

Rulemaking and the Production of Tribal Subjects: Power and Culture in Postcolonial Balochistan

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Abstract

The invalidation of chiefly authority by the Pakistani state in 1976 marked the end of colonial governance, where the local population of Balochistan was governed through tribal chiefs – *sardars*. The reforms were envisioned by the Pakistani state to produce a modernist form of sociability in the tribal space where the local population could organize itself along the lines of interest beyond their tribal affiliation against the “oppressive” authority of *sardars*. After four decades, chiefly authority of *sardars* and tribal affiliation and identity continues to be a characteristic feature of the place. My ethnographic research in Duki, a town in Balochistan, suggests that far from being enfeebled, *sardars* have gained more power with the introduction of parliamentary politics in postcolonial Balochistan and the very existence of the modern state in the tribal area. The relevance of chiefly authority has particularly increased with the development of a pervasive political society in the region which uses chiefly authority to undo state rule. I argue in the thesis that the various practices of rulemaking are predicated on the production of tribal subjects. This thesis problematizes the evolution of tribal societies into the modern state as the latter expands its rule. Instead, I claim that tribes may reproduce themselves in their interaction with the state. This thesis calls for a fresh understanding of the tenacity of tribal societies in the modern state; rather than looking at “failed” attempts of the state to penetrate the culture of tribal groups, the ‘failure’ of the state should be viewed as a different kind of sovereignty which is animated by the state and locals in its practices of rulemaking.

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Contents

Abstract	i
Acknowledgements	ii
List of Figures	iv
Introduction	1
Methodology	8
The field	10
Chapter I Colonial Rulemaking: Culture and Power in the Ethnographic State	16
The making of tribal subjects	18
[De]tribalization in the postcolonial state	22
Chapter II Tribal Rulemaking: State in the Service of <i>Sardars</i>	27
“ <i>Sefarashi</i> culture”, making the impersonal personal	32
Effecting tribal hierarchy through the state	34
Chapter III [Post]colonial Rulemaking: <i>Sardars</i> in Service of the State	40
<i>Jirga</i> , rule through/of culture and <i>sardars</i>	43
Tribe as collective responsibility/punishment	47
Chapter IV Political Society: <i>Sardars</i> in the Service of Tribesmen	50
Un/doing chiefly authority	53
Conclusion	59
Bibliography	62

List of Figures

Figure 1(Left) Fortress wall of a house in Duki disseminating upcoming visit of a political party leader visit to Balochistan. (Right) A college wall painted by the name of sardars and party leaders.	10
Figure 2 Map of Pakistan and Afghanistan which shows the distribution of Pashtun population along the Duran Line, border which divides the two countries. The area around Duran Line is one of the largest abode of segmentary tribal population which covers the area	12
Figure 3 Map of Loarali district. Courtesy www.parkresonpse.info	13
Figure 4 Map of Duki tehsil which shows the location of Tareen Tribe, Nasar tribe and coal mines; the dotted green area shows physical boundary of my field site.	14
Figure 5 A jirga proceeding. Courtesy www.pakistantoday.com.pk	21
Figure 6 Sardar Jameel Khan Nasar (in the middle) meeting with Additional Inspector General Police. Courtesy Allah Noor Nasar.....	31
Figure 7 Sardar Dur Mohammad Nasar (first from left in waist coat) is inaugurating a water supply scheme for a girls public in Duki along with Assistant Commissioner of Duki (second from left to the sardar). Courtesy Allah Noor Nasar.....	36
Figure 8 A Domicile Certificate issued from District Commissioner office in 2016 which testifies that the person is permanent resident of a particular district and belongs to a particular tribe (quom) who's a particular tribal head	42

Introduction

To weaken what it considers an “anachronistic” political structure and to bring Balochistan in the fold of “progress”, the federal government of Pakistan abolished the *sardari* system – chieftaincy in 1976. This marked the end of colonial governance during which, the population of the province was governed through tribal chiefs. Hence, it was deemed necessary by the state to expand bureaucracy in the tribal space to replace the traditional authority. The invalidation of chieftaincy was intended by the federal government as a means of achieving enduring and radical consequences, one of which, was to awaken “a new social consciousness” among tribesmen of the province. It envisioned a modern subject who could be “free” from the “oppressive” authority of tribal chiefs – *sardars* – and could act and organize himself along lines of interest, transcending retrograde tribal identity and chiefly authority. In this thesis, I argue that the replacement of *sardari* system by parliamentary democracy in Balochistan has failed to eclipse chiefly authority. Almost half of the members of the current provincial assembly (2013-18) are *sardars*¹ of various tribes². Unsurprisingly, the relationship between tribesmen and *sardars* has manifested itself in the form of clientelism. But ironically, while the expansion of state bureaucracy was supposed to replace personal authority of *sardars*, it has instead increased the power of *sardars* over the state officials and tribesmen alike. *Sardars* have grown more powerful actors by accessing state power through participation in parliamentary democracy. This power is exercised by *sardars* in a colonial fashion

¹ On the official webpage of the Balochistan Provincial Assembly elected *sardars* are distinguished by prefixes such as Mir, Sardar, Nawab or Prince.

² I am aware of the colonial and anthropological literature wherein tribe was constructed as ‘primitive’ or in other pejorative terms. In this thesis I am using the word in descriptive terms. By the word ‘tribe’ or ‘tribal’ I refer to political organization of the society along the axis of tribal chiefs and organization of the population along tribal identity. On the evolutionary perspective on ‘primitive’ to ‘civilization’ and the reproduction of the idea primitive in anthropological literature, read Adam Kuper (1988).

to bring tribesmen under the rule of their chieftaincy based on tribal identity – a process which I refer to in this thesis as the production of tribal subjects. This thesis focuses on variegated forms of rulemaking in Duki, a town in North East Balochistan, and looks at the reproduction of tribal subjects through state power which is employed both by *sardars* and state officials. This, in turn, explains the persistence of tribal hierarchy despite the state's best efforts to introduce (a liberal-like) parliamentary democracy in the tribal region.

This thesis problematizes reductionist views which place tribes outside modernity (Clifford, 1988), temporalizing them as precursors to the modern state and predicting that they will inevitably 'practically disappear' under 'the superiority of state structure' (Crone 1986)³ or evolve into states (Shallins, 1968; Lerner, 1964; Rostow, 1960; in the context of Pakistan, see Ahmad, 1977). I demonstrate that the modern state and tribal authority in Duki sustain each other rather than the former canceling the latter out. Unlike scholars who relegate tribes to ruins and relics about to disappear as modernity spreads in the non-west (Benjamin, cited in Clifford 1988, p.202), I reveal how in Duki, chiefly authority and tribal identity, paradoxically, have become more relevant as the Pakistani state expands. I highlight the relevance tribal hierarchy to the society, particularly with reference to that section of tribesmen who make a living through subverting state rule by pitching the authority of *sardars* against the state. While not pretending to present a historical analysis of tribes and state formation, this thesis does attempt to show how tribes get reproduced as the modern state expands. It echoes Morton H. Fried's dictum that "[m]ost tribes so called in the ethnographic literature are the product of specific political and economic pressures emanating from already existing state-organized societies (Fried, 1975 p.44).

³ For critical commentary on Crone, read Richard Tapper (1990).

A large corpus of literature on the relationship between tribe and state explains the persistence of tribal societies in modern states by invoking cultural explanation: the tenacity of tribal societies is explained as the inability of modern state to infiltrate strong solidarity that exists within tribal groups. Migdal (1988, 2001) calls it a set of *a priori* relationships which precedes the state in historical temporality and thus receives the latter according to its own logic. This perspective, while plausible, ignores the political - the actual practice of rulemaking which *reproduces* pre-existing relationships. This thesis suggests that the cultural explanation about the persistence of tribal society in the modern state can be complemented by the political explanation – the practice of rulemaking which reproduces culture (tribal identity, solidarity, and tribal hierarchy) itself. In doing so it contributes a fresh understanding of the relationship between tribes and the modern state.

Local scholars on Balochistan, mostly historians or journalists by training, have traced colonial legacies of rulemaking on contemporary Balochistan (see for instance, Marri, 2014 Breseege, 2004; Baloch, 1987). Such scholarship is informed by (ethno)nationalist historiography, which considers the survival of the authority of *sardars* as a product of Pakistani state patronage, similar to colonial governance where *sardars* were a local extension of colonial state authority. Inasmuch as patronization of *sardars* is concerned, the claim of such scholarship is valid. However, such an account of rulemaking particularly belittles the agency of *sardars* and tribesmen who equally participate in the colonial form of rulemaking for their own reasons. Other scholars (see for instance, Swidler, 2014; Jamali 2010), anthropologists by training but interested in historical anthropology, have demonstrated colonial legacies of rulemaking, which are shaping the contemporary reality of Balochistan. Their scholarship tends to ignore, however, contemporary rulemaking in postcolonial Balochistan and the changes that have taken place since. The

contribution of this thesis also particularly lies in filling this lacuna. I argue in the thesis that while the agency of *sardars* was compromised in colonial governance, they have gained influence on rulemaking in contemporary Balochistan where they enjoy the power of being state legislators.

I take a post-structuralist approach to rulemaking in postcolonial Balochistan. It conceptualizes rule as the rendition of multiple (disproportionate) agencies that are scattered over space. Thus, I believe, the state is not a single authoritarian body in a defined territory, it contains multiple agencies and thereof a multiplicity of rulemaking practices. Michel Foucault suggests that the state and its relationship to power (sovereignty) should be understood in a circumscribed way, “... for all the omnipotence of [state] apparatuses ... [it is not] able to occupy the whole field of actual power relations ...” (Foucault, 1980, p. 122). He continues, ‘the State only operates on the basis of other, already existing power relations’ (p. 122-3). The Foucauldian perspective of the modern state closely resembles Deleuze and Guattari’s (1987, p. 360) notion of the state’s limited sovereignty which, they argue, ‘only reigns over what it is capable of internalising, appropriating locally’. I find such a conceptualization of the state useful in analyzing the reliance of state officials on *sardars* both for legitimacy of the state rule and to supplement its inability to govern and read the population. The dependency of state officials over *sardars* thus makes state power vulnerable to the latter who employ it against the state, to effect their chieftaincy and to produce of tribal subjects. While chieftaincy is still appropriated by the postcolonial state in everyday rulemaking despite its invalidation, the line between state and society in Balochistan is highly blurred. This approach also helps in evading endless ideal typological and ontological discussions over what a tribe and state *is*; I believe tribal structure can be appropriated by modern state and, conversely, a tribe can mimic state-like practices of rulemaking.

In its territory the state faces enormous challenges while trying to establish a central authority which is constantly undermined by various groups. Limited state sovereignty is an outcome of this dialectical opposition between the people and the state as the whole population is amenable to state rule. People escape state rule and to do so the people rely on their geography, social structures, and mode of economy to keep the state ‘at arm’s length’ (Scott, 2009, p. x). I find James Scott useful in analyzing the ways in which tribesmen in Balochistan uses their culture i.e. chieftaincy, identity, and the discourse of tribal and remote area to escape state rule, which explains the continued relevance of *sardars* even as the state expands its rule.

The failure of modern state and liberal polity in dissolving pre-modern political relationships and their attendant culture in postcolonial societies is a result of colonial modernity. This was a result of a compromise between the modern and the pre-modern (Guha 1997; see also, Chibber, 2013). In Europe, the rising class of bourgeoisie allied itself with the working class in capitalist society to overthrow feudalism. The alliance liquidated old feudal patronage and laid down the foundation of formal equality, and citizenship. Whereas outside Europe, for the success of capital extraction and legitimization of rule (European) bourgeoisie made an alliance with traditional political order in its colonies (Kaviraj, 2000). The appropriation of pre-modern by modern was constrained both by indigenous and external factors. For instance, in India pre-colonial order was an ensemble of multiple rules. A kingdom comprised fragmentary political units of varying sizes which were interwoven in a web of complex relationships. Relationship amongst these units and with kingdom was that of ‘subsidiarity rather than sovereignty’ (Kaviraj, 2000). The absence of absolute regimes significantly curtailed the development of a modern state in India which were critical in the European experience, where the modern state easily claimed centralized authority of the regimes.

This coincided with the ‘stealth entrance’ of the British in India through mercantilism which required the colonizers to compromise with the traditional political order.

However, the arrival of British colonialism in Balochistan was primarily with a view to protect the western border of its colony in India. In Balochistan mercantile interests of the colonizers subsided before the fear of foreign invasion. To mitigate these fears tribal militia composed of local tribesmen was established and *sardars* were designated as the heads of the militia (Hopkins, 2015). The colonial state thus reconstituted and appropriated tribal hierarchy in its administration which, on one hand, preserved traditional order, and, on the other hand, kept the tribal population out of the colonial civil society ruling it through chiefs.

