

**Land dispute and death enmity  
in a Kohistani mountain village  
(Pakistan)**

Are Knudsen

**WP 1998: 9**

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## **CMI Working Papers**

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## Introduction

In a drab and cloudy spring morning of 1996 Baram fired his Kalashnikov at his younger cousin Hilal.<sup>1</sup> Riddled with bullets Hilal fell to the ground and died shortly after. The main reason for this tragic incident was a dispute over a piece of un-irrigated land covered with oak trees (*Quercus baloot*), locally known as a *pare*, which separated Baram and Hilal's house. As we shall see this incident was only the last in a series of events which circumscribed and intertwined this land dispute in a field of meaning which, in the final instance, made Baram kill Hilal. Analyzing this incident this paper tries to uncover the structural aspects of death enmity and the conceptions which underlie Kohistani notions of honour and revenge. Moreover, the paper draws attention to the prevalence of land disputes and competing claims for ownership which account for the majority of enmities and rivalries. The picture is not pretty, nor is it my intention to beautify it. Instead, I want to move as close as possible to the series of events that led Baram, a proud, passionate and, at times, belligerent Kohistani man in his mid-sixties to kill his cousin.<sup>2</sup> The data for this paper draws on intermittent fieldwork in this and other Kohistani villages during 1997–98.

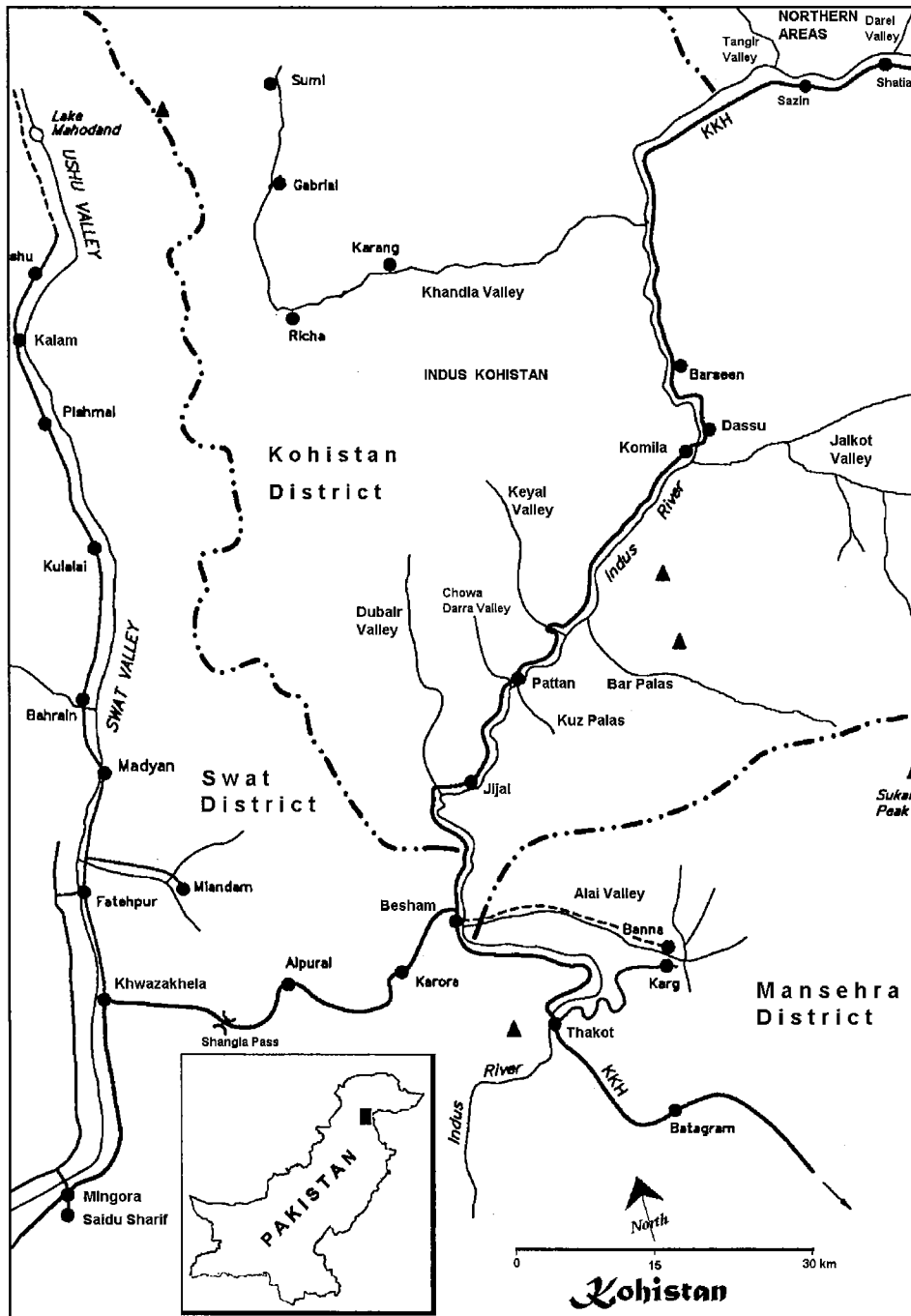
## The setting

Indus Kohistan is located in the Pakistani Himalayan piedmont with mountains raising to about 5,000 m above sea level (Figure 1). The area is reached by an outlier of the monsoon and hot dry summers alternate with wet and cold winters. The 1981 census estimates the population of Kohistan to be about 500,000, the

<sup>1</sup> All personal names and place names used in the paper are pseudonyms.

<sup>2</sup> This mode of analysis gives a very dense text with a large cast of characters. I hope the reader will bear with this shortcoming.

Figur 1  
District Kohistan



majority of whom speak a dialect known as Kohis'työ Shina. With the exception of mineral ore and coniferous forests, the area has scant natural resources. There is a large potential for hydropower development but few of the fast flowing rivers have been harnessed for production of electricity. Long neglected, the area is among the poorest in the NWFP and this has not changed much despite the fact that the Karakoram Highway (KKH) was forced through the Indus gorge in 1978. Completion of the KKH opened the region to external influences but inside the valleys traditional life has been slow to change. This, in particular, is the case for the east bank of Indus where two major Kohistani watersheds – Palas and Jalkot – remain inaccessible due to lack of roads. Visiting these valleys requires extensive walking and in Jalkot the village Maji Ser (not shown on map) can only be reached by a day's climb up a steep and exhausting footpath. Located at approximately 2,000 meters above sea level villagers are increasingly using Maji Ser for year-round habitation. One-storey houses dot the mountain slopes and perennial streams provide ample water for year-round habitation. The villagers are mountain farmers who combine pastoral animal husbandry with small-scale agriculture spread out over a huge vertical gradient. The cyclical movements from higher to lower elevations typical of Kohistani agro-pastoral adaption persists (Barth 1956) but with reduced dependency on livestock, fewer families now complete a full cycle. Despite heavy snowfall during winter some families do not migrate to lower elevations near the Indus. Lacking a road, supplies are either carried on the back or brought up on donkeys. Some families add to their meagre income by working part-time as labourers in the larger cities during winter months. Irrigated agriculture is based on monocropping of maize together with some vegetables and potatoes. In recent years artificial fertilizers have been used in smaller quantities but maize yields tend to be low. Maji Ser has a primary school but as is common throughout Kohistan, the teacher is absent and children do not attend. Most adult men and women are illiterate but some have received training in Arabic in *madrassas* and can read from the Quran.

## Preamble

Lacking the eyesores of road-side villages -- brick-structures, pylons, trash -- Maji Ser looks like a tranquil mountain oasis. In reality, the village is the site of a number of longstanding disputes and vendettas witnessed, in part, by tall watch-towers added to many houses. Due to the prevalence of enmities many men never step outside their house without being armed with rifles, automatic guns (*machine*) and heavy leather bandoliers (*gardani*) lined with cartridges. For those involved in death enmity (*kané*) being armed can no longer ensure a minimum of safety. For protection they must keep themselves confined in their houses for months and years on end. In rare cases, they are kept in confinement indefinitely.

