

# Pakistan Journal of Criminology

Volume 7 / Number 4 / October , 2015

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## Contents

Editorial

Violence explained? A review of theoretical explanations of violent behavior

Jamil Ahmad Chitrali, Noor Sanauddin, & Syed Owais

The motivation for crimes: Experiences of criminals from district jail Karak, .....  
Farhan Ahmad & Rabia Ali

Cultural values v. Collective efficacy: Robust predictors for reporting victimization?  
Julie C. Abril

Illicit drugs & indiscriminate proliferation: The consequential and discourse analysis .....  
Waseem Khan, Arab Naz, Nasim Khan, Gohar Saeed & Irum Sheikh

Heterodoxy in conflict resolution: Case study of fire arms in Pakistan  
Waseem Iftikhar

Satisfaction with Native American Indian tribal criminal justice services and .....  
Julie C. Abril

Factors affecting public trust in police: A study of twin cities: (Rawalpindi & Islamabad)  
Asim Muneeb Khan, Abdul Shakoor, Latafat Aziz, & Anas Baryal

Crossing the line: Perception about police corruption in Khyber Pakhtunkhwa, Pakistan  
Farhat Ullah, Zia Ullah Akhunzada, & Imran Ahmad Sajid

A survey of practices and methods of denial of inheritance to females in Khyber Pakhtunkhwa,....  
Mushtaq Ahmad Jadoon & Rashid Khan

Federally Administered Tribal Areas (FATA): Impacts of militarization and war crimes .....  
Noreen Naseer

Women and armed conflict: Cultural obstacles to Pashtun women's participation in peacebuilding

Noor Sanauddin, Zafar Khan, Shakeel Ahmad, & Khurshaid

ISSN 2074 - 2738 (Print)

ISSN 2222 - 6648 (Online)

Pakistan Journal of Criminology

Volume 7 / Number 4 / October, 2015

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Volume 7 / Number 4 / October, 2015

Recognized by  
**Higher Education Commission (HEC), Pakistan**  
vide letter No. DD/Jour/SS&H/2012/216  
in "Y" Category



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**Library of Congress Catalog Record**

LC Control No. 2010212100  
Subjects:  
Criminology Pakistan Periodicals  
Criminology Research Pakistan Periodicals  
Criminology Law Pakistan Periodicals  
LC Classification: HV7095.5 .A43  
Other System No. (OCoLC)ocn540741448  
ISSN 2074-2738 (Print)  
ISSN 2222-6648 (Online)

**Price: Rs.400/-**

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**Pakistan  
Journal  
of Criminology**

Pakistan Journal of Criminology, the Journal of Pakistan Society of Criminology, is published four times a year: January, April, July & October  
Annual Subscription (4 issues):  
Rs. 2000/- (US \$ 50/ - for overseas subscription, inclusive of postage).  
For more details visit us on:  
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Registered with Govt: of KPK  
3238-40/DCO(P) AG-i.i dt. 03-03-09

Indexed with ProQuest, EBSCO  
&  
VLex through Asia-Net Pakistan

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**Pakistan  
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The Pakistan Journal of Criminology is an official publication of the Pakistan Society of Criminology. It aims to advance the study of criminology and criminal justice; to promote empirically-based public policy in crime management; and to encourage comparative studies of crime and criminal justice in Pakistan for having implications for Pakistan. It further aims to develop and establish an indigenous criminological scholarship on issues pertaining to Pakistan. It publishes high quality original research and articles using varied approaches, including discussion of theory, analysis of quantitative data, comparative studies, systematic evaluation of interventions, and study of institutions and political process. It will also be acknowledged as a leading academic journal specializing in the study of policing institutions and their practices, in addition to its use of evidence generated by sound social science methods to evaluate criminological ideas and policy. The journal will bring into light the gap between practice and theory through strengthening the role of indigenous research in the development of relationship between criminal justice policy and practice. Such evidence-based research will focus on any aspect of crime and the justice system and can feature local, provincial, national or international concerns vis-a-vis Pakistan. Both quantitative and qualitative studies are encouraged. The journal encourages the submission of articles, research notes, commentaries and comprehensive essays that focus on crime and broadly defined justice-related topics in Pakistani context. The journal is an interdisciplinary and an innovative idea in Pakistan. The journal is issued quarterly.

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**Pakistan Journal of Criminology**  
**Volume 7/No.4 / October, 2015**

**Contents**

Editorial	i
Violence explained? A review of theoretical explanations of violent behavior	
Jamil Ahmad Chitrali, Noor Sanauddin, & Syed Owais	1
The motivation for crimes: Experiences of criminals from district jail Karak, Khyber Pakhtunkhwa, Pakistan	
Farhan Ahmad & Rabia Ali	16
Cultural values v. Collective efficacy: Robust predictors for reporting victimization?	
Julie C. Abril	29
Illicit drugs & indiscriminate proliferation: The consequential and discourse analysis of substance abuse	
Waseem Khan, Arab Naz, Nasim Khan, Gohar Saeed & Irum Sheikh	45
Heterodoxy in conflict resolution: Case study of fire arms in Pakistan	
Waseem Iftikhar	61
Satisfaction with Native American Indian tribal criminal justice services and perceptions of crime seriousness: A research note	
Julie C. Abril	73
Factors affecting public trust in police: A study of twin cities: (Rawalpindi & Islamabad)	

Asim Muneeb Khan, Abdul Shakoor, Latafat Aziz, & Anas Baryal	89
Crossing the line: Perception about police corruption in Khyber Pakhtunkhwa, Pakistan	
Farhat Ullah, Zia Ullah Akhunzada, & Imran Ahmad Sajid	103
A survey of practices and methods of denial of inheritance to females in Khyber Pakhtunkhwa, Pakistan	
Mushtaq Ahmad Jadoon & Rashid Khan	117
Federally Administered Tribal Areas (FATA): Impacts of militarization and war crimes on tribal women and children	
Noreen Naseer	120
Women and armed conflict: Cultural obstacles to Pashtun women's participation in peacebuilding	
Noor Sanauddin, Zafar Khan, Shakeel Ahmad, & Khurshaid	141
Association between effectiveness of probation system and rehabilitation of offenders in the Punjab, Pakistan	
Javed Iqbal Khokhar, Saif-ur-Rehman Saif Abbasi, & Qamar Abbas Jafri	155

## **EDITORIAL**

### **Efficiency of NAB: Some Observations and Policy Suggestions**

Corruption is a parasite that mercilessly sucks a nation's blood. The end result of corruption is weakening of state institutions and a moral crisis in the society. Pakistan is also facing the problem of corruption. It was ranked 126 by Corruption Perception Index as claimed by Transparency International. This means a high level of corruption. Countries around the world have adopted numerous measures to counter corruption. Pakistan, besides other law-enforcement agencies, established a special body, the National Accountability Bureau (NAB) in 1999 (by Gen. Musharraf) to fight against corruption and corrupt practices. Since then, NAB has made significant progress and adopted "effective measure(s) for the detection, investigation, prosecution of cases involving corruption, misuse/abuse of power, misappropriation of property, kickbacks, commissions [and other such practices]". It is one of the efficient departments of Pakistan. Its officers are properly trained in their investigative duties. It is one of the few departments that remained, for the most part, unaffected by political interference. Initially, and to a large part now, NAB is run by military officers.

Despite all claims of anti-corruption drive by NAB, there are many voices against some of its intrinsic weaknesses, though some object to the very existence and spirit of NAB laws. A few of these critical views are discussed as under:-

1. Section (2) of the NAB Ordinance states that it shall come into effect since the first day of 1985. The critics argue that why not to make it effective since 1947 when in the initial days the elites and power holders made significant corruptions, even leading to the separation of East Pakistan. Before 1985, the elites and feudal class families occupied the higher bureaucracy and who mostly catered for expansion into their family businesses and securing their land-holdings. The Ordinance is questioned for being biased towards the bureaucrats who belong to the middle class family background and who entered into service after 1985.

2. There is no time limit prescribed for enquiries initiated by NAB. Once NAB initiates an inquiry against an individual, there is no time limit that in how much time, the said inquiry shall be concluded. An officer can remain under-enquiry for the whole life or for the prime time of his service. During the time of enquiry, the officers are highly under stress and badly stigmatized and suffer in their service-career and promotion. A time limit is indeed needed to ensure fair-play, justice and due process of law. Though legally the inquiring of NAB is not a bar to promotion, yet officers are targeted on the same point if so desired.
3. It is also stated by many that NAB is highly efficient when it comes to dealing with individual officials cases. However, NAB has made no significant contribution when it comes to Mega Scandal Cases. For example, Karachi Steel Mills case, Privatization of PTCL, NLC, Arms Scandal in KP Police, etc. Looking at this trend in NAB, some criticize that NAB has been used in the past by Gen. Musharraf to harass his political rivals which is a 'norm' in every primitive and backward society where the military take over is followed by strict actions against the non-conformists.
4. Article 23 of the NAB Ordinance states

*“Notwithstanding anything contained in any other law for the time being in force after the Chairman NAB has initiated investigation into the offences under this Ordinance, alleged to have been committed by an accused person, such person or any relative or associate of such person or any other person on his behalf, shall not transfer by any means whatsoever, create a charge on any movable or immovable property owned by him or in his possession, while the inquiry, investigation or proceedings are pending before the NAB or the Accountability Court; and any transfer of any right, title or interest or creation of a charge on such property shall be void”*

As per this article, when an enquiry is initiated against an accused person, he/she is forbidden to sell his/her property. He/she cannot

transfer his /her property by any means whatsoever. It is not only limited to the property that the accused has made during his/her life time. Even inherited property cannot be sold by the spouse once an inquiry is authorized. Some consider it against the basic human rights and the family of the accused may suffer irreparably for having no resources for the education, treatment or social requirements of the family and their children. One might need to sell his /her property, at least the inherited property, that has Zero Value in the Wealth Returns. However, the law forbids the selling of any property during an enquiry. The enquiry, as mentioned earlier, might take years to conclude, as it has no time limit. Moreover, the Article mentions in the first lines the term authorization of ‘investigation’ by the Chairman NAB which is the second stage, whereas towards the end of the Article, the ‘inquiry’ stage is also made a bar to disposal of any kind of property which is the initial stage and the charges are not established during that phase of the proceedings.

5. Upon successful recovery, NAB officials are given a fixed share of the return of the assets or gains acquired through corruption by the corrupt individuals. Some argue that due to this share in recoveries, NAB officials sometimes use extra judicial tactics (or harassment, as dubbed by many) to compel the accused for Voluntary Return. An apex court of Pakistan has restrained the NAB authorities not to harass the petitioners (Daily DAWN, 2015, Dec 15). *“The chief justice [of Peshawar High Court] observed that NABN had the power to conduct inquiry and investigation against people but it should also ensure that nobody should be defamed in the name of inquiry. He observed that the NAB should avoid summoning the people unnecessarily and if it needed any record, then instead of summoning officials, it should ask for the said record,”* the newspaper reported. This is the general impression that some NAB authorities harass individuals in order to ensure recoveries. The NAB authorities however deny any such allegations. Some think it a ‘counter attack’ on NAB by the corrupt individuals and politicians

who are under probe by NAB authorities for their alleged malpractices. Some demand that the matter needs some kind of public oversight on the proceedings of NAB investigations.

Social policy is a continuous process of hit and trial method. There is always a room for improvement. Time is the most significant factor that always creates room for improvement. NAB, indeed, was and is highly efficient and public appreciates where 'big-shots' are subjected to inquiries and recoveries. The public support to the NAB actions was observed during the Anti-Corruption Awareness Week (2015, Dec 9-12) throughout the country and especially in KP where the NAB, KP has performed excellently in the last 20 months. However, the above flaws in NAB laws need the attention of policy makers so that NAB can be made a model institution for other countries to follow.

**Imran Ahmad Sajid, PhD**

Managing Editor

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## **Violence explained? A review of theoretical explanations of violent behavior**

*Jamil Ahmad Chitrali,  
Noor Sanauddin, &  
Syed Owais*

### **Abstract**

There is a large body of theories and research on violence and criminal behavior in the social sciences, mostly coming from psychology and sociology. While psychologists in most cases tend to focus on individuals in face-to-face interaction and neglect large scale conflict between people and groups, sociologists, on the other hand, mostly focus their analysis on the social structure to explain how violent behavior of an individual or group may be socially and culturally embedded. In this paper, we briefly review some of the major theoretical perspectives that have attempted to explain violent behavior. These perspectives include those macro theories focusing on social structure on the societal level, and those micro level theories focusing on personality characteristics on individual level. Our aim is to reveal the common points of these theories in order to help in better understanding violence and aggressive behavior. Moreover, this paper will also help researchers on violence and aggression in choosing the right theoretical model for analyzing research findings.

**Keywords:** violence, aggression, crimes, theories, individual, social structure.

### **Introduction**

There is a large body of theories and research on violence and aggressive behavior in the social sciences, mostly coming from psychology and sociology. Psychologists in most cases tend to focus on individuals in face-to-face interaction and neglect large scale conflict between people and groups. Psychologists focus on how mental processes impact individual propensities for violence. Psychologists are often interested in the association between learning, intelligence, and personality and aggressive behavior. Sociologists, on the other hand, mostly focus their analysis on the social structure to explain how violent behavior of an individual or group may be socially and culturally embedded. Broadly speaking, some theories provide general or macro level explanation while other theories provide specific or micro level explanation of violence. These theories primarily try to answer

questions relating to the ‘why’ and ‘how’ of violence in an abstract fashion. In the following pages, these theories have been explained in detail.

### **Theoretical Perspectives on Violence**

Over the course of the last 50 years or so, two major strands of research on violence have developed in socio-anthropological and psychological studies, namely the etiological research and ethnographic research. The etiological research has gone to the extent of claiming that there are definite and identifiable causes of violence. Abbink (1999) asserts that there are predetermined paths to violence but rules (in every society) limit its exercise. Various types of motives or causes of violence have been identified (Abbink, 1999). Prestige as a motive for violence, initially undervalued though, was later considered important. Vayda (1961) proposed the notion of competition for resources as reason for violence to which Helbling added that this analysis needed addition of demographic variable, i.e. population density affects the rate of occurrence of factions, feuds, wars etc. (Helbling, 1999).