Unlike Europe where the bourgeoisie culture granted European subjects equal status, the colonial state was essentially premised on the rule of difference, on racial grounds where privileged colonial autocracy was antithesis to citizenship and rule of law (Chatterjee, 1993). However, using African colonies as an example Mamdani (1996) illustrates that colonial rule was not a monolithic entity that effected similar consequences across colonial space. It was a bifurcated state, a state that had unified yet racialized subjects in the African metropolis (also as in the case of mainland India) under direct rule on the one hand and divided but ethnicized subjects in the smaller towns (and on the frontiers and in princely states in India) under indirect rule on the other hand. The racialized area was a realm of assimilation where the racial subjects were given some “civil” rights and ruled by modern civil law whereas the ethnicized area was a realm of “autonomy” which was ruled through “native” chiefs in the framework of “customary” laws. Racial space within the colony represented a civilizational vertical hierarchy of actual and potential racial subjects where the colonizer was at the top of the hierarchy and the colonial subject at the low end. Ethnicized space on the other hand represented cultural diversity along a horizontal plane; ethnicized subjects were

beyond civilizational hierarchy and were thus kept outside the colonial civil society (Mamdani, 2005).

In the postcolonial context, Mamdani (1996) notes, the ethicized areas remained ethicized under conservative states which unproblematically relied on chiefly authority to rule tribes, especially in the early decades following independence. As in the case of Africa particularly, any attempts to de-ethnicize ethnicized areas by representative democracy, paradoxically, only led to further ethnicization of these areas. Urban political parties were dependent on the support of these ethnicized areas for securing their political ambitions. Consequently, the postcolonial state in Africa governed by urban elite could not afford to de-tribalize these rural areas on which they depended for their survival and power. Parallely, the chiefs strengthened their position by forging strong links and ties with civil society in urban areas. Chieftaincy got further strengthened in postcolonial states where tribal chiefs continued to produce tribal subjects along ethnic lines. This colonial legacy is patently evident in the voting patterns of postcolonial societies which are heavily skewed in favor of patrimonial lines contained within the boundaries of ethnic identity. In some cases it has generated violent tensions along ethnic lines and on the question of citizenship in postcolonial democracies (Mamdani, 2001). This has led to the creation of a kind of democracy that Mamdani (1996, 2005) calls ‘democracy without participation’.

The chapters that follow capture the failure of representative democracy in dissolving the extra-legal institution of chieftaincy in postcolonial Balochistan. I focus on the various practices of rulemaking in the province which are premised on the production of tribal subjects and its tribal identity. In the first chapter I discuss the emergence of an ethnographic state in tribal Balochistan. This chapter focuses on the relationship between anthropological knowledge and the (re)constitution of “tribe” to manufacture tribal subjects and chiefly authority for the purpose of

defending the frontier province. It also discusses the failure of parliamentary democracy to weaken tribal chiefs' authority in the postcolonial context. In the second chapter I focus on the police force, the office of Assistant Commissioner and state development funds, which *sardars* in Duki employ to consolidate their power over local bureaucracy and to reproduce tribal subjects. In chapter three, I focus the practices the local bureaucracy in governing the population which are predicated on rejuvenating chieftaincy and organizing tribal subjects under it. I also discuss continuities and changes in colonial rulemaking in contemporary Balochistan. The last chapter highlights the significance of tribal identity and the *sardars*' authority in the political society of Duki which is used by the latter to escape or resist state rule. I also focus on the discourse of 'tribalism' and remote area which is used by tribesmen to evade and therefore inhibit state rule. In conclusion of the thesis, I suggest ways to understand and analyze the tenacity of tribal societies in the modern states.

Methodology

This research focuses on two tribes in Duki, namely Nasar and Tareen, in order to illustrate how the modern state and parliamentary democracy reinforce chiefly authority and tribal identity in postcolonial Balochistan. I accompanied and observed tribal *sardars* (tribal heads), *masyeers* (clan heads) and *maliks* (sub-clan heads) of the two tribes in their everyday interaction with tribesmen and state officials between July and August 2015 and from January to March 2016. During summer 2015 I also did archival research for a month in Balochistan Archives and Directorate of Archives, Balochistan in Quetta. I conducted in-depth semi-structured and unstructured interviews with people in the tribal hierarchy, personal secretaries of those sardars who were state parliamentarians, four police officials in the town, three local government officers and eight local state administrators at district and tehsil levels. During my stay in the field, I had discussions with

a number of tribesmen about the two tribes' history, their relationship with each other, with the tribal hierarchy and the state.

A decade of Baloch separatist insurgency coupled with the exponential growth of militancy in Balochistan poses unique challenges even, and perhaps especially, to a 'native' anthropologist and researcher such as myself. The state tries to address these issues by placing several secret agents among tribesmen to elicit information or to conduct extra-judicial killings of people that the state regards as miscreants. Not surprisingly, in such a climate, my presence with a notebook and pen surprised and perturbed many of the tribesmen I interacted with. Some of them perceived me as an *agencywala* (secret agent), involved in espionage and a few others thought of me as a journalist. Furthermore, they would instantly be on their guard the moment I would start writing what they narrated, for fear of possible consequences. My tribal affiliation with the Nasar tribe was both enabling and disabling. Disabling because Tareen tribesmen and *sardars* kept a safe distance from me as 'the other' and did not reveal much. This is evident in the lack of description of the tribe in my thesis. However, my tribal affiliation enabled me in getting entry into the Nasar *sardars'* official and personal spaces to observe their activities. My tribal identity also proved useful in getting appointments from state officials for interview through my sub-clansman Hameedullah Nasar – a district level state administrator. This in turn reinforced my identity as a tribal subject of *sardars* of the Nasar tribe who gave me access to much privileged information only because it was evident to them that my family and I owe allegiance to their chieftaincy. In my interaction with the state it only increased my indebtedness to my sub-clansman Hameedullah and reinforced our sub-clan affiliation whereas otherwise it would have been extremely hard to get interview from state officials.

The field

Just like traversing through other towns of Balochistan which are separated from each other through large tracts of land inhabiting and inhabited by mountains and mounds of varying heights, compositions and appearances, the two hundred kilometers road which links Duki, my field, to Quetta, provincial capital of Balochistan, is mostly deserted, save a few major towns. To a naïve eye Balochistan may appear “*terra nullius*” as it was described by the British colonizers. This scarcely populated place does not fit well with the over populated image of South Asia which makes outsiders and most Pakistanis from other provinces believe that the place is “remote” and “empty”. Places within and inside towns in Balochistan are the abode of complex power relationships among the people and between towns. This is evident from various, afresh and faded, scratched and dusty slogans which are inscribed on cemented (*pokh*) buildings of public schools, hospitals, government offices, shops, and on big flat pieces of mountain stones and mud-built walls in and around bazaar of Duki as is the case so anywhere in the province.



Figure 1(Left) Fortress wall of a house in Duki disseminating upcoming visit of a political party leader visit to Balochistan. (Right) A college wall painted by the name of sardars and party leaders.

In fact, the slogans scribbled in Urdu and Pashto serve as a good introduction to politics of the area and peoples' political demands. It gives adequate insight into “whose [native] area is this?” (*di cha ikalqa da?*) as the locals discuss such question in Pashto amongst each other with curiosity, dissent, pride, or sometimes with utter innocence when they pass by and read slogans of other towns. The slogans usually contain welcoming praises for *sardars* of various tribes and political party leaders in the locality; it states adulatory remarks for them or being gratuitous for their chieftaincy. *Sardars*, the strength of various political parties and thereof political slogans change from town to town in Balochistan but adulatory remarks for Pakistan Army and FC (Frontier Corps), a paramilitary force, remain unchanged, especially in Pashtun populated areas of Balochistan. Such remarks which may be infrequently accompanied by discrediting remarks about civil bureaucracy – local administration, police and public power supply company – for being corrupt or inefficient. Reading scribbled walls are adequate enough to make sense of the powerful actors in a locality and how the people relate to them.



Figure 2 Map of Pakistan and Afghanistan which shows the distribution of Pashtun population along the Durand Line, border which divides the two countries. The area around Durand Line is one of the largest abode of segmentary tribal population which covers the area

Duki is a tehsil level administrative unit of district Loralai having a population of around a hundred thousand, located in south of the latter⁴. It is further divided into Urban Duki, and Viala Duki populated by Tor section of Tareen tribe, Nasarabad and Saddar populated by Nasar tribesmen, Thal inhabited by Spin section of Tareen tribe, and Gharbi Luni, Sharki Luni and Lakhi is the abode of Luni tribe. For the purpose of my research I'm only focusing the northeast of Duki (a

⁴ There is no reliable statistical data available on the 'native' population of Duki and laborer population. Various state administrators in the area estimated it to be 0.1 million. A UNDP report on the district Loralai estimates its projected population 351,579 in 2010 while government census reveals that the district population was 297,555 in 1988. Since then no census has been carried out in the province because of strong differences between Baloch and Pashtun ethno-nationalists in the province.

collective word used by the local population for Urban Duki, Viala Duki, Nasarabad and Saddar) which population is constituted by Nasar and Tor Tareen tribes with minor and politically insignificant sections of other Pashtun tribes and Baloch ethnic group.