Since the fateful day of killing Hilal three years ago, Baram has been hiding from Hilal's brother Khushal who seeks to revenge his brother's death. Confined in his house Baram cannot move about much. Frequent visitors serve to break the feeling of isolation but confinement is both mentally agonizing and physically straining. With his two sons Baram spends a large part of the day praying, reading and reciting from the Quran. He also plays affectionately with his granddaughters. Some of Baram's opponents and ill-wishers complain that he should neither pray nor study the Quran because for a murderer there is no redemption. Undaunted, Baram believes that his experience from long hunting trips and hours' waiting have prepared him for the mental strain of being confined.

As is common among men his age Baram keeps his head shaved and his beard a fist's length. Seated in his *shalwar kamiz* and woollen-cap with tightly rolled up brim, Baram is a friendly and caring host and it is easy to forget that he is also a formidable foe. As one of Maji Ser's most experienced hunters Baram's agility betrays his age. Baram has a well-earned reputation for being quarrelsome and has over the years got himself entangled in a number of property disputes, quarrels and enmities. Kohistanis do not recognize formal leadership categories, but Baram



is unquestionably a man of high stature and repute and a prominent member of one of the larger patrilineages (*za:t*) in the village.<sup>3</sup> However, the aggressive defence of his interests has earned him many enemies and ill-wishers. Since the killing of Hilal even Baram's elderly mother curses him and makes constant "ill-prey's" (*shae*) at his expense.

Situated in a steep hillside in the upper part of the village Baram's house is a square one-storey building made from wood, stones and mud. Thick wooden doors shut out the cold as well as potential enemies. Inside the house there is a big chest for storing dried maize, a few agricultural implements, some carpets, a blanket and a few cooking utensils. On the wall a rifle, a Chinese made Kalashnikov and bandoliers hang within easy reach. The brown mud-walls of the house are capped by thick wooden beams blackened by years of smoke from the open fireplace. Kohistani houses lack windows and the only light seeps in through the vent separating the roof from the wall. During evening hours Baram and his sons gather around the fireplace where resinous splinters of chir pine (*Pinus roxburghi*) are burned to give light. Behind the wall separating the cooking quarters, women speak in a hushed voice as they prepare food and sweet tea. Because the men in the house are confined, the women are also responsible for collecting firewood and tend the few animals.

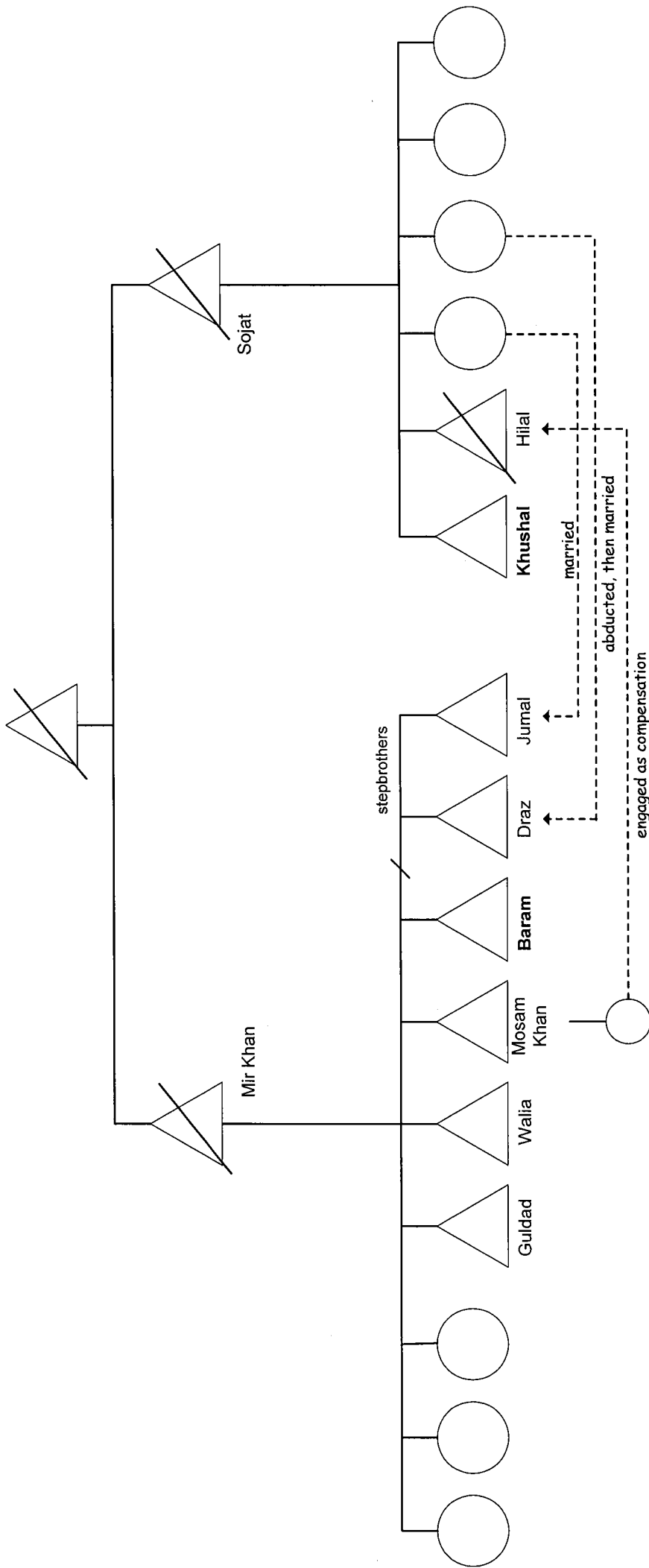
Due to his enmity Baram has added a small watch-tower (*gari*) to his house. The base of the watch-tower doubles as a latrine because he is prevented from leaving the house. Peeping out from the watch-tower Baram can see the green valley falling steeply down towards the main Jalkot watershed. Houses and bright yellow

<sup>3</sup> Organized into named patrilineages of increasing scale (*za:t* → *tal* → *dala* → *quom*), the landowning Shins (*ulsi'ya:*) remain political patrons of non-Shin groups (*be'za:t*) who perform various services against payment in cash and kind. The most important non-Shin groups are the Akhars (blacksmiths), Sarxhalis (load carriers), Jola (previously, weavers) and the Gujars (herdsmen). The Doms (messengers, musicians) were expelled from Jalkot decades ago when Maulvis branded their singing and dancing un-Islamic. In general, the groups are strictly endogamous.

maize-fields dot the hillside until the valley falls sharply and drops out of view. Looking uphill he can see across the small gully separating his house and that used by his enemy Khushal, as well as the evergreen coniferous forests beyond it. At a distance lofty peaks and glaciers beacon, areas Baram knows intimately from long hunting trips but now is prevented from visiting. On some roofs he can see women busy sifting dried maize-corn, making it ready for milling. Further down in the village the wooden mosque is barely visible, but there is no common call for prayers (*azan*) and people offer their prayers in private. The soothing sound of running water in streams and numerous water channels is only broken by occasional barking of aggressive watch-dogs. Below his house Baram can see the houses of his brothers and other neighbours. The terraced fields of other neighbours are yellow from ripening maize but his own fields as well as those of his brothers are laying idle.

### **The division of Mir Khan's property**

In order to understand the origin of the conflict between Baram and Hilal it is necessary to retrace the history of the disputed *pare*, a piece of land that originally belonged to Baram's father Mir Khan. Before his death Mir Khan initiated the process of dividing the estate among his heirs. Mir Khan first set aside  $\frac{1}{8}$  of the estate as the property of his wife and, according to tradition, kept  $\frac{1}{8}$  to himself. The remaining part of the estate (approximately  $\frac{3}{4}$ ) was distributed and to facilitate the division the six brothers were grouped into three, with one of the three sisters in each group (Table 1, see also Figure 2). Using this principle fields, oak forests and other landed property were divided into three and distributed among the male heirs. After Mir Khan's death, the remaining  $\frac{1}{8}$  of his landed property remained undivided. The land was un-irrigated and relatively steep, but its location and many oak trees made this *pare* valuable.



### Legend




-  woman
-  man
-  sibling

Figure 2  
Baram case study

Table 1  
Partible inheritance of Mir Khan's estate \*

I	II	III
Baram	Jumal	Mosam Khan
Guldad	Draz	Walia
"Sister A"	"Sister B"	"Sister C"

\* Daughters/sisters inherit a half share as compared to men. They seldom claim their share.