Scholars have developed criteria or benchmarks for developing theory, especially general theory, of violence. The criteria range from five conditions/objectives (Tittle, 2009) to four conditions (Eisner, 2009: 44) for the development of a general theory of violence. Based on his criteria, Tittle (2009: 72) believes that there are at least seven general theories of violence attempting to explain the socially disapproved violence: ‘social learning, general strain, self, social support/coercion, social integration/social control, self-control, and control balance’ (Tittle, 2009: 72). In contrast, Eisner (2009: 41) identifies three major theoretical approaches to violence: ‘a theory of the judgment and decision-making processes operating in the situations that give rise to violence; a theory of the evolutionary processes that have resulted in universal cognitive and emotional mechanisms associated with violence; and a theory of the way in which social institutions structure violence by selectively enhancing its effectiveness for some purposes (i.e. legitimate use of force) and controlling other types of violence (i.e. crime)’ (Eisner, 2009: 41).

For academic purpose, we could divide discourses on violence in two broad groups, viz. the general or macro theories of violence and specific or micro theories of violence. With respect to the former, some of the most well-known theories of violence are ‘Interactionist theory’ (Collins, 2009),

‘Evolutionary theory’ (Eisner, 2009), ‘Situational action (moral) theory’ (Wikström and Treiber, 2009), and ‘Rational Choice theory (Nagin & Paternoster, 1993; Matsueda *et al.*, 2006). These theories contribute towards our understanding of characteristics of offences and the individuals who carry them out. Furthermore, these theories also shed light on the nature of social relationships and social process that contribute towards germination of violence (Tittle, 2009: 61). These theories have been explained in detail.

*Interactionist Theory:* Speaking from interactionist perspective and irrespective of (il)legality of a violent action, Collins (2009) proposes that under normal interaction patterns human beings avoid violence because it is barely always successful and thus every human tries not take risk for it. To become violence an individual has to overcome ‘confrontational tension and fear’ – a key concept in Collins’ theory of violence (Collins, 2009). He identifies five pathways through which an individual could cross the barrier of confrontational tension and fear. These possible pathways or strategies to violence include ‘attacking the weak; audience-oriented staged and controlled fair fights; confrontation-avoiding remote violence; confrontation-avoiding by deception; and confrontation avoiding by absorption in technique’ (Collins, 2009: 10; Karstedt and Eisner, 2009: 6). Whether legal or illegal, violence is quite hard to undertake given the difficulty in crossing over confrontational tension and fear through either of the above five strategies. Resultantly, ‘...only a small proportion of persons can belong to the elite which does most of each type of violence’ (Collins, 2009: 10). Interestingly enough, Collins (2009) believes that these pathways to violence are exhibited in seemingly remote instances of ‘victory and defeat in war, and in struggles of paramilitaries and social movements as well as in the popularly known instances of domestic violence and gang violence (Collins, 2009: 10).

*Evolutionary Theory:* Eisner’s (2009) evolutionary position is exactly opposite to Collins’ theory discussed above. Eisner focuses on violence as reward-oriented behavior. Despite the fact that violence is risky behavior, the motivation to achieve extrinsic and intrinsic rewards is the driving force behind violence. Talking from an evolutionary perspective, Eisner (2009; Karstedt and Eisner, 2009) considers violence as a ‘successful functional and adaptive strategy of action’ (Karstedt and Eisner, 2009: 6). Eisner (2009) provides bases for his general (evolutionary) theory of violence on certain findings. He argues

that it is well-known that it is primarily men who inflict violence; that individuals usually in the age group 18-35 have the highest frequency of violence; that the essential goals of violence (material resources, status etc.) are universally found as reasons for violence; and that specific types of situations pave way for infliction of violence. In addition to this, Eisner (2009: 47) has proposed a long list (see below) of various categories of violence, which according to him should be addressed by a general theory of violence.

Table.I: Manifestations of Violence Covered by a General Theory of Violence

S#	Category of violence	Type(s) of Violence(s)
1	Childhood Aggression	(1) bullying; (2) fights
2	Violence in non-state societies	(1) ritualized fights; (2) revenge killings, feuds; (3) violent self-help; (4) raids;(5) battles; (6) massacres; (7) rape; (8) assassination of visitors; (9) infanticide, suicide; (10) torture; (11) human sacrifice
3	Interpersonal Criminal Violence	(1) assault; (2) rape; (3) robbery; (4) homicide; (5) infanticide; (6) child abuse; (7) domestic violence;
4	Punishments	(1) parental corporal punishment; (2) state capital punishment; (3) flogging, stoning;
5	Organized Private Violence	(1) hitting, beating, raping, killing subordinates and dependents; (2) organized piracy and robbery; (3) assassinations; (4) private warlords; (5) gang wars;
6	Legitimate and Illegitimate State Violence	(1) assassination; (2) torture; (3) wars; (4) massacres; (5) concentration camps; (6) executions; (7) genocide; (8) police use of force;
7	Organized Political Violence	(1) assassinations; (2) civil war; (3) extortion of protection rents; (4) terrorism; (5) resistance/liberation wars; (6) revolutionary violence; (7) riots; (8) lynching; (9) vigilante violence; (10) extremist and hate violence

**Source:** Eisner, M. (2009). The uses of violence: An examination of some cross-cutting issues. *International Journal of Conflict and Violence*, 3(1), 40-59.p.40

As we can deduce from the above explanation, the approaches of Collins and Eisner are unique in the sense that each has attempted to develop a general theory on violence irrespective of the illegality and legality of violence. Furthermore, both have quite distinct perspectives: the former has used interactions perspective, while the later has based his theory of evolutionary p-respective.

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*Situational Action/Moral Theory:* Wikström and Treiber (2009) consider instances of violence as essentially moral actions and therefore can, and should, be analyzed and explained as such. They defined violence as ‘situational action’. They consider violence as moral act and therefore believe that violent actions need explanation with the framework of moral decision-making. In their situation action theory of violence, they argue that violence is always done according to certain rules. Depending on the situation at hand, every type of violence – wars, massacre, domestic violence etc. – is carried out according to certain rules. The specific arguments of Wikström and Treiber’s (2009: 77-78) situational theory of violence are as follow. Acts of violence are moral actions in the sense that human beings think through their actions in terms of right and wrong. Secondly, human beings choose, out of habit or deliberate thinking, a violent act because they see it as viable alternative to seek a goal(s). Thirdly, a human being’s susceptibility to violence is determined by his/her readiness to do violence, which are grounded in his/her moral values and self-control and the interplay between them with respect to the setting in which that individual might exhibit violence. Fourthly, larger social structure and individual’s developmental path and changes in life should be analyzed as causes of violence. Finally, only those factors from social conditions (integration, segregation etc.) and individual’s developmental trajectories should be considered as causes of violent acts which actually triggered him or her towards that act (Wikström and Treiber, 2009: 77-78).

*Rational Choice Theory:* With respect to individual-level question of why violence occurs, considerable portion of contemporary debate side with ‘rational choice theory’, which in its characteristic tone considers violence as the product of human beings’ thinking in terms of costs-benefits. This argument is supported by a number of studies (see, Nagin & Paternoster, 1993). For instance, in their recent study of Denver Youth Survey, Matsueda *et al.* (2006) confirmed that rational choice making significantly influenced juveniles’ violent acts. Moreover, it was found that violence was positively associated with preference for risk, perceived elevation in status and gain in opportunities but it was negatively associated with the perception of risk for arrest (Matsueda, Kreager, & Huizinga, 2006). Furthermore, this cost-benefit analysis and perceived positive outcomes have been documented with respect to corporal punishment (Holden, Miller, & Harris, 1999), school bullying (Ireland & Archer, 2004), physical aggression against partner (Archer and

Graham-Kevan, 2003) and aggressive behavior in children (Tapper & Boulton, 2004).

In addition to theorizing violence in general terms at macro level, there are a number of theories at individual or micro level. The micro/individual theories are predominantly proposed from psychological and socio-psychological point of view and as such they attempt to answer as to when and how an individual acts violently. It is also worth mentioning that in academic disciplines such as social psychology, we do not as of yet have separate section/chapter on violence. The topic of violence is usually discussed as part of the topic of aggression (Tedeschi *et. al.*, 2003). Until 1940 research on aggression and violence was limited to examination of biological factors. The Frustration Aggression (FA) theory inspired researchers to conduct experimental research on the issue.

*Frustration Aggression (FA) Theory:* FA theory, first promulgated by Dollard *et.al.* in 1939, argues that frustration, defined as "... an interference in obtaining a goal when an organism is striving to obtain the goal, automatically—because of biological prewiring—creates aggressive energy or drive" (Heitmeyer & Hagan, 2003, 460). The aggressive drive develops in aggressive behavior directed towards frustrating agent. Once aggressive behavior is exhibited then aggressive drive decreases (catharsis). Just like other behavior, aggressive behavior operates on the principle of rewards-punishment, i.e. if aggressive behavior is punished then it would be inhibited; if rewarded then it would be repeated again and again. Furthermore, the theory states that if aggressive behavior is not exhibited, the (aggressive) drive would sustain and it may lead organism towards 'displaced aggression' – either in the form of non-inhibited aggressive behavior towards the agent of frustration or towards other object which is in some ways similar to the frustrating object. It is worth-noting, however, that not every type of frustration leads to aggressive behavior.

Buss (1966) argues that frustration may lead to depression, anxiety, or learned helplessness. It may perhaps lead to very positive behavior (Buss, 1978). Similarly, the idea that aggressive behavior would decrease aggressive – hence catharsis – should mean that once aggressive behavior (& aggressive drive) is decreased, we should expect no more aggression from that person on

immediate basis. Research by Geen & Quanty (1977) concludes that aggressiveness tends towards the development of more aggression (Geen & Quanty, 1977). Buss (1966) explains the phenomenon of aggression in terms of instrumental conditioning, i.e. reinforcement of aggressive behavior increase tendency towards high frequency and intensity of aggressiveness (Geen & Pigg, 1970). Buss (1966) also added the factors of personality and anger in the explanation of aggressive behavior. He associated certain temperament types with aggressive behavior, e.g. impulsiveness, activity level, and independence are types of temperaments associated with aggression.

*Emotion-Aggression Theory:* Berkowitz's reformulation of frustration-aggression theory into 'emotion-aggression theory' has been quite popular since its presentation in 1993. Recognizing that many acts of aggression are not always the result of frustration, he proposed that it is not frustration itself but the negative emotions associated with aversive conditions which results in aggressive behavior. In other words, Berkowitz shifted the focus of analysis from frustration to negative feeling/emotions and formulated that all forms of negative affects/emotions cause aggressions (Heitmeyer & Hagan, 2003, 481). Aversive events can be non-social (such as physical pain, loud noise, extreme temperature) or social (such as interpersonal frustration or provocation). He divides aggression into two types, viz. emotional aggression and instrumental aggression. The former is based on "innate tendencies of organisms to respond aggressively ... to aversive stimulation". The development of negative effects is dependent on aversive stimulation – negative effects lead to desire to hurt someone or something which ultimately and consequently results in aggressive behavior. The aversive stimulation may magnify negative thoughts/feelings of an individual already experiencing intense negative affects and therefore the intensity of aggressive behavior. In other words, anger is not the cause of aggression but it induces negative thoughts/feelings adding to the negative emotions. Emotional aggression hurts the target and this is its aim. In instrumental aggression, hurting the target might be means to achieve other goals. "A robber's goal is to get the loot and not to harm the victim. However, harming the victim may be a necessary aspect of getting the loot" (Berkowitz, 1993).

*Social Learning Theory:* Bandura (1977, 1983) proposed a cognitively oriented social learning theory. Bandura, like other behaviour theorists,

maintained that all human behavior – including violent behavior – is learned through interaction with the social environment. Bandura argued that people are not born with a violent disposition. Rather, they learn to think and act violently as a result of their day-to-day experiences (Bandura, 1977). According to him, individuals learn aggression by observing models, i.e. through imitation, especially when the behavior of model is reinforced positively. Learning involves four interrelated processes: firstly, the cues, responses and outcomes must be closely observed by the observer; secondly, observations so taken should be encoded; thirdly, the encoding should lead to imitation of observed behavior; fourth, if appropriate conditions for incentive to performance exist, then the imitation would actually occur (Bandura & Cervone, 1983). Bandura observed children and stated that they would imitate an adult's kicking, yelling etc. if the adult's behavior was reinforced. Therefore, from the point of view of Bandura's theory, the use of punishment by parents would serve as model to children; when effective, it reinforces parents but children would learn and imitate the same at least in trying it out over others. Bandura and Walters (1963) also assert that children receiving corporal punishment from parents are more aggressive than those children who are not corporally punished (Bandura & Walters, 1963). Similarly, longitudinal researches on the effects of child abuse on violent behavior later in life also confirm this view (McCord, 1983). There are differences with these findings, however: Loeber and Schmalting (1985) conducted meta-analysis of effects of family experiences on delinquency and concluded that "harsh discipline was not an important predictor of misbehavior" (Loeber & Schmalting, 1985).

*Social Interaction (SI) Theory:* Tedeschi's (1993) Social Interaction (SI) theory offers rather a novel approach. It suggests the replacement of 'violence' with 'coercive action'. SI has questioned the concept of aggression on following grounds. Since aggression is generally defined as "... any behavior that the actor performs with an intent to do harm", Tedeschi, (1993) argues that in its entire history of research on aggression/violence, no theorist has defined the meaning of *intention*; hardly has anyone ever documented the subjective intentions of participants in experimental research on aggression. Secondly, the notion of legitimate action and illegitimate action varies both inter-societal and intra-societal. Therefore, there is no need for distinguishing between legitimate and illegitimate threats, punishments, or bodily force because the essential motives that explain their use are the same.

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Coercive action, according to Tedeschi and Felson (1994), is based on three types of motives, viz. social control, justice and identity (Tedeschi & Felson, 1994). Tedeschi and Felson have proposed that anger produces justice motivation. When a negative event is blamed on another actor, the victim is angered, and anger produces a desire to remedy the injustice. SI theory assumes that every individual typically behaves as cost-benefit analyst, i.e. people seek rewards and avoid punishment and in the seeking and/or avoiding of something we would always rely on other people's reinforcements: "... if we are going to achieve our goals, we must influence others to do what we need them to do so that we can have what we want" (Tedeschi, 2003: 465). An individual could use persuasion, reward, alliance-formation etc. to influence others towards his/her goals-achievement. Social Interaction (SI) proposes that coercive action is used as a matter of last resort when other means of influencing others would not work and when the individual is clung strongly with the desire to achieve his/her goal. Those low on intelligence or inarticulate are not persuasive; those without resources cannot offer reward in exchange. This observation is attested by Wilson and Hernstein (1985) that violence criminals are low on intelligence than non-violent criminals, and according to Infante, Chandler, and Rudd (1989) inarticulateness is related to spouse abuse. Secondly, when a victim or his/her associates perceive injustice it leads to emotional aggression and the resultant desire to punish the perpetrator. In such situation, a person may take no action, may decide that someone else is responsible for injustice or may redefine the entire situation or forgive the person, may make demand for restitution or may punish him/her. Furthermore, the aggrieved may do nothing when the costs of taking action are high than the expected outcome (Tedeschi, 2003). Thirdly, coercive (violent) action may emerge for the protection or projection of identity. SI also proposes that at given time all of these three motives might be present in a coercive action. Sometimes one motive may become primary, at other situation another motives may become important (Tedeschi, 2003: 467).

