
THE WAY OF THE PASHTUN: PASHTUNWALI

Major Richard Tod Strickland, CD

Canadian soldiers saw a routine tribal meeting in Afghanistan turn into an ambush, with one officer critically wounded by an axe-wielding assailant.

"The guy lifted up the axe, and called out *Allah Akbar*, the jihad prayer, before they do suicides, and he swung the axe into Trevor's head," Capt. Kevin Schamuhn, the platoon commander, told CTV News on Saturday...

Canadian soldiers shot and killed the attacker, who was in his 20s.

—CTV.ca 5 March 2006¹

Occurring in the rugged hills near Gumbad, in the Shah Wali Kot District within the Kandahar Province of Afghanistan, the attack against Lieutenant Trevor Greene in early March 2006 stunned the Canadian populace and the men and women of the Canadian military. Taking place in rural Afghanistan, many in Greene's battalion had assumed that they would be relatively safe from attack while conducting *shuras*,² primarily because of the supposed protection and application of *pashtunwali*, or the way of the Pashtun.³ Hindered by a limited understanding of the term, many assumed that the tenets of *pashtunwali* were universal and accepted by all Afghans; sadly this was not the case.⁴

Knowledge of the cultural norms and practices of Afghans is rudimentary at best. Few in Canada, and quite likely Europe and North America, have any real understanding of Afghanistan and its people. Tribal codes and practices seem as distant in time as the American frontier or the "wild west," and more appropriate to an era dominated by imperial practices and the building of empires, certainly not the 21st Century. Many cannot conceive of a people who do not subscribe to the concept of rights and obligations we in Canada take for granted, and whose lives differ so dramatically from the scope of the privileges that we are afforded in the West. Certainly, few can understand why the Pashtuns of Afghanistan believe what they do, or why it is important to them.

The purpose of this piece is to describe the code commonly referred to as *pashtunwali*, paying specific attention to its tenets and guiding principles, as well as its applicability and usage. Additionally, I will examine its relationship with the Islamic concept of *shari'a*, as well as the role played by women in its day-to-day use. Lastly, I will close with some observations on the code and possible implications it could have for the conduct of ongoing NATO operations within Afghanistan. The topic warrants study and discussion, largely because of the significant interactions which are happening between westerners currently in Afghanistan as part of the "International Security Assistance Force" (ISAF) and "Operation ENDURING FREEDOM" (OEF), but also because if there is any real hope of ever rebuilding Afghanistan and making it a viable nation on the world stage, it is imperative that an understanding of its cultural norms and practices exists beyond that articulated in the popular press.

Consensus on what specific practices constitute *pashtunwali* is not universal among scholars, or indeed among the Pashtuns themselves. This is not unexpected when dealing with a code of behaviour that is not formally written down, but rather relies upon convention and practical application in a geographic area. Because of this, it is

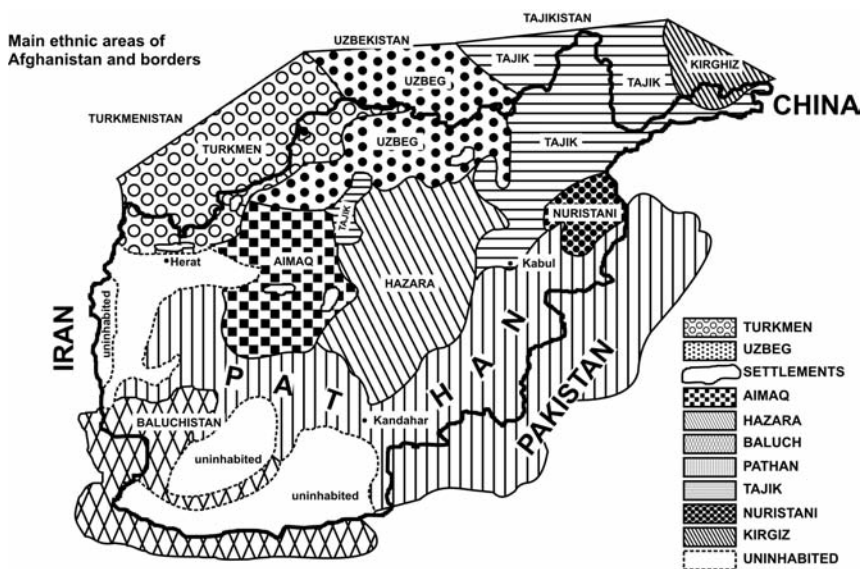
important that before describing pashtunwali, and examining its principles, that we first possess a basic understanding of the type of people who follow it—the Pashtuns.