Two of the heirs – Baram and Guldad – at first laid claim to it. Prior to his death Mir Khan had wanted to perform a pilgrimage to Mecca (*haj*). Guldad insisted that Mir Khan had asked him to perform a haj on his behalf. Baram, on the other hand, claimed that Mir Khan had entrusted him with the execution of the inheritance and appointed him as "trustee" (*wakil*). The trustee is responsible for distributing charity food (*kherat*) to the poor after the death of the father. To finance the costs of the haj and charity food respectively, Baram and Guldad both claimed their father's 1/8 of the estate. In order to solve this dispute they agreed to settle it in a local court (*Shariat*) led by an Islamic scholar (*Maulvi*). Baram suggested selling the land to the highest bidder and use the money to pay for the haj and distributing charity food in honour of their father. The Maulvi reminded Baram that the land could not be sold to outsiders as long any of the heirs were willing to buy it at a price suggested by two mediators. Since none of the brother's had enough money to buy the pare, the Maulvi suggested that Baram and his five brothers each pay Rs 2,000 as lease for their share of the land. This would generate a total of Rs 12,000, which at that time was a normal expenditure for performing a haj. With the help of their cousins the pare was divided among Baram and his brothers, and the boundaries of each section were demarcated using

stones. Later, some of the heirs exchanged parts of the pare among themselves,<sup>4</sup> thereby reducing the number of owners from the original six, to the four (real) brothers with the largest share belonging to Baram's brother Walia (Figure 2). Despite having completed the division of the pare the brothers continued to wrangle over their inheritance but none of them violated the agreement not to sell their part of the pare to others.

### **Walia's sale of the pare**

Baram's brother Walia is a follower of the Tablighi Jumaat ("community of evangelists"), a sect which has spread rapidly throughout Kohistan (cf. Keiser 1991).<sup>5</sup> As a token of his Tablighi status Walia wears a black bandanna and often carries a cotton shoulder bag for his religious books. Tablighis are held in high esteem and expected to be virtuous Muslims. Considering the Tablighis emphasis on personal virtues like sincerity and self-denial (Metcalf 1993: 600), Walia, surprisingly, sold what he claimed was his share (1/6) of some fields jointly inherited from his father and located near the river Indus. Without informing his brothers Walia secretly sold his share to a villager named Barkat for Rs 40,000. The money was to be paid in instalments and Walia received Rs 2,000 as down payment. By chance Baram learned about the deal and pressed Barkat to back off from the sales agreement with Walia. Since Baram and Walia could not agree on who owned the land sold to Barkat, Walia insisted that they try the case in a Shariat. In a Shariat the claimant (in this case, Walia) bears the burden of evidence and must produce two witnesses (unrelated to himself) in defence of his

<sup>4</sup> In exchange for Jumal's part of the pare Draz gave him some agricultural fields. Later, Walia and Draz agreed that in exchange for Draz's part of the pare, Walia would give him some higher lying fields.

<sup>5</sup> The Tablighi Jumaat is a proselytizing sect which is based on the teachings of its founder, Maullana Muhammad Zakariyya (1898–1982), which are disseminated as booklets and pamphlets and by itinerant preachers (cf. Metcalf 1993).

claim. The defendant (Baram), is only required to take an oath of ownership. The Maulvi who was to lead the Shariat instructed Walia that he would have to produce witnesses that he was a legitimate heir. If he could not produce any witnesses the Maulvi advised him to have Baram swear that he was the sole owner of the land and that it had never been owned by anyone else (In other words, put Baram in position where he would have to commit perjury). Unable to produce any witnesses in defence of his claim, Walia followed the Maulvi's advice and asked Baram swear that he owned the land. Without batting an eye Baram swore under oath (lit. "on the Quran") that this piece of land only belonged to him. Asked where he got it from, Baram replied that it had descended from the sky and landed there for him only! On the basis of Baram's unlikely testimony, he was awarded ownership of the land. The ruling also invalidated Barkat's purchase of the land from Walia.

Having lost all options for keeping the land, Barkat approached Walia and demanded his money back. To complicate the matter, Walia had meanwhile purchased a piece of land from another villager for Rs 100,000. About half of it Walia paid in cash by selling his livestock. The rest was to be paid in yearly instalments. Walia's plan was to use the money from Barkat to finance these instalments. With this deal nullified, Walia came under pressure. He suddenly owed two men a large sum of money and was desperate to find a way to pay his debts. In spite of the brothers' agreement not to sell any part of the pare to outsiders, Walia offered his part to his cousin Hilal. Without involving or conferring with his elder brother, he agreed to buy the pare for Rs 36,000, to be paid in cash and kind.

### **The killing of Hilal**

When Khushal learnt that Hilal had purchased the pare he immediately sensed that

Baram might oppose it. Khushal also resented that in Baram's absence one of his sons had not been taken into confidence and asked for help to demarcate the boundaries of the pare. This was also important to Khushal because his fields were adjacent to Walia's pare and they had previously disagreed over the boundary separating them. When Baram returned to Maji Ser a fortnight later he quickly learned about Walia's sale of the pare. Determined to have the deal cancelled, Baram tried to convince Hilal to revoke the purchase. By now the dispute had become a hot topic and villagers anxiously watched how tensions grew between them. Neither Baram nor Hilal showed any inclination to compromise, fearing that they would lose their prestige (*haya bojon*, lit. "honour goes") and be shamed (*sharam i:n*, lit. "shame comes") in the eyes of the community.

That fateful day of the killing – a wet and chilly spring morning near the first planting of maize – Hilal was alone in his courtyard carrying an axe which he used to prune fruit trees. During morning hours Baram arrived, carrying his gun over the shoulder. As is customary, Baram was offered a place to sit and a cup of sweet tea and was joined by Hilal's father Sojat. After spending some time discussing other matters Baram suddenly raised the issue of the disputed pare and pleaded with Hilal and his father to cancel their purchase. They would not listen and instead suggested that Baram and Walia sort out their differences in Shariat. Baram again requested them not meddle in the case which had already caused so much problems and planted the seed of enmity between the brothers. Strong-minded, Hilal was unwilling to listen to Baram's plea and plainly refused to cancel the deal. Both men had now become agitated and although Sojat tried to calm them down, Hilal yelled at Baram:<sup>6</sup> "You have gotten on our nerves having disputes all over. You do not want to let us have it [the pare]. Now I want to see how you do it and I am going to cut shrubs from the pare right now". "By God, I will kill you in case you move ahead and cut the shrubs", Baram retorted.

<sup>6</sup> All quotes are from taped interviews with Baram and Khushal.

Sojat tried to restrain Hilal but he was unstoppable and came after Baram with an axe:

Hilal followed me holding an axe in his hand. The words came out of my mouth, "*Man, do not come out here. I will not allow you to cut the trees*". He responded that he would not give it up for me. I swore to kill him if he came near me. He stopped, but then walked ahead. I swore again to kill him if he stepped ahead. I spoke three divorces to stop him. But he did come. I pushed a bullet into the gun and pointed it at him. He stopped. ... He came for the third time and I moved the gun ahead. He raised his axe moving it back above the head. On it a dark night appeared to me and I lost my mind. Suddenly I noticed that the man lay on the ground and that is all. The story happened this way.

Shortly after, Baram ran towards his house and bolted the door. When Khushal heard the rifle shots he quickly left his work nearby and ran towards his house. As he arrived on the scene he found Hilal lying on the ground. He was still breathing but bleeding profusely. Khushal ordered family members to move him to a bed indoors. They recited the Muslim declaration of faith (*Kalima*) and shortly after Hilal expired. The news of Hilal's murder spread quickly and soon relatives and neighbours gathered around the dead body. Hilal's father Sojat was extremely grieved. He put the head of his dead son in his lap and cried openly. He murmured that his son died as a martyr (*shaeed*). To validate this claim Sojat told onlookers that he had glanced the sun through the cloudy sky. Sojat advised Khushal in front of all the villagers that it would be up to Hilal's sons when they grew up whether they would take revenge (*badal*) or forgive Baram.<sup>7</sup> On the request of Sojat only Hilal's waistcoat was taken off because as a martyr, taking off his clothes would reduce his merit (*martaba*). After being draped in a white coffin cloth Hilal was buried the same day in a small graveyard on the top of the hills near his house. Hilal was by many considered a martyr and scores of people,

<sup>7</sup> By this he also eliminated the possibility of any compromise.



including Baram's wife and daughters came to mourn the dead. Khushal arranged for some relatives to serve charity food, and two goats were slaughtered and prepared for the villagers who came to offer their condolences. Khushal also invited Baram's brothers who, somewhat hesitant, joined the congregation of mourners.