The two broad categories of theories discussed above, i.e. macro and micro theory provide useful information about violence and aggressive behavior. The former group of theories argues that violence is the result of the overall structure of society, while the later focuses on the interpersonal conditions and cognitive process of the actors. The belief that violence is a 'structural issue' needs a little more discussion.

### **The Structure of Violence**

Early structuralist anthropologists in their ethnographies have dealt with the topic of violence as merely deviant behavior and they did not consider violence or deviance as part of normal functioning of every society. Ethnographers working on the issue of violence thought that violence is the result of disorder. They took it as a product of sudden outburst of emotions, that is why those societies which had rather visible rate of violence were termed as 'savage' societies but they did not take note of societies going to warfare in European history. We usually assume violence as a sudden eruption or outburst of emotions – tension, anxiety etc. – (Georg, 2003), but whether we speak of individual violence or organized violence, it is always planned and rationally designed means for the achievement of certain goals. According to Kasrtdt and Eisner (2009: 5) the seemingly distinct forms of violence are quite related to each other. For instance, interpersonal violence increase whenever there are high rates of unemployment, inflation or financial crunch but it generally decreases during and immediately after wars. Similarly, societies with characteristically harsh and frequent infliction of punishments have higher rate of violence. Moreover, being rationally motivated, there is the second assumption about violence, i.e. that it is 'socially embedded'. This should be noted once again that violence is part and parcel of *normal* functioning of society. It is pertinent to point out at this stage that the idea of viewing violence as normal phenomenon and as socially embedded is primarily held by conflict school of thought (Gluckman, 1956; Koch & Irby, 2005). Similarly, for functionalists too violence is normal part of human society (Dubet, 2003).

Socialization and social control function to eliminate violence in society. Durkheim (1970) considered human beings as full of innumerable desires and when anomie occurs it unleashes the problems of violence, such as suicide. Since human beings cannot control their own desires, socially the institutions such as education and system of social control play central role in limiting the desires. Readers should, however, note at this juncture that Marxists and functionalists do not view the normality of violence in essentially the same manner and for the same cause: for Marxists, its existence is evidence of social inequality as well as a movement of resistance against tyranny or exploitation; for Functionalists, violence is not positive – at least for not all the times – but still is part of every human society. A similar type of reasoning was

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given by Graham and Gurr (1979) in their theory of relative frustration. When there emerges a wide gap between desires and means for achieving them, frustration occurs which may result in violent behavior.

Violence is structured in our everyday interaction and patterns of behaviors. And as stated earlier, whether we focus on micro-interactions or structure of institution or the whole social structure, we would find it embedded everywhere. With respect to individual-level violence, research from behavioral neuroscience and other related fields confirm that aggression and anti-social behavior is the product of both nature and nurture. Genetic factors have been identified with respect to development of criminal behavior and psychiatric disorders etc. (Baker & Myles, 2003). However, beyond this, existing models of aggression/violence do not satisfactorily delineate the exact magnitude of contribution by nurture and nature in the development of antisocial and violent behavior. Similarly, a number of studies have examined genetic endowment and environmental factors in the development of delinquent and violent behavior but none have clearly identified the etiology (i.e. causes of violence) except that those consistently delinquent might be because of genes while those individuals who temporarily remain delinquent (say in adolescence) might be because of environmental factors (Moffitt, 1993). An important finding with respect to gender differences in violent behavior in children is that male humans are more aggressive than females during the first three years of childhood: boys "... have higher incidences of conduct disorder during childhood, and engage more frequently in criminal behavior from adolescence through adulthood" (Baker & Myles, 2003: 601). This is universally found in all cultures, classes and age groups.

At macro level, violence exists almost in every aspect of our lives. As a starting point we could refer to Eisner's (2009) list of categories of violence given above. According to Georg (2003), violence is repetitive in nature and therefore is a social process. And as a social process "it presupposes rules and penalties, roles and channels of communication, plans and calculations—it cannot be based on emotions alone" (Georg, 2003: 268). Violence is often seemed as unplanned and transitional. This is a created myth because this way of thinking means that if violence occurs we would not have to think too much in its legality/illegality or legitimacy. For example, the 1994 massacre in Rwanda seemed like a sudden explosion of emotions but in fact it was "an

inter-play of systematically planned and ideologically prepared violence, with a process of escalation that developed dynamics of its own” (Neubert, 1999). A conflicting situation existed prior to the massacre. The conflict of interests, goals or motives coupled with power imbalances in any social situation may give rise to violence.

### **Summary of the review**

The various theories reviewed in this paper seem to contradict each other. On a closer look, however, these seemingly contradictory explanations have a number of common points among them. Researchers on violence and violent behavior need to focus on their commonalities, rather than differences among various theories. For example, most of the theories explain that violence is normal part of social life and should be treated as social process. Secondly, violence is ‘socially embedded’ and should be considered as part of everyday social interaction. Thirdly, while it is true that violent actions have individual and personal motives behind them, violence is essentially a ‘structural issue’. It means that individual behavior at micro level correlates with the macro level social environment of the particular society. A culture conducive for violent behavior is likely to increase the chances of individual motivations for violent behavior. Fourthly, the literature suggests that though criminal acts and violent behavior varies in nature, intensity and scale, they are, however, interrelated to each other. Moreover, the nature and scale of crimes also correlates with other changes in society, such as unemployment and inflation. This suggests that far from being the result of one’s personal motives and biological make-up, violent behavior is mostly socially determined. These findings will help researchers in synthesizing various theories for explaining a particular phenomenon of violence. On the other hand, understanding the above aspects of crimes and violence will also help policy makers in promoting a peaceful and secure society by addressing the structural aspect of violence.

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## **The motivation for crimes: Experiences of criminals from district jail Karak, Khyber Pakhtunkhwa, Pakistan**

*Farhan Ahmad &  
Rabia Ali*

### **Abstract**

The aim of this study is to explore the causes of criminal behaviour among individuals by using qualitative research design. Theoretically the study was influenced from Differential Association Theory of Edwin H. Sutherland (1939) – one of the most influential theories within the academic discourse of Sociology of criminal behaviour. Empirical data for this study was collected from 15 prisoners who were selected by purposively from a total of 150 prisoners in the age group of 20 – 40. The findings illustrate that the majority of the respondents reported to have criminal relatives or criminal peer group who had inspired them to be criminals. The motivation to be criminals for the majority of them was also to gain wealth and status through short cuts. The respondents were aware of specialized techniques to commit crimes and they were of the view that they learnt these techniques in the company of criminal friends and relatives. The respondents had no regrets of being criminals and they had no plans to quit their professions after being released from the prison.

**Keywords:** Differential Associations, Criminal Behavior, Family, Peer Group

### **Introduction**

The struggle for crime prevention has been an ongoing journey for decades. Sociologist and criminologists have paid special attention to the presence and causes of crimes worldwide. For instance for Emile Durkheim (1964) crimes have a social function. Likewise, Frank Tannenbaum, Robert K Morten, Cesare Lambroso, Edwin H Sutherland and Akers have addressed the causes and consequences of crimes in their work. Correlation between association of criminals peer's groups and criminal behaviour formation has been a longstanding curiosity of criminology. Criminologists give substantial consideration to the connection between criminal peer's group and delinquent behaviour formation (Hochstetler, 2002). Social learning theories are grounded in the supposition that behaviour is learned in relation to some processes i.e. imitations, observations and behaviour modelling (Ormrod, 2004). The social learning theories have paid special emphasis on the individual and the social factors of behaviour. Therefore,

the criminal behaviour is more likely to be analysed in the context of environment in which the crime is learned (Icli & Coban, 2012).

To understand the causes of criminal behavior among criminals Differential Association Theory of Edwin H. Sutherland (1883-1950) is one of the most influential theories within the academic discourse of sociology of criminal behaviour. The theory explains the various agents related to crime (Curran & Renzetti, 2001). It was developed in 1939 to account for criminal behaviour but may be applied to other forms of deviant behaviour as well. The basic assumption in this theory is that deviant behaviour is learned through association, just as is conformity (Matsueda, 2006). Sutherland believed that the principal part of the learning of criminal behavior occurs within intimate and personal groups. Due to strong link and interaction with criminal intimate group an individual becomes a habitual criminal and commits crimes several crimes. In this way criminal activities are rationalized as a normal. Sutherland (1939) argued that criminal behaviour is learned instead of inherited. It is learned through interpersonal communication and social interaction within intimate and primary groups (Curran & Renzetti, 2001).

According to the theory when criminal behavior is learned, the learning includes techniques of criminal activity, which are sometimes very complicated, sometimes very simple. The process contains face-to-face communication among people who are close to each other. Skills, knowledge, values, sentiments, motives and traditions of crimes are passed to other through interpersonal communication. Means of communication such as the mass media including television, magazines, and newspapers play secondary role in the formation of criminal behavior. Individuals are not persuaded to engage in crimes by reading a newspaper or a book, watching television or watching a movie. An association with criminals will increase the probability of becoming criminal (Smith & Brame, 1994).

Finally an individual turns to criminal activities due to getting an excess of definitions favourable to criminal activities (Payne & Salotti, 2007, p. 556). It has been argued that a person indulges in crimes due to learning of “definitions” (rationalization and attitudes) favourable to law violation in “excess” as compared to the unfavorable definitions of law violation (Akers, 2000; Ronaldi, 2004). According to the theory the definitions of criminal behaviour convert as a favourable or unfavourable to law violation according to the values assigned. Values are granted to ones’ definitions in one’s social interaction with others, the interactions vary in intensity,

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priority, frequency and duration. A person is exposed to criminal activity on the basis of duration of exposure, the frequencies of exposure and priority through which a person is exposed to law-abiding or law violating definitions (Cullen & Agnew, 2003: p. 125).

### **Objective of the Study**

1. To explore the motivation to be criminals specifically looking at the role of family and peer group in making criminals.
2. To investigate the techniques involved during the process of being criminals.
3. To examine how the criminals perceived being criminals.

### **Literature Review**

Previous research has demonstrated that criminal behaviour transmits within family through intergeneration (Van de Rakt et al, 2009; Rowe & Farrington, 1997). Often it can happen that a very limited number of families may be responsible for large numbers of crimes (Farrington et al., 2001). Criminal behaviours of brothers and sisters have high correlation (Haynie & McHugh, 2003; Rowe & Gulley, 1992). A study conducted by Van de Rakt et al. (2009) shows an association of criminal convictions between family members including siblings and parents. The findings of this study demonstrated a positive relationship between crimes' history in the family and individual involvement in criminal activities. Likewise, research by Rowe & Farrington (1997) on familial transmission of criminal convictions found that the criminal activities breed within the family system. The findings illustrate that 5/15 i.e. one third majority of the respondents (criminals) were the product of their families. Yet, the peer group of the respondents had greater influence on their criminal activities i.e.11/15 respondents were reported to have been influenced from peer groups.

Criminal history of family members i.e. parents, brothers and sisters increases the chances of a person to get involved in criminal activities (Buehler, 2006; Farrington et al., 2001; Thornberry et al., 2003). There are two explanations for brothers and sisters resemblance regarding criminal activities involvement. Firstly, the siblings directly learn behaviours and attitudes from each other. Thus the brothers and sisters offer reinforcement and modelling for criminal activities. Secondly an association concerning the criminal behaviour of siblings remains spurious. Certainly, brothers and sister sharing same house have to be exposed to same parents. So, the

resemblance of their behaviour may be due to their parent involvement in criminal activities (Van de Rakt et al, 2009).

Farrington et al. (2001) have illustrated six justifications regarding intergenerational similarity of law violation. The explanation offers understanding of the intergenerational diffusion of criminal activities along with prediction of parental criminal activities to explain the connotation between criminal activities of siblings. First criminal behaviour is a minor portion of the diffused behaviour. Often unwanted behaviours, i.e. living in destitute communities, teenage pregnancy and poverty, are conveyed from generation to generation. Second the appliance of “assortative mating” i.e. criminal men have higher chances of having marriage with criminal women. These couple are more likely to put their children at risk which will increase the chances of their involvement in criminal activities. Third the intergenerational diffusion is an imitational process. Children internalize criminal activities through modelling and observations of the parents’ criminal behaviour. Fourth criminal parents may have genetic tendency to criminal behaviour, which can be diffused from generation to generation. Fifth, criminal parents live and raise their offspring in least-favourable social backgrounds, which increases the chances of children’s involvement in criminal activities. Finally, some families are observed intensively through law enforcement agencies due to official preconception as criminal families (Farrington et al., 2001).

In addition to pressure and inspiration from family peer group is also likely to affect formation of criminal behaviour among youth (Barnes et al., 2006; Young et al., 2007). The criminal peer group may pressurize an individual to get involved in criminal activities. Elements like peer group’s approval of criminal behaviour, peer group’s criminal behaviour, attachment or loyalty with peer group, time spent within peer group and peer pressure for criminal activities are mostly linked to teenage delinquencies (McCord & Ensminger, 1995).

### **Research Methodology**

The study was conducted in District Jail Karak in Southern Khyber Pakhtunkhwa, Pakistan. Drawing on Bryman (2004), the decision of size of the universe and sample size was based on time and resources available. The decision was also taken considering the research design. The study is qualitative in nature and qualitative researchers typically intend to conduct in-depth interviews, relying on relatively small population and sample size (Patton, 1990). This is because the purpose is not generalization of the

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findings on a large population but in-depth exploration of the respondent's perspective on the phenomenon under research. Qualitative research stresses the appropriateness of sample size that provides rich and relevant data. Thus, unlike quantitative research, qualitative research does not depend on large number of respondents but rich and detail information/data (Lamneck, 1988). Keeping in view the aims and objectives of the study, non-probability purposive sampling technique was employed for selecting the respondents. Inspired by Patton (1990) and Bryman (2004) the sample size of the study was fifteen male criminals out of one hundred & fifty prisoners. The respondents belonged to the age group of 20-40.