The Pashtuns

Their vices are revenge, envy, avarice, rapacity and obstinacy; on the other hand, they are fond of liberty, faithful to their friends, kind to their dependants, hospitable, brave, hardy, frugal, laborious and prudent; they are less disposed than the nations of their neighbourhood to falsehood, intrigue and deceit.

—Mountstuart Elphinstone⁵

The men and women collectively known as Pashtuns, and perhaps romanticized by Elphinstone, inhabit the area shown in the map below (where they are indicated as Pathan). The traditional rulers of Afghanistan, after coming together under the leadership of Ahmed Shah Durrani in 1747, they currently form approximately 38% of the Afghan population, comprising its single largest ethnic group.⁶ Primarily Sunni Muslim (approximately 84%)⁷ in their religious beliefs, they are “deeply religious”⁸ subscribers to the Hanafi school of jurisprudence.⁹ As can be easily seen, Pashtuns are not limited to Afghanistan, and the four tribes that form the Pashtun ethnicity straddle the border with Pakistan. Described as the “worlds largest tribal group,” they are broken down into the “Ghilzai (or Kuchi),” “the Durrani,” the “free tribes” living in the border areas of Pakistan and Afghanistan, and the “settled tribes” which live solely in Pakistan.¹⁰



Descriptions of their character abound in hyperbole, both positive and negative. Cathy Newman has written that “It is said of the Pashtun that they are only at peace when they are at war.”¹² Noted writer and commentator Robert Kaplan stated:

Only Pathans could have invented a game that requires a man to pick up a butterfly mine and toss it in the air without losing a hand (not all succeeded). Only Pathans could make walking through a minefield a test of manhood.¹³

In a more balanced view, John Griffiths describes them as being “closely knit [with] a sharply defined pattern of family relationships that places everyone not of that group... among the world of potential enemies.” They take “strong pride” in being Pashtuns,

calling “no man lord and [admitting] inferiority to nobody.”¹⁴ This is aptly shown in a fragment of poetry written in the 17th Century, by Khushal Khan of the Khatak Tribe, when he wrote:

*Glory's the hazard, O man of woman born!
The very name Pakhtun spells honour and glory
Lacking that honour what is the Afghan story?
In the sword alone lies our deliverance.*¹⁵

A significant element in the basic formation of this pride is the education, and inculcation into the tribe, which every Pashtun receives throughout his upbringing. From their birth, Pashtun children are brought up seeing the conventions and effects of *pashtunwali*,¹⁶ watching it govern all aspects of social interaction both between tribal members and outsiders interacting with the tribe.

Purpose

It must be stated from the outset that *pashtunwali* is much more than just a system of beliefs and tribal practices; it is more accurately described by noted scholar Olivier Roy as both a “code and an ideology.”¹⁷ In many ways it is much more akin to an unwritten legal system than might at first be discerned by the casual observer. Indeed, Roy views it as “a body of common law which has evolved its own sanctions and institutions.”¹⁸ Its principle purpose is to maintain a social “equilibrium” within the tribe,¹⁹ resolving and preventing disputes over items of relative scarcity within the region: “zar, zan and zamin” (gold, women and land).²⁰ In this, it can be viewed as sharing similarities with other tribal codes, such as the medieval Albanian code of Lek Dukajin.²¹ In short, it “dictates the conduct of life quite as much as religion or government in the Pashtun areas of Afghanistan.”²² This is best explained by Palwasha Kakar:

By adhering to Pashtunwali a Pashtun possesses honor (*izzat*), without honor s/he is no longer considered a Pashtun, and is not given the rights, protection, and support of the Pashtun community.²³



Photo courtesy of Combat Camera, AR2007-1025-079 18 September 2007, Spin Boldak, Afghanistan

Captain Steve Winters of the Provincial Reconstruction Team takes advantage of his visit to Spin Boldak to discuss problems with villagers and refer them to the appropriate local resources.