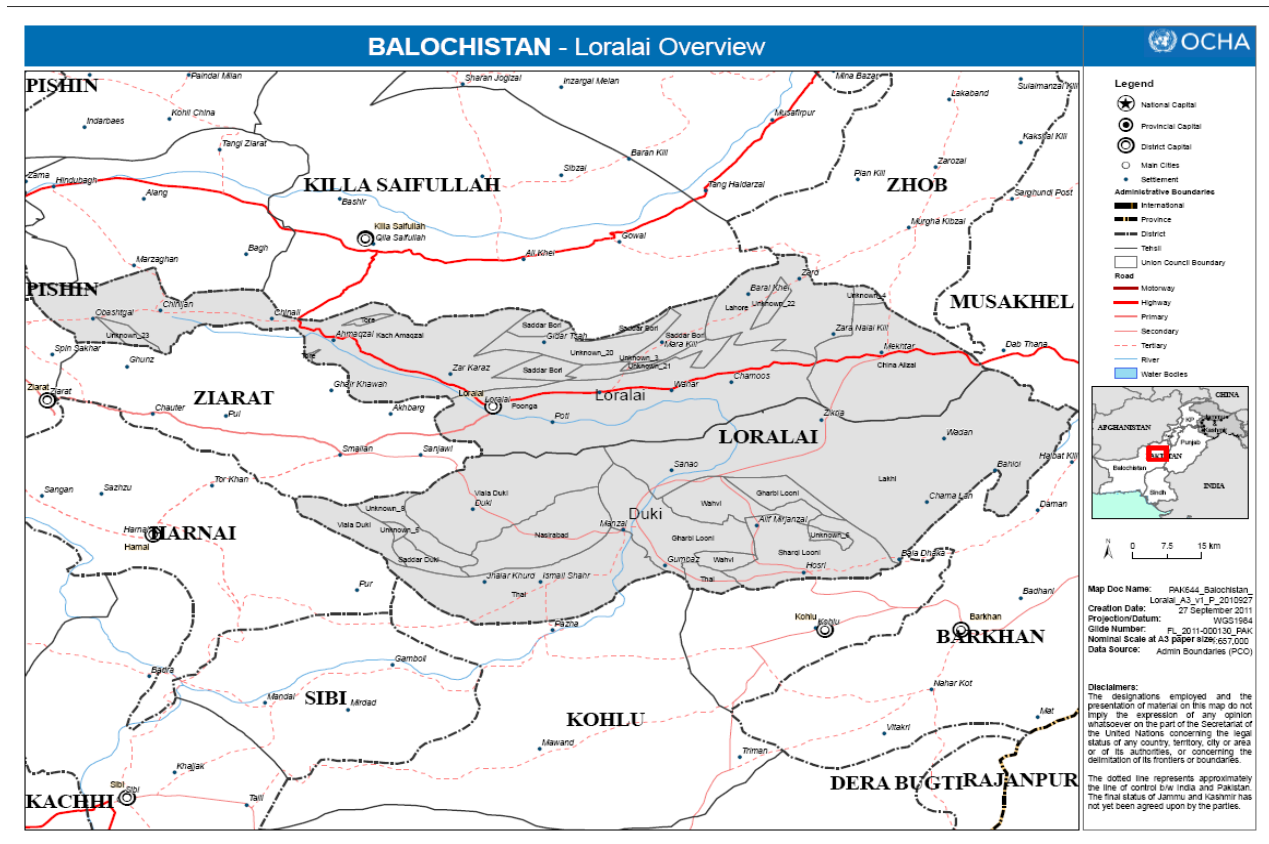


Figure 3 Map of Loralai district. Courtesy www.parkresonpse.info

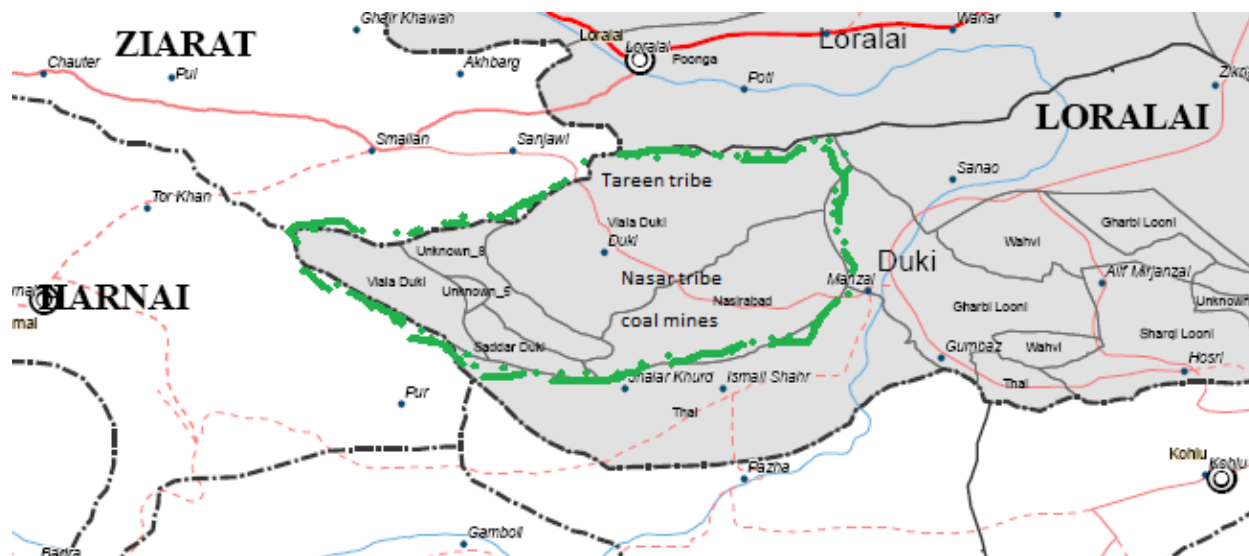


Figure 4 Map of Duki tehsil which shows the location of Tareen Tribe, Nasar tribe and coal mines; the dotted green area shows physical boundary of my field site.

Duki (from now on a collective word for its southeastern party unless otherwise state) has a population of more than a ten thousand largely constituted by Nasar and Tareen tribe⁵ and has more than fifty thousand of coal mine laborer who largely come from Afghanistan and Swat (Khyber Pakhtunkhwa). The area is rich in coal mines located in Nasarabad area which is excavated by private owners. Nasar, because of the mines' locality in their area, are largely associated with coal business while Tareen tribe has a significant portion of its population earning through the business, but has also a substantial population subsiding on the cultivation of wheat, corn, almonds and seasonal vegetables. Duki has also a flourishing business of smuggled petrol and diesel from Iran and Kabuli cars, a euphemism used for smuggled cars from Afghanistan. The cars are used as regular means of transport in the locality (and elsewhere in Balochistan but rarely in Quetta) by the tribesmen, civil bureaucracy officials and military officers alike. Kabuli cars in

⁵ <http://harrysworldatlas.blogspot.hu/2008/03/pakistan-pk-balochistan-province-zhob.html> retrieved on 23,05,2016

the area have become more widespread with the opening of Kabuli car showrooms lately in Loralai, at an hour of distance from Duki.

Chapter I Colonial Rulemaking: Culture and Power in the Ethnographic State

The British were initially not interested in the barren uphill lands of Balochistan until the fear of Russian advancement on the western border of colonial India overwhelmed the British raj. The apprehensions grew worse when it was suspected that Baloch and Pashtun ‘fanatic’ tribesmen living across the border may ally with the Russians in the case of a war. This trepidation resulted in a shift from the earlier Close Border Policy to the Forward Policy⁶. The first success was achieved in 1841 by a field officer Sir Robert Sandeman who negotiated sanctuary for British forces with the Baloch tribesmen living under a loose tribal confederacy of the Khan of Kalat and in return the confederacy was granted princely-state status. This enabled the British to make the first foray, known as First Afghan-Anglo War (1839-42), into the area under the Amir of Kabul, Afghanistan which caused the British army great humiliation. Not deterred yet, another offensive was launched by the British which ended with a partial victory– the Treaty of Gandamak signed on May 25, 1879. According to the treaty, Pashtun areas occupied by the British were ceded by Afghanistan to the former so as to prevent another war – the area was brought under the control of the Commissioner’s office. The making of Balochistan into a frontier province against foreign invasion thus conceptualized the space as a borderland which entailed consequences both for the formation of the modern state in the ‘tribal’ land and local culture and organization of the society (Hopkins, 2015).

The conquest of Balochistan just followed the political turmoil of 1895 in mainland India. The ‘mutiny’ of 1857 against colonial rule in India provoked the British to rethink political and

⁶ Close Border Policy was a policy of non-interference with the tribes which was observed by the British for forty years after its occupation of Sindh and Punjab in the west of colonial India. Forward Policy is the negation of Close Border Policy

administrative structure of the colonial state. In its earlier phase of colonization, the British had dismissed local cultures as being ‘uncivilized’, but after the mutiny, for the first time, the analysis of culture came to be regarded as critical to the understanding of colonial subjects. (Mamdani, 1995, 2005). Thus, to achieve enduring legitimacy, pre-existing strands of domination were traced in local cultures and appropriated into colonial administration which shifted the policy of the colonizers from direct rule to indirect rule through ‘traditional’ order. To study tradition or culture, anthropological knowledge was brought into the service of what Nicholas Dirks (2001) calls ethnographic state which believed in the instrumentality of anthropological knowledge in understanding and governing the colonial population as well as in its accordance of legitimacy to colonial rule. Ethnological description of colonial subjects thus became a dominant feature of the ethnographic state where the descriptions were formalized and adopted into the administrative mechanism. Accordingly, after the mutiny political loyalty or legitimization of colonial rule took primacy over extraction from land (Dirks, 2001); and loyalty was achieved by ruling colonial subjects through (the state sanctioned) tradition. In Balochistan, to rule tribes in culturally familiar ways, the three volumes of Mountstuart Elphinstone’s ethnological portrait of Pashtuns as ‘wild’ and ‘anarchic’ – what Hopkins (2008, p. 12-33, cited in Hopkins, 2015, p. 275) calls Elphinstonian episteme – became the basis of colonial administration. Free-spiritedness of the Pashtuns was considered as incommensurate with centralized state rule. Thus, the tribes were treated not as colonial ‘subjects’ but more as ‘allies’ of the Raj (Branes, 1895). Stoler (2006) argues that such treatment of frontier subjects – as Balochistan was a frontier province – was the consequence of a different kind of sovereignty laid by colonizers on imperial borders which was radically different from those areas under direct rule. According to its policy of paramountcy, the British ruled the local population through tribal chiefs and tribal customs. Thus, where the rest of India under

colonial rule was granted some civil rights and where the British Crown was bound to the civil society by the promise of legal reciprocity, on the imperial frontier both were missing (Hopkins, 2015).

Frontier Crimes Regulation (FCR), first formulated in 1887 and later modified in 1901, thus reflected the kind of sovereignty which the borderland inhabited. Hopkins (2015) argues that its aim was to manufacture frontier subjects. FCR primarily recognized the tribal subjects as ethnic subjects which belonged to a particular tribe. It was an attempt of the ethnographic state to render local identities to the people based on ‘indigenous self-understanding of community’ (Lorimer, 2013, cited in Hopkins, p. 373). This effort itself was premised on the concept of “tribe” which was perceived by the colonial ethnographers and the state administrators as being a community with a common ancestry and genealogy (Hopkins, 2015). Accordingly the tribes were brought under the authority of tribal chiefs – *sardars*. The regulation invested *sardars* with judicial cum executive powers, sanctioned *jirga* –the council of elders where people would resolve conflicts – and enshrined collective responsibility and collective punishment found in the tribal culture.

The making of tribal subjects

I argue that the frontier subjects were also tribal subjects whose making was underpinned by both local and trans-local conditions. Correspondence between officials reveals that field officers feared less well behaved ‘treacherous’ tribes who proved intractable and resistant to submission to foreign rule (Branes, 1895). The problem was further complicated by the rugged mountainous terrain which made it economically difficult for the British to lay the foundation of direct rule. These local factors thus made it inevitable for the colonial state to rule tribesmen through tribal chiefs; although British officers would tell the locals that such rule was in accordance with the tribal tenor of the place: ‘chiefly authority and collective responsibility’ (Swidler, 2015, p. 152). Trans-local changes

also coalesced with the kind of rule; besides the ethnological turn in colonial administration which I described earlier, ruling for cheap through native rulers also became inevitable for the colonial state in coming decades in the age of imperial austerity during the 1930s (Hopkins, 2015).

A range of practices was adopted by the ethnographic state in Balochistan to construct tribal subjects by stabilizing tribes and bringing tribesmen under the authority of *sardars* for administrative ease and defense of border (Jamali, 2006). The position of *sardar* was made necessary, hereditary and recognized by law, whereas previously there were tribes without chiefs and those who had a *sardar* did not necessarily follow him in all matters (Mason, 1978, p. 4). In the case of failure of tribal chiefs to meet tribesmen's expectations, it was a common practice to choose a new chief and not necessarily along hereditary lines (Baluchistan: List Of Leading Personages In Baluchistan, p. 42). The tribal structure was further stabilized by monetizing the labor of *sardars* as heads of tribes for rendering services to the state and of tribesmen by recruiting them in militia (Hopkins, 2015). Furthermore, the changeable tribal structure was afforded more rigidity when colonial ethnographers wrote down genealogies of the tribes 'denud[ing] hitherto fluid social identities of their fungibility' which otherwise were remembered orally (Hopkins, 2015, p. 373). This restricted membership to the tribes and significantly lessened the potential for change. Once made stable, the state mediated its rule through the institution of chieftaincy where *sardars* were made the head of *jirga* and tribal militia called Levies.

Jirga, a precolonial institution belonging to the realm of culture, was a private matter until appropriated by the modern colonial state which made it a public judicial tribunal. In the beginning, it was held annually in Quetta and Sibi alternately. Later, it was expanded to districts and was put under the discretion of District Commissioners (Branes, 1895). It dealt with cases of blood feuds, homicide, and mischief and to maintain peace. To effect the authority of *sardars* over the

tribesmen, the former were made heads of *jirga* at local and district levels and represented their tribesmen in the *jirgas*. Decisions that were previously arrived at communally in *jirga* with the participation of other tribesmen and were prone to contestation, now became *sardars*' prerogative. The verdict of *sardars* was legally sanctioned and opposition to the *jirgas*' decision was declared an offence. Those who sought to circumvent the authority of *sardars* and *jirga* by resolving their conflicts through other "undeserving" influential persons were discouraged by the state (Archival No. A.G.G/G 06094, 1912). *Sardars* were further given an upper hand over the tribesmen by placing the command of Levies force under them. Levies force was/is a militia composed of local tribesmen which was raised to protect their locales to aid regular troops of the state. The force's primarily responsibilities included protection of trade routes and passes, maintaining order in the tribes, looking for 'outlaws' and, if required, to be prepared for expeditions under the command of British officers. The tribesmen were enlisted in the force as members of a particular tribe on the recommendation of *sardars* and each tribe was given proportionate representation. The chiefs accrued more power over their tribe through their authority to select or disqualify tribesmen for the service and tribesmen were paid for their services through *sardars*. Earlier there had been an egalitarian power relationship between *sardars* and tribesmen – where traditionally *sardars* were

not allowed to keep personal militia in some tribes – the establishment of Levies force disturbed power balance between the two (Hopkins, 2015).



Figure 5 A jirga proceeding. Courtesy www.pakistantoday.com.pk

Sardars' power was further consolidated as they were given the role of defining local customs – though not always – along with the state. The changing nature of customs in *jirga* from one case to another was unsuitable to the modern state's practices of legibility in James Scott's terms (1998). It was considered by the administrators as cheating. Hence, a native Hindu assistant R. Bahadur Jamiat Rai was given the task to write down customs as *jirga* proceedings transpired (Rai, 1912). Later it worked as a template of reference; hence, local customs or *riwaj* were made stable and formalized in the legal structure of the state. Previously, *riwaj* was employed by the tribes to resolve disputes and, in the case of failure in solving problems, it was abandoned or modified. Customs of the tribes, in this sense provided a 'toolkit' to solve everyday problems (Swidler, 1986). The practice of codifying different *riwajs* of each tribe has rendered a sense of identity to the tribes which I observed in contemporary *jirgas* in the province. Apparently encapsulated in "tradition", indirect rule was in fact state sanctioned tradition. By authorizing tradition the policy of non-interference receded into the background and a 'truth regime' was defined from above by state administrators instead of locals i.e. the authenticity of tradition was determined by the state (Dirks, 1997). Further, the standardization of *riwaj* foregrounded the rule of difference (Chatterjee, 1993). On one hand it showed that the British and Indian subjects were morally and intellectually

superior to the tribesmen and, on the other hand, it reflected continuous suspicions over incapacity of natives to rule for themselves or to settle disputes. The standardization of *riwaj*, moreover, eliminated variations in *jirga*. It did not necessarily invoke *riwaj* to solve conflicts; some *jirgas* followed *Pashtunwali* (basic Pashtun ethical code), others followed more specific tribal codes (*riwaj*) and yet others had *sharia* as its guiding principle (Hopkins, 2015). In terms of composition, in some places it was led by tribal chiefs, in other cases all men participated in *jirga* without the leadership of chiefs and amongst the Balochs, it was uncommon.