The data for this research was collected through face to face interviews using interview guide. Informed consent of all the respondents was taken prior to conducting the interviews. At the first stage of the field the respondents were put at ease and were assured that the data will be used purely for academic purpose and their information will not be disclosed to anyone. The interviews started with a general discussion to build rapport with the respondents and to gain their trust. Followed by this in-depth interviews were conducted from the respondents.

During the interviews the respondents were asked a set of open ended questions regarding formation of their criminal behaviour. Some of the questions asked were: Who inspired you to be a criminal? How did you learn the techniques to be a criminal? What is your major motivation to be a criminal? What is the major reason for being a criminal? How do you perceive yourself as a criminal? Interviews were carried out until the stage of saturation of data was achieved. The interviews were conducted in Pashtu language by the first researcher and the cases were recorded in the field, after collection the cases were transcribed and translated into English. The data was read repeatedly and codes were assigned to the data. Themes were developed by putting together the codes. Pseudonyms have been used in the paper to maintain confidentiality of the research participants.

### **Findings of the study**

The majority of the respondents who participated in this study were involved in multiple crimes including murder, illegal drugs supply and theft cases of various kinds. All the respondents had been in the prison for more than six months or more. In the light of the crimes the respondents had committed three categories were clearly evident. Among these five prisoners were those who were found clearly exposed to an excess of

definition favourable to law violation. These prisoners were socialized within criminal companions and adopted the values and attitudes of the criminals to whom they were exposed. They were exposed to law violation definition from both side i.e. family and peer group. Here from “family” we mean the father, mother, brothers and sisters of the prisoners.

The second category of prisoners who were six in number had relatively different experiences of engagement in criminal activities. These prisoners had grown up within law-abiding families but were found exposed to an excess of definition favourable to law violation within the company of peer groups. These respondents explained that the family members had always encouraged them to obey the laws of the country and to avoid indulging in criminal activities. The last category included of four prisoners. No evidence was found in the lives of these four prisoners that showed an excess to criminal definitions. Although in their lives law-abiding definitions were found exceeding over the law violation. Some of the common themes which emerged from the interviews with the respondents are being discussed below.

#### *Inspiration and Motivation to be Criminals*

All the respondents acknowledged to have had companions or relatives who had history of being engaged in criminal activities. Additionally, the respondents reported to have had lack of inspiration for obeying the state’s laws. Also, they had repeatedly experienced events where the violation of law from both families and peer groups had been common. These were some of the reasons which had motivated them to get engaged in criminal activities. The majority of them were of the view that not only had the relatives and friends been inspiration to get engaged in such activities but they had also provided guidelines to follow.

One of the respondents named Ashraf while discussing this explained that, his brother had continuously trained him to go against the law. He acknowledged that he had learnt all the tactics to get engaged in criminal activities from his brother who had been a criminal from a young age. Ashraf was of the opinion that like his brother he too believed that laws are biased and are made for the fulfilment of the interest of wealthy and elite class. He explained that participation in illegal/criminal activities was the only way for the survival of people like him who had no other means of survival.

Similarly, other respondents shared their experiences of engaging in criminal acts. Rehan stated that he had been engaged in criminal activities from a young age. His father had been a criminal and he had first committed a crime when his father had been in jail. His brother had also been through punishment several times for committing theft. When Rehan was asked about the activities of his other siblings he explained that he had one more brother (step brother) who was not involved in criminal activities. However Rehan was of the view that his brother discussed criminal activities a lot. He was afraid that such discussions will eventually lead to criminal activities in future.

Similarly, Faheem explained that he had been influenced from his uncle who was a drugs user. His uncle trained him about using and selling drugs among young boys. His friends too had been drug addicts which had inspired him to use drugs. Likewise, Qasim had been motivated to be a criminal by his brother.

In the law-abiding families, the respondents reported to have criminal minded peer group. One of the respondents Salman who spent most of his time in the company of his peers shared that his friends had inspired and encouraged him to get engaged in criminal activities. He had lack of confidence in the criminal justice system of Pakistan. Salman stated, "*The state is unfair and everyone takes care of his/her own interests in this country.*" Similarly, Anwer who was unsatisfied from the judiciary system of Pakistan, said,

*Most of the state's law are biased and the citizens are treated differently according to their wealth and economic statuses (Anwer, interview).*

When prisoners like these who lacked faith in judiciary system were probed they reported that they were dis-hearted from the system because it was unfair. Some of them reported that they were given punishment for crimes they had not committed which prompted them to be criminals since they were labelled criminal anyway. Some reported to have been were given wrong punishments. For example Anwer stated "*courts are not supportive and do not give right decisions.*" This illustrates that besides criminal family members and criminal peer group unfair system was one reason to make criminals in the country.

Though majority of the respondents in this study did not have very positive perceptions about laws and judiciary system in the country yet some were quite optimistic. For example, Razwan was of the view that laws are meant to protect civilians and so need to be abided. He stated, "*Laws are necessary for the peaceful and smooth functioning of the society*" (Razwan). This indicates that some criminals did have understanding about the importance of laws for the society yet they continued to engage in criminal activities.

The prime motive to get engaged in criminal activities for the majority of the respondents was to get wealth easily and quickly. Regarding his attitudes towards crimes the emphasis of Qasim was to get an access to material resources. He stated, "*Getting material resources through illegal activities is much easier and faster than legal activities.*" Similarly, Anwer explained that his main motivation for committing crimes was to get wealthy, to have a satisfied life and to secure economic status in the society through an easy way. Some of the respondents in the younger age group were of the view that entertainment was also one motivation for indulging in crimes. Besides, wealth and status one reason stated by the respondents was personal satisfaction. According to Faheem the main reason for using and selling drugs was to get mental satisfaction.

#### *Techniques of Being Criminals*

The respondents also shared their experiences of how criminals learn criminal techniques. The data shows that mostly the criminal activities were learnt from criminal friends and relatives. A respondent named Khursheed stated, "*From my teenage I started association with peer group of criminal minded people.*" In association with peer group Khursheed mostly discussed about the crimes and criminal activities.

Discussing techniques of learning crimes one of the respondents Asif stated, "*Hints about criminal techniques can be learnt from criminal minded friends.*" Similarly, Mehmood explained that he had two friends from childhood and these were the ones who had inspired him to get engaged in criminal activities. He was also of the opinion that his own brother too was involved in criminal activities. He stated;

*My brother and friends had always encouraged me to get money through illegal means since they believed that this was the only way to get money through shortcuts* (Mehmood, interview).

He also mentioned that his brother had trained him to improve his skills in committing crimes. For example he taught Mehmood to avoid police as much as he could.

Highlighting on the techniques of committing crimes one of the respondents Faheem stated;

*The techniques and map reading were very important for involving in criminal activities. These techniques could be learnt from the other criminals (Faheem, interview).*

He exemplified that if someone is planning to steal from a store, he/she requires having prior knowledge regarding the location of everything in that store and must have techniques of access to store and successfully committing the crime.

Likewise, Alam explained that the techniques of committing a particular crime are very much important. He stated, *“One must take into account the time schedule, location of concerning place, and road map in mind for committing any crime.”* He was of the view that these techniques can be learnt through personal observations and discussion with other expert criminals.

The respondents explained that often the criminal minded people had companionship with like-minded people. They often met in groups/gangs and discussed their activities. They shared their way of doing crimes. These gatherings provided the space for training and learning from each other. Re-affirming this Airf explained that criminals often discussed and planned criminal activities together in the form of a group and their major concern was to get away with the criminal activities safely. Airf was of the view that that confidence is significant for committing any type of crime. He believed that criminal techniques and confidence can be built through practise and appreciation from peer group.

Referring to the group/gang meetings Safdar stated,

*One thing I learnt from the gatherings initially was getting away safely after committing a crime. Also, the foremost principle we learnt regarding crimes was not to get caught by the police (Safdar, interview).*

These narratives clearly depict that being a criminal involved a lifelong training and calculated planning. Usually individuals who were established

criminals were the ones who trained the younger criminals. These experiences of the respondents show that the family including brothers and the peer group played an important role in this process of making criminals.

### *Being Criminals*

The question of how these individuals perceived committing crime is also important. Discussing this one of the respondent who spent most of his time in the company of his elder brother and elder brother's peer group stated,

*My brother and his friends were of the view that there was nothing wrong if someone was involved in the criminal activities and they encouraged me to commit crimes. Now I feel in the same way. (Qasim, interview)*

Similarly Rasheed explained, *"The sale and delivery of drugs is actually not a crime, for me it is providing service to people who need it badly."* Likewise, one of the respondents Arif shared that he and his friends were enjoying participation in criminal activities and had no regrets.

The responses of the respondents demonstrate that they seemed to be enjoying their profession and had no regrets in being criminals. They considered the criminal activities as their means of employment for living and their contribution to people who need their services. They were of the view that they had no plans to quit crimes after being released from the prison. They believed that crimes should take place since the system of judiciary was not working in the country. Nevertheless, some of the respondents had feelings of guilt due to their involvement in criminal activities. These respondents were largely from families where they had been trained to abide the rules and laws of the country. The findings have implications for the judiciary system of Pakistan. These illustrate that in order to reduce the rate of crimes in the country strategies should be made to change the judiciary system of the country so that people have more faith in the system.

### **Conclusions**

The findings of this study have extended Sutherland's Theory of Differential Associations in multiple ways. The data shows that criminal activities are learnt through intimate personal relations including family and friends. Five respondents of this study were brought up within criminal background family members & peer group and indulged in criminal activities. Six respondents in this study rejected the attitudes and values of

law-abiding family members and accepted those of criminal minded peer groups. Four prisoners were not exposed to definitions favourable to law violation. These findings do not relate with the Sutherland's Theory of Differential Association for the formation of criminal behaviour for these four prisoners. The findings indicate that Sutherland's Theory of Differential Association alone cannot explain the formation of all kind of law violation. It was found that there were 4/15 respondent who's families or peer groups were not involved in the criminal activities and they had not been involved in criminal activities through their families or peer groups. The exploration shows that there are some other factors involved along with the differential association for criminality.

The paper illustrated that the respondents learnt criminal motives, drives and criminal techniques in multiple ways. Status, money and entertainment were the typical causes that motivated them to commit crimes. The majority that is eleven out of the fifteen respondents were aware of criminal techniques. It was reported that the criminal techniques can be learnt through discussion with experienced criminals. Some of techniques were reported to be; observing the criminal intentions' objects, practice, mass media and prison experience. Almost all respondent believed that status and money can be earned by legal ways. However, they had internalized their behaviour through rationalizations.

In the light of the findings it is argued that in order to control crime rates in the country efforts are needed on part of all stakeholders including the government. Efforts should be made on part of the state to make the judiciary system more reliable and transparent. It is also recommended that the probation and parole services should be extended in jails to monitor and change the behaviour of the prisoners.

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## **Cultural values v. Collective efficacy: Robust predictors for reporting victimization?<sup>1</sup>**

*Julie C. Abril*

### **Abstract**

Within the previous decade, much inquiry has focused on the important theoretical construct collective efficacy when attempting to understand reporting crime within heterogeneous urban and suburban populations. Until now, little work has been done to determine if collective efficacy is the most robust predictor for understanding reports of victimization among homogenous rural populations. In the study herein, it was hypothesized that cultural values would be more robust predictors of reporting victimization than collective efficacy within a rural population. Based on Durkheim's (1893) notion that the law reflects the values held most dear to a society and that government services reflect the law, it was then hypothesized that greater satisfaction with tribal services would be positively associated with increased reporting of victimization. Using data from the Southern Ute Indian Community Safety Survey these research questions were explored. Through a variety of analyses, the cultural values measures were found to be slightly more robust predictors of reporting victimization than collective efficacy among the rural population in this study. Using measures that better reflect the values of the group under study may be a more robust method for predicting who reports victimization.

**Keywords:** reporting victimization / crime, collective efficacy, cultural values, police, court, satisfaction with tribal services

### **Introduction**

When social scientists desire to determine a set of values with which to compare official reports of victimization, determining which set of values to apply to the research population becomes critical to the endeavor. Within the previous decade, much inquiry into the use of measures that make-up the important theoretical construct collective efficacy have been used to help understand crime reporting among a limited number of heterogeneous populations located within urban (Sampson *et al*, 1997 & 2005) and sub-urban (Browning *et al*, 2004; Goudriaan *et al*, 2006) areas as well as within international settings (Earley, 1999). Until recently, however, little work has been done to determine if the collective efficacy construct is the most robust

predictor variable for understanding reports of victimization across various homogenous populations (Davis and Henderson, 2003; Grucia and Herrero, 2007); although there have been some attempts to do so (Yagnik and Teraiya, 1999).

In a similar vein, much rhetoric surrounds reporting victimization occurring in Indian Country. Official government statistics, for example, are fraught with challenges to their validity and reliability (Pepinski, 1980). Other measures used by social scientists to correlate reporting crime with social- and community-level derived theoretical constructs such as collective efficacy and social cohesion may not be applicable to Native American Indian (hereafter, Indian) tribal groups because of their unique cultural-structural characteristics and physical locations within rural areas. In this article, measures of collective efficacy are compared to a unique set of Indian cultural values in an effort to understand which set of values are more aligned with reporting victimization among Indians who reside on a reservation located in the southwestern United States. Additionally, with a variety of methods, tests to measure the associations between reports of satisfaction with tribally-provided services to reports of victimization from members of this Indian tribal group were also conducted.

First, it was hypothesized that Indian cultural values would be more closely aligned and thus enjoy a positive relationship with reporting victimization than those that comprise the collective efficacy construct. That is, those respondents with higher cultural values scores will report more victimization. It was then hypothesized that those tribal group members who reported a higher level of satisfaction with tribally-provided services (such as the police, court and crime victim services) are more likely to report victimization and other types of crime than those who negatively perceive these services. That is, as satisfaction with tribal services increased so too would reports of victimization; again, that another positive relationship existed. These hypotheses were the by-product of Emil Durkheim's (1893) ideas about the law and that services provided by the law would be manifestations of those values held most dear to a society. In the present study, it was then assumed that tribal services would reflect the dearest values of this tribal society.