Master Corporal Chase Feissel, a combat engineer, speaks to young Afghans near Forward Operating Base Wilson.

As previously mentioned, the application of *pashtunwali* is not universal, either across Afghanistan or in its Pashtun dominated regions (or those of Pakistan). Variations in practical application of the code exist, both on a regional and class basis.²⁴ Further, although initially a Pashtun code of conduct, it has since branched out and now affects the tribal and cultural practices of other ethnic groups within the region who “must deal with similar environmental and social realities.”²⁵ It tends to function optimally, as noted by Thomas Barfield:

...in a community of political equals where differences in wealth and power are not too great. It cannot easily survive where power differences are permanent or where an individual has no power to demonstrate autonomy.²⁶

The Tenets of Pashtunwali

Depending on one’s perspective and interpretation, *pashtunwali* is made up of between three and six basic tenets, which in turn develop into a fairly complex interplay guiding the actions and normative behaviours of the code. These are: *badal* (revenge), *ghayrat/nang* (self-respect, chivalry or bravery), *melmastia/nanawati* (hospitality/asylum), *purdah* (gender separation), *namus* (pride or defence of honour) and *jirga* (council).²⁷ The scope of these has been captured relatively well by scholar Dilip Hiro, who described *pashtunwali* as:

To avenge blood; to fight to death for a person who has taken refuge with me no matter what his lineage; to defend to the last any property entrusted to me; to be hospitable and provide for the safety of the person and property of guests; to pardon an offense (other than murder) at the intercession of a woman of the offender’s lineage, a sayyid or a mullah; to punish all adulterers with death; to refrain from killing a man who has entered a mosque or the shrine of a holy man.²⁸

Now that we have some idea of the breadth of the code, let us examine each of the tenets in turn.

The concept of revenge or *badal* is one that has captured the imagination of many observers, with many, Robert Kaplan among them,²⁹ assessing it as the major element

within the code itself. Revenge is mandated in practice by “an accusatory insult, act or condition that offends the Pashtunwali norm...”³⁰ Revenge itself is essentially a “show of superior force” which clearly demonstrates to all that the offended man or family is still to be respected and afforded honour. Were *badal* not to be exercised, the offended group would essentially be demonstrating to the village or tribe that they were not worthy of honour and did not deserve respect in the daily life of the village. In the words of the Pashtuns themselves, “Who today is disgraced, tomorrow will be lost.”³¹ As such, *badal* is improperly viewed if one conceives of it as retribution; rather it is the re-establishment of the norms of behaviour and interaction between groups within the tribe (individuals, families or tribal sub-sets). It warrants note that the act of *badal* cannot be excessive and must be proportional to the original offence. The decision as to what constitutes “proportional” is decided by the *jirga*,³² which will be discussed later.

Some do not split *badal* into its own category, and instead see it as more aptly grouped with *ghayrat* and *nang* (self-respect, chivalry or bravery). The concepts are all closely related, and can be justly categorized as central to the code. *Ghayrat*, when viewed in the terms of self-respect, must be maintained at all times, and if lost or compromised, can result in dire consequences, such as “blood-feuds” (the obligation to avenge wrongful death), which in themselves can see tribal members going to legendary lengths to meet the commitments and obligations imposed in the re-establishment of honour.³³ *Nang* and *ghayrat* can be defined in broad terms as “proper defence of honor” and “honourable actions is battle.” Honourable actions presume that one is following the accepted norms of combat; that is, who can or cannot be attacked (the non-attack of civilians for example) as well as “the proper distribution of war spoils.”³⁴ Indeed, one’s very value as a man, as stressed from childhood, is defined by brave and valorous conduct on the battlefield.³⁵

When judged in this light it can be seen that honour is principally gained through the demonstration of martial ability, and actual combat, though this does not always have to be the case. Commanders, warlords and those who enable combat to take place (financiers, logisticians, etc.) can also gain honour by virtue of their daily conduct and their relative positions as leaders of other warriors, even if they do not engage in combat themselves.³⁶

Interestingly, fighting itself is not enough, and there is a requirement to demonstrate both “individual zeal” and a certain degree of autonomy in one’s actions. This has, in the recent past, lead to a significant degree of participation on the part of the Pashtuns in insurgencies, such as against the Soviets, where such participation has been classified as an “extension of the Pakhtun ethos of... ghariat and bravery...”³⁷ Ironically, these demands have also lead to a general disinterest amongst the Pashtun for service in the national army; although it provides opportunity for combat, it is fighting that runs contrary to their tribal code, which stresses the value of individual autonomy.³⁸