Sardars were also made financially independent from (some) tribes. In the case of the Marri tribe, for example, land was held communally whence chiefs would get a little share in cultivation (Scholz 2002; see also Pehrson, 1966). Payments and awards granted to the chiefs and the allocation of land for services rendered as members of *jirga* and heads of Levies force made the *sardars* financially less dependent over their tribes. By having their position recognized by the state and financially subsidized, *sardars* became less concerned about acquiring legitimacy from their tribesmen. However, their position was now endangered by the state; ‘mismanagement’ and ‘misconduct’ were the usual charges to disqualify a chief by the state.

[De]tribalization in the postcolonial state

After independence in 1947, in its early formative phase the Pakistani state was overwhelmed by the problem of settling millions of refugees who had migrated from India, shortage of and inept bureaucracy, drafting of constitution and the apprehension of disintegration of East (now Bangladesh) and West (now Pakistan) wings of the country. Its worries only became worse when it came to Balochistan because the status of Kalat state was left unresolved by the British. The Khan of Kalat showed uneasiness over cessation to Pakistan. This was reiterated by Kalat State National Party (KSNP) which, with unwavering determination, favored autonomous status of

Kalat vis-à-vis Pakistan. The KNSP was a nationalist party founded in 1937 which was highly critical of the institution of chieftaincy during the time of the British and later. Without further ado, the then leadership of the Pakistani state reached independent negotiations with the various *sardars* of the Kalat state and finally occupied it by force (Baloch 1987; Harrison, 1981; Breseeg, 2004). The Pashtun part of Balochistan decided its annexation to Pakistan through a *jirga* of *sardars* (Titus & Swidler; 2000). The inchoate state could not risk the discontent of *sardars*, therefore, not a single change was made in the legal or administrative setup of the province until 1970.

The only formidable resistance to chieftaincy in the province came from the KNSP inspired ethno-nationalist *sardars* who demanded electoral franchise from the Pakistani federal state which was ceded in 1970. In Balochistan, the first election was won by the ethno-nationalist *sardars* who contested the election under the banner of National Awami Party (NAP). The *sardars* engaged in radical reforms passing a resolution according to which, the federal government was requested to end chieftaincy in the province. The resolution was unheeded by the then federal government of Zulfikar Ali Bhutto. When tensions between the provincial and federal government escalated on the question of provincial autonomy Bhutto overruled the government of NAP in Balochistan and NWFP (now Khyber Pakhtunkhwa). Particularly in Balochistan, he blamed the *sardars* for promoting the sinister agenda of Afghanistan and India to destabilize the country for which he jailed the leadership of NAP. Alternatively, Bhutto announced fresh elections in the province in 1974 and two years later in 1976 chieftaincy was invalidated in the National Assembly. On April 8, 1976 he addressed the people of Quetta as “commoners” where he congratulated the tribesmen that “outworn system” was dying out and a “new order” was coming into being which would promise “freedom” against the “bondage” of *sardars*. He stated that democracy would destroy the

“chains” of “slavery” of sardars; “the poor”, “the youth”, “the farmer”, “the worker”, “the illiterate” and “the disorganized” would soon organize themselves against capitalists, feudal lords, *sardars*, and landlords (Prime Minister's Speech at Quetta, Abolishing Sardari System). He envisioned a modern man (or more precisely a socialist version of it) who would gain class consciousness and form an alliance against *sardars*. Nevertheless, attempts by the federal government and resistance from anti-*sardar sardars* were short lived. The civilian rule of Bhutto was revoked by the military rule of General Zia who released NAP leadership, but banned political activities. The progressive *sardars* went on self-exile to Europe and once again political space of Balochistan was left to *sardars*. Ironically, descendants of the exiled progressive *sardars* participated in politics of the province relying on their chiefly status and tribal identity to rally support during elections which continues to date. In the Pashtun part of the province the Pashtun ethno-nationalist party Pashtunkhwa Mili Aawmi Party (PkMAP), a former NAP ally, made an alliance with Nawab Ayaz Jozegzai, a *sardar* of the largest Pashtun (Kakar) tribe, to secure the rights of Pashtuns from their immediate competitors in the neighborhood – the Baloch population (Titus & Swidler, 2000).

Likewise, in the rest of Pakistan the traditional landed class, religious elites (*syeds*, *makhdoms* etc.) and more recently capitalists have dominated the structure of the modern state through representative democracy, all owing to colonial legacy (Wilder, 1999; see also Rizvi & Gilani, 2013). Only during military regimes attempts were made to integrate the ordinary population in state power through local government reforms (in 1959, 1979, and 2000) until 2013. However, it was an attempt to create a class of ‘collaborative agents’ who could share power with the military regimes at local levels to avoid the possibility of dissent against the rise of illegitimate governments (Jalal 1995). In Balochistan local governments proved a meager step to

circumvention of the authority of *sardars* in their ‘native’ areas. This is evident from the 1985 non-party general election conducted by General Zia. In Balochistan, as many as 60% (2190/3650) nominees got elected without rival candidates where *jirga* decided nominations of the candidates and no one contested the election against *sardars* (Shah, 1994, p. 98). The electoral system remained unpopular where voter’s turnout remained as low as 12% and couldn’t get higher than 35%. Parliamentary democracy particularly failed in reducing the authority of *sardars* when FCR remained the law of the province until the 1990s and land loan policies by the federal government only favored the rich which made the poor tribesmen more indebted to land owning *sardars* (Scholz, 2002, p.138).

Further, though chieftaincy was invalidated by the state, its relationship with *sardars* and tribesmen remained paradoxical. In 2006 when the chief of Bugti tribe, Nawab Akber Bugti confronted the then president General Musharraf on the question of Baloch marginalization, the government called a *jirga* of hand-picked tribesmen through which the Nawab was removed from his position as the head of the tribe two days before his killing in a military operation. To condemn the killing of the Nawab and to discredit Musharraf’s claim that he had the support of all tribal chiefs except a few, the Baloch called a grand *jirga* attended by 380 political leaders including 85 tribal chiefs (Khan, 2015, p. 1082). Moreover, the discourse of tribalism which the state uses to justify colonial rule is also capitalized by tribesmen and *sardars* alike to subvert rule of the state. The defenestration of NAP government in 1973 and the detention of Baloch leaders afterwards was seen by the Bloch as an “insult”; it was interpreted as more than a mere political act (Harrison, 1981, p. 36). To redress this the Baloch *riwaj* required the “true” Baloch tribesmen to keep their personal and tribal honor intact and, if ineluctable, to take recourse to military action eventually culminating in a strong insurgency challenging legitimacy of the state’s actions. In a similar move

in 2008 Sardar Israrullah Zehri defended the burial of five women alive under the pretext of “centuries-old traditions” in district Jaffarabad before the state parliament (Pakistani women buried alive ‘for choosing husbands’, 2008).

The *jirga*-levies administration believed by the ethnographic state to be close to the ‘nature’ of the tribes, itself constituted the tribes had a far greater impact on power relations between the tribesmen and *sardars*. Its establishment was geared towards the production of tribal subjects who were necessarily brought under *sardars* and were legible to the state only through their sardars and tribal identity. Towards that end the position of *sardar* was made necessary, stabilized and hereditary which otherwise was contingent. Sardars were empowered over tribesmen through *jirga* and Levies force and his words were backed by force of the state. The encapsulation of “tradition” in rule, argues Mamdani, was a concealed instrument of state rule instead of self-rule. Through indirect rule, the colonial space became racialized and ethnicized, the latter being the effect of reification of chieftaincy and tribal identities in the colonial state administration (Mamadani, 1996). The postcolonial state of Pakistan did not change the tribalized space in its initial years of independence and recently it has an ambiguous relationship with *sardars* which continues to shape contemporary rulemaking in Balochistan. The introduction of parliamentary democracy has reinforced and strengthened the position of *sardars* which has brought them democratic access to state power which they use in a colonial fashion to keep producing tribal subjects along tribal hierarchy. The chapters that follow capture continuities and changes in the practices of colonial rulemaking which reproduce tribal subjects in contemporary Balochistan.

Chapter II Tribal Rulemaking: State in the Service of *Sardars*

“*La sardarano soak haal kawi*”, “who can make *sardars* accountable?” Mujeeb ur Rehman, put the statement in quintessentially Pashto syntax both begging me for an answer while indicating to the overwhelming domination of *sardars* over bureaucrats in Duki and simultaneously affirming the helplessness of the state to keep the power of *sardars* over state officials in check. “People say its NAB (National Accountability Bureau), it investigates illegal use of power, corruption ...” he continued disappointingly, “[but] I ask where is it? Look at me. I confronted a *sardar* and now I’m languishing away from home.” He ended his statement by saying “you know it all very well” indicating to my intimate knowledge of the area and of my being ‘native’ to Duki.

It was the second time that I had met Mujeeb, an SI (Sub-inspector) in Balochistan Police, in the winter of 2016 in Quetta where he had come for some official assignment. I was interested to know about his less-than-a-month service in Duki in the summer of 2015. For, I had heard about it from my fellow tribesmen who had explained his transfer in controversial, but inconsistent terms. My friends, family, and fellow tribesmen told me with great pride that he had been “thrown out” of Duki to another district for confronting Sardar Dur Mohammad Nasar and his son Sardar Jameel Khan. He was accused of being a corrupt officer by the locals and allegedly sexually harassed young men. Although many people in the area had told me that they were giving him bribes for their own reasons just like any other police officers before him. But my curiosity as a researcher lay in unearthing what was beneath the accusations, the tribal pride, the helplessness of officials and, above all, the unchecked power of *sardars*. I was interested to find the intersection of state power and chiefly authority of *sardars* in the tribal space. This chapter focuses on how *sardars* in Duki access state power, how it is used to dominate the state officials and, once subdued, how the power of state bureaucracy is used to keep tribesmen under their authority. Moreover, it focuses

on how, as state legislators, *sardars* use development schemes as technology of rule to produce tribal subjects.

It was Sardar Jameel, a non-state actor, who had transferred Mujeeb to another district as “punishment” on the request of his tribesmen, as Jameel put it to me repeating the same allegations. I met Jameel for the first time at his bungalow. The bungalow is an old double story cemented building situated almost in the center of Duki bazaar commonly known to people as the bungalow of Sardar *saab* (a word for respect) or merely the bungalow. The bungalow used to be a mansion of Jameel’s maternal uncle Sardar Yaqoob Khan Nasar, currently a *sardar* of Nasar tribe and a senator – a member of the upper legislative chamber of the Parliament of Pakistan⁷ - who now rarely visits his home town except during elections. His father, Sardar Dur Mohammad Nasar is a Member of the Provincial Assembly (MPA) of Balochistan from Duki (PB-14 I). Sardar Dur Mohammad spends most of his time in Quetta, the capital of Balochistan. Thus, in the absence of his father and maternal uncle Jameel sits in the bungalow where he distributes various state development projects among “his” own and allied tribesmen on the behalf of his father and maternal uncle. The tribesmen would seek his help in the upgradation or approval of new schools, in the cementing of sewerage lines, renewal or installation of a new transformer, installation of an electric post or the approval of state subsidized *barmah* (the installation of submersible bore water pump). But not only that, as I got a permission from him to conduct ethnography about him, I came to know more about the *sardar’s* incredible capacity to help his tribesmen (or rather tamper with state processes) beyond what the state would otherwise allow to a non-state actor like him. During the winter of 2016 the local electric supply department launched an operation against illegal electricity power connections in Duki and as a result many tribesmen’s connections were

⁷ Anyone from the immediate family members of a *sardar* or his sub-clansmen are also *sardar*.

uninstalled. When tribesmen complained to the *sardar* about the department, electricity was soon restored following his intervention. Moreover, to provide immediate help to fellow tribesmen, he would intervene in the local police department and would prevent the police from registering complaints or taking any action against his tribesmen. As a matter of everyday routine he would call low ranking state officials to his bungalow and would order them to help the tribesmen in the state local offices. He also had enough influence to help many low ranking state officials to get transferred to a desirable locations. He would also pay regular visits to under-construction development projects which were approved by his father as the state legislator along with state engineers, local state administrators, and private builders. In addition, he conducted *jirgas* and resolved conflicts amongst young and old tribesmen though he was much younger to do so by average tribal expectations. Like the descendants of many other MPAs or MNAs (Member of National Assembly) in the province, Sardar Jameel is at the stage of learning to deal with tribesmen and state officials; to gain respect, familiarity and popularity among his people; and to learn politics only to replace his father and maternal uncle once they grow old and weak.