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## **PREVIOUS WORK**

### SUICSS

The Southern Ute Indian Community Safety Survey (SUICSS) was a study of crime and violence occurring on and around the Southern Ute Indian reservation, located in rural southwest Colorado, USA. The nearest municipality to the reservation is Durango, Co. The SUICSS consisted of a 72-item questionnaire survey completed by 667 residents of rural Colorado and 85 structured personal interviews conducted with American Indian tribal members. The survey instrument was mailed to adult tribal members (those over the age of 18) whose addresses were obtained from the Southern Ute Tribal Council. A control sample of non-Indians was derived from the La Plata county voter registration list that contained only those adults over the age of 18. The sample contained 312 tribal members and other people who self-identified as Native American Indian as well as 355 non-tribal members who reported membership in varying ethnic groups, with the dominate group being Euro-American based.<sup>iiii</sup> As tribal services are provided predominantly to tribal members only, in this manuscript only the perceptions of tribal members will be analyzed.

### PHDCN

The Project on Human Development in Chicago Neighborhoods (PHDCN) was a survey of 8,782 residents of 343 “neighborhood clusters” located in the densely-populated urban area of Chicago, Illinois, USA. The PHDCN sought to understand the reasons why geographic concentration of violence and its connection to neighborhood composition are related, as well as to understand which social processes help to mediate or explain this relationship. The basic premise of the researchers was that social and organizational characteristics of the neighborhoods explain the differing crime rates between neighborhoods (Sampson *et al*, 1997).

## **Measures**

### Collective Efficacy

Sampson and his colleagues (1997) measured collective efficacy using a ten item Likert-style scale. The ten items are bifurcated into two groups; one measuring community cohesion and the other measuring informal social control. Community cohesion was measured by these five items:

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- i. *People around here are willing to help their neighbors;*
  - ii. *This is a 'close knit' community;*
  - iii. *People in this neighborhood can be trusted;*
  - iv. *People in this neighborhood generally do not get along with each other;*
  - v. *People in this neighborhood do not share the same values.*

Informal social control was measured by these five items:

- i. *How likely is it that your neighbors could be counted on to do something if children were skipping school and 'hanging out'?*
- ii. *How likely is it that your neighbors could be counted on to do something if children were spray painting graffiti on a local building?*
- iii. *How likely is it that your neighbors would do something if children were showing disrespect to an adult?*
- iv. *How likely is it that your neighbors could be counted on to do something if a fight broke out in front of their house?*
- v. *How likely is it that your neighbors could be counted on to do something if the fire station closest to your home was threatened with budget cuts?*

#### Native American Indian Cultural Values

Native American Indian cultural values were measured by a ten item Likert-style scale that asked the respondents to assign a predetermined value to ten different cultural values specific to Native American Indians. Respondents had the opportunity to evaluate the seriousness of each violation of cultural values. The possible responses for each violation ranged from 0 – 4, with 0 indicating *neither serious nor not serious*; 1 indicating *not serious*; 2 indicating *a little serious*; 3 indicating *serious*; and, 4 indicating *very serious*. With ten items, there was a possible range of scores from 0 – 40.

The ten values were then divided into two groups; crimes committed by Indians and crimes committed by Non-Indians. The first group measured crimes against Indian cultural values committed by INDIANS. These measures consisted of the following: *Indians selling Indian bones or other Indian cultural artifacts*; *Indians not respecting tribal elders*; *Indians taking natural resources such as plants, rocks, or other sacred items off of the*

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*reservation; Indians hunting or fishing on the reservation without a tribal permit; and, Indians stealing money from the tribe.*

The second group measured crimes against Indian cultural values by NON-INDIANS. These measures consisted of the following: *non-Indians trespassing onto Indian ceremonial or burial grounds; non-Indians buying Indian bones or other Indian cultural artifacts; non-Indians hunting or fishing on the reservation without a tribal permit; non-Indians taking natural resources such as plants, rocks, or other sacred items off of the reservation; and, non-Indians practicing Indian spiritual ceremonies.*

#### Evaluation of Tribal Services

Satisfaction with tribal services was measured by seven (7) items that asked the respondents to evaluate several of the tribal services offered to community residents. The seven items were as follows: *How satisfied are you with the Southern Ute police department?; How satisfied are you with the Southern Ute Tribal Court?; How satisfied are you with the Southern Ute Crime Victim Services?; How satisfied are you with the Southern Ute Community Action Program (SUCAP)?; How satisfied are you with the Southern Ute Tribal Council?; How satisfied are you with the Southern Ute per capita payments?; and, How satisfied are you with the Southern Ute retirement benefits?* Each item asked the respondents to rate each service with a Likert-style scale ranging from 0 to 4; with 0 indicating *neither satisfied nor dissatisfied / no opinion*; “1” indicating *very dissatisfied*; “2” indicating *dissatisfied*; “3” indicating *satisfied*; and, “4” indicating *very satisfied*. The new combined variable was labeled “SWTS” (Satisfaction with Tribal Services).

The measures were then stratified into two groups to measure *services for crime victims* and *quality of life*. The items used to measure services for crime victims were: the police department, the tribal court, and the crime victim services. The items used to measure quality of life were: community action program, tribal council, per capita payments, and the retirement benefits. Because many of these services are available only to tribal members, I will focus only on the views of such by the INDIANS in this study’s population.

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### Reports of Victimization

Victimization was measured by asking the respondents to report if they had been victimized in the previous 12 months. The respondents were asked to report if they had been victimized by specific types of crime that included; being threatened with a weapon, slapped or hit, beaten, kicked or bitten, pushed, grabbed or shoved, or raped (i.e., forced to have sexual intercourse). Any positive indication of a report of violence was marked as one report of victimization. The victimization reports were then consolidated into one (1) report per respondent. The measure of victimization then became a binary measure of “0” indicating no victimization and “1” indicating victimization.

### Demographic Variables

Ethnicity, age, income, and gender were used as demographic variables in this analysis. ETHNICITY was measured by reports of an Indian identity. Those claiming an Indian identity were identified as INDIAN. All others were classified as NON-INDIAN. AGE was measured by checking a box that indicated the respondent’s age in increments of about ten years (such as *17 or younger*, 18 - 29, 30 - 40, 41 – 50, 51 – 60, and *over 60*). Annual household INCOME was measured by increments of about USD\$10,000 from *less than USD\$5,000* to *USD\$75,000*. GENDER was measured by the respondent indicating either MALE or FEMALE.

### **Data Analysis**

The first level of analysis included identifying and describing the data. Of the total population sampled ( $N = 667$ ), only the Indians ( $n = 312$ ) were used in the remaining tests because it is predominantly only Indians who can participate in many of the services offered by the tribal government. Of the remaining sample respondents, most ( $n = 186$ ) were female, between the ages of 30 – 40 years, and had annual household incomes that averaged about USD\$31,419. The median annual household income for the area surrounding the reservation at the time of the study was around USD\$39,313. Out of a total of 123 individual reports of victimization from both the INDIANS and NON-INDIANS from within the larger study, there were 88 reports from the INDIAN sample alone. Table 1 presents the descriptive data from these analyses.

Table I: Descriptive Statistics

Ethnicity and Gender ( $N = 667$ )			
Indian $n = 312$			
Female $n = 186$			
Male $n = 124$			
Age	< 17 yrs - > 60 yrs	Mean / SD 30 yrs– 40 yrs / 1.382	
Income	< USD\$5,000 - > USD\$75,000	USD\$36,460 / USD\$23,681†	
Positive Report of Victimization	$n = 88$		
No Report of Victimization	$n = 224$	Mean	SD
Cultural Values	0 – 50	41.05	9.007
Collective Efficacy	0 – 50	29.97	6.127
Satisfaction with Tribal Services	0 – 35	13.73	8.061
Quality of Life	0 – 20	8.81	5.204
Crime Victim Services	0 – 15	4.92	4.253
† = Median household income for La Plata County CO, USA at time of study was USD\$39,313			

*Hypothesis Test 1: A Positive Relationship between Cultural Values and Victimization*

To test the first research hypothesis, that a positive relationship exists between Indian *cultural values* and *reports of victimization*, two separate ANOVA analyses were initially conducted to assess the variances between the two measures. The first set compared positive *reports of victimization* to *cultural values* ( $F = 3.738$ , sig. = .054); whereas the second set compared positive *reports of victimization* to *collective efficacy* ( $F = .247$ , sig. = .620). This set of analyses showed *cultural values* to have a somewhat more significant level of variances than *collective efficacy* when assessed with positive *reports of victimization*; yet still above the standard significance level of < .05. When examining the Levene Statistic, a good test of the equality of variances between samples, *cultural values* and *collective efficacy* were both statistically

significant but *cultural values* showed a smaller population group variance than did *collective efficacy* (Levene Statistic for cultural values = 1.938, sig. = .165 vs. Levene Statistic for collective efficacy = 4.642, sig. = .032). This means there was less variance in responses to *cultural values* than to *collective efficacy*. As a whole, the group responses for *cultural values* were closer, more united than those who reported *collective efficacy* scores, although both were highly significant in the overall tests (sig. < .05).

The second level of testing involved contingency table analyses to measure the degrees of association between *reports of victimization*, *cultural values* and *collective efficacy*. In this test, *cultural values* ( $X^2 = 7.433$ , sig. = .115,  $\phi = .154$ , sig. = .115) indicated a somewhat stronger association with positive *reports of victimization* than did *collective efficacy* ( $X^2 = 3.638$ , sig. = .457,  $\phi = .108$ , sig. = .457), although both constructs were not significantly associated with *reports of victimization* in these tests (sig. > .05).

The third level of examination involved conducting simple linear regression analyses to assess the direction and magnitude of the relationship(s) between the independent ( $X$ ) and dependant ( $Y$ ) variables. In these tests, *cultural values* and *collective efficacy* were the independent ( $X$ ) variables and reports of crime were the dependant ( $Y$ ) variable. In a linear regression model that excluded demographic variables, each measure was significant but there was a slightly more significant change in Model 1 ( $F = 3.738$ ,  $df1 = 1$ ,  $df2 = 310$ , sig. = .054) that included *cultural values* than was detected in Model 2 ( $F = .247$ ,  $df1 = 1$ ,  $df2 = 308$  sig. = .620), the model that included *collective efficacy*. In Model 3 which included the demographic variables, both *cultural values* and *collective efficacy* resulted in significant positive relationships (sig. = .000). Examination of the  $\beta$  values will tell us the direction of the relationships between the variables. For *cultural values* ( $\beta = .058$ ,  $t = 1.933$ , sig. = .054) we can observe a positive relationship as earlier hypothesized would occur. *Collective efficacy*, however, resulted in a negative relationship ( $\beta = -.021$ ,  $t = -.497$ , sig. = .620). Examination of the squared curvilinear correlation ( $\eta^2$  or  $\epsilon\alpha^2$ ) will tell us the effect size of these relationships. The formula for the ( $\eta^2$  or  $\epsilon\alpha^2$ ) calculation for *cultural values* was as follows:

$$\eta^2 = \frac{SS_{between}}{SS_{total}} = \frac{188.823}{23.541.916} = .0080$$

The formula for the ( $\eta^2$  or  $eta^2$ ) calculation for *collective efficacy* was as follows:

$$\eta^2 = \frac{SS_{between}}{SS_{total}} = \frac{3.689}{11601.677} = .0003$$

According to Cohen's (1988) suggestion, both effect sizes are rather small (barely approaching .01). In summary, in this first hypothesis test, the research hypothesis of a positive relationship between *cultural values* and *reports of victimization* was supported by the test results. Table 2 presents the results from these initial linear regression models.

Table II: Simple Linear Regression Coefficients

Model	B	Std. Error	Beta	t	Sig.	Lower Bound	Upper Bound	Zero order	Partial	Part
1										
Constant	.036	.130	-	.277	.782	-.219	.291			
Cultural Values	.058	.030	.109	1.933	.054	-.001	.117	.109	.109	.109
2										
Constant	.349	.139	-	2.503	.013	.075	.623			
Collective Efficacy	-.021	.042	-.028	-.497	.620	-.103	.061	-.028	-.028	-.028
3										
Constant	.116	.185	-	.629	.531	-.248	.479			
Cultural Values	.059	.031	.108	1.906	.058	-.002	.119	.106	.108	.108
Collective Efficacy	-.026	.042	-.035	-.622	.535	-.108	.056	-.028	-.035	-.035
4										
Constant	.625	.090	-	6.952	.000	.448	.802			
SWTS	.002	.019	.007	.116	.908	-.035	.039	-.016	.007	.006
Age	-.070	.019	-.214	-3.736	.000	-.109	-.034	-.246	-.212	-.208
Income	-2.589	.000	-.138	-2.390	.017	.000	.000	-.189	-.138	.133
Gender	-.032	.052	-.035	-.627	.531	-.134	.069	-.058	-.036	-.035
5										
Constant	.617	.089	-	6.934	.000	.442	.792			
Quality of Life	.006	.022	.016	.288	.775	-.037	.050	-.006	.017	.016
Age	-.071	.019	-.214	-3.737	.000	-.109	-.032	-.246	-.212	-.208
Income	-	.000	-	-	.017	.000	.000	-.189	-.139	-

	2.611		.139	2.406						.134
Gender	-.032	.052	-.035	-.621	.535	-.133	.069	-.058	-.036	-.035
6										
Constant	.635	.087	-	7.283	.000	.464	.807			
Crime Victim Services	-.002	.024	-.006	-.102	.918	-.050	.045	-.014	-.006	-.600
Age	-.070	.019	-.214	-3.734	.000	-.109	-.034	-.246	-.212	-.208
Income	-2.578	.000	-.137	-2.388	.018	.000	.000	-.189	-.138	.133
Gender	-.032	.052	-.032	-.611	.542	-.133	.070	-.058	-.035	-.034
Model 3 included demographic variables: AGE, INCOME, and GENDER										

*Hypothesis Test 2: A Positive Relationship between SWTS and Victimization*

To test the second research hypothesis, that a positive relationship exists between *satisfaction with tribal services* (SWTS) and *reports of victimization*, ANOVA tests were initially conducted to assess the variances between the two variables. In the first ANOVA test it was found that SWTS were significantly associated with *reporting victimization* (Levene statistic = 4.804, sig. = .000). Moreover, the *quality of life* measures (QUALITY) were also significantly associated with *reporting victimization* (Levene statistic 2.832; sig. = .025), though to a somewhat lesser extent. It should be noted that satisfaction with the *crime victim services* (CVS) were not significantly associated with *reporting victimization* (Levene statistic = 1.812, sig. = .145).<sup>iv</sup> The Levene statistic, which is a good test of the equality of variances between the samples, was significantly different for both SWTS (sig. = .000) and QOL (sig. = .025), with the exception of those that rated the *crime victim services* (CVS) (sig. = .145).