The twin ideas of *melmastia* and *nanawati* (hospitality and asylum) are just as important to the Pashtuns as their abilities as warriors. Succinctly, *pashtunwali* requires “a man to be hospitable whenever the occasion offers...”³⁹ More than mere social grace, it “includes the feeding of strangers and friends...gift giving and defending the guest.”⁴⁰ *Melmastia* is one of the few aspects of the code, which has been manifested in a physical manner, namely the construction of “guest houses” within villages and towns in Pashtun areas.⁴¹

Palwasha Kakar has amplified that “honor is buttressed by hospitality in that it increases the number of social networks [one] has access to;”⁴² put another way, the more people who see one being honourable, the greater one’s honour. This one area of *pashtunwali* may also be related to Islamic cultural practices throughout the Middle East,



Photo courtesy of Combat Camera, AR2007-Z023-018 Sept 2007, Kandahar, Afghanistan

Sergeant Dan Frenette of the Provincial Reconstruction Team (PRT) speaks to an Afghan about a project aimed at improving living conditions in his village south of Kandahar.

which similarly call for hospitality to strangers under the belief that one cannot know the face of God, and by being gracious to strangers, we are being gracious to God.⁴³

Nanawati is a seminal component of *melmastia*. Indeed, one author has stated that:

The most important extension of this part of the code...is the obligation to protect, with your life if necessary, the person and property of your guest, and, if he specifically takes refuge with you, to take up his cause as well.⁴⁴

The extension of hospitality and asylum, or refuge, is almost without limit, and includes the provision of *melmastia* to those that are “considered to be outlaws by another authority” (other families, tribes, provincial or national governments, etc.).⁴⁵ This can manifest itself in ways that are bizarre to the outsider. For example, the Taliban government’s refusal to hand over Osama Bin Laden can be justly viewed as a manifestation of this aspect of the tribal code that they had been raised to view as normal.⁴⁶ Further, it can be easily seen as the rationale used by villagers to protect insurgents coming into their village, even if ISAF or OEF forces want the very same insurgents.

Lastly, at a more local level, there are two aspects of *melmastia* and *nanawati*, which can impact on day-to-day life. Firstly, it is through these elements of *pashtunwali* that blood feuds can be ended. Specifically, it falls upon guests to request that blood feuds be ended. Female guests, once accepted into their host’s home, are able to request that a feud be stopped.⁴⁷ Secondly, women can use the very rules that mandate hospitality to resolve potential marriage issues. For example, a young woman who does not desire to be married to her betrothed can present herself at the home of another man, whom she wishes to marry, and ask to be accepted as a guest. If the host accepts her presence, he is then essentially forced to marry her in order to maintain honour. It then falls to the host to resolve the conflict that will inevitably arise with the father of his new bride.⁴⁸

Gender separation, or *purdah*, is an element of the code that few sources acknowledge, but which I have included primarily because of its controversial nature and

the fact that its complexities and interrelationships with the other aspects of *pashtunwali* need to be factored into any understanding of the broader code. Coming from the Urdu word for “veil,” it is not universally applied in Pashtun areas.⁴⁹ There is a wide variance in practices, with the “boundaries of *purdah*” being directly influenced by one’s social and economic group,⁵⁰ as well as by one’s geographical situation. For example, within the city of Kandahar, it is quite rare to see a woman walking the streets; those that you do see are generally covered from head to foot in the *burkha*, unless they are either quite young (to the age of 10) or quite old. Moving into the province of Helmand, for example in the city of Lash Kar Gah, one will see different rules applied, with women generally wearing head and face veils, yet under nowhere near the same level of restrictions placed on social interaction.⁵¹

In the extreme, *purdah* can “bar women from educational opportunities” and even the “provision of health care.”⁵² It was these types of extremes that lead to international outrage at the general conduct of the Taliban, and have continued to contribute to pressures on the Karzai government of Afghanistan to reform gender roles and practices within the country. Similar restrictions on female freedom of movement are often viewed in a negative light; however, at least one author has noted that they “also allow for freedom from male interference.”⁵³

