have repeatedly warned the tribal elders who hold Jirgas to hold any meetings under the influence of their government to show that the Taliban have resolved the issues and the role of the Taliban should be highlighted.

A spokesperson of the Taliban announced that they are going to resolve more than 150 cases of tribal hostilities through Jirgas in this year.¹³

According to a lawyer in Kabul, ‘Jirgas have played an important role in the judicial tribal system of Pashtuns for hundreds of years and this has led to the creation of the Loya Jirga, which is the largest Jirga in the country. It is used for important political and national decisions and was for example used for the approval of the country’s constitution. This shows the influence of the Jirga in politics and society of Afghans.’¹⁴

10 Interview conducted by the author on 20.11.2023 in Khost province, Afghanistan.

11 Interview conducted by the author on 15.11.2023 in Logar province, Afghanistan

12 Interview conducted by the author on 28.12.2023 in Kabul, Afghanistan

13 Interview conducted by the author on 29.12.2023 in Kabul, Afghanistan

14 Interview conducted by the author on 12.12.2023 in Kabul, Afghanistan

4.2 Blood Price (Bad o Por)

Last modification 2024-03-19 13:51

Bad o Por means paying the price in order to resolve enmities and settle disputes.

If a person or a member of a family violates the rights of others or acts against the principles of Pashtunwali, he is forced to pay the price or Bad o Por.

A tribal elder from Nangarhar province stated that 'Bad o Por's philosophy is to avoid enmity and resolve the issue peacefully.'¹⁵ One of most controversial actions in Bad o Por is giving girls for the purpose of settling disputes and creating friendship. This custom has existed among Pashtuns for hundreds of years.

Young and teenage girls of the families are at risk of forced marriage to solve the cases of enmity. In such cases, they are forced to marry without considering the women's consent. According to the author the government has tried to outlaw this method.

A former member from the Uruzgan provincial counsel said that eight years ago, 'in Dehrawood district of Uruzgan province, three girls from one family were given as gifts to the other party for the purpose of solving a case of enmity and these girls are forced to accept marriage and if they disagree, they may lose their lives.'¹⁶

In small cases, slaughtering an animal, creating small Maraka, parties, money and apologies may solve the problems but if it is an honor and family issue, then solving it will be much more difficult.

Cases of honor are very sensitive and people may lose their lives in them. A tribal elder from Nangarhar province stated that, 'making romantic relationships, making girls run away from their homes and trying to have illicit sex can lead to very dangerous results and women even lose their lives in it, and if these secrets are revealed, men have to pay the price for their mistakes.'¹⁷

A tribal elder from Helmand province said that, 'according to Pashtunwali laws, if a man takes a woman away from her home, he has two options: either he does not come back forever and hides himself. Or he returns and he has to pay the price of this action and apologize. He has to take with him some money and bring cattle and after the Jirga decides that this girl is his mistress, he can pay all the wedding expenses to the girl's father in cash, and after that he can become the girl's husband. But the girl is not allowed to return to the father's house until the end of her life. She is expelled from her father's family and she is deprived of the right of inheritance.'¹⁸

In the past 20 years, the *[note: former]* government tried to prevent women and girls from being used to solve conflicts through public awareness and holding educational programs but it was not a solution. When the Taliban took over in Afghanistan, the leader of this group, through a

15 Interview conducted by the author on 29.11.2023 in Nangarhar province, Afghanistan.

16 Interview conducted by the author on 5.1.2024 in Uruzgan province, Afghanistan

17 Interview conducted by the author on 29.11.2023 in Nangarhar province, Afghanistan

18 Interview conducted by the author on 22.12.2023 in Helmand province, Afghanistan

special decree, prohibited the forced marriage of women and giving of girls for Bad o Por. The Taliban added that tribes who do not observe this decree will be dealt with serious punishments.

In another decree, the leader of the Taliban has emphasized on women's rights in inheritance, which is guaranteed in Islam. However, forced marriage of girls to solve enmities is still common among Pashtuns in the provinces and Pashtuns believe that this principle can keep families safe and imposes a heavy penalty on the violator.

4.3 Blood Feuds (Badal)

Last modification 2024-03-19 13:05

Being a warrior and having weapons is considered an honor among Pashtuns and any tribe that has more men and weapons has more power and influence.

Enmity among families and tribes sometimes starts from very small incidents and eventually turns into a big enmity.

Among Pashtun tribes if a man fires a Kalashnikov in front of a girl's house, he wants to send a message to everyone that this girl belongs to him and no one has the right to marry her so based on what he did, he buys an enmity that may end with deadly results.