Because these tests indicated a significant association, Chi-square ( $X^2$ ) tests were evaluated within contingency table analyses. The results for the SWTS (combined variable) were  $X^2 = 5.289, df5, sig. = .382, Eta = .130, phi = .130, sig. = .382$ . The results for the *quality of life* (QOL) were  $X^2 = 2.418, df4, sig. = .659, Eta = .088, phi = .088, sig. = .659$ . The results for the *crime victim services* (CVS) were  $X^2 = 1.525, df3, sig. =$

.677,  $Eta = .070$ ,  $phi = .070$ ,  $sig. = .677$ . There were no significant relationships were uncovered at this level of analyses.

The third level of analyses consisted of constructing simple linear regression models to assess the direction and magnitude of the relationships between the independent ( $X$ ) and dependent ( $Y$ ) variables. In these tests, SWTS, QOL, and CVS were the  $X$  and the reports of victimization were the  $Y$ . For these models, the variables were *satisfaction with tribal services* (SWTS), *crime victim services* (CVS), *quality of life* (QOL), and three demographic variables: AGE, INCOME and GENDER. These measures were placed together in the regression models with *reports of victimization*. It was found that higher satisfaction with *crime victim services* (CVS) ( $sig. = .000$ ) and better perceptions of *quality of life* (QUALITY) ( $sig. = .000$ ) were significantly associated with more *reports of victimization*. Furthermore, these tests revealed that as AGE and INCOME increased, there were a slightly higher number of *reports of victimization* ( $sig. < .05$ ).

Examination of the  $\beta$  values will tell us the direction of the relationships between the variables. Model 4 showed that as AGE ( $\beta = -.070$ ,  $t = -3.736$ ,  $sig. = .000$ ) and INCOME ( $\beta = -2.589$ ,  $t = -2.390$ ,  $sig. = .017$ ) decreased, SWTS increased ( $\beta = .002$ ,  $t = .116$ ,  $sig. = .908$ ). Model 5 also showed that as AGE ( $\beta = -.071$ ,  $t = -3.737$ ,  $sig. = .000$ ) and INCOME ( $\beta = -2.611$ ,  $t = -2.406$ ,  $sig. = .017$ ) decreased, satisfaction with the *quality of life* (QOL) efforts increased ( $\beta = .006$ ,  $t = .288$ ,  $sig. = .775$ ). Finally, Model 6 showed that as AGE ( $\beta = -.070$ ,  $t = -3.734$ ,  $sig. = .000$ ) and INCOME ( $\beta = -2.578$ ,  $t = -2.388$ ,  $sig. = .018$ ) decreased, satisfaction with *crime victim services* (CVS) decreased as well ( $\beta = -.002$ ,  $t = -.102$ ,  $sig. = .918$ ). Examination of the squared curvilinear correlation ( $\eta^2$  or  $eta^2$ ) will reveal the effect sizes of these relationships.

The formula for the ( $\eta^2$  or  $eta^2$ ) calculation for *satisfaction with tribal services* (SWTS) was as follows:

$$\eta^2 = \frac{SS_{between}}{SS_{total}} = \frac{.015}{63.179} = .0002$$

The formula for the ( $\eta^2$  or  $eta^2$ ) calculation for *quality of life* (QOL) was as follows:

$$\eta^2 = \frac{SS_{between}}{SS_{total}} = \frac{4.965}{61.429} = .0808$$

The formula for the ( $\eta^2$  or  $eta^2$ ) calculation for *crime victim services* (CVS) was as follows:

$$\eta^2 = \frac{SS_{between}}{SS_{total}} = \frac{4.952}{61.429} = .0806$$

According to Cohen's (1988) suggestion, the effect size for SWTS is rather small (barely approaching .01); whereas the effect sizes for both QOL and CVS were slightly above medium, surpassing the approximation of .06. In summary, in this second hypothesis test, the research hypothesis of a positive relationship between *satisfaction with tribal services*, *quality of life*, *crime victim services*, and *reports of victimization* was supported by the test results. Refer back to Table 2 for the results of these regression analyses.

### **Findings**

Using multiple types of quantitative analyses, it was determined that the *cultural values* measures taken together were a slightly more robust predictor of reporting victimization among this rural population than were the collective efficacy measures. In this study of reports of individual violent victimization, it was found that those individuals who reported a higher level of satisfaction with tribal criminal justice services and greater satisfaction with the tribal government's efforts to improve the quality of life on the reservation were more likely to report crime and victimization than those who negatively perceived the tribal services and the reservation lifestyle available to them. Moreover, as the study participants aged and their incomes grew, they became more satisfied with the tribal services and were more likely to report crime and victimization. These findings suggest that it may be more beneficial for receiving accurate reports of victimization and crime if common misperceptions of the tribal criminal justice system were improved among the Native population.

### **Discussion**

These findings are important because efforts to strengthen Native American Indian cultural values via federal mandates (including efforts to improve tribal criminal justice systems see *e.g.*, 42 U.S.C. Chapter 26, *Justice System Improvement*) to specific and/or targeted tribal groups may be more effective in reducing violent victimization (which may also result in increased reporting of victimization) within this population than would be efforts that only address the problem of under-reporting via generalizable, yet non-specific notions of community. Tribal groups have a vested interest in strengthening the perceptions of their services among their general membership. Because Indians centered on their own cultural values, it was thought they might then be more supportive of the services offered by their government. This idea is supported by the theoretical construct that posits shared community values might promote greater civic participation such that might include reporting victimization and other crime (Costa and Kahn, 2003). As tribal groups are vastly different in structure and function than those from which ideas about collective efficacy were derived, targeted policies to improve crime reporting that address their unique cultural characteristics may be more effective for indigenous tribal groups than in other groups.

### **Conclusion**

Alternative methods than those provided to Euro-American community members for increasing crime reporting by ethnic minority group members may require intensive focused strategies such as increased efforts by the police to represent the communities in which they work. Other policies might include open public sessions with those who are younger and have lower incomes to become more aware of the benefits of accessing, and in doing so, reporting crime or victimization they might experience. Certainly, methods used by mainstream social scientists to correlate phenomena occurring among Native American Indian groups may need to be better aligned with the characteristics found in these ethnic groups. Using measures that better reflect the values of the group under study may prove to be a more robust method for predicting who in said group reports victimization.

### **Endnotes**

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<sup>i</sup> The *Southern Ute Indian Community Safety Survey* was funded by a grant from the United States Department of Justice, Bureau of Justice Statistics (No. 2001-3277-CA-BJ). The views

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and opinions expressed herein are those of the author and do not necessarily reflect those of the United States Department of Justice.

<sup>ii</sup> In this report, Euro-American is denoted generally as being non-Indian.

<sup>iii</sup> For a complete discussion of the methodology used to gather the original data, see Abril, J.C. (2009). Crime and Violence In a Native American Indian Reservation: A Criminological Study of the Southern Ute Indians. Forward by Gilbert Geis, Past President American Society of Criminology. VDM Publishing House: Mauritius.

<sup>iv</sup> Many Indian respondents reported that they were unfamiliar with the *crime victim services* (CVS) offered by the tribe. This fact might account for at least part of the lack of association or at least in the reduced number of responses to this item.

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## **Illicit drugs & indiscriminate proliferation: The consequential and discourse analysis of substance abuse**

*Waseem Khan, Arab Naz,  
Nasim Khan, Sarfaraz Khan &  
Ikram Shah*

### **Abstract**

Drugs and illicit substances have resulted in obliterating effects over the social structure throughout the globe. This study is an attempt to illuminate the socio-economic and psychological impacts of substance abuse on the abusers. The study has been approached through literary, secondary and theoretical information that are further analyzed and applied in the area under study. In addition, the problem of substance abuse in this study is accessed through discourse analysis (elaborations of social learning theories), content analysis (in-depth study of the illicit substances i.e. alcohol, heroine, barbiturates) and framed under the theories of social process, learning and labeling. The study reflects and declares substance abuse, its production and selling as criminal conducts that are worth retribution and punishment.

**Keywords:** illicit drugs, addicts & co-addicts, criminality, retribution

### **Background of the study**

International tensions are augmenting with a rapid pace through variety of social and economic evils predominantly including the trafficking, supply and use of illicit drugs. The origins of some of these tensions are clear: rapid changes in political alignment, reduced family and community cohesiveness, increased unemployment, economic and social marginalization and increased crime (UNDCP, 1995:3). Whatever the reason in a given country, the lack of economic progress has put such countries in a financial bind and frequently placed severe restrictions on government services available to the most vulnerable segments of the population. In this context, both the nation State and its individual citizens have become more vulnerable to the temptations of money from illicit drug production and trafficking and to the acceptance of illicit drug profits by financial institutions or as direct investment (UNDCP, 1995:5).

Estimates and information of illicit drug production come from several sources primarily comprising of satellite mapping, ground surveys, agronomic characteristics or consumption figures and political factors

(Tullis, 1993:1). Although we have estimates of illicit drugs' production, yet the production figures for opium-heroin and coca-cocaine are not precise, rather gross amounts produced in various countries are estimated. Based on the integration of information from nine country studies, an expert Tullis (1993:12) has noted that 3045 tons (estimated) of opium is produced in nine countries where variables detract from the precision of attempt at assessment. Besides, this is not considered an estimate of world production for two reasons: (a) some countries have not been included in these estimates (Afghanistan, for example, had an estimated cultivation of 19,470 hectares in 1992 and produced 640 tons of opium that year according to the United States Department of State (INCS Report, 1994:2); and (b) many unexamined assumptions have been made in preparing these estimates.

In contrast to opium production, coca leaf and cocaine production take place in relatively few countries. The estimates made by the above-cited commentators are not highly divergent from those provided for coca and cocaine by the Department of State. The approximate total for the three producer countries (Peru, Bolivia and Colombia) are coca leaf, 330,000 tons, and cocaine, 322 tons. Several features of this picture are noteworthy: (a) the major production sources of drugs are quite varied, not limited to one or two producer countries or simply one region of the world; (b) according to 1992 GNP per capita data (World Bank Report, 1994:18), major production of opium and coca takes place in less developed countries, many of which have considerable economic, agricultural, political and social problems; and (c) according to all estimates, the total amount of production is extremely high. If alcohol and tobacco production amounts were added to those of opium, cocaine, cannabis and psychotropic drugs to form an aggregated estimate of addictive substances production, the picture that emerges is one of the enormous supplies of these substances. One commentator has described the illicit drug industry during the production phase, as "labor intensive, decentralized, growth-pole oriented, cottage-industry promoting, and foreign exchange earning - desirable features of rural development in economically stagnating areas" (Tullis, 1991: 57).

There were also major regional gaps in information in official reporting with respect to the nine-year period 1983-1991. The average percentages of countries actually reporting over this nine-year period were as follows: in Europe (74%), the America (51%), Middle East (46%), Asia and the Pacific Region (40%) and Africa (37%) (Report of United Nations

Secretariat, 1993:4). In the African region, only one-third have reported six or more times in the last nine years, which makes the region more susceptible and more prone to the evils of drugs because of difficulty in identification of drug related curses.

The mentioned facts evidently express that the whole world is exposed to the threats of substance abuse where the developing countries are among the worst victims including Pakistan. In this context, Pakistan's geographic location next to Afghanistan (the world's largest producer of illicit opium producer) places the country in a vulnerable position in terms of drug trafficking and abuse. Patterns of illicit drug production, distribution and abuse are variant due to social, economic and political developments. Such changes underscore the necessity of analysis and research on drug trends in the country and region as a crucial step in terms of policymaking and drug interdiction efforts.

#### **Statement and objectives of the study**

This research study aims to enhance the understanding of drug trends in Pakistan in order to place it within the wider context of global drug developments. The report of UNODC (2008:6) places Pakistan among the severe victims of drug availability, use and addiction, where a variety of substances in shape of opium, heroine, hash, cannabis and others are frequently used by masses. Resultantly, such use of different substances has adverse impacts over the social and psychological well-being of the users that need proper consideration.

The study is planned under a specific objective that elaborates the overall destination of the study:

This research study intends to investigate and highlight the consequences of substance abuse in terms of social and psychological well-being of the users that explicitly comprise of educational apathy, mal-health, financial loss, emergence of criminality, familial breakdown, mental feebleness, personality disorganization and anomic reclusion.

#### **Procedural process and theoretical approach of the study**

The study is predominantly based on secondary information collected through library sources, internet, and reports of the organizations (UNODC, UNS, UNDCP, INCS) working in the field of drugs and substance abuse. The literary information is framed qualitatively (that provides description of events and facts (Babbie, 2004) in relation to the

impacts drawn over the users. In addition, the problem is approached in historical context showing the production of illicit drugs in global context, which is further analyzed in Pakistan.

The term substance abuse and the production-distribution of illicit drugs are taken as the criminological actions that are jeopardizing the global community. In this connection, criminological theories of social process (social learning, social control & social reaction theories) are taken into consideration. The social learning theorists believe that crime is a product of learning norms, values and behaviors associated with criminal activity (Seigal:2007). In addition, the “Differential Association Theory” by Edwin Sutherland (1939), reflects that the criminal behaviors are learnt and is a by-product of interaction while it occurs within intimate groups through learning the techniques of crime that vary in frequency, duration, priority and intensity, which is ultimately the expression of general needs and values (Sutherland:1939). Further, under the umbrella of social learning, the “Differential Reinforcement Theory” by Ronald Akers and Robert Burgess expresses that the deviant and conventional behavior is learnt where people learn to be neither “all deviant” nor “all conforming” but rather strike a balance between the two opposing poles of behavior while this balance is usually stable, but it can undergo revision over time (Akers:1977). On the other hand, the social control theory believes that youth with poor self concepts are the ones most likely to engage in delinquent behavior, successful participation in criminality actually helps raise their self-esteem (Kaplan:1978;1980).

In such a run, the social reaction theory is worth-mention that emphasizes over labeling where the negative labels like trouble maker, mentally ill and stupid – help stigmatize the recipients of these labels and reduce their self-image while those who accept such labels are more prone to engage in delinquent behaviors than those whose self image has not been so tarnished (Adams et al; 2003). Such theories best exemplify and justify the objective of this paper that the nuisance of substance abuse is a learnt behavior (Differential Association and Differential Reinforcement theory) while these miscreants are also labeled in the society, who repeat their actions and become a threat for the society as a whole (Social Reaction or Labeling Theory).