The idea of *namus*, or “that which is defended for honor to be upheld”⁵⁴ is closely related to both *purdah*, and *memastia*. It differs slightly from the idea of hospitality or revenge, and may be perhaps more broadly interpreted as “saving face” or protecting one’s reputation, specifically as it relates to the interactions between men and women.⁵⁵ It is not an article of *pashtunwali* that receives universal comment, but writer Bernt Glatzer provides one interesting perspective:

Neighbours’ gossip is even more feared than the actual behaviour of women. Gossip is what erodes *namus* most effectively and is most difficult to control. Better [to] not let anybody see women.⁵⁶

One can readily deduce that it is not the isolated aspects of *pashtunwali* that cause difficulty; rather, it is the complex interrelationship amongst the myriad different facets of the elements that must be sorted through. The cutting of this “Gordian knot” is the responsibility of the *jirga*.

Defined by common usage, a *jirga* is “the gathering of a few, or a large number of people; it also means consultation.”⁵⁷ That the *jirga*, or council, is a critical component of *pashtunwali* is sometimes lost on many. Ali Wardak has argued that “it...plays a central role in strengthening social solidarity among Afghans and contributes significantly to the maintenance of order in Afghan society.”⁵⁸ Traditionally, it is a council organized at the village or regional level, which in turn provides the legitimate authority governing the application of *pashtunwali*.⁵⁹ More recently, the *loya jirga* has filled a similar function at the national level as part of the Afghan government. The important distinction here, however, is where most *jirgas* are concerned solely with matters relating to the application of *pashtunwali*, the *loya jirga* is concerned with the governance of the country, irrespective of ethnicity or tribal affiliation. As such, it can be viewed as a manifestation of the impact of *pashtunwali* on other cultures.⁶⁰

Conversely, it must be noted that the use of a *jirga* can be legitimately viewed as affecting the perceptions of the people on their regional and national governments. Specifically, if a *jirga* is convened and then serves to govern the behaviour in a given area, then what is the necessity for a central provincial or national authority? As such, the continued use of *jirgas* could be construed as undermining the central authority of the national government, unless the formal state-sanctioned legal code and *pashtunwali* articulates the same provisions.



Photo courtesy of Combat Camera, AR2007-Z038-13 8 Sept 2007, Kandahar, Afghanistan

Young Afghan boys look on as a Provincial Reconstruction Team (PRT) patrol passes by on its way to survey the needs of villagers in Morghan, Afghanistan.

A *jirga* is made up of distinguished men of honour (known as *marakchi*)⁶¹ from a given area, all practitioners of *pashtunwali*. Women have also been participants, but this would appear to be more the exception than the rule. Decisions are taken by consensus, rather than by a vote or some other means, thus demanding a fairly high level of oratory skills by all speakers who participate (in order for them to convince their fellow members).⁶² A *shura* and a *jirga* are not the same things, though they are sometimes confused. The principle difference is that a *shura* is generally conducted by non-pashtuns, and that it lacks the “clearly defined rules” that convention has given to the conduct of *jirgas*.⁶³

Now that we possess a general understanding of the code, let us turn to two areas that are often misunderstood: its relationship with women and its interaction with Islam.

Role of Women and Interaction with Islam

Some scholars have taken the view that *pashtunwali* “excludes women,”⁶⁴ perhaps as a result of the limited role that women play in the conduct of *jirga*, or by taking an overly harsh view of the function filled by *purdah*. This perspective disregards the important capacity undertaken by women, as “guardians of the standards of *pashtunwali*.”⁶⁵ In short, it falls to the women of the tribe to ensure that the tenets are followed by all members of the tribe, and in particular their own families. Further, women play a second significant role, in that it falls to them to instigate the cessation of a “blood feud.” It is true that women have limited functions, and almost no authority on their own. To a Western or modern perspective, this seems to be an affront to human rights and the basic concepts of equality, but it should not be seen as exclusion. Certainly, the precepts of the code apply equally to men and women, and both suffer the code’s consequences as well as enjoying the protection it affords. This has been noted by John Griffiths:

The ideal man is the warrior poet, the man bold in battle, eloquent in counsel and moving in love. Woman scarcely features...except in so far as she is either the recipient of the benefits...or bound, through her men folk, by its obligations.⁶⁶