Later the same day Walia persuaded Khushal to walk down to the police station (near Komila) and start a criminal investigation by launching a "First Inquiry Report" (FIR).<sup>8</sup> As material evidence of the crime Khushal handed over Hilal's blood-stained waistcoat to the police. Khushal had to bribe the policemen to have them register a case against Baram, and later, to make them walk back to Maji Ser with him to arrest Baram. By that time they arrived, Baram had escaped to a place near the Indus and neither he nor his sons were around. People disliked that Khushal had brought policemen to the village and nobody was willing to be recorded as witnesses. The policemen harassed the villagers and, especially, threatened to take one of Baram's brothers down to the police station for questioning. In the end Khushal had to intervene and together with one of Hilal's sons were recorded as witnesses. With their "investigations" completed, the policemen left Maji Ser the next morning.

Back in Komila the policemen lost interest in the case and was not heard from again. Not so in Maji Ser where people unanimously condemned Baram for killing Hilal, judging it utterly devoid of justification. Baram's brothers declared that they did not support Baram and would remain impartial, especially since the killed person was their cousin too.<sup>9</sup> Baram's two step-brothers also decided to stay

<sup>8</sup> FIR's are frequently launched in cases of homicide and revenge killings but the motive is not to leave the matter with the police, but prevent the killer from escaping to the lowland. In practise men are able to escape arrest through the payment of minor bribes.

<sup>9</sup> Brothers and first cousins are often perceived as equals, exemplified by the fact that the term for brother (*za:*) is often used interchangeably for cousins too.

impartial. In addition to being Khushal's brothers in-law (Figure 2), they had exchanged their shares of the disputed pare at the time of Hilal's murder. This gave them added reason to proclaim not being party to the enmity. Baram's two sons sided with their father and joined him in his house confinement (*ban bile*). As they would be legitimate targets for revenge killings (*haq*), they were left with little choice. In local terms, Khushal and Baram had gone from being "formal opponents" (*pecha*, pl. *pechai*) to become "owners of death enmity" (*kané kawanu*).

### **Abduction and compensation**

Why did Baram get so passionate about a piece of land sold by his brother to a paternal cousin (*pice phe*) – a cousin he otherwise was not only on friendly terms with but who on many occasions supported Baram against critics and opponents? And why did he not attack his younger brother Walia, who violated an explicit agreement among the heirs not sell the pare to outsiders? To uncover possible motives behind it we have to move back in time. Some years prior to the dispute over the pare Sojat (Baram's uncle) had severely scolded and beat the wife of his nephew Draz (Figure 2). To make matters worse Draz's infant son had been hurt in the brawl. Knowing that Draz would be furious, the other women of the household begged his wife to keep quiet about the incident. Stubbornly, Draz's wife told her husband the news when he arrived late at night. When Draz learned about it he got furious and proclaimed that: "You all stay witness that his [Sojat's] daughter is my wife from now on (*awa:s thaus*, lit. 'wife-to-be')".

When Sojat was informed about Draz's disgraceful claim to his daughter, he announced that he would never ever marry his daughter to him. Trying to mediate in the conflict, Baram urged Sojat to compromise and guaranteed that proper compensation would be paid for the girl. Angered, Sojat insisted that he would

never marry her to a group of infidels like Baram and his brothers. More people now got involved in the conflict, urging Sojat to marry his daughter to Draz, but Sojat again declined. Watching the girl's every step, Draz was later able to abduct her when she came to collect water from the spring near her house. He dragged and pulled her into a nearby house where – with the help of two of his brothers – he spent the night with her in great secrecy. For a while very few knew about their disappearance but as news of their whereabouts spread, Sojat became greatly shocked. A makeshift jirga consisting of all the villagers belonging to his patrilineage descended upon Sojat's house and pleaded with him to forgive Draz. Sojat was severely disturbed and dishonoured but forgave Draz on the condition that a girl was given to his son Hilal as compensation (*sora*) for his abducted daughter. Shortly after Draz came out of hiding and went to Sojat's house and asked his forgiveness by offering an ox and a goat for slaughter at his door-step (*dar tho:n*).<sup>10</sup> To help Draz, his brother Mosam Khan promised one of his daughters to Hilal (Figure 2). [Before Hilal could be formally married to the girl and consummate the marriage, he was killed by Baram.]

This settlement precluded hostilities among the parties but hidden grievances and mutual distrust was bound to linger on. According to public opinion Hilal's purchase of the *pare* was more deeply motivated as a slight against Baram and his brothers, and especially of Draz who abducted his sister. The sale of this piece of land violated a vow taken under oath among Baram and his brothers not to sell it to non-heirs. By buying the *pare* from Walia, Hilal was taking a covert revenge for the abduction of his sister. As can be seen from details in the inheritance process (above), the *pare* sold by Walia to Hilal had initially been inherited by Draz. While this is only one of many possible interpretations or “readings” of Hilal's purchase of the *pare* there is no doubt that Baram – like the rest of the village – was aware of the possible insult to their honour. This could explain

<sup>10</sup> Taking animals for slaughtering at the offended party's doorstep is not regarded as a form of compensation (*uzar*) but is done to show sincerity.

Baram's increasing frustration as well as Hilal's stubborn unwillingness to cancel the deal. To both parties the pare was no longer "only" a piece of land, it had become a metaphor for the perceived insult to their honour. There was also a material cause for Baram's frustration as he had been quarrelling with Walia over the boundaries separating their part of the pare. Moreover, the pare also included some cedar trees (*Cedrus deodara*) owned jointly by all the brothers. Selling a part of the pare would upstage the right to cut trees for building purposes. Another factor could have weighed heavily on Baram, namely that all his agricultural fields were restricted or "closed" (*shar*) for cultivation and they were lying idle. The restriction on cultivation had not been enforced by Khushal – although this was fully legitimate – but by Hakia, Baram's neighbour and opponent.<sup>11</sup> For this reason the pare, which according to local definition was not a field, was an important piece of land and useful for grazing of animals.

### **Hakia, Baram and the *bando***

All of Baram's fields are restricted from cultivation. The restriction of cultivation precedes the dispute with Khushal and is linked to Baram's long-standing dispute with his neighbour Hakia over an oak forest (*bando*, pl. *band*). More than fifty years ago this oak forest was owned by a man from Palas,<sup>12</sup> but held in lease (*gahana*) by a man from Maji Ser. Baram's father was able to sub-lease the forest by paying money to the owner in Palas as well as the local lessee. At that time Hakia's father suddenly claimed that the owner from Palas had offered him the

<sup>11</sup> When enmities get serious the warring parties go into (semi-)confinement. The next step is for one of the parties to announce a ban on cultivation of fields. The opponent reciprocates by announcing a similar ban. If necessary, they will enforce the ban by shooting at bullocks brought to the field for ploughing. In rare cases, parties abstain from announcing a ban on cultivation. Baram and Khushal's enmity is such an aberrant case.

<sup>12</sup> During the final land-distribution (*wesh*) in Palas about a century ago, some groups were awarded private oak forests in the Jalkot watershed.

same oak forest and that he had bought it. To settle the issue Baram's father (seconded by his brothers) requested a Shariat over the forest to settle the issue but Hakia's father refused. This began a series of quarrels over the oak forest and Baram and Hakia inherited this dispute from their fathers. To end the problem once and for all, Baram travelled to Palas and bought the oak forest from the grandsons of the now deceased owner. Six men from Palas acted as witnesses of the deal, but Hakia would not accept it. Baram later offered Hakia to settle the issue in a Shariat but Hakia again refused.