A tribal elder from Logar province, said that, 'in Logar, in the village of Dadukhil, a young man fired a Kalashnikov in front of the house of a girl with whom he had a romantic relationship. This incident caused enmity between the two families and days after young men of the girl's family attacked the family of the man. Two people were killed and three others got wounded. Then the boy's family also killed one of the young men of the girl's family after a month but shortly after that, the man who loved the girl was killed by unknown armed men and this lasts now for three years. Eight people died in the meantime and this enmity has not been resolved until now.'¹⁹

A tribal elder in Khost province stated that, 'among the Pashtun tribes, the punishment for murder is death and for the victim's family, killing the murderer is a priority. But this is not only the killing of the murderer, but the beginning of an enmity in which dozens of other people, including innocent people, may be killed on both sides of the conflict'²⁰

Sometimes, a small fight between Pashtuns causes a big enmity to arise. These cases include verbal fights over the land, tensions on tribe leadership and physical clashes between the youths of the two tribes, which gradually destroy the families.

A tribal elder from Kandahar province said that, 'among Pashtun tribes, young people are victims of hostilities, this is because the youth are considered to be the main force of confrontation and enmity.'²¹

Enmities between Pashtuns do not have a specific time limit to end and may last for years and generations.

19 Interview conducted by the author on 27.11.2023 in Logar province, Afghanistan

20 Interview conducted by the author on 20.11.2023 in Khost province, Afghanistan

21 Interview conducted by the author on 8.1.2024 in Kandahar province, Afghanistan

A tribal elder from Uruzgan province spent 40 years of his life in enmity and during this time he was deprived of visiting his family, sisters and relatives, his sister died and he could not even participate in his sister's funeral. After forty years the enmity ended, but now he is very old and he regrets that he spent so many years in enmity. The main point is that his enmity was with his nieces, he said. 'Three people were killed among us, and at the beginning of each day I imagined that I would not be alive at the end of this day.'²²

Sometimes, among some Pashtun tribes, it is even considered an honor to be enemy with someone, and families think that they appear powerful by being enemy with someone, which causes the increasing level of enmity among Pashtun tribes.

According to a Pashtun writer and activist, enmity between Pashtuns follows three approaches:

1. If someone is killed, the killer must be punished and this sentence does not require a court; killing the killer and his family members is a priority.
2. Hostilities end with Jirgas, in some cases one or both sides should give a girl to the other side to ensure friendship between tribes.
3. In case of hostilities, no one is safe from both sides of the fight and young people are more exposed to death than others.²³

Taliban are trying to first establish a ceasefire between those tribes who are fighting with each other, and after that they will ensure peace through the Jirga. According to the author, one of the priorities is to stop the forced marriage of women in these hostilities, and in the last two years, the Taliban have been able to resolve hundreds of conflicts with this approach.

4.4 Hospitality (Mailmastia)

Last modification 2024-03-19 13:51

Pashtunwali culture regards the guest as an honorable and important person and even calls him a friend of God. Pashtuns have great respect for their guests and try much to keep them happy and satisfied. In Pashtunwali culture, good food should be prepared for the guest, shelter should be provided and he should not be harassed.

Guests live in complete immunity among the Pashtuns and even their enemies cannot harm them. Hospitalities have a special role to resolve enmity, making friendships and overcome tribal challenges. Families want to show off their economic strength and family ability with a party or hospitality. If the guest is satisfied with the food, hospitality and support of the host, the host is equally proud and satisfied.

For Pashtuns, ethnicity, language, religion, and identity of the guest are not important and the entire focus of Pashtun tribes is to provide good service to the guest. Hospitality is a cherished and popular value for Pashtuns.

²² Interview conducted by the author on 28.12.2023 in Uruzgan province, Afghanistan.

²³ Interview conducted by the author on 4.1.2024 in Kabul, Afghanistan.

4.5 Protection (Panah)

Last modification 2024-03-19 12:59

Pashtuns give special value to protection and security. Among the Pashtuns, it is forbidden to harm someone who has taken refuge in a family or tribe and even if one side of a dispute takes refuge in a tribe, the other side of the dispute cannot harm him. After sheltering someone, Pashtuns hold small Marakas to decide the fate of the sheltered person.

Asylum generally means asking for security and protection from a Pashtun tribe and Pashtuns are bound by it.

But it should be clarified that taking refuge in the case of a person who has committed a crime like murder is not acceptable to the Pashtun tribes and it causes the asylum-seeker to be expelled from the tribe again after a short Jirga.

4.6 Bravery (Tora)

Last modification 2024-03-19 12:59

In case of enmity among Pashtun tribes, the young men of each tribe try to show their courage and strength in the fight and regardless of the legitimacy of the fight, their entire focus is to hit the other side harder and harder. Among the Pashtun tribes, taking revenge and retribution is a manly act, and if a tribe can take revenge faster and by hitting the other side harder, it means that it has manliness and courage.