The relationship between *pashtunwali* and Islam, specifically the concept of *shari'a*, is somewhat more complex, all the more so because it is largely the case that the differences are only seen by Muslim scholars and outsiders, rather than the Pashtuns themselves.⁶⁷ Although the two codes operate side by side, as noted by Victoria Schofield,⁶⁸ there are some significant differences in the practical application of the two. Right from the outset, it can be easily seen when judged against the criteria of applicability; *shari'a* is intended for all Muslims, whereas *pashtunwali* is, strictly speaking, the way of the Pashtun and is limited in its applicability to that one ethnicity or tribe.⁶⁹ Although the codes have similar goals, there is a significant divergence in the practical application, as shown in the table below:

Social Issue	<i>Shari'a</i>	<i>Pashtunwali</i>
Proof of Adultery	Must be proven by four eyewitnesses	May be proven based on hearsay alone
Divorce	Relatively easy to obtain	Almost impossible to obtain
Right of Women to Inherit Property and Money	Sanctioned	Not allowed
Retribution	May be total	Must be limited

Table 1—Differences in Practical Application of *Shari'a* and *Pashtunwali*⁷⁰

Though these differences may seem minimal, they are in truth significant, in particular among some elements of the *ulemma*. Noted Islamic scholar Olivier Roy has pointed out:

In Ghilzay and eastern Pashtun areas, mullahs have constantly tried to destabilize *pashtunwali*... in the name of *shari'a*. This never happened among Durrani. Ghilzay and eastern Pashtun areas have regularly witnessed messianic, fundamentalist movement headed by mullahs...always trying to replace tribal customs by *shari'a*.⁷¹

The simple deduction here is that there are segments of the non-pashtun *ulemma* who view *pashtunwali* as an affront to the tenets articulated by *shari'a*, and that although both codes serve to regulate behaviour, there is a fissure between the two.

Conclusion

As has been shown, *pashtunwali* is an extremely complex mix of convention, practice and tradition that varies widely in its application, but basically governs the conduct of a significant portion of the Afghan population. As the international community continues to engage and rebuild within the country, it is imperative that soldiers, diplomats and aid-workers carrying out their respective roles understand the mindset of the people with whom they are working and the function that *pashtunwali* fills, regardless of whether or not the people are ethnic Pashtuns.

Returning to the axe attack against Lt Greene, the battalion involved conducted an aggressive information operations campaign in the entire Shah Wali Kot district, where the village of Gumbad is found, with the aim of using *pashtunwali* to discredit both the attacker, and the village that allowed it to happen. Clearly, one could easily argue that while a guest in the village (at least from the perspective of the soldiers involved) one should have been protected under the practices of *memastia*. At the tactical level, there was some success in this approach, and the village was, as a minimum, discredited in the eyes of the other members of the district. However, there are two problems with this approach.

First, the question must be asked as to whether or not the villagers saw the soldiers as legitimate guests, or as unwanted visitors? I cannot answer that. If guests, then the provisions of *pashtunwali* should have applied and our resultant actions can be seen as appropriate. If the soldiers and their leaders were not invited, then there is certainly scope to view the attack as justifiable in the mind of the attacker and his fellow insurgents.

Second, in using the principles and practices of *pashtunwali* to bring discredit to the village involved, one has to ask whether or not our actions reinforced the legitimate government of Afghanistan or eroded its authority in that particular district? Certainly there was nothing wrong with a response to the attack that would be understood by the local villagers, as well as demonstrating that we understood elements of their cultural makeup. However, in reinforcing the legitimacy of the *jirga* and the code itself, we were not reinforcing the short-term perspective with regard to the authority of President Karzai in that one particular region of Kandahar province.