Oak forests are valuable for a number of reasons. Oak leaves (*buthu*) are used as animal fodder and grass provide winter browse for goats. Oak forests (which tend to lie at lower elevations) can therefore be leased against payment (*qalang*). In a pinch, oak trees can be cut for sale as firewood in the market towns along the KKH or used to fill own firewood needs. According to Keima, Hakia secretly cut oak trees from the forest for sale as firewood. This became even more profitable with the extension of a jeepable road into the lower part of the Jalkot watershed. The dispute slowly soured their relationship until Hakia restricted Baram and his brother Guldad's (who owned a share in the oak forest) fields from cultivation. In return, Baram restricted Hakia's land too. Shortly after, Mosam Khan's (Baram's brother) maize fields were mysteriously destroyed. Suspecting the involvement of Hakia's cousin Maroof, Mosam Khan with the help of Baram's sons ruined Maroof's maize crop. The parties now began to exchange sporadic gunfire and in one of these exchanges Hakia wounded Baram and his eldest son. Shortly after Mosam Khan and Walia ambushed Hakia and wounded him in the thigh. The wound was later successfully treated by a local doctor or "healer" (*hakim*) but the ambush made Hakia restrict Mosam Khan and Walia's fields from cultivation. Baram's two stepbrothers declined to get involved citing unresolved differences over their inheritance. Because Baram is confined in his house Hakia has managed to lease out some of his own fields and oak forests, even though land under restriction is not permitted to be leased to others. Moreover, the owner is

prevented from using bullocks to plough the fields but allowed to let women cultivate it using a hoe. Due to the low yields people rarely think it is worth the effort to cultivate land in this manner. Restricting all an opponents fields from cultivation is now commonplace. In earlier times restricting cultivation was limited to the disputed land itself. If somebody was able to cultivate such land the other party could forcefully take the yield.

Baram's confinement prevents him from exerting pressure on Hakia and at the same time he suffers from having all his land restricted from cultivation. It is no surprise, therefore, that Baram finds:

the matter of restricting land (*shar*) highly inappropriate. If someone kills a man, one man is killed in revenge. Similarly if a man goes *chor* [“thief of honour”, i.e., party to illicit sexual relationship] with a woman, just one man is considered *chor*. But by restricting land, the subsistence (*rozi*) of women, men as well as children, are restricted including that of the livestock. It is absolutely awful. ... Restricting land is quite contrary to [our] traditions and the religion.

Despite the suffering and agony the ban on cultivation inflicts, only recently was a mediator able to broker a forty days' cease-fire (*madan*) between Hakia and Baram and his brothers. Baram and Hakia agreed to settle their differences in a Shariat but ownership of the disputed oak-forest was still “in a fix” (*kundi ha:ni*) because Hakia claimed that the original owner from Palas only owned some – not all – of the forest. To complicate the matter Hakia's cousin (Maroof) intervened and claimed that he too was a legitimate heir to part of the oak forest through a share inherited from his grandmother.<sup>13</sup> With the exception of the latest cease-fire Hakia, Mosam Khan and Walia have been in a state of semi-confinement, closely watching each other movements. This, effectively, precluded new attempts at

<sup>13</sup> Linguistically the term for “enmity” (*pechtob*) and being opponents (*pecha*, pl. *pechai*) is etymologically related to the term for cousin (*pice phe*). This reflects the fact that cousins often become enemies.

mediation and with Baram confined in his house Hakia has not been in a hurry to settle the matter.

## **Confinement and mediation**

Khushal's main strategy has been to keep Baram in confinement but in 1997 he agreed to a two-months' cease-fire (*madan*). Since then, Khushal rejected Baram's pleas for a temporary ceasefire as well as a more permanent settlement. Khushal's justification for keeping Baram in confinement is that it allows Hilal's sons to grow old enough to decide whether to avenge their father. In response to Khushal's denial of further ceasefires, Baram declared that he would no longer be allowed to utilize the pare. Khushal therefore put it in the custody (*amanat*) of a local Maulvi but Baram's household repeatedly let their animals graze on it, much to Khushal's resentment.

In 1998 pressure mounted on Khushal to agree to Baram's repeated request for a temporary ceasefire. Initially Khushal angrily rejected it and insisted that the girl originally promised to Hilal be engaged to him without further delay. Mosam Khan, the girl's father, indignantly rejected it and would only engage her if Khushal paid Rs 200,000 as brideprice. In Kohistan it is common – but no longer always practised – that a widow is married to the deceased husband's brother or immediate kin. In this case Khushal is Hilal's only brother and therefore expected to marry Hilal's widow. One reason why Khushal has not married her is that she is the mother of seven children – all of them under aged. Marrying her would strain Khushal's meagre resources and make him responsible for feeding the children. According to public opinion, however, Khushal must first marry the widow before claiming Hilal's fiancé as his wife. According to Islamic jurisprudence (*din*) there is no precedence for Khushal's claim to Hilal's fiancé. Because the girl was only engaged and not married to Hilal, she can be exchanged

to any marriage partner of her father's choice. Khushal sees this as irrelevant arguing that by local tradition (*qanun*) the girl was promised to his brother as compensation (*sora*, or *uzar*) for their abducted sister. Hilal's death does not remove the claim to the girl and as Hilal's brother he is now entitled to take the girl as his (second) wife.

Watching the conflict between Baram and Hilal with increasing displeasure, men belonging to their patrilineage decided that it was time to intervene. Secretly Baram had for a long time appealed to friends sympathetic to his plea to do their best to break the deadlock. In the spring of 1998, a large jirga consisting of twenty men was finally assembled. In preparation for their mission jirga members took an oath that they would treat all parties equally and not hide anything from each other. They also made an "ill-prey" of God's destruction for anyone who violated their agreement. They first asked Khushal's permission to consult all parties to the conflict (Table 2). They also warned Khushal of the seriousness of the matter. The enmity was getting out of hand and the patrilineage was becoming the laughing stock of the community. Their very survival in Maji Ser was at stake. Jirga members threw four hats at Khushal's feet, a traditional way to enforce a request. Hesitantly, Khushal agreed to let the jirga meet the parties but refused their request to be given a "plain free hand" (*thape khosh*) to settle the matter. The jirga members then dispersed and after spending a day and a night consulting with the contestants, returned and assembled on the roof of Khushal's house. Two jirga members kept insisting that Khushal had given them a "free hand" to find a solution. In the end Khushal got angry and "swore that [he] was not willing to give them a free hand equivalent to a single hair". Khushal urged them to remember how the enmity had started and that the previous jirga had secured Mosam Khan's daughter as compensation for his abducted sister. In addition, Khushal wanted the jirga to settle the issue of the disputed pare. "Take care of these two things", Khushal admonished, "and I will agree to a ceasefire for as long as you want". Promising to address these grievances the jirga members asked for



a three-days cease-fire to find a solution to Baram's enmity with Hakia (more specifically, with ending the restriction on cultivation) something Khushal angrily refused. After more wrangling, Khushal reluctantly agreed to a one-day's ceasefire so that the jirga could try to broker a temporary ceasefire with all the parties involved. The jirga members went from house to house to make everybody agree. Baram was more than willing, saying that even if they decided to throw him in front of Khushal with a dagger he would not object to it. The other parties all at first declined to give the jirga a free hand but later agreed to abide by the jirga's decision. Baram's only allies, Mosam Khan and Walia, were also unwilling to give the jirga a free hand but under pressure, agreed to abide by whatever the jirga decided.