Mujeeb, however, had a different story to tell about his transfer. In August 2014 a Forester, a grade nine official from the Forest and Wildlife Department Duki, launched a complaint against the *sardar* for assisting one of their tribesmen illegally occupying one-hectare valuable land of the department near Duki bazaar. As a legal bearer of the property, the Forester intervened but he was asked to stay away from the matter and told that Sardar Dur Mohammad already had “negotiated” the matter with the department’s higher ups (*ooper sab say bat ki hey*). Then, as an SHO (Station Head Officer) of police in Duki, Mujeeb registered the complaint (First Investigation Report or FIR) against the *sardars*. The FIR was launched by the Forester on the pressure of locals who were using the land as a passage. When district level officers from the department came for inquiry both

the AC (Assistant Commissioner) and DC (District Commissioner) who are revenue officers dealing with the subject of land as well as political administrators at tehsil and district levels, respectively, avoided participating in the inquiry. According to Mujeeb they were appointees of the *sardars*.

The next day Mujeeb received a transfer letter from his seniors mentioning his transfer to another district “in public interest” – a reason which is adequate enough to be used by political authorities to remove bureaucrats. However, afterwards, in a meeting with his superiors he learnt the “original” (*asli*) reason verbally. He was told that being a Luni tribesman he should behave “properly” with *sardars* of other tribes regardless of his “personal” (referring to his tribal identity) dislikes and was reprimanded for messing with the *sardars*. Mujeeb was implicated by Sardar Jameel Nasar in the matrix of the Luni tribe’s relation with Nasar tribe, as he disclosed. The *sardar* had complained to senior police officials that because of Mujeeb’s Luni identity that demands his allegiance to his own *sardar* and therefore he was purposefully creating hurdles for Nasar *sardars* in the area so as to “disgrace” them. Quite interestingly, his seniors considered it a valid reason to transfer Mujeeb, though not admitted in the transfer letter. Many Nasar tribesmen had told me the same that the officer was performing his Luni identity/self (*Luniwala*) by defying the authority of their *sardar*.⁸

⁸ On the performative aspect of Pashtun identity, see Fredrik Barth (1969).



دکی، ایڈیشنل آئی جی پولیس محمد طارق خان سے سردار جمیل خان ناصر ملاقات کر رہے ہیں

Figure 6 Sardar Jameel Khan Nasar (in the middle) meeting with Additional Inspector General Police. Courtesy Allah Noor Nasar

The implication of impersonal authorities like a state official in the grid of tribal relations and tribal identity is one of the strategies pursued by the *sardars* to transfer state officials. Besides, appointing state officials away from their hometowns is a particularly useful instrument used by *sardars* to threaten and dominate low ranking officers (junior non-commissioned officers, lower grade officials and labour workers below grade seventeen). The officers, barely surviving on low salaries, find it hard to live away from families incurring more cost to their monthly budget or leaving their families behind in the care of extended family members. High grade officers (commissioned officer, grade seventeen or above) also feel intimidated by those *sardars* who have “strong approach” in the state departments who may be sent to serve in remote towns of the province as “punishment” where they may find it hard to cope with the poor or absence of education and health facilities or could get easily “bored” with the social life there, as an Assistant

Commission Asif*⁹ revealed to me¹⁰. Asif* was another officer who I interviewed in Quetta, at the time On Special Duty (OSD) – a euphemism used for suspended officers from services. An OSD officer is entitled to monthly salary but has neither office nor is entitled to the privileges which come along with taking charge of an office. His story was similar to many of his other colleagues. He had refused to “cooperate” with Sardar Dur Mohammad because the latter was asking the officer to approve a development scheme budget which was considerably higher than the usual estimated cost for the project. The officer’s un-reckoned behaviour backfired, using his “approach” in the state bureaucracy the *sardar* got the officer demoted to the rank of OSD.

“Sefarashi culture”, making the impersonal personal

The immense power of Sardar Dur Mohammad and Sardar Jameel over the state officials is a result of their family’s long history of participation in parliamentary democracy of the country. Being a member of the state’s legislative assemblies over decades, the family has established strong links with the top echelons of various departments of the state whose power is used by the *sardars* dominate state officials in the local setting. The family of Jameel has been participating in politics since 1985. His uncle Sardar Yaqoob Nasar has the reputation of winning four elections from Loralai during which time he assumed provincial and federal ministerial portfolios. Currently, he is a senator and chairperson of the Committee on Water and Power. Sardar Dur Mohammad has for the first time participated in politics and is currently an MPA. He is advisor to Chief Minister of Balochistan on the subject of Industries. Unlike other *sardars* in the province who usually ally themselves with the ruling party at the centre, the family of Jameel Khan stands out as an exceptionally steadfast ally of Pakistan Muslim League Nawaz (PMLN) which is the ruling party

⁹ Any name appearing with an asterisk in the thesis is a pseudo-name.

¹⁰ Sending bureaucrats to “remote” areas as punishment is a regular feature of Indian and Pakistani bureaucracy. In the case of India see, Nayanika Mathur (2016, p.46).

at the centre for the third time, the fourth time in Punjab province and for the first time in Balochistan. The *sardar*'s family has a twenty-one grade officer in Balochistan Police and several junior rank officers in Pakistan Army. This, as a young college going tribesman commented on, is a strategy of the *sardars*' family to extend its influence further in the state departments making it accessible intimately through familial links rather than having a contingent access to state power that depends on winning polls in a climate of continuously shifting political alliances. On expanding power in the state bureaucracy the tribesman added, "the *sardars* know it very well that [amongst power elites of the country] the military and civil bureaucracy counts too."

Ironically enough, parliamentary democracy has proved instrumental for *sardars* to mobilize support from the federal level political parties and to have access to state power through the party leadership. The following rendition of working relationships between political portfolios of a government and the bureaucracy by a District Commissioner serving the state for the past eight years is instructive in this regard. The appointment of various administrative units of the state bureaucracy is made by Prime Minister and Chief Minister at federal and provincial level respectively. Usually those officers who have a "good understanding" with the leadership of incumbent government are promoted to the position of Secretary – head of an administrative unit. This makes them indebted to the political elite. Secretaries thus comply with the requests of the incumbent government members to transfer any officer at the local level or to appoint a new one. If any dissonance arises between bureaucracy and the incumbent government members, the secretary may get sacked or demoted from the current portfolio which affects prestige, perks and privileges that come along with the position. The taming of bureaucrats by the political elite of the country and promotions or appointments of "loyal" officers or family members in the state bureaucracy is popularly called *sefarashi* (recommendation) culture in the country.

On the other hand, the federal level political parties have become dependent on *sardars* to form a majority rule. As potential winning candidates with a huge following amongst their tribe and a constant source of income for their party in the form of party donations, *sardars* have become indispensable and highly crucial for the largest federal level political parties to form government¹¹. Though, the extension of parliamentary democracy successfully included Balochistan into the larger civil society of the state, but it incapacitated postcolonial governments in Pakistan to detribalize previously tribalized areas. The reliance of federal level political parties on *sardars* for their electoral success has curtailed the parties from addressing the question of detribalization.

Effecting tribal hierarchy through the state

Sardars do not use state power against state officials alone. The hegemonization of state power is a means; its end is to execute power over tribesmen to organize them along tribal hierarchy and tribal identity. Less interested in dominating bureaucratic authority, even though necessary for their ends, *sardars* are interested in reproducing their own position as a chief of a tribe. The reproduction of tribal hierarchy and tribal subjects by *sardars* – what I call tribal rulemaking – is achieved by employing two technologies of state rule: the police force and development funds.

The use of police by *sardars* against political opponents or avenging personal differences is widespread in the province. Local newspapers contain a plethora of news about rival tribesmen or defiant ones from the *sardars*' own tribe who have been falsely implicated in criminal offences. Poor tribesmen are particularly targeted by this kind of tactics for it takes prohibitive amounts of money and an enormous amount of time to prove innocence in the state courts, "especially when the police is not on your side" as Mujeeb put it. The rich in Duki, especially those who do not have

¹¹The two biggest federal level parties, PMLN and PPP, have always relied on the support of the *sardars* to make government at the federal and provincial level. Recently, PTI has emerged a third alternative to the two party rule in the center which is also relying on *sardars* in Balochistan to rally support for its party in the province.

relatives in high posts in the state departments also feared the possibility of state power being used against them in case they defied the *sardars*' authority. Most of them possessed illegally occupied state land and feared that confrontation with the *sardars* would risk the possibility of grabbing more state land in the future. *Sardars* may also ask the AC office to remain vigilant of recalcitrant tribesman and to take legal action against their illegal encroachment over state land. Alternatively, those who vote for them in elections and accept their chieftaincy may be abetted in snatching state land. Furthermore, those tribesmen who had low scale state jobs, most of whom had got these jobs on the recommendation of their *sardars*, were cognizant of the fact that the same job could be taken away from them or their pay could be stopped if they showed any disregard for the authority of *sardars*. Though there were rare cases of this sort, fear of the possibility of such action was vivid in the talk of the local population.

While the use of state agencies to bring tribesmen under the dominance of *sardars* is a sporadic and rare occurrence, the power of disbursing development schemes as state legislator is the most effective instrument in reproducing tribal hierarchy. Development funds are allocated to members of legislative assemblies annually to uplift and improve infrastructure in their constituencies. In a local setting, the development funds are starkly distributed along the lines of tribal hierarchy and tribal identity. When I was following Jameel in Duki and his father Sardar Dur Mohammad in Quetta I only came across predominantly Nasar tribesmen and a handful of Luni tribesmen who had voted for the Nasar *sardar* instead of their own *sardar*.



دکی، مشیر صنعت سرور ڈر محمد ناصر گر گرہائی اسکول کی وائر سپلائی اسکیم کا افتتاح کرنے کے بعد دعا کر رہے ہیں

Figure 7 Sardar Dur Mohammad Nasar (first from left in waist coat) is inaugurating a water supply scheme for a girls public in Duki along with Assistant Commissioner of Duki (second from left to the sardar). Courtesy Allah Noor Nasar

Development funds are turned into schemes at the bungalow or house of Jameel in Duki, where local government officials are called in to prepare PC-1 (primary cost-1) – a paper which details the geography, time-line, estimated budget and utility of a project for the people. The paper is then sent for approval and fund release to the AC office. The role of state officials is not only preparing and approving schemes, but to work “in the interest of public” as well. Although there is no clear guideline on what it means to work for the interest of public, but it was vaguely interpreted by local government officers as being fair distribution of development schemes across the population and space of a constituency. However, the officials complained that they are only instrumental in rendering the schemes on paper.

In Duki, comparatively high cost schemes, such as building or upgrading schools, development of community centers, dispensaries and paving of streets are allocated only to *maliks* (sub-clan head) or other influential people in the tribal population. For, such schemes are at a communal level (*ijtimai*) where a whole village under the *malik* can benefit from the scheme. On one hand, at the level of a village/sub-clan, such execution of development schemes increases the influence and prestige of *maliks* over their tribesmen, on the other hand, it serves the function of bringing the

tribesmen under the authority of *maliks* thus resurrecting tribal hierarchy. This makes it convenient for *sardars* to deal with the *malik* rather than tribesmen on individual level. The *maliks* in turn gather support for the *sardars* during elections and otherwise. Hence, a patron-client relationship develops between the tribesmen and *sardars* along the line of tribal hierarchy and the hierarchy is itself organized along the line of identity where each sub-clan or clan has its own head.

The *ijtimai* schemes were distributed by Sardar Dur Mohammad while Jameel dealt more with *infiradi* schemes such as giving people water pumps, making *talaab* (water tanks) for individual peasants or giving them *ghanta* (lit. an hour – state owned tractors are given to the small scale peasants for tilling the soil) whose beneficiaries were individuals. The state development schemes were made available by Jameel and his father only to loyal tribesmen who paid allegiance to their chieftainship and allied tribesmen of other tribes who had voted for Sardar Dur Mohammad. Rival tribesmen neither came to demand their share in development schemes nor were they included in the list of beneficiaries. And those Nasar tribesmen who did not vote for Dur Mohammad were particularly dis-privileged in development schemes.

I conclude the chapter by arguing that the survival of the authority of *sardars* is not the result of the failure of parliamentary democracy alone, but the very existence of the modern state in the tribal space also consolidates the power of *sardars*. While the modern state generates its power through differentiation from society (Mitchel, 1991), it is by overcoming this differentiation that *sardars* generate power for themselves. In pre-colonial times *sardars* maintained their chieftaincy by leading and protecting tribes against neighboring tribes (Salzman, 2011; see also, Scholz, 2002). In colonial times their authority was stabilized by colonial administration, thus, the legitimacy and ascendancy to tribal leadership resided with the colonial state. In the postcolonial state, where neither of the cases is true, currently they generate power for themselves by traversing state-society

boundary. *Sardars* in Balochistan temper the state process in order to use it against the state itself, to protect tribesmen and employ the state power for producing tribal subjects. But this is not to suggest that *sardars* undo state rule. In fact, if the state is allowed to maintain such distinction, only then can *sardars* produce their own power by muddling the differentiation. Gupta (1995) has revealed to us that the muddling of state-society boundary doesn't eliminate the boundary but reinforces the distinction as to what belongs to the state and what are its limits.