The lessons for those involved with ISAF and OEF, and the possible implications for the conduct of operations are significant. Firstly, we must ensure that we understand more than the broad concepts and guiding principles of the code; we must delve into the nuances and gain a true understanding of how our actions will be measured by those that use *pashtunwali* to guide the conduct of their daily lives. Secondly, we must understand that *shari'a* and *pashtunwali* are not one and the same. There are significant differences between the two codes of conduct, and understanding one will not equate to understanding them both. Knowing this will enable one to discern motivation for actions and allow for practices to be put into place in our own dealings with Afghans that are more culturally appropriate, as well as allowing for better targeting with regard to the conduct of information operations. Lastly, there is the basic principle of understanding one's adversary. Knowing that many in the Taliban are ethnic Pashtuns, it is imperative that we understand their perspective on the world, and on combat in particular. As an example, understanding that bravery in battle and valorous conduct increase the level of honour of a warrior, it becomes relatively easy to comprehend why the insurgents keep hitting our fighting vehicles while largely ignoring our administrative echelons—there is no honour in attacking a weakness, while there is great honour in being victorious while attacking strength.

Pashtunwali is an essential element in the daily life of many of the people of Afghanistan, whether they are ethnic pashtuns or not. By increasing our understanding of this basic fact, we enable better interaction between them and ourselves, and we allow progress to continue. It is critical that we take advantage of the opportunities that this affords.

Endnotes

1. CTV.ca Staff, with a report from Steve Chao. "Canadian Soldier Injured in Axe Attack," CTV, accessed on 20 April 2007; available from http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20060303/afghan_canada_bomb_060304/20060305/.
2. A *shura* is essentially a meeting, often held in the open, where issues affecting participants are heard and discussed. This term will be discussed later in the paper.
3. This term varies in usage between pashtun, pathan, pushtun and pakthun depending on the author. Throughout this piece I will use pashtun and pashtunwali. Some of these terms may appear in quotes and images.
4. Based upon the experiences gained by the author, who at the time of the attack against Lt Greene, was employed as the Deputy Commanding Officer of Greene's parent battalion.
5. As cited in John C. Griffiths, *Afghanistan: A History of Conflict* (London: Carlton Books, 2001), 66.
6. Edward Girardet, "Afghanistan," *National Geographic* (November 2003), 40; Palwasha Kakar, "Tribal Law of Pashtunwali and Women's Legislative Authority," accessed on 7 April 2007; available from <http://www.law.harvard.edu/programs/ilsp/research/kakar.pdf>; and Mike Edwards, "Central Asia Unveiled," *National Geographic* (February 2002), 113.
7. Mike Edwards, 113.