A tribal elder from Kandahar stated that, 'masculinity among Pashtun tribes has nothing relevant to forgiveness, and perhaps there are cases where forgiveness is considered to mean fear. Accordingly, for Pashtun tribes, bravery means fighting well, defeating the enemy, and beating the enemy. The youth among the Pashtun tribes grow up with a spirit that they are taught to never show mercy to the enemy and to always show courage and masculinity by killing and destroying their enemy,'²⁴

The youth who participate in a war of the tribes and take an active part in destroying the enemy are always considered as strong men and they are respected.

4.7 Freedom (Azadi)

Last modification 2024-03-19 12:58

One of the important elements in Pashtunwali is freedom and independence.

Pashtuns are mostly called free tribes who are committed to their tribal laws and do not want to follow government laws and even consider their tribal values more important than religious and civil values. Pashtun tribes want to unite and agree with other tribes in order to expand their power, but they never trade their freedom.

In Afghanistan, due to the non-acceptance of the central government by a number of Pashtun tribes, the conflicts between the government and the Pashtun tribes have been going on for years, in which there have been many casualties.

²⁴ Interview conducted by the author on 6.1.2024 in Paktia province, Afghanistan

For Pashtuns, abandoning their tribal principles is equal to death and this is the reason why this people are strongly in favor of freedom and independence.

The Taliban have tried to influence the freedom of the Pashtun tribes with the re-establishment of their government in Afghanistan, but this work is done with complete caution and the Taliban want to convince the Pashtun tribes by building trust and cooperation to allow their ethnic freedoms.

If the freedom and independence of the Pashtun tribes is violated, they are ready to sacrifice their lives to take it back.

5 Summary and Conclusion

Last modification 2024-03-19 12:51

Pashtunwali is a special fertilizer for regulating the social relations of Pashtun tribes. The rules of Pashtunwali identify the culture of the Pashtun people and are considered to be respectful for Pashtuns as religion and religious values.

For centuries, Pashtunwali codes have been implemented with full force, but in the last twenty years, due to civil changes, enacted laws, urbanization, the expansion of educational centers, media activity, the development of the central government and the economic development parts of the Pashtunwali codes have been changed. Those Pashtuns who came from remote areas to the city centers slowly replaced Pashtunwali with civil laws.

However, Pashtunwali is still considered the social system of the Pashtun community and has influenced millions of people.

Since Taliban took over again in Afghanistan, the group has tried to bring the Pashtunwali system under the rule of their judicial system in order to expand their rule.

Jirgas and Marakas are considered to be the most important elements of Pashtunwali, and its decisions are extremely executive.

Pashtuns have special respect for the decisions of the Jirga and if anyone stands against the decisions of the Jirga, they will be expelled from the tribe.

During their rule, the Taliban have mostly used Jirgas to resolve ethnic disputes.

When enmity occurs between two tribes, no one from both tribes is immune, and young people are most at risk.

In the course of enmity and revenge, killing and destroying the other party is a priority for each tribe and in this regard, all civil, religious and human laws are violated and the goal is only to kill the other party.

Thousands of innocent youths have lost their lives due to tribal enmity, while the majority of them had no role in creating enmity.

One of the latest examples of this case that occurred in January 2024, is the killing of a teacher of a private institute in Kabul, who was killed by armed men last week due to family feuds and later the killers were arrested by the Taliban.

Women are victims of enmity, and if two tribes or families agree to be friends, the tribe that started the enmity must give one or more girls to the other side and this causes forced marriage and the girls become victims.

Bad o Por among Pashtuns means blood price. Those who go against Pashtunwali codes have to pay and this price is sometimes very heavy.

In cases of honor, enmity, murder, baseless fights and encroachment on the privacy of others, the Jirga forces those who are guilty to pay their debts.

Among the Pashtuns, families are more likely to take action and take their revenge, thus feeling more proud and courageous.

Taliban are trying to put the Pashtunwali system under the shadow of the central government's laws and they have succeeded to some extent.

The Taliban have formed small committees and councils of elders all over the country in order to establish ethnic Jirga's to provide the ground for the influence of the government among the influential leaders of the Pashtun tribes and to eliminate ethnic tensions. They solved hundreds of big fights in the past and put an end to many years of enmity. The most important action of the Taliban among the involved tribes is to ensure a ceasefire in order to prevent the killing of people.

However, Pashtuns consider it impossible to go beyond Pashtunwali codes and are even more serious in observing them than religious laws. According to Pashtuns, to stand against Pashtunwali laws means going beyond their cultural identity, which is culture, value and social status.

Other Pashtunwali codes such as hospitality and shelter show the warmth of social relations, love and sacrifice, which Pashtuns consider their pride and feel psychological peace by applying it.

Pashtuns are free-spirited and law-abiding people, and they mostly seek to follow the specific laws of their tribe and even avoid marriage with non-Pashtun tribes.

Some of the Pashtunwali codes, such as enmity, Bad o Por, Badal and Khoonbaha [*note: similar to Bad o Por*], have unfortunate consequences and put young people at greater risk and even death and that is why every year hundreds of young Afghans die because of the Pashtunwali codes.