Table 2  
Baram's opponents and allies

	Party to the conflict	Source of conflict	Type of enmity
<b>Opponents</b>	Khushal	pare	opponents ( <i>pechai</i> )
		homicide	death enmity ( <i>kané</i> )
	Hakia	oak forest	dispute ( <i>bilos</i> )
		ambush	opponents ( <i>pechai</i> )
	Maroof	oak forest	dispute ( <i>bilos</i> )
	Jumal/Draz	inheritance	dispute ( <i>bilos</i> )
<b>Allies</b>	Mosam Khan	compensation *	dispute ( <i>bilos</i> )
	Walia	debt **	dispute ( <i>bilos</i> )

\* Claims monetary compensation for giving girl in marriage

\*\* Demands payment for sale of pare

Relieved that they had been able to make all parties cooperate the jirga members were now left with the difficult decision of how they should rule. As this was the season for sowing maize, time was short and they could not afford to delay their decision. They decided to make the verdict short, decisive and unequivocal:

- Khushal keeps the disputed pare and gets Mosam Khan's daughter. In addition, Baram will pay him Rs 200,000 as compensation – relaxable to Rs 100,000 at Khushal's discretion – for killing Hilal. As additional compensation, Baram and his brothers will choose one of their daughters to be engaged to Hilal's eldest son.
- Hakia and Baram will divide the disputed oak forest between themselves. Hakia gives one third to his cousin Maroof, or failing this, Baram and Hakia will pay Maroof the equivalent value in cash. Furthermore, Hakia must bring a bullock and a goat to Baram's door-step asking his forgiveness. In return, Baram will consider the scores of wounding on each side as even (Baram 2, against Hakia 1).

The verdict acknowledges the loss suffered by Khushal and awards him proper compensation. This would put an end to his enmity with Baram and finish Baram's three years in confinement. It would also end Baram and Hakia's restriction of cultivation and share the oak forest between them. However, the verdict ties the compensation for abduction together with the killing of Hilal and releases Baram from his confinement through the payment of a substantial amount of money. Khushal got all he could hope for – and more – but accepting “blood-money” was unacceptable and dishonourable. The jirga pleaded with Khushal again and again to accept it, but he did not yield and inch and would not give up the right of revenge and release Baram from his confinement. He saw the verdict as further injustice against himself and the killing of his brother. Feeling that he was being treated unfairly and made a scapegoat, Khushal lashed out against the jirga members, requesting them to disperse: “You twenty men stand up here having no ability of getting just one girl, or taking any thing belonging to me. Then why have you assembled here?”, Khushal scolded them.

With Khushal's refusal to accept their verdict the settlement deal fell apart. A last

minute effort by the jirga to salvage the deal proved fruitless as all parties reverted to their initial positions and statements. Mosam Khan would no longer give his daughter to Khushal without monetary compensation; Hakia would not split the forest with Baram and Baram even threatened Khushal that from now on, all his fields would be restricted from cultivation (but not those of Hilal). At this point the jirga was defeated and declared that there would neither be any further attempts at mediation, nor would they in the future take any interest in the well-being of the parties. Jirga members had only scorn for Khushal who was severely criticized for having changed his mind about giving them a “free hand” to settle the matter and accused of conspiring with Hakia to keep Baram confined indefinitely.

### **Baram's confinement**

Unlike Khushal, Baram has repeatedly signalled his willingness to abide by any decision reached by mediators. He has also offered to leave Maji Ser and settle in the neighbouring Palas valley and give up the disputed pare. Baram's willingness to compromise, his explicit expression of guilt and the fact that he has not (yet) restricted Khushal's land from cultivation, has redeemed him in the eyes of the community. His honourable behaviour and self-confinement has slowly moved public opinion in his favour. Baram is well versed in matters of local tradition and has travelled far beyond Kohistan. In addition to his native Shina dialect, he is fluent in Urdu. Baram has also taken pains to educate his two sons who have studied in a religious *madrassa* in the Punjabi hill-town Murree. Baram's youngest son has during the past two years spent long periods fighting with the Taleban in Afghanistan. Recently, Baram arranged for him to be married through an exchange marriage (*badali*). Even in confinement, Baram is able to take care of the household's interests. Baram has been forced to sell most of his livestock but has purchased agricultural land worth Rs 65,000 across the gully from his house. This

has been possible by sending his sons to Qipat, the largest and most distant of the mountain pastures in the Jalkot watershed. Some years back mineral ore, especially green tourmaline (*pe'rodot*), was discovered in Qipat and has since been intensely mined by teams of young men from villages in the Jalkot watershed.<sup>14</sup> Since Khushal is the sole provider for his household he cannot afford to leave for Qipat. This allows Baram's sons to sneak out from Maji Ser and spend the summer mining gemstones. It is money made from mining which has saved the household from sliding into poverty during confinement.

Khushal lacks both allies as well as grown up sons. His elderly father Sojat died one year after the killing of Hilal, meaning that Khushal must fend for himself. In sheer fighting power there is no doubt that Baram and his sons could easily overtake and kill Khushal. By strictly adhering to the local code of honour Baram keeps himself confined, rather than is confined by Khushal. Despite being watched night-and-day, Baram and his sons are occasionally able to sneak out from Maji Ser. Baram never ventures far but his sons travel to Rawalpindi or other large cities with a diaspora Kohistani population. There is no evidence that Khushal has ever attempted to ambush them outside Maji Ser, nor conspired with others to kill or injure them travelling back and forth to the village. Nonetheless, Baram and his sons must increasingly watch out for Khushal and Hilal's teenage sons. During the summer of 1998 Khushal's ten year old son picked up a gun and fired at Baram's house, barely missing one of Baram's sons. Demonstrating how the idea of revenge is implanted in children Khushal's son lamented that: "They killed my beautiful uncle". However, Baram's teenage grandson moves freely in the village and even plays with Khushal's sons. In this sense, enmity is limited to the main protagonists

<sup>14</sup> Most young men from Maji Ser only work as labourers, but a few have been able to establish themselves as local middle-men. The gemstone business is most often handled by more wealthy external contractors who are able to cover the initial costs of purchasing Swedish made "Pionjär" rock drills as well as dynamite for blasting. Due to the difficulty of reaching the steep mining sites and inexperience with this kind of work there has been many fatal accidents during past years.

and children and women can move unrestricted.<sup>15</sup>

By carefully managing his options during confinement Baram has marginalized Khushal both socially and economically. In order to keep a watchful eye on Baram Khushal cannot leave the village for longer periods. To make ends meet he has been forced to sell most of his livestock and lacking grown-up sons who could look after fields and the women, he is unable to spend the summer mining precious gemstones. The need to watch over Baram also makes it difficult for Khushal to fulfil the labour requirements inherent to agro-pastoralism. Unable to cultivate his fields located beyond Maji Ser, Khushal must buy wheat flour to make ends meet. Lacking other sources of income he is struggling to feed his family. If Baram makes good his threat of closing Khushal's fields for cultivation he will have no choice but to leave Maji Ser.

## Epilogue

With the tussle with Hakia still unsolved Baram's fields are lying idle. This will make it impossible for Baram to cultivate his fields for the fourth consecutive year. As long as he is kept in confinement by Khushal there is little scope of reaching a settlement with Hakia. Out of desperation Baram could now decide that his attempt to appease Khushal has achieved nothing and that he must put him under pressure. The first step would be to restrict Khushal's land from cultivation, then let it be known that he will shoot bullocks brought to the fields for ploughing. Baram has threatened to close Khushal's fields for cultivation but he has not done so yet as a token of his guilt over killing Hilal. Baram hopes that – in the end – Khushal will adopt a “brotherly attitude” and agree to a settlement.

<sup>15</sup> Women who escort husbands or close kin involved in death enmity are not attacked. In rare cases women are legitimate targets, such as if a woman escorts the enemy to help ambush a man sitting in confinement.

Baram accepts that Khushal has a right to kill him, but cannot accept that confinement is used to make him give up the *pare*. It can only be settled peacefully in a Shariat. This difference is reflected in how Baram himself sees the possibilities for a solution:

There are precedents in the native land for solutions. There have been [other] rivalries around here. Even brothers have killed one another. Cousins have also killed each other. In rare cases, they have avenged [murder] also but some of them have compromised as well. People take *diyat* [religiously fixed monetary compensation] too and there happens a *saz qasas* [mutually agreed monetary compensation] too. ... Lest if he killed me, I would not be unhappy. He has a right over me. I would not be offended if he did not agree to a ceasefire. I would not be offended for he is my brother and he has a right over me. I will not be offended because I owe him a right [to kill]. As for the *pare*, if he acquires it by God's code, he could have it.<sup>16</sup> Shariat is an internal matter between us brothers. I advise him not to buy enmity by paying rupees. Also he is not obliged to forgive me because his man died at my hand. The *pare* cannot be a leverage to settle a bloodshed. The approach for settling an economic issue is different and for a bloodshed is different.