The ability of *sardars* to temper the state processes for or against tribesmen has given them more domination and legitimacy in the postcolonial context. When ethno-nationalist scholarship (Marri, 2014; Breseeg, 2004; Baloch, 1987 and Mamdani, 1996, while analyzing post-apartheid Africa) reduces the survival of tribalism and chiefly authority in Balochistan to the patronization of *sardars* by the Pakistani state, they are neglecting to take into account the different sources of power and legitimacy of chiefly authority¹². They not only put the state authority and chiefly authority along one continuum, but they also assume the state's authority over its territory and population as being complete. However, Foucault (1980) and Deleuze and Guattari (1987) remind us that state is never capable of appropriating all forms of relationship under its governance. In Balochistan, the relationship of *sardars* with the state is an ambiguous one. Sardars are liminal actors, they neither belong to the state nor to the people or, alternatively, partially to both. As a liminal actor their relationship with state and tribesmen is not either/or or neither/nor. They generate power for themselves either by making alliances with the state officials to dominate tribesmen or gather support from the latter to undo the rule of the former (I shall discuss this in the fifth chapter).

¹² On the critique of Mamdani's analyses of postcolonial authority of native rulers in African, see Clifton Crais (2006).

The cumulative effect of tribal rulemaking is that it organizes the local population along chiefly authority based on their tribal/clan identity through the making of state power, services and development schemes accessible only to those who accept the tribal order. This tribal rulemaking and the production of tribal subjects does not happen in a vacuum. The following chapter will focus on how the practices of local bureaucracy also contribute to the making of tribal order in Duki.

Chapter III [Post]colonial Rulemaking: *Sardars* in Service of the State

It was quite evident from Incumbency Boards at Police Station Duki and Assistant Commissioner Office Duki that officers had regularly changed their office. Rarely an officer had held the same office in the same town for over a year. From early summer 2015 to winter 2016 three Assistant Commissioners from revenue department got changed in Duki. Asif* was made an OSD by Sardar Jameel, his successor K* was a choice of Sardar Dur Mohammad who served Duki for almost seven months only to be replaced by another officer B* allegedly appointed by the incumbent Chief Minister of the provincial government¹³. The tehsil level officers in the police station of Duki were rather an exception. They had held various positions for relatively short time, as short as twenty days. Only a few of them had held same office with alternating frequency for shorter and longer period. This aberration was explained by the dearth of officers. When an officer would leave the police station his immediate junior was elevated to the position until filled by another officer of the required rank.

The frequent transfer of officials was one of the reasons mentioned by various officers to mediate state rule through tribal hierarchy and *jirga*. “We are here for some time. They [*sardars*] know their people. It is their area (*khpala ilaqa*). They know it better than us”, a District Commissioner put the reason for the kind of rule his office was practicing. When I further inquired him about the legality of such practice he revealed that it was “convenient” for the department. In this thesis I trace the continuities and changes in rulemaking that have taken place in the province since invalidation of the colonial governance. I show how the society is first conceptualized as “tribal” and then rule is acted out accordingly through tribal hierarchy. I also bring to fore other constraints

¹³ The locals believed that B* was posted by Chief Minister of the province Sardar Sanaullah Zehri. Allegedly the sardar had told the officer to allot most of the non-allotted coal minerals over his name. When I left my field in winter 2016 the allegation became true.

of the state itself which limits it to mediate its rule through tribal hierarchy – one of which I discuss in this paper is the transfer of bureaucrats both by the state and *sardars* which leaves the officers dependent on tribal hierarchy to make legible local population. Hence, rulemaking laid by postcolonial state in Balochistan (along with *sardars* as describe in previous chapter) is premised on the production of tribal subjects.

Simplification of space and society in a standard format is the hallmark of modern statecraft to make the population legible (Scott, 1998). It was illegibility of the population which the state officials mentioned justifying the continuation of colonial governance. Most of the times Assistant Commissioners in Duki, who belonged to other towns of Balochistan, found themselves helpless to understand complaints regarding conflicts over land which were put to them by locals. The officers always suspected claims of the complainants and its authenticity was confirmed from two low grade local officials working in the office. On leaving of the complainants, the local officials would retell the officers ethnographic details of the contending parties. The real cause (*asal masla*) was always found in tribal affiliation, clan/tribal/familial relationships between contenders and, if any, history of conflict from recent to past – which the office believed have brought the people to complaint.

Incapacity of the office of Assistant Commissioner is so much so that it has rendered the function of reading the population to the local hierarchy. The AC office, because of it incapacity to determine the population as who is “native” to the area or who belongs to which tribe or clan (which are a marker of “nativity” in itself), has formed a committee composed of *maliks* (sub-clan head) or tribesmen recommended by *sardars* in the area to issue a Domicile Certificate (or Local Certificate) to local population in consultation with the office. The certificate is very crucial in getting state jobs, a majority of which is quota based divide spatially along political constituencies.

Although chieftaincy was abolished by the state, Domicile Certificate issued by the office still has older format where the local population is identified along tribal authority and tribal identity. The document explicitly states tribal affiliation (*qoum*) and headman of the tribesmen rendering it extra-legal status.

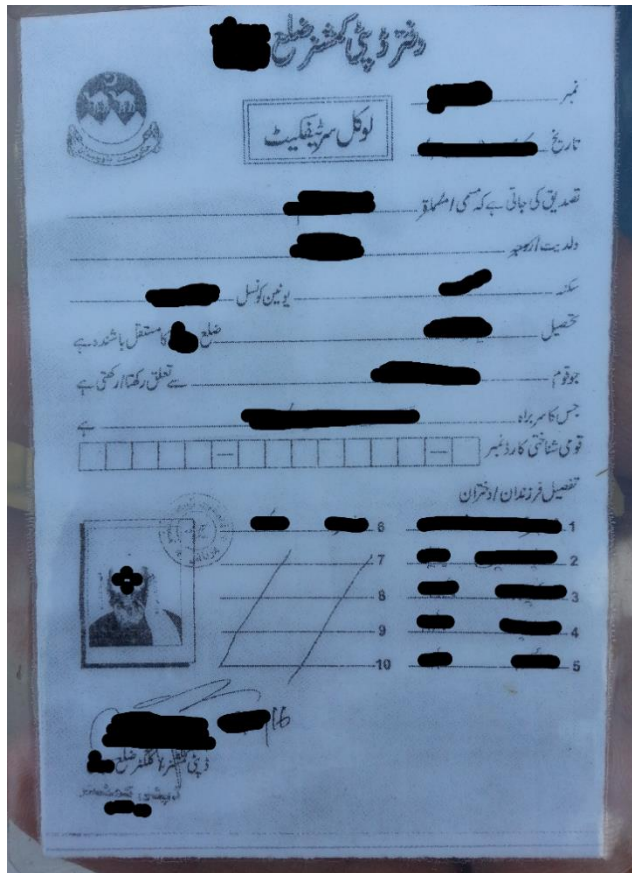


Figure 8A Domicile Certificate issued from District Commissioner office in 2016 which testifies that the person is permanent resident of a particular district and belongs to a particular tribe (*quom*) who's a particular tribal head

The interruption of civilian regimes by military dictatorships, the inattention of federal government and the indulgence of provincial government members in the maximization of their power over the state institutions hampered any genuine reforms in bureaucracy which are inherited from British colonialism (Ziring & Robert LaPorte, 1974; Crisis Group Asia Report N°185, 2010). Even if there were attempts it was successfully outmaneuvered by the civil bureaucracy, especially by Central Superior Service – the king-pin of Pakistani civil services to retain its monopoly over rest

of the bureaucracy. Hence, for all convenience colonial governance i.e. *jirga* and tribal hierarchy continue to be the modus operandi of state rulemaking in postcolonial Balochistan. However, a significant change has taken place since colonial rule; more than civilian bureaucracy, the colonial form of governance has got rejuvenated with the increasing intervention of Pakistani Army in the province.

Jirga, rule through/of culture and sardars

The military has been always involved in Balochistan since independence of the country crushing Baloch resistance against the state on various occasions. With the rise of General Musharraf to power in 1999 Balochistan got unprecedented curiosity in the General's imagination. Gwadar, a deep sea coast in the south of Balochistan, became a mega development project in the military rule when it was advertised as the alternative to Dubai port and solution to Balochistan's marginalization. In the ensuing years the trope of 'development' could not be confined to Gwadar alone. Soon the General realized that it was about time to make Balochistan further 'modern' and develop which was neglected by preceding civilian and military rulers alike. Development was considered as antidote to the "decadent" and "anti-development" *sardars*, who, according to the General, were promoting a sinister agenda of India to destabilize the country (Musharraf, 2014). Having said that, the General was not against all *sardars*, he had divided them along the lines of 'anti-Pakistan/patriotic' and 'pro-development/anti-development'.

In the decade long military rule Pakistani army spread everywhere in the province and ambitiously tried to resolve tribal conflicts which persisted over generations. One such initiative was 'successful' inauguration of Chamalang coal mines in 2006. The sixty kilometer long and twenty kilometer wide coal field is scattered over the southeast of Duki area, Kholu and Barkhan districts. The coal field was first discovered by the British in 1885 however its extraction started in 1973.

Having decades of fight over long stretch of the land, which was a fertile grazing land supporting economically herding section of the two tribes (see, Pehrson), the excavation of coal renewed rivalry between Marri (Baloch) and Luni (Pashtun) tribes. Each tribe's claim of nativity to Chamalang area was contested which claimed numerous lives until 2006. The military held a *jirga* to resolve the conflict between the two tribes through "strong action" (Musharraf, 2014).

The anti-*sardar* Military General, on one hand, evoked *jirga* to bring 'stability' and 'peace' to the region¹⁴. On the other hand, to resolve the conflict the military enlisted support from a 'pro-Pakistani' *sardar*. The conflict was amongst Luni tribe and Marri tribe, then led by Nawab Khair Bux Marri who was avowedly against the state supporting Baloch separatists. The military, however, summoned then a senator Mir Mohabbat Khan Marri, rival of the Nawab, to sign a peace treaty with the Luni chief Sardar Asmatullah Luni when tribesmen of the Nawab Marri were busy in insurgency against the state (see, Butt, 2011).

Chamalang model became a success; it not only attracted private extractors from Duki and Loralai associated with coal mining but also tempted *sardars* of Nasar tribe to take help of the military in resolving feuds over coal in Duki. In 2006 tensions escalated between the families of *sardars* of Nasar and Tareen tribe over a piece of land. Sardar Yaqoob Nasar's family claimed the land as their ownership whereas Sardar Masoom Tareen had allotted coal beneath the land after his name¹⁵. When Tareen tried to extract coal the *sardar* of Nasar, with the help of his clansmen, stopped minners from excavating the coal. Tareen, on the other hand, blocked the road which traverses through its population and the only road which supports heavy vehicles connecting Duki

¹⁴ During colonial times *jirga* was state sanctioned body in the postcolonial Balochistan it has become extra-legal judicial body. It has been declared illegal in 2012 by the state under PPC 310A only to prohibit forced marriages, honor killings and the exchanging of female as compensation between conflicting parties in/through *jirga*.

¹⁵ According to Mines and Mineral Development Department both land and mineral beneath it need separate registration.

to rest of the country. The conflict claimed four lives from both sides. Meanwhile in 2013 chief of Nasar successfully negotiated security charge of coal field in Duki with the Frontier Corps (FC), a paramilitary force.

Similar to Chamanlang model FC has set up a committee in Duki which is close to the replication of state *jirga* during colonial Balochistan. The *jirga* happens in military cantonment consisting of major coal mine owners both from Nasar and Tareen tribe who are also head of sub-clan, clan or tribe thus each headman representing their section of the tribes. The committee discusses and resolves conflicts between tribesmen pertaining to coal mining in the light of prevailing customs. In fact, some laws of the state are violated in the committee when decision is announced by the *jirga*. Decision of the *jirga* carries force of the FC. Any one challenging authority of the *jirga* is ridiculed publically and if need arises, as many tribesmen feared, the FC, contravening law of the state, may mete out corporal punishment to the recalcitrant tribesmen.