Besides, the data sorted in the current paper is based on secondary data and empirical findings have been derived for the purpose to provide policy guidelines for policy makers and relative organizations working for

detoxification, rehabilitation and reintegration of the addicts. In order to clarify and make the secondary information more understandable; the researchers have drawn-out the impacts that are more prominently evident. In this regard the coming passages comprise of the impacts that are divided in various categories:

### **Substance abuse and its general consequences**

The use of drugs has a long history, which has numerous impacts over the users. With the passage of time drugs tended to change which altered the impacts as well. The famous physicians and Hippocrates (460-370 B.C.) recommended mandrake, taken with a little wine to relieve depression and anxiety (Blum et al. 1969). Further, the Chinese emperors recommended Marijuana as good for female weakness, gout, rheumatism, malaria, beri-beri, constipation and absent mindedness (Ray, 1978:392). In addition it has also been recommended by Spanish on their arrival to South America who found that the natives chewed coca leaves for stimulating effects of Cocaine (DeRios and Smith, 1977). Substance abuse as a social evil interferes in person's health, economic or social functioning upsetting a significant number of people (Henslin, 1996: 101).

Tolching (1988) reveals that the Surgeon General of US concluded after reviewing 2000 scientific articles that nicotine is as addicting as heroin. To justify such notion and draw the conclusion, Buerger's disease should be considered, which shows that:

*...the blood vessels become so constricted that circulation is impaired whenever nicotine enters the bloodstream. When gangrene sets in, at first a toe or two may have to be amputated at the ankle, then the leg at the knee., and ultimately at the hip. Somewhere along this gruesome progression gangrene may also attack the other leg. (Brecher et al. 1972:216).*

In the light of sociological analysis; the functionalist perspective emphasizes over physical or social dysfunction. Different drugs have different impacts whereas Nicotine causes dysfunction of lungs and other vital body organs; alcohol abuse leaves behind a trail of impaired health, poverty, broken homes, and smashed dreams while heroin, the barbiturates, and other addictive drugs create severe problems for addicts and co-addicts (Henslin, 1996:106). Furthermore, the dysfunctions also involve drug-related crimes, such as burglaries and muggings and to support addiction; unemployment (a result of the loss of job or not finding the job); extensive

medical costs due to illness and diseases; the spread of AIDS among addicts who share needles; the harm done to innocent victims of automobile accidents; and the loss to society of a vast reservoir of human potential as people retreat into drugs (Henslin, 1996).

Keeping the sociological analysis continue, the theoretical approach of the sociologist Andrew Karmen reflects drugs as social pacifiers and argues that:

*... Since narcotics pacify those who suffer most from mental and physical degradation, it's likely that some state members of the ruling circles have decided its benefits outweigh its costs (Karmen, 1980:174).*

Drugs as a multifunctional phenomenon have diverse effects that vary from person to person in relation to the type of drug used by him/her. In this regard Ray (1978) and Zablocki et al. (1991) express that there is no such thing as the drug experience, which do not simply “excrete” experiences rather, what a person experiences from a drug depends on several factors. Besides, Becker (1967) studied LSD (lysergic acid diethylamide) use, reports how expectations shape the content of hallucinatory drug experiences. He was of the view that when LSD first began to be used, new accounts frequently reported cases of psychotic reactions and suicide.

In addition, human psychology is always exposed to threats of drug use. It is earlier noted that alcohol-related motor vehicle accidents claim about 15000 lives every year by male drunk drivers. Here a question arises that why these accidents do not include young females or the elderly? Psychologist Peele (1987) points out that male culture views alcohol consumption as macho: a symbol of male potency, manliness and expression of bravado. In agreement to him the social Geographer Ronald Snow and sociologist Orville Cunningham (1985) suggest that excessive drinking among young males is related to their developing sexuality. Relationally, Katzenstein (1994:13) and Stipp (1994) express light drinking of alcohol greatly reduces the likelihood of heart attacks and aids the recovery for those who have them, but on the contrary, the heavy alcohol consumption increases a person's chance of a heart attack and of having problems with the endocrine, Metabolic, immune and reproductive systems.

Heavy drinkers also run a higher risk than non-mouth, esophagus, larynx, stomach, liver, lung, colon and rectum while people who both

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smoke and drink multiply their risk of developing cancer (Seventh Special Report 1990) while the use of cocaine cause impotency (Inciardi, 1986). More alarmingly, drugs use also lead to death of the user where the ratio increase with the excess in use (James, 1994:5). In addition, the recent informal estimates reflect that 200,000 drug-injecting-related deaths occur per annum based on the estimated size of the current world population of injecting drug abusers of approximately 5.3 million (WHO, 1993; & Frischer, 1994:4).

## **Social Impacts**

### **Augmentation in crimes**

Drugs production, preparation, use, selling and purchasing are in itself are criminal actions in most of the social structures of the world whilst it lead the users to indulge in further anti-social activities. Drugs like alcohol, cocaine and Narcotics have key role to affect the users as well as the society in the lager spectrum where narcotics are used for beneficial purposes like pain killing and curing the different diseases. It is a known fact that narcotics cause crime, prevent people from working and destroy health where Crack cocaine is a notorious example. Sociologists James Inciardi and Anne Pottieger (1994:273-292) studied Miami crack users found that the average crack use had committed 6000 crimes, just in three months where 98 percent crimes were illegal drug sales.

Besides, the research of Johnson *et al*, (1988) who interviewed 105 drug addicts, found that during 24 hours, the group had committed 46 robberies, 18 burglaries, and 41 thefts, and earned 7771 dollars out of which 75 percent of the amount went for buying drugs. The average street addicts conduct 150 non-drug crimes a year and inflict thousands of dollars of losses on victims (Johnson et al. 1985:185). On the contrary, the research of Winick (1961) reflects that the use of Narcotics is not the cause of these crimes nor do narcotics make people unproductive citizens, or destroy their health. Winick herein justifies his argument through exemplification of physician narcotic addicts whom do not mug, commit burglaries, prostitute themselves, neither stop working nor does their health deteriorate more than usual.

While in agreement to Winick, a physician Jerome Jaffe (1965) also argued that narcotics do not drive people to crimes, while some characteristics are common among street addicts, which are not the

consequences of narcotics. Jaffe studied physician addicts and concluded that

*The addict who is able to obtain an adequate supply of the drug through illegitimate channels and has adequate funds, usually dresses properly, maintains his nutrition, and is able to discharge his social and occupational obligations with reasonable efficiency (Jaffe, 1965).*

Relationally to the contrary arguments of Johnson *et al* and Winick, the United Nations Research Institute for Social Development (UNRISD, 1994) reflect that there is obviously a relationship between drug consumption and crime, although it is often not clear which is cause and which is effect. In principal consuming areas such as North America and Western Europe, psycho-pharmacological effects, economic-compulsive drives and systemic violence are considered the principal components of the drugs-crime link added by irrationality, excitement, agitation or impulsivity and corruption-criminality (UNRISD, 1994). In addition, users may become unable to control their anger and express it in the form of physical assault, including homicide while nearly half callers to a nationwide cocaine hotline in the US report the commission of violent crimes or aggressive acts like child abuse, murder, robbery, rape and physical assault (UNRISD, 1994).

Besides physical and psychological dimensions of criminality through drug use, the most of the property crimes have strong relation with substance use. Douglas and Speckard (1988) determine that after the addiction occurs, property crimes increase and narcotic use is further increased, which is justified as:

*...periods of curtailed narcotics-use produced by treatment, property crime levels are significantly reduced and become extremely low after termination of the addiction career (Douglas and Speckard, 1988).*

### **Substance abuse and familial-educational disruption**

Substance abusers lead their primary relations to co-addicts that draw adverse effects on their familial and educational well-being. According to the study of UNDCP (United Nations Drug Control Program, 1995) the fast-paced social, economic and technological changes present a challenge to the stability and influence of the family where family is source of protection for weak members, releasing tension and problems and provides a mechanism for social interaction. It is explored that such

functions and remunerations of the family and community are affected adversely by the use of drugs inside the family (UNDCP, 1995). Furthermore, Denise Kandel (1973) reflects that friends are more similar in their use of marijuana than the attitudes of parents. He observed that peer and parental influences are synergistic, with the highest rates of marijuana use being observed among adolescents whose parents and friends were drug users while the threat of addiction increases when parents abandon their traditional supervisory roles (Blum et al, 1972).

Besides, education is the principal means of preventing drug abuse and contributing to the learning and socialization of individuals (UNDCP, 1995). It is worth mention that use of drugs and specifically the cannabis which is the most widely used illicit drug (Tullis, 1991) has devastating consequences on educational status of the users. It is reported through researches that chronic or acute use of cannabis may result in preoccupation with the immediate present, an impairment of short-term memory and other mental functions, impaired tracking ability in sensory and perceptual functions added with adverse emotional and social development and impaired classroom performance of individuals (Thomas, 2003). It can be explicitly concluded that substance abuse can decrease cognitive operations, making it difficult for the youth to develop a functional set of values and ideals.

### **Impacts on employment and economic well-being**

Substance abuse marginally affects the employability and economic well-being of the users and co-addicts which reflected in the report of UNDCP in 2002 that the economic cost of drug abuse to the United States was 180.9 billion dollars (National Drug Intelligence Center, 2006). Alcohol clinches the top rank in most expensive drugs which hands 16 billion dollars a year medical expenses (Seventh Special Report, 1990) leading to the loss of employment, reduced productivity and alcohol-related crime, social welfare, that costs more than 100 billion dollars (Winslow 1995).

Besides, the most manifested effects of substance abuse are reported on health of abusers including suffering from hepatitis and HIV/AIDS through sharing the needles while injecting the drugs. It is identified that in 2004 over 3.5 million individuals aged 18 and older admitted to having injected an illicit drug during their lifetime (National Drug Intelligence Center, 2006). In addition, the effects of substance abuse on employability are obviously significant where many of the drug users are unable to attain

or hold full time employment and those who do work put others at risk particularly people working as airline pilots, air traffic controllers, train operators and drivers, where a minor degree of impairment could be catastrophic (NDIC, 2006). In this regard, the diagnosis of NDIC (2006) conducted a test which reports 5.7 percent of the drug tests of individuals involved in an employment related accident in 2004 were positive. Furthermore, businesses often are economically affected by substance abuser who sometimes steal cash or supplies, equipments, and products that can be sold to get money and buy drugs. Moreover, absenteeism, lost productivity and increased use of medical and insurance benefits by employees who abuse drugs affect business financially (NDIC, 2006).

### **Psychological Impacts**

Human psychology is undoubtedly regulates, stabilizes and adjusts human in society, which is notably more prone to external forces including substance abuse. Since very long, human is persevering to keep her/himself psychologically stable, for which s/he offers tactics, which sometimes lead the wrong direction as the world is a supermarket of psychoactive substances or drugs. Some of these drugs are legal, others are illegal, some are used recreationally, others are medically, some are safe if used correctly and dangerous if not, some people use drugs because their friends do or because their parents tell them not to, like wise some are seeking pleasure; they are seeking inner truth or escape (Rathus, 2008)

Drug addiction is not only the misery of developing or third world countries rather developed and civilized countries are also among the victims of such abuses which are affecting their function and smooth running. According to Wills et al., (2002) for better or worse, drugs are part of American life where young people often involve in substance abuse that impairs their ability to learn at school and are connected with reckless behavior. Further, it is indicated that alcohol is the most popular drug on high school and college campuses and more than 40% of college students have tried marijuana, and 1 in 6 or 7 smokes it regularly (Johnston et al., 2003).

According to the American Psychiatric Association (2000) that substance abuse has both behavioral and biological aspects where behavior is often characterized by loss of control and their dependence is typified by intolerance. Furthermore, substance abuse and dependence usually begin with experimental use among adolescents that bring catastrophe to the

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users' social, economic, spiritual and more prominently the psychological well-being (Chassin et al., 2000:223-231; Lewinsohn et al., 2000).

### **Conclusion**

Recreational drug use especially of synthetic or toxic drugs, is increasingly common that notably marginalizes the users, abusers and non-abusers in multi-aspects. The literary information emphasizes and illuminates that the substance abuse has become a nightmare and has got the shape of nuisance in the social order. This study in the light of literary evidences endorses that the substance abuse is alarmingly high throughout the globe and as a result the substance abusers are socially marginalized, economically deprived, educationally hampered, physiologically paralyzed and psychologically disabled.

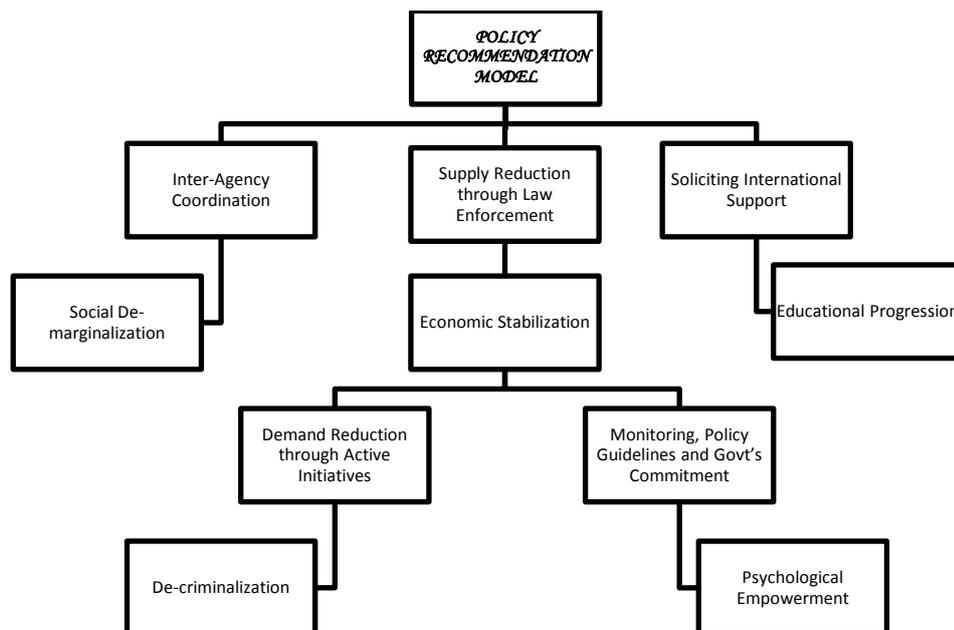
Although, the substance abuse has hundreds of impacts on the abusers a society, yet this study has focused on the social, economic and psychological consequences. In this connection, the study reveals that human status is highly stigmatized after dependence over illicit substances and the expected role is hampered. The educational well-being of the abuser is directly affected and most of the abusers usually drop-out in the earlier or medieval stages of their education. Besides, substance abuse bring havoc to the economic status of abuser and the authorities are compelled to spend extra amount on policy measures for hindering the drugs' proliferation, curing the health hazards produced by drugs and expenditure by the abusers.