As Baram points out, monetary compensation sometimes happens in the case of murder among close kin. The enmity between Baram and Khushal is a threat to the cohesion of the whole patrilineage that weakens them vis-à-vis other patrilineages. As such, infighting is discouraged and also explains why, in this rare case of homicide among cousins, the parties can be pressured to overcome their differences and accept monetary compensation. Baram is quarrellsome and often a nuisance but his fearlessness discourages incursions by other patrilineages. For this reason all the members of Baram's patrilineage, including Khushal himself, are apprehensive about what will happen if Baram is killed. This is also one

<sup>16</sup> Losing in a Shariat is not dishonourable, but there are many examples that the losing side later disputes the ruling as well as the qualification of the Maulvi in charge.

reason why they assembled twenty men to mediate in the matter. Baram is pessimistic about any settlement with Khushal but does not fear for his future. He has outstanding credits for gemstones sold to a contractor middle-man (*tekhedar*), but puts his trust in God, not in money: "It is God who gives living (*rozi*) and it does not come from [having] livestock. God has not created any dearth of food for us although it is now the fourth year since we have gone into confinement".

Under great pressure, Khushal is getting marginalized both socially and economically. He is considering leaving Maji Ser and resettle in the lowland. In retrospect, he resents filing the FIR and curses Walia for impelling him to prosecute Baram. But as Khushal laconically remarks, "The weak person always goes underneath of someone's lap in the beginning or at the end. I am a weak man and he is a strong wrestler". Khushal is pessimistic about the possibility for a peaceful solution and thinks that "not only until Hilal's sons get older but till the 'Day of Judgement' will there be any solution to this issue".

Baram's brother Walia who started the problem by selling the pare has moved with his family to a town near Peshawar with a sizeable Kohistani community. He now makes his living as a woodcutter. One way to put Walia's actions into perspective is that with all his fields closed for cultivation (by Hakia), he saw no other option but to leave Maji Ser and resettle outside Kohistan. By moving, Walia has extricated himself from the problems he inflicted on his elder brother. Walia has received almost all of the payment for the pare but has offered to return the money to Khushal and have a Shariat with Baram the coming spring (1999) to settle ownership of the pare.

Hilal has been dead for three years but his death continues to haunt the villagers of Maji Ser. A year after Hilal's death one of Baram's nephews helped dig a grave next to Hilal's in preparation for a funeral. During digging a small hole appeared in the side wall of the grave. Using a mirror to look through the hole he could see

Hilal's body. The body was unchanged and had not decomposed. Muslims believe that martyrs only sleep in their grave, and this observation confirmed that Hilal was a martyr. Some even claim to have seen a bright flame at Hilal's grave, further evidence many believe, that he was a martyr. Others, including local Maulvis, believe that such flames are made when Satan rubs his nails and fires and sparks fly into the air. In any case, Satan will be pleased with the havoc and misery caused by Baram 's killing of Hilal.

## **Discussion and conclusion**

This paper has attempted to frame events which although they happened recently, have already been retold, remembered and reinterpreted by actors seeking to justify their actions and recollections of the same incidents. In order to tell this complex story the “narrative” has been used as a literary device (White 1990). This narrativization of scenes and events comes close to what Ryle terms “thick description” (1971: 482) and tries to convey not only “what happened” (causation, temporality) and “why it happened” (interpretation, rendition) but also to describe events as experienced by those “to whom it happened” (subjectivity). In my opinion this first person subjectivity is important because Kohistanis are often stereotyped as backward, sinister and cruel. They are neither of these things, even though this is how they are portrayed by unsympathetic observers. Secondly, as a piece of ethnography Baram's land dispute and subsequent killing of Hilal allows us to seek out the complexities and deeper motivations of organized vengeance, a practise which is often stereotyped as “Kalashnikov Culture”. As such, this story confronts colonial ethnography's distortion of the hill peoples of South Asia (Kennedy 1991) and tribes of the North-West Frontier (Lindholm 1980). An example of this distortion is Lt.-Col Schomberg's (1935: 246) shallow rendition of the “history” of Darel and Tangir, two Kohistani valleys north of Jalkot:



the history of the two valleys has been but a dreary tale of murder and blood-feuds. So bad has it now become that there is no house without a vendetta, and life has become intolerable. Even murder appears to have lost its charm ; and the savages are sated with blood.

Kohistanis are neither gun-crazy madmen nor are they – as implied by Schomberg – savages driven by a natural instinct to kill. Neither are they helpless victims of a tradition that condemns them to take revenge as implied by “cultural idealism”. While internecine feuds and vendettas are common, mediation and reconciliation, through payment or exchange of young women for marriage, can bring enmities to a peaceful conclusion. While it is unwise to generalize from this case only – especially because homicide among cousins is rare – we can also see why enmities drag on, despite attempts at mediation. In cases of death enmity the aggrieved party can disregard jirga decisions, but only at great social costs and for fear of being ostracized. Unlike Keiser's (1986) study from Dir Kohistan patrilineages seek to limit the scale and severity of conflicts.

To an outsider it would appear that all lose out from getting entangled in death enmity. The killing moves the enmity beyond the original source of conflict and gets entangled in the larger issue of personal honour and right of revenge (*haq*). Accepting monetary compensation reflects negatively upon the family's honour. The problem of retaliation can be summarized by the proverb “Damn if you do – damn if you don't”. If you renounce taking revenge your honour suffers and your status declines. If you seek revenge, retaliation will follow until the scores are settled on each side. This underlines the seriousness of death enmity compared to quarrels, tussles, and shootout-outs where no one is killed.

There are several ways of explaining the prevalence of death enmity in this village, and more generally in Kohistan. A number of theories and factors have been advanced to account for homicide and blood revenge (Table 3). While some,

controversially, focus on genes and genetic factors others foreground social, cultural or ecological aspects, or a combination of the three. In the remainder, I will discuss some of these factors with reference to this case material.

Table 3  
Factors attributed to aggression, homicide and  
blood revenge

Explanatory factor	Reference
Genetics	Chagnon (1988)
Personality/ emotions	Rosaldo (1980)
Illiteracy and ignorance	Içli (1994)
Poverty/adaptation	Schneider (1971)
Land shortage	Meggitt (1977)
Cultural ("idealism")	Keiser (1991)
Ecology ("functionalism")	Boehm (1984)
State-formation	Blok (1975)

I agree with Blok (1975: 10) that "a long-term perspective has been systematically neglected in social theory since Durkheim". The problem in Kohistan is the lack of written history which makes this kind of historicizing very difficult (but see, Zarin and Schmidt 1984). The valleys on the east bank of the Indus have been shrouded in a mist of obscurity and until recently, no foreigners were able to penetrate the area (Knudsen forthcoming). However, there is ample evidence that death enmity is bound up with long historical trajectories. Oral sources from Palas and Jalkot suggests that enmity previously involved larger kinship groups, even valleys, against each other (Zarin and Schmidt 1984). As shown by the example of Baram's property dispute there is a tendency for enmities to become privatized and limited to close kin belonging to the same *miras* (i.e., descendants of the same grandfather). Increasingly, close relatives, even brothers, now proclaim that they will stay impartial and are able to do this without a loss to their honour.

The implications of this case for the study of resource management strategies are that they cannot be de-linked from their embeddedness in social and cultural matrices. As such, idle fields can be read as markers in the *cultured* landscape – they tell stories of enmity and opposition. Property relations in Kohistan are not only social and economical, but burst into moral arenas and long historical trajectories of enmity. Property disputes invokes competing and contested histories of ownership which take on properties of “tournaments of value” (Appadurai 1986: 21), that is, fields and oak forests become key “tokens of value” whose importance extend beyond their economic value as they get entangled with honour and unwillingness to compromise. Fields become metonymic signifiers of central cultural values and attention shifts from the fields themselves to the contest of honour. The division into separate realms is reflected in the fact that revenge killings can only be mediated through the “law of the land” (*qanun*) in consensus assemblies (*jirga*), while ownership of land must be decided on the basis of Islamic jurisprudence (*din*) in a local court (*Shariat*) led by a religious scholar (*Maulvi*).