By appointing local hierarchy in the *jirga* the military has rejuvenated tribal hierarchy. This was evident from various *masyeers* (clan-head) and *sardars* in the town that I was following when the concerned tribesmen would evoke tribal affiliation asking the former for favorable treatment in the *jirga*. This is a norm and is also practiced in non-state *jirgas*. The *jirga* has also renewed and increased indebtedness of tribesmen towards authorities within the tribal hierarchy. Many tribesmen I had spoken to expressed gratitude towards the *jirga* committee members and to the FC for resolving their conflicts. Most of them were content by the fact that the committee offers free service and its decision was backed by the FC which has made it more effective than non-state *jirga* and courts of the state. In addition, the military has increased relevance of the tribal hierarchy to tribesmen beyond the *jirga*. As a part of agreement between the tribes and FC, the latter is supposed to spend a portion money – which it is getting for rendering security services – on the

welfare of Duki population. Thus the FC disburses many jobs, student scholarships, ration, water supply schemes, and filtration plants and reserves admissions in its educational institutions through the local hierarchy similar to colonial rulemaking in the area.

Civil bureaucracy in Duki also relies frequently on *jirga* and tribal hierarchy to contain conflicts. However, unlike its military counterpart the bureaucracy has less or no say in *jirga*. It is a significant deviation from colonial rule where *jirga* was supervised by colonial administrators and had to seek approval of the latter before announcing final decision. Spending time in the AC office Duki I noted that usually the office does not legally entertain complaints of land encroachment or possible feud at the initial stage. The office suggests contending parties to resolve disputes on their own in *jirga*. But the AC office neither participated in *jirga* nor forced people to attend it.

The tribesmen and state officials put similar reasons of avoiding the state courts or police to resolve conflicts. Both indicated to the unaffordability of money and time consuming and complex piecemeal processes of state institutions which are unable to resolve cases immediately. B* told me that usually he gets complaints about land encroachment which, if not dealt immediately, may give rise to tense conflicts between contenders culminating in killings and the *badi* (feud) may run across generations. He also put a moral argument saying that he prefers to “save lives instead of getting lost in legalities” while dealing with the conflicts.

As the interview progressed I realized that there was much more at stake than only morality. Restoring order and prevention of threat to order was recurring theme in his interview. It reflected his position as a bureaucrat who was responsible for the maintenance of order in the area – the failure of which may have left bad impression on regular performance reports written by his higher ups which plays crucial part in the promotion of officers. Moreover, it was evident from his talk that the state has limited resources to contain conflict therefore relying on *jirga* or tribal hierarchy

is inevitable for the office. Not unsurprisingly, just like his colonial predecessors, the officer evoked the discourse of tribal space and customs to justify *jirga* and the invocation of chiefly authority in resolving conflicts.

“This is a tribal area... It has its own *riwaj* and *saqafat* (customs). Amongst Pashtuns and Baloch *jirga* is considered an appropriate (*motabar*) way of dealing.”

Tribe as collective responsibility/punishment

The continuation of colonial rulemaking goes far beyond ruling through *jirga* and chiefly authority in postcolonial Balochistan. Recently, in the wake of increasing militancy in the province, federal government has asked National Database and Registration Authority (NADRA) to put on hold the issuance of Computerized National Identity Card (CNIC) to suspected applicants in Balochistan. Allegations have been made against the provincial office of NADRA that some of its officers are involved in issuing identity cards to Afghan refugees and even militants (see, Zafar, 2015, 2016). Media report reveals that that over 88000 CNICs have been blocked in Balochistan. In Sardar Dur Mohammad’s bungalow in Quetta and Jameel Khan’s bungalow in Duki there were many Nasar tribesmen particularly from Jalalzai clan (living in Loarali, Kchlak and Quetta) who had come to unblock their CNICs with the help of the *sardars*. A Jalazai tribesmen at Dur Mohammad’s bungalow told me in despair that almost half of his clansmen are living Afghanistan while his family had settled in Pakistan around 1970. Like many other immigrants from Afghanistan – who left the country after 9/11 – a significant number of Jalazai clansmen from Afghanistan also have made CNICs to seek legal protection in the country. To deal with the situation the Pakistani state has blocked renewal or issuance of fresh CNICs to any tribe or clan living in Pakistan whose tribesmen from Afghanistan have attempted to make the identity document. The state now suspects every such tribesman as the citizen of Afghanistan. This was

reaffirmed by an official working in Loralai office of the department who revealed that based on tribal or clan identity many tribes have been put on screening. He elaborated on the screening method that over little suspicion of having “links” with the Taliban, being a “militant tribe” – a tribe having highest recruit for jihad in Afghanistan – or belonging to a clan a tribe who has substantial number of tribesmen in Afghanistan, accordingly the state has “blacklisted” the tribe or clans from getting CNICs.

The screening of tribesmen and blocking of their CNIC is the continuation of colonial mode of rule. The collective responsibility found in culture of the tribes is continually appropriated by the postcolonial state where whole tribe or clan is suspected and made responsible for individual tribesman’s actions. In contemporary Balochistan, hence, tribe or clan becomes a category of policing of the population. The policing of tribe is also achieved by the state through *sardars*. After breakfast with a colonel at Cantonment in Duki Jameel told me on the way back to his bungalow that times had changed after the rise of militancy in the province. Explaining further he revealed that *sardars* in the region were “under pressure” from the military for being made responsible to keep eye on militant among his tribesmen.

In this chapter I sketched contemporary temporality of rulemaking in postcolonial Balochistan. I conclude that colonial rulemaking is still animated by the postcolonial state in its practices with a few changes. The postcolonial state in Balochistan is an ethnographic state which organizes and recognizes the population along tribal hierarchy and tribal identity. Order is maintained by the state in Duki through *jirga* which has increased the relevance of tribal hierarchy in the area. However, the civilian bureaucracy has no legal authority to summon *jirga*, although, if needed, it may convene one. Its exercise over *jirga* has remained minimal from forcing the people to attend it to getting desired results or approving its decisions. Unlike colonial *jirga*, its customs are not

defined by the state. But since 2000, military in the province has given further weight to *jirga* over the state courts. Military *jirga* decision carries force of the institution. Moreover, both the civilian and military bureaucracy rely on the local hierarchy to contain conflict, distribute state schemes or make its service available to the tribesmen – a colonial legacy. The investment of tribal hierarchy for the purpose of administration has increased its power over the tribesmen. However, the tribal population resists both to the subjugation of state rule and the authority of *sardars*. The following chapter captures this dynamics of resistance.

Chapter IV Political Society: *Sardars* in the Service of Tribesmen

The state's attempt to subdue tribesmen in Balochistan by using the local hierarchy was/is an incomplete and tentative act (Swidler, 2014; Jamali, 2010). In Duki, tribesmen use chiefly authority and the discourse of tribalism to evade or resist state rule. Besides, the tribesmen were never, nor are they now passive before the authority of *sardars*. In this chapter I show limitations of the authority of *sardars* over tribesmen and thereof of the state – which mediates its rule through the former. I contend in this chapter that in the tribesmen's interaction with and resistance to the authority of state and tribal chiefs, they reinforce tribal hierarchy. The tribesmen, based on their identity, organize themselves along the axis of a new tribal authority and therefore through the making of tribal subjects continually reproduces and maintains tribal order of the society. As James Scott (2009) argues that, those sections of a population which are opposed to centralized state rule rely on their culture, amongst other things, to evade state rule.

During the summer of 2015, Duki police seized a Kabuli car (smuggled cars from Afghanistan) of a Nasar tribesman Pirjan in Duki bazaar. This was an unusual incident. The car was handed over to a police driver to be parked in the police station nearby. Pirjan intercepted the car in the next street and took it back by intimidating the policeman with a pistol. He drove the car straight into the bungalow compound of the headman of the Kamalkhel clan of Nasar tribe. The police could not dare to follow him into the bungalow. It was evident to them that the clan headman had always protected his tribesmen from the department and arresting Pirjan might cause them trouble. To avoid such embarrassment, the next day the police publicly announced that such cars would be confiscated to deter the public from driving the cars. Following this, the newly appointed Deputy Superintendent of Police (DSP) of Loralai; who hailed from another province; ordered the seizure of Kabuli vehicles as a violation of the state law. The DSP had also given a deadline to Kabuli car

showrooms in Loralai to shut business. The decree triggered a series of protests in Duki and Loralai against the DSP. During the protests the tribesmen, showroom owners, and local leadership of various political parties furthered the discourse of “tribal” area emphatically stating that the area is a tribal and remote one, it lacks basic facilities and has been neglected by the state and therefore it was the “right” of locals to use smuggled cars. Protestors also pleaded to the upper echelons of provincial police to have the DSP transferred for what they perceived was “destabilizing the local economy”. They argued that a significant portion of the locals derived their income from the Kabuli car business in the capacity of mechanics, as drivers providing pick and drop facility to school children and that it provided the cheapest means of transport for the poor. The tribesmen also approached the MPA of Duki, Sardar Dur Mohammad and the MPA and MNA of Loralai district to transfer the DSP. The tribesmen evoked their tribal affiliation and/or political association to pressure the elected leadership. The elected assembly members, on the other hand, could neither resist their tribal fellows nor risk the chance of losing their vote in upcoming elections. Consequently, the officer was pressurized from “above” to take his orders back.

Similarly, in the winter of 2016 WAPDA (Water and Power Development Authority) launched a full-fledged operation against illegal power connections in the province. In Duki many tribesmen’s electric connections were removed and transformers, installed at the level of *mohala* – referring to an area comprising a few households – was taken away by the department. Small peasant communities suffered the most because of the operation. They condemned the department in local media and went on strikes against the WAPDA declaring it as “anti-peasant”. The state was accused of the failure to uplift the community and in their own defense the peasants said that they had the “right” to “at least” grow their crops by using state electricity for free to pump water into the fields. Once again the discourse of tribalism, remote and underdeveloped area was invoked to

justify contravention of the state law as a matter of right. Meanwhile, the peasants asked Jameel to get their transformers back and electric power restored. Jameel promised them the same within a week.

If, on the one hand, the discourse of tribalism is used by the state to govern the population through tribal chiefs, on the other hand, the tribesmen also use the same discourse and tribal hierarchy to subvert state rule. In addition, *sardars* also manipulate this discourse in different ways to their advantage. Placing state officials in the index of tribal identity or spreading propaganda against them is one of the ways to pressurize top echelons of state departments to transfer a state official at local level, resonant with Sardar Jameel's action against the SHO Mujeeb-ur-Rehman discussed in chapter three. But more than that, *sardars* also use their position as legislators to undo the incursion of state in the tribal space. In 2003-4 General Musharraf ordered the conversion of B-areas in to A-areas in the wake of increasing militancy in the region. Ninety percent of the state area is B-areas which is policed by local tribesmen called Levies while the remaining 10 per cent area is called A-area which is under the control of regular police – Balochistan Police – which is composed both of local and non-local employees. Besides curbing the threat of growing militancy through the conversion of B-area into A-area, the military General also aimed to weaken *sardars* in the region who were/are using the Levies force and its power for personal use and domination of the tribesmen. Following the end of military dictatorship in 2008, the provincial assembly of Balochistan unanimously revoked the merging of Levies into police in 2010 under the leadership of Nawab Aslam Raisani, then Chief Minister of the province – although seventy percent of the project had already been completed by then (Conversion B to A Area of Balochistan, 2016). The assembly members (*sardars* and non-*sardars*) reasoned that policing by local tribesmen was suitable for tribal areas and that, owing to the tribesmen's local knowledge of the area and culture,

the force was better equipped than the regular police. This move by the assembly also coalesced with the wishes of the larger population who favored levies for the same reasons and associated the police with brutality and corruption.

Un/doing chiefly authority

Even though state rule is evaded or resisted by using *sardars* (or by employing tribal discourse), tribesmen also resist the authority of *sardars* by taking recourse to tribal hierarchy and tribal identity; the instrument of *sardars*' rule is thus turned against them. The extreme domination of tribesmen through state power and their discrimination in state development schemes may evoke a strong resistance from the tribesmen which renders tribal hierarchy vulnerable and unstable. As Foucault (1980) explains, there is an intimate relationship between power and resistance, the very presence of domination cannot escape the possibility of resistance to it. In Duki this possibility arises and gets manifested in the same mode through which rulemaking takes place i.e. tribesmen have the alternative to mobilize clan identity as opposed to tribal identity with the aim of declaring a new *sardar* at the level of clan.

In 2001 General Pervez Musharraf announced local government elections on a non-party basis to bring a non-party government at the local level in order to legitimize his own dictatorial rule. The election created the possibility for the tribal hierarchy below the level of *sardar* to participate in rulemaking and access state power, unlike how it usually worked i.e. *sardars* had dominated national and provincial level elections. Haider Khan Nasar, a *masyeer* (clan head) of Ushkhel clan – the largest clan within the Nasar tribe – and from one of the wealthiest families in the clan decided to contest the election. However, the General's promise of giving unprecedented power and allocating substantial amounts of development funds to local level representatives also lured Sardar Jameel Nasar's family to contest the election. In a *jirga* Haider had argued that his clan had

supported the *sardar's* family in the earlier provincial and national level elections and, then, it was his turn to be supported. The negotiations failed and the *sardar's* family won the election. During the local government's term most of the Ushkhel tribesmen who had voted for Haider Khan were deprived of any share in developmental schemes, which further intensified antagonism between the Ushkels and the *sardar's* family. In the ensuing years, the Ushkhel tribesmen declared Haider Khan as their *sardar* and announced political alliance with the Tareen tribe. In its interaction within and across the tribe and with the state officials the clansmen emphasized their clan identity instead of tribal identity. Similarly when an Umerzai tribesman from the Tareen *sardar's* clan killed the father of Malik Zarif Khan Tareen, *malik* of Mahmoodzai clan of the Tareen tribe, the Mahmoodzai clan decided (and allegedly continues) to support Nasar *sardars* in elections against Tareen *sardars*.