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8. Eric S. Margolis, *War at the Top of the World: The Struggle for Afghanistan and Asia* (Toronto: Key Porter Books, 2001), 10.
 9. Hafizullah Emadi, *Culture and Customs of Afghanistan* (Westport: Greenwood Press, 2005), 8.
 10. Margolis, 11.
 11. Griffiths, 76.
 12. Cathy Newman, "A Life Revealed," *National Geographic* (April 2003): Special Report, Frontispiece.
 13. Robert D. Kaplan, *Soldiers of God: With Islamic Warriors in Afghanistan and Pakistan* (Toronto: Vintage Books, 2001), 22.
 14. Griffiths, 66.
 15. As cited in Stephen Tanner, *Afghanistan: A Military History From Alexander the Great to the Fall of the Taliban* (Cambridge, MA: Da Capo Press, 2002), 113.
 16. Bernt Glatzer, "Being Pashtun—Being Muslim: Concepts of Person and War in Afghanistan," *Essays on South Asian Society: Culture and Politics II* (Berlin: Das Arabische Buch, 1998), 7, accessed on 22 March 2003; available from http://www.wardak.de/tribes/being_pashtun.pdf.
 17. Olivier Roy, *Islam and Resistance in Afghanistan: Second Edition* (Cambridge: Cambridge University Press, 1990), 12.
 18. Ibid, 35.
 19. Ibid, 36.
 20. Margolis, 11.
 21. Ibid, 12.
 22. Griffiths, 107. The fact that *pashtunwali* serves as a code of conduct, replacing legitimate governmental authority in many areas of Afghanistan, is a fact that many outside observers fail to recognize or completely comprehend. The basic reason for this is that the Afghan government lacks the means to exert its authority throughout its country. The reasons for this are many, and would constitute a separate paper, falling outside of the scope of this piece.
 23. Palwasha Kakar, "Tribal Law of Pashtunwali and Women's Legislative Authority," 3, accessed on 7 April 2007; available from <http://www.law.harvard.edu/programs/ilsp/research/kakar.pdf>. It warrants note that of all sources consulted in the preparation of this piece, Palwasha Kakar's paper was the single most thorough reference, containing the most comprehensive examination of *pashtunwali*.
 24. Ibid, 2.
 25. As cited in Ali Wardak, "*Jirga*—A Traditional Mechanism of Conflict Resolution in Afghanistan," 7, accessed on 12 April 2007; available from <http://www.institute-for-afghan-studies.org/AFGHAN%20CONFLICT/LOYA%JIRGA/Jirgabywardak.pdf>.
 26. As cited in Palwasha Kakar, 12.
 27. Various authors have grouped these into major and minor elements, with no two authors seeming to agree on the exact composition of the elements of the code. Sources are Thomas Barfield, Neamat Nojumi and J. Alexander Their, *The Clash of Two Goods: State and Non-state Dispute Resolution in Afghanistan* (NP: United States Institute for Peace, 2006), 7, accessed on 7 April 2007; available from http://www.usip.org/rule_of_law/projects/clash_two_goods.pdf. Victoria Schofield, *Afghan Frontier: Feuding and Fighting in Central Asia* (London: Taurus Park, 2003), 116-117. Kaplan, 136. Palwasha Kakar, 3-4.
 28. Dilip Hiro, *War Without End: The Rise of Islamist Terrorism and Global Response* (New York: Routledge, 2002), 181.
 29. Kaplan, 41.
 30. Palwasha Kakar, 4.
 31. Schofield, 116.
 32. Palwasha Kakar, 4.
 33. Schofield, 116-117.
 34. Palwasha Kakar, 3.
 35. David B. Edwards, *Before Taliban: Genealogies of the Afghan Jihad* (Los Angeles: University of California Press, 2002), 162-163.
 36. Palwasha Kakar, 3.
 37. David B. Edwards, 162.
 38. Ibid., 71.
 39. Griffiths, 107.
 40. Palwasha Kakar, 4.
 41. Ibid.
 42. Ibid.
 43. This concept was articulated to me by a village elder in the Maywand area of the Kandahar province in 2006.
 44. Griffiths, 107.
 45. Schofield, 119.
 46. Margolis, 74-75.
 47. Palwasha Kakar, 4.
 48. Ibid.
 49. Palwasha Kakar, 4-5.
 50. Ibid.
 51. Based upon personal observations between February and August 2006.
 52. Palwasha Kakar, 5.
 53. Ibid.

54. Palwasha Kakar, 4.
55. Ibid.
56. Bernt Glatzer, "Being Pashtun—Being Muslim: Concepts of Person and War in Afghanistan." *Essays on South Asian Society: Culture and Politics II*, (Berlin: Das Arabische Buch, 1998), 4, accessed on 22 March 2003; available from http://www.wardak.de/tribes/being_pashtun.pdf.
57. Ali Wardak, "Jirga—A Traditional Mechanism of Conflict Resolution in Afghanistan," 3, accessed on 12 April 2007; available from <http://www.institute-for-afghan-studies.org/AFGHAN%20CONFLICT/LOYA%20JIRGA/Jirgabywardak.pdf>.
58. Ibid, 1.
59. Palwasha Kakar, 6.
60. Notwithstanding the fact that President Karzai is an ethnic Pashtun of the Durrani tribe.
61. Karim Khurram, *The Customary Laws of Afghanistan: A Report by the International Legal Foundation* (NP: International Legal Foundation, September 2004), 8, accessed on 14 April 2007; available from http://www.theilf.org/ILF_cust_law_afgh_10-15.doc. See this document for a detailed discussion of the actual conduct of a *jirga*, its rules and customs.
62. Palwasha Kakar, 6.
63. Wardak, 4.
64. Hugh Reeves, "Identity and Conflict in Afghanistan," (April 12, 2004), 8, accessed on 22 March 2007; available from <http://www.hughr.com/documents/files/Identity%20and%20Conflict%20in%20Afghanistan.pdf>.
65. Schofield, 204.
66. Griffiths, 107.
67. Palwasha Kakar, 3.
68. Schofield, 116.
69. Olivier Roy, *Islam and Resistance in Afghanistan: Second Edition*, (Cambridge: Cambridge University Press, 1990), 36.
70. Details taken from Hiro, 181.
71. Olivier Roy, *Afghanistan: From Holy War to Civil War*, (Princeton: The Darwin Press. 1995), 114.



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