It is striking that death enmity tends to be a foot-hills, piedmont phenomenon. One reason can be that such areas tend to be economically marginal. This has two implications. Few income possibilities other than small-scale agriculture (hence the importance of land for survival) and low education levels. The importance of illiteracy is not its implied link to “ignorance” (İçli 1994), but that it makes people distrust cadastral surveys and land titling and therefore cannot refer land-claims or property disputes to state-institutions. Instead, ownership to land is inherently contestable and becomes a question of historical legitimacy and brute force, but also of clever manipulation of local notions of right and wrong, good and bad. It would therefore be a mistake to analyze property relations from a *de jure* angle. Instead, property relations are subject to contested histories of *de facto* ownership, where “might” is more important than “right”. The lack of cultivatable land and resultant poverty mean that Kohistanis must defend their fields against incursions

and keep constantly vigilant about protecting their landed property. Herzfeld is right to point out that the "division of property among co-heirs ... is often marked by tension, mutual distrusts, and occasional violence" (1980: 91). From this case material we can see that people not only wrangle over their inheritance, but also fields and forests purchased from others. One reason for this is that a significant part of the oak forests in the lower Jalkot watershed were awarded to groups in the neighbouring Palas valley during the last general land distribution (*wesh*). Trying to take control of oak forests at one time leased or purchased from the original owners in Palas villagers of Maji Ser get entangled in brawls, disputes and enmities. This does not explain the genesis of blood revenge but can explain why disputes over oak forests become a matter of survival and, literally, deadly serious.

Aspects of social organization, especially (male-) partible inheritance and a large number of offspring (strengthened by the high frequency of taking a second wife) over time cause severe field fragmentation. Feuds and enmity are often associated with pastoral adaptations. Schneider (1971: 9) speculates that transition to a sedentary lifestyle and increased dependence on agriculture increase the potential for conflict. Evidence from Maji Ser lends support to this hypothesis and there is a reduced dependency on livestock in favour of agriculture. This is probably one reason why many men seek to buy additional land (and oak forest) to become viable economic units and explains why scarce landed property is so valuable. Another reason for the current shortage of arable land is that the practice of breaking new fields, locally known as *khils*, has mostly vanished due to lack of water.<sup>17</sup> While shortage of land has frequently been used to explain tribal warfare and feuding (Meggitt, 1977: 178: for an opposing view, cf. Sillitoe 1978: 268), it would be a mistake to treat this as a single explanatory factor for the prevalence

<sup>17</sup> Rather than lack of water itself, it might be related to a lack of water channels needed to deliver water where needed. Extension of existing waterworks, which tend to be technologically simple and spatially compact, has been hindered by internecine rivalry (cf. Allan 1991: 71).

of death enmity in Kohistan. Indeed, many Kohistani villages experience a demographic decline with a net rate of emigration. The prevalence of enmities – sometimes in combination with poverty – is one reason why individuals, households (such as Walia's) and, on occasion, whole lineages choose to resettle. During the summer of 1998 all members of a minority lineage (approximately 25 households) left a village in the lower Palas valley after getting involved in death enmity with the majority lineage. It would still be patently wrong to interpret this as evidence of Boehm's (1984) functionalist argument that the ultimate purpose of feuds is to control population growth in a situation of scarce resources.<sup>18</sup> It could be argued, contra Boehm, that enmity has become endemic and reached dysfunctional levels, hence, is socially anomic in Durkheim's sense.

Traditionally rural villages tend to be thought of as a “moral community”, a *Gemeinschaft* where transactions are based on status and there is a pronounced communality. With the prevalence of paternal cousin marriages and local exchange marriages in Maji Ser most villagers are closely related. However, their prime allegiance is with their immediate male kin (*miras*, i.e., descendants of the same grandfather) and secondly, their own patrilineage, not with the community as such. In Maji Ser the values of the community and the “law of the land” (*qanun*) to a large degree legitimize frequent brawls, clashes, enmities and feuds. Therefore, being involved in or party to enmities is not condemned – failing to conform to local ethics and aesthetics of fighting is. Theories of self and emotion have been advanced to account for the increasing resort to homicide and revenge killings in Dir Kohistan (Keiser 1986), but there is little evidence that villagers of Maji Ser are easily enraged or especially emotional. Being poor, however, make them vulnerable and liable to attack even minor infractions on their landed property. Similarly, being concerned about their honour even petty insults are harshly reciprocated. Understood in more abstract terms as competition over “scarce

<sup>18</sup> Cf. Shaw's distinction between “ultimate” and “proximate” factors (1989).

resources” both are zero-sum games where your loss is another's gain.

The continuation of revenge killings in Kohistan may be related to the special type of “state formation” (Blok 1975) inherited from British rule. Kohistan is formally a “settled district” but remains politically peripheral to the state and its law-enforcing agencies. In practice, Kohistan belongs to the “tribal belt” extending through the borderlands of the NWFP. Due in large part to the absence of state institutions a system of anarchic social organization has survived until today, and can explain the preference for local conflict resolution. Even with the proliferation of weapons among Kohistanis there is little evidence that acephalous societies are particularly vulnerable or conducive to blood feud and aggression (cf. Kressel 1996).

Enmities in Maji Ser, and possibly elsewhere in Kohistan too, are not arbitrary series of violent acts but conducted according to a scheme or script defined by local traditions and rules laid down or legitimized by the Quran (for example, the right of revenge).<sup>19</sup> What we see from this example is not blind violence but carefully meted out offence and retaliation. The response is meant to match the offence and there are few examples of cold-blooded murder or murder without reason. Most often shooting is meant to wound or maim, not to kill a person. As such, enmities are highly structured and ritualized events (Kressel 1996: 11) which tend to follow a stylized pattern of:

- (1) Provocation,
- (2) Confrontation,

followed by either;

<sup>19</sup> These “scripts” are not necessarily Kohistani inventions but adopted and later adapted from the neighbouring Pashtuns (Barth, 1980 (1959); for a more recent account see, Grima 1993: 70ff.).

- (3) Mediation
- (4) Reconciliation,

or, failing this,

- (5) Retaliation
- (6) Escalation.

In the latter case (5 & 6), rather than swift and decisive retaliation people may wait five, ten, and sometimes, twenty years before taking revenge and this does not reflect negatively upon their honour. As long as they do not publicly retract their right of revenge the family's honour does not suffer. By seeking refuge or self-confinement (*ban bile*) enemies begin a painful war of attrition and a slow – but inevitable – drift into poverty and misery.<sup>20</sup> With land restricted from cultivation the family is forced to buy more of their subsistence food. This will over time erode savings and often livestock and/or land must be sold or simply consumed. It can be speculated that newfound options for paid work as seasonal labourers make it possible to prolong enmities, because a winter's savings can last a family to the next season. Although the families' suffer, they can survive on such income in lieu of any produce from their agricultural fields. The importance of finding ways to earn additional money is clearly shown by comparing the financial status of Baram and Hilal. Baram's fields are closed for cultivation but by mining gemstones he is better off than his opponent.

In this paper I have used the “narrative” as a literary device to scrutinize enmities and blood revenge in Kohistan. If, finally, one looks at this narrative from a

<sup>20</sup> Poor families are, in general, unable to stay confined for longer periods and forced to resettle in one of the lowland Kohistani communities. Resettlement gives temporary relief from hostilities but does not end them. Instead, surprise attacks, raids and ambushes often follow. Maji Ser, at times, functions as a refuge for people who have escaped enmities from other Kohistani valleys.

literary angle it contains a storyline or “plot” (“The Killing of Hilal”), a cast of main characters (“Baram and Khushal”), a scene or setting (“The Village”, or, “Little Community”) but strangely missing is an “end” or “finale” that would bring events to a conclusion. The absence of this narrative structural element reflects a characteristic of blood feuds and vendettas – they do not end. Instead of ending, disappearing or vanishing, histories of killing and fighting remain inscribed in the collective memory of the village and imprinted on the landscape as idle fields, imposing watch-towers and scenes and sites of killing.

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# Summary

This paper reconstructs the events that unleashed death enmity between two closely related men. Recounting this complex story from the angle of the contestants challenges simplistic cultural and material explanations of organized vengeance. Frequent disputes over landed property, especially fields and forest, engender enmity and rivalry but the intensity of these disputes cannot be understood without uncovering their link to Kohistani notions of honour and revenge.