There is a plethora of cases in which the clan headman either declared himself a *sardar* and the clan started acting like a separate tribal unit in its own right or formed political alliances outside its tribe. Such change in tribal structure occurs when clansmen feel that they have been inadequately served or discriminated against by their own *sardars*. While this is a way in which tribesmen's resist their *sardars'* authority, *sardars* respond by approaching similarly disgruntled *maliks* or *masyeers* in other tribes to forge political alliances with them and increase their vote bank. *Sardars* also resort to the tactics of disbursing development scheme funds through other popular clansmen in attempts to replace the authority of particular *maliks* and *masyeers* that pose threats to chiefly authority.

Referring to these incidents a few tribesmen and particularly the Assistant and District Commissioners in the town disagreed with me over the relevance of tribal hierarchy and identity in Duki and elsewhere in Balochistan. Initially, I was taken aback and quite disheartened as an

MA level anthropology student who had come to his hometown to understand sociality reality of his own home town using his foreign-learned epistemology. After days of pondering, however, I was reminded of the emic/etic discussion in the field of anthropology. As Harris (1979) has warned anthropologists that our role is not merely registering the claims of our subjects. As scholars, it is important to look into the discrepancies of our and our subjects' understanding of events and processes and anthropologists should attempt to explain the reasons as to why informants believe in one way while act different way. Rather than being a case of flimsy evidence, it was my anthropological gaze which produced dissonance between my understanding of the social reality and the locals and the state officials, although the latter by no means had a united view. I saw the reconstitution of tribal identity and power configuration at clan or (sub-clan) level not as a disintegration of tribe, but a *regrouping* of tribal organization at clan level. The announcement of Haider as *sardar*, no matter how fleeting the moment may have been, and his clan's emphasis on and privileging of clan identity over tribal identity is the replication of tribal identity and authority at the level of the clan. This was neither a unique development nor a threat to tribal organization. Many tribes in the region had/have faced such kind of regrouping at clan or sub-clan level over time. Some of these either became tribes in their own right or re-merged with the larger tribe as per the demands of the prevailing political reality¹⁶. What has remained the same in the process of regrouping of tribes, is the production of tribal subjects with a reified cultural identity and existence under tribal hierarchy. The officers and tribesmen who disagreed with me had espoused an ahistorical and a nostalgic view of tribal solidarity which informed their analysis. Colonial ethnographies and documents and recent scholarship on tribal identity and chiefly authority among

¹⁶ Based on differential access to state power Luni tribes split into two. Presently one faction is led by Sardar Asmatullah Luni and the other by Sardar Hafiz Luni. .

Pashtuns show that no tribe was/is stable; it is an ever changing process (see, Barth, 1969, Hopkins, 2015).

However, another argument of the tribesmen and the state officials about ‘disintegration’ of the tribal structure is worth paying attention to. Since the introduction of parliamentary democracy in the province religious clerics, belonging to relatively low income strata, who represent a religious conservative party by the name of Jamait Ulema Islam Fazal-ur-Rehman (JUIF), have been winning elections especially in the Pashtun populated areas of the province. Some of the clerics have even managed to defeat well-established and powerful *sardars*. Indicating to this, as if this was a new development, many officials argued that tribal authority was no more relevant to the people and that religiosity of a candidate pulls political alliance and votes across tribes. Again I found their argument historically unsubstantiated. Religious clerics have always played a dominant role in Pashtun society (see, Barth 1965). This partially explains the strong Islamic identity as part of the Pashtuns’ self-image. But more than that, colonial archives and local narratives suggest that whenever a *sardar* failed to lead his people or led them in a direction against the wishes of his tribe, tribesmen preferred to defy the *sardar* and, at times, religious clerics or lay tribesmen who were elevated to the position of a religious and pious figures perceived to have the ability of performing miracles took up leadership roles¹⁷. It has also been argued that JUIF and ethno-nationalist Pashtun and Baloch parties draw considerable support from religious seminaries and colleges respectively, which provide fertile sites of youth recruitment for the parties as well as for spreading party propaganda. However, the province has quite a small proportion of college goers

¹⁷ The account of Shah Jehan and Khiddarzai section of Sherani tribe against the British rule is illuminating in this regard. When other tribesmen submitted to the colonial rule these tribesmen rejected the collective decision of tribe and decide to resist the new authority. There were also individual tribesmen who attacked the British forces despite having reached negotiations through their *sardars* or *maliks*. See, Operations of the Zhob field force, 1890 (reprinted 1979), p. 3-19. (Archival No: P-140). Balochistan Archives, Quetta.

and those who graduate from religious seminaries, more often than not, act in the interests of clans or follow the communal decisions of clan headmen. The role of education in destabilizing tribalism in the region therefore remains to be seen.

Most importantly, neither religious conservatives nor ethno-nationalists are against the *sardars*. They actively pursue those *sardars* who have a huge following in and across tribe to increase the possibility of winning elections and forming government. Most of them have *sardars* in their party leadership, while non-*sardar* candidates in the parties boast strong support within their own tribe or clan. These candidates further consolidate their position in party ranks by forming alliances with other sub-clans and clans that are neglected by their own *sardar* or those tribes which are numerically in a minority and thus cannot win elections. Above all, a noticeable feature of non-*sardar* candidates is that the power they exercise over their tribe or clan is no less than that of the *sardars* (in some cases they have indeed become titular *sardars*), nor is their practice of rulemaking any different. They use state power to dominate their own or rival tribesmen and privilege only those tribesmen who vote for them or who recognize their authority. Just like *sardars* they gain popularity among tribesmen by conducting and leading *jirgas* for resolving disputes. Their participation in the parliamentary democratic system of the country does not pose a challenge to the tribal order; as I reiterate that their practice of rulemaking is similar to *sardars* i.e. to produce tribal subjects along tribal identity and hierarchy.

In this chapter I have shown that tribesmen participate in the process of producing themselves as tribal subjects to the extent that it accommodates their interests. If their interests are jeopardized by the *sardars*' actions, tribesmen may form a new collectivity at the level of their clans and may declare their own chief or form a political alliance with *sardars* from other tribes. Moreover, state rule is also evaded by using the influence of *sardars* over state officials. Whether the tribesmen

resist or accommodate themselves into the rulemaking of the state or *sardars*, their tribal identity and recognition along the lines of tribal hierarchy create both possibilities, Thus in both cases tribal subjects get produced thereby sustaining the tribal organization of the society.

Ironically, with the expansion of state rule in the tribal space, the relevance of chiefly authority has not waned. Instead, it has become more relevant to political society in the tribal space whose means of livelihood depend on violation of the state rule and law. Partha Chatterjee (2004) has explained the existence of political society in postcolonial civil societies as a weak society and its existence as a tentative one. However political society in Duki seems to be a robust feature of the postcolonial civil society for two reasons: its strategic geography and the pervasiveness of political society. The political societies of slum dwellers in urban India, which Chatterjee studied, are weak ones because they live in the center of big cities and therefore closely located to the authority of state. The state can any time evict the slum dwellers from the cities with a strong will. Whereas political society in Duki is located away from the state authority in a rural area of the marginalized province of Balochistan. The authority of state in the region is a limited one. Moreover, where in urban areas the larger civil society/population is not a part of political society, in Duki large number of tribesmen belong to political society. They make living by encroaching state land, selling smuggled petrol, using non-custom paid cars, growing cannabis (in Luni area of Duki), and those who are employed in the state departments (especially in health and education departments and Levies force) circumvent their job duty by spending their time in other laborious activities to increase earning beside getting monthly salary from the state. Political society in Duki has further got strengthened by the local bureaucracy which – living on extremely low wages – earns its livelihood by extorting bribes to let the people violate the state law.

Conclusion

The persistence of chiefly authority in postcolonial Balochistan is a product of variegated practices of rulemaking. By analyzing the agency of various actors involved in processes of rulemaking, such as the state, *sardars* and tribesmen, this thesis concludes that in Balochistan state rule is mediated, accommodated and evaded along lines of tribal hierarchy. The outcome of such practices of rulemaking is the production of tribal subjects: the organization of the local population along tribal hierarchy based on tribal identity. The making of tribal subjects is a colonial legacy where the colonial state reconstituted chieftaincy and brought the local population under its rule to make a tribal militia under the leadership of *sardars* for the purpose of defense. Moreover, the organization of the local population under chiefly authority was informed by colonial ethnographies that conceptualized tribes as necessarily having tribal headmen. The practices of the postcolonial state in Balochistan continue to be immersed in colonial rulemaking where the *jirga* and tribal hierarchy are used by the state to carry out its rule.

However, with the introduction of parliamentary democracy, *sardars* have gained a much wider influence in the realm of state rulemaking as compared to the colonial era. As state legislators, *sardars* use the state as their own technology of rule to produce the local population under their authority. This is achieved by using the state police force against those who defy their authority or discriminate against them in state development schemes. The tribesmen, on the other hand, use *sardars'* influence in the state departments to evade the rule of the state. Moreover, tribesmen resist *sardars* as well by organizing themselves along the level of clan or sub-clan under new chiefly authority. While chieftaincy is instrumentally used by the state to govern the people it has also become ever more relevant to the tribesmen, especially to those tribesmen who make a living by sidestepping the state law. Hence, tribal hierarchy and identity contains and mediates the

practice of rulemaking and allows for the possibility of its undoing which explains the tenacity of tribalism in Balochistan.

The findings of this thesis, however, are not limited to Balochistan. It critically engages with a wide range of literature on tribes (Clifford, 1988; Crone 1986; Ahmad, 1977; Shallins, 1968; Lerner, 1964; Rostow, 1960) which situates tribes as the precursor to the modern state in a linear temporality of historic progression from ‘primitive’ to complex organization of society in the modern state. This thesis has shown that the modern state can appropriate (and reconstitute) tribal structure in its administration in attempting to legitimize its rule. Therefore, culture can itself become a technology of modern state administration to govern populations. On the other hand, state power itself can be used by a tribe to reproduce itself. In Duki, *sardars* have benefited from the presence of modern state bureaucracy: where the state generates power for itself through increasing differentiation from society. The process itself has initiated unintended consequences for the modern state which significantly limits its sovereignty. By meddling with the state-society distinction or overcoming the differentiation, *sardars* generate immense power for themselves which is employed to dominate the state itself or subvert its rule and to produce tribal subjects. Therefore, instead of evolving toward the modern state, tribal society in Balochistan has been reproduced by *sardars* using state power.

I call for a shift in understanding the relationship between tribes and the modern state. It is argued that the modern state is incapable of penetrating various cultures among which the state seeks its legitimacy (Migdal, 2001, 1998). My case shows that the modern state penetrates tribal culture to a great extent, as Mamdani (2005, 1996) and Dirks (2001) have argued that rule through “tradition” in the colonial state was in fact state sanctioned tradition. Instead of looking at how the modern state “failed” (or what Migdal calls “weak state”) to penetrate the culture of those groups which

are resistant to the centralized authority of the state, the everyday practice of rulemaking should be used to account for this ‘failure’ (Hopkins, 2015). As culture itself, may be a product of the multiple practices of rulemaking and may get reconstituted by the political. For instance, tribal hierarchy in Balochistan is not only a consequence of the patronization of *sardars* by the Pakistani state and its reliance on them, but also the very existence of the modern state in the province has enabled *sardars* to bring the state under their service to reproduce tribal order. The authority of the state in tribal spaces, though a compromised one, should not be viewed as a sign of a “weak” state in political science terminology, especially in areas like Balochistan, which was a frontier province in colonial times. Instead, the practice(s) of rulemaking in the region should be historicized. As Stoler (2006) argues, such places inhabit a different kind of sovereignty, as the centralized state decides which subjects are inside or outside especially for people living on the margins of the state.

Lastly, I would critically contribute to the conceptualization of the state-society relationship in the analysis of Foucault (1980) and Deleuze and Guattari (1987). Their reading of limited state sovereignty suggests the inability of the state to appropriate all sets of power relationships in society. Their analysis is very relevant to make sense of the opposition of various forces to escape appropriation by the centralized authority of the state. However, it does not reveal much about the struggle within that set of power relationships which has been partially or completely appropriated by the state. The realm of appropriated relationship has its own challenges for the state. As my thesis suggests, the appropriation of chiefly authority by the postcolonial state in Balochistan has made state power itself vulnerable to the intentions of the former who, when required, use state power against the state itself.

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