Conclusively, the substance abuse directly targets the human psychology and makes the abusers insane and mentally feeble that further inclines them to indulge them in anti social activities. Criminological enterprises are emphasizes over the strong relation of substance abuse, mental feebleness and criminal conducts. In the nutshell, it is reflected that substance abuse is lying as a threat on the roots of development and advancement and hinders the individual and society to stabilize, strengthen and progress with elegance.

### **Policy Recommendations**

This study extends and suggests the following policy recommendations:

- Primarily, Pakistani borders needs sealing, proper check and retribution on producers and sellers because the law enforcement in Pakistan are not yet successful to control the supply of illicit drugs.
- The Role of Anti-Narcotics Force (ANF) is inevitably significant that needs empowerment and technology to identify the illicit drugs and clean-up the environment.
- Drug proliferation and its increasing havocs are the outcome of unawareness among the masses. In this regard, the awareness workshops, seminars and gatherings may bring intimation among the masses about substance's abuse its havocs.
- Religion plays a significant role in bringing social order and social control in society. The religious leaders should understand and play their due role to manifest the religious interpretations in terms of drug use, production, and selling.



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## **Heterodoxy in conflict resolution Case study of fire arms in Pakistan**

*Waseem Iftikhar*

### **Abstract**

Past four decades have been tumultuous for security law and order in Pakistan. Sharp rise in violence and insecurity besides other factors can be attributed to Small arms and guns. As per one estimate there are almost twenty million small arms in Pakistan, out of which nearly seven million are registered. Certain parts of Pakistan allow weapons as part of their culture and will not give up arms at any cost. The rampant display and show of force with firearms in open by the elite as well as elected representatives has created a class difference between the “have” and “have nots”. Debate and reflection of multiple solutions about firearms leave Pakistan with only untired option; to declare possession of weapons as a constitutional right. This paper focuses on the issue of uncontrolled weapons and discusses the results of a survey carried out on this area of grave concern. It aspires to propose a solution which may sound unorthodox but probably is the only novel option left in Pakistan. This heterodoxy will bring relatively better control resulting into a more egalitarian approach to a problem that is getting exacerbated by the day.

**Keywords:** Firearms, Pakistan, Heterodoxy, Conflict Resolution,

*"The strongest reason for the people to retain the right to keep and bear arms is, as a last resort, to protect themselves against tyranny in government." Thomas Jefferson*

### **Introduction**

Small arms are one of the gravest problems for Pakistan with a steady rise in graph since the Russian Invasion of Afghanistan. Under Regan Doctrine(Phillips, 1986), almost all factions of Afghan resistance to Soviets aggression were armed in order to make the war costly, effective and seek quicker results. Influx of AK 47 (Kalashnikov) in Pakistan has not only challenged the cultural values of the nation but shaken human security to the core. The problem got further compounded by lost weapons containers transiting for NATO and US through Pakistan(Rana, 2011). Certain traditional connexions are also associated to possession of weapons in certain parts of Pakistan. Nation owns estimated 20 million

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small arms out of which almost 7 million are licensed(Khan, 2013). Under the Supreme Court orders Sindh Government launched a whopping Rupees 100 Million anti-illegal weapons campaign and in one month were successful in confiscating only 18 weapons(Khan, 2013). A 2011 Suo Motu notice by Supreme Court of Pakistan pointed out 180,956 licenses of non-prohibited bore issued by the Government of Sindh whereas 46,114 licenses of prohibited bore and 1,202,470 licenses of non-prohibited bore issued by the Ministry of Interior, Government of Pakistan(Choudhry, 2011). From 2008 to 2013, total of 342 Members of National Assembly (MNAs) received 69,473 Prohibited Bore licences – almost 203 weapons per law abiding legislator(Sadiq, 2013). The gravity of the problem years for heterodoxy in policy formulation. This paper aspires to explore the options available in Pakistan so that the state grip on issue of weapons is tightened and practically germane.

### **Theory of Societal Change**

Current law and order situation in Pakistan can be attributed to societal trauma witnessed by the nation in past almost four decades. Multiple factors have left lasting imprint on cultural and traditional values and brought about changes that were unexpected and undesirable such as Kalashnikov Culture. Excessive display and ownership of small arms by few and others desiring to do same has literally created classes of “have” and “have-nots”. This deprivation gap between the two is increasing due to easy access, political affiliations as well as exposure to previously hard to acquire technologies and instruments of conflict. Pakistani society has witnessed more than its fair share of disturbance, lawlessness and terrorism not to mention over flow of weapons.

Paris Roland in his book *At Wars End* has argued, that any process of transformation of a society which has just emerged out of civil war into a liberal market economy and well reformed democracy will be extremely tumultuous and institutional capacity needs to be built before such reforms can be ordained(Paris, 2004) It is necessary to develop democratic social institutions before aspiring for lasting peace in societies which have just emerged out of a trauma. The democratic process can only be sustained if it is ready to harness existential conflict energy and transform it into positive vigor for lasting peace.

The fragility and sensitivity of the issue of gun control in Pakistan needs to be reflected in the light of aforementioned theoretical aspects of societal vicissitudes. As proposed by the Theory of Social Change,

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institution building and long term planning is the most plausible solution for Pakistan. With second consecutive democratically elected government in place, emphasis in Pakistan needs to be shifted towards institutional capacity building and inclusive policy formulation. Like any other society emerging out of prolonged trauma, Pakistan merits deliberate efforts on part of government to institutionalize new reforms over a long period of time or else it will risk to further destabilize the society and increase violence.

Legislative changes being proposed in this research are vital and demand prudent handling. Hence, before embarking upon a well agreed framework for updating the Gun Laws in Pakistan it would be apt to plan this journey rather systematically. The foremost concern in this regard is educating masses. This education doesn't mean regular schooling, rather enlightening masses on the impending debates and societal changes related to the possible constitutional amendments declaring gun possession as a Right. Masses need to be educated on guns, weapon control and their legal rights pertaining to possession and display of such weapons notwithstanding lethal side effects. Extensive long term (minimum 3 to 5 years) campaigns need to be promulgated through multiple communication channels. This could be achieved through electronic media and print media campaigns, awareness drives through social media and internet, advertised messages through radio and through Short Messaging Service (SMS) over the cell phones etc.

### **Regulatory Decay**

There is no dearth of laws on weapons and they have been in place, ambitious to be enforced since 1877. The Arms Act of 1878 (The Act XI of 1878) para VI (19) states that, "the person in possession of illegal weapons will be punished by three years in prison and fine or both"(Act, 1878). This law stayed in place even after creation of Pakistan and was rather reinforced in 1965 when "The Arms Ordinance" increased the punishment to 7 years in prison or fine or both(Ordinance, 1965a). In 1991 the law experienced further severity and the punishment for possession of illegal weapons was increased to life in prison, confiscation of moveable and immovable property or both(Secretariat, 1991). Ostensibly these laws are shockingly intense especially when seen through the decay prism.

Prohibited Bore category of weapons includes all Shotguns with a barrel length lesser than 18" and magazine capacity of more than 30 bullets, fully automatic or machine pistols with a magazine capacity of more than

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22 bullets, and pistols or revolvers over 0.45 inches calibre. It also includes all weapons being used by Armed Forces (7.62 mm, mortars and light or regular machine guns etc.). Similarly, Non-prohibited bores include pump action single or double barrel shotguns gauges 12, 16, 20, 28 and 410 with cartridge capacity of not more than 9 and pistols or revolvers of less than 0.45 inches calibre and capacity of less than 22 bullets(Sarfraz, 2014).

Rampant law and order situation makes it evident that either masses as well as elite are ignorant of these laws or those in possession of weapons don't care much about these laws. Other than few yearly newspaper advertisements, government seems to have failed in executing these laws. This gross neglect indicts government in uncontrolled display of weapons and issuance of licenses. To make the matter worst security has been relegated as the organizational responsibility (Security enhancement measures after Peshawar School attack of December 16, 2014 being case in point)(Waris, 2015).

This research argues that possession of small arms of non-prohibited bore including all rifles, revolvers and pistols etc. be institutionalized and permitted across the board and a Right. Ownership of automatic weapons however may be allowed to officials of Armed Forces or law enforcement officials only. This Right of Possession of Small Arms needs to be enacted through a constitutional amendment.

### **The Dilemma**

In the absence of security provided by the state and loss of faith in political leadership, masses tend to feel chaotic and resort to methods of creating self-defence relying on personal safety and protection networks. After Peshawar School attack, government asked all educational institutions to beef up their passive as well as active security measures including armed guards at school premises and weapons training of both teachers and students. Ironically, the law prohibits possession and display of any weapons at educational institutions(Ordinance, 1965b). Finding the solution to this dilemma has been left to the best imagination of schools and other educational institutions.

The ease of access in quality and quantity of arms availability makes the disarmament argument irrelevant. When the state fails or refuses to provide basic human security there are limited choices left with people. People feel threatened not because they are armed – they arm themselves because they feel threatened through legal as well as illegal means. The

root causes of each conflict are multifaceted and multifarious and it is naïve to blame any single aspect. The exacerbation in violence and absence of peace can be attributed to causes including financial and social, greed and grievance, political and personal etc. and not to weapons alone. Unless a divergent solution is proposed, brushing any protracted conflict under the rug never resolves it. Small arms are weapon of choice for drug paddlers, smugglers, criminals as well as for security personal.

The argument about presence or absence of conflicts with firearms being main cause seems baseless on multiple grounds. Conflicts and violence have existed in human society since eternity and long before the small arms were invented. Even one of the most peaceful societies like Norway has experienced violence (Andres Breivik Case in point)(Buchanan, 2012) which means that while small arms may certainly facilitate violence they rarely are main cause of a conflict.

In 2011, a bill was floated in Pakistan National Assembly to outlaw the guns in Karachi which was opposed by Muttahidda Qomi Movement (MQM) on the argument of ease of proliferation. The next day another bill was launched in Assembly by MQM demanding outlawing guns all over the country which was opposed by Awami National Party (ANP), Muslim League Nawaz (MLN) and Jameat-e-Ulema-e-Islam Fazal-ur-Rehman (JUIF)(Abbas, 2011). Initiation and opposition leading to failure of passage of these bills can easily be interpreted as support for firearms possession and anti- disarmament stance of these parties, thus facilitating the legislation process owing to prevalent support.

### **On Disarmament**

As mentioned above, firearms may aid the crime but the motive rests elsewhere – a fact that is applicable globally. In Rwanda Genocide where the death toll was more than 800,000 the weapon of choice was not guns but machete(Kuperman, 2000). Between 2000 and 2012 there have been 334,168 gun related deaths in USA, average of 27,847 fatalities per year(Cohen, 2013). The data from 1950 to 2000 reveals that rate of homicide reached highest number of 24,703 in 1991 but then fell down to the 1960s level of 15,552(Alexia Cooper, 2011). These figures show that the real reasons for excessive rate of homicide is not the presence of guns but multiple social, cultural, religious and other conflictual issues. The argument supporting traditional approach of buy back or voluntary deposit of the guns has been refuted in multiple countries such as Australia, Brazil and Argentina etc. After 1996 Port Arthur killing of 35 people(Webster,

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2013), Australian government's buyback program culminated in smelting of almost one million weapons. Since Australians import 100% of their weapons, by middle of 2012 they had same number of guns as they had before Port Arthur shooting. In almost 16 years they imported latest and better quality 1,055,082 firearms averaging 65,943 per year(Webster, 2013).

Similarly a study carried out on the buyback program in Argentina suggests that the conclusions are mostly ambiguous(Lenis, 2010). Logically the crime is likely to go down if the criminal knows that the victim might possess a weapon as well, therefore if a portion of population decides to surrender their weapons criminals are least likely to follow suit keeping crime rate higher. Counter argument to this however, is that the gun fatalities are likely to go down in absence of the guns, a claim that is again refuted by Rwanda genocide.

In Pakistan laws have failed due to lack of implementation, buy backs have not worked, every crackdown by the law enforcing agencies brings even a larger number of guns and the state has tried all traditional methods to hush the unruly undercurrents on the issue – the last resort left with the state is to allow firearms as a constitutional Right. The only hindrance notwithstanding absence of common sense, is the elitist ego and an unfounded paranoia on the part of state apparatus.

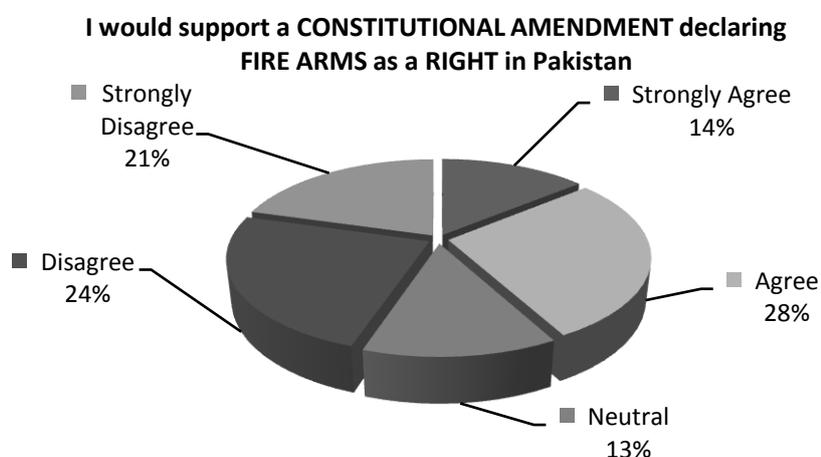
As part of this proposal, display of weapons needs even more stricter rules and needs to be treated as a taboo. In societies like USA, where 2nd Amendment provides everyone a right to possession of weapons, there is a very strict law on display of weapons in public. In Pakistan, certain high ranking officials and elites afford themselves the perk to move with dozens of armed gunmen displaying, pointing and at time waving these weapons in public even in presence of children and women—a practice that can clearly be labelled as structural violence against those who don't own weapons or don't display it.

Making the ownership a Right doesn't make it obligatory for everyone to own a weapon. In fact this can be a great opportunity to harness the issue and take account of every weapon already held, or manufactured/imported, making every weapon traceable. Understandably, the initial graph of violence might show an upwards trend but more likely than not, this certainly will fall back to normal if not below that with the passage of time.

### Survey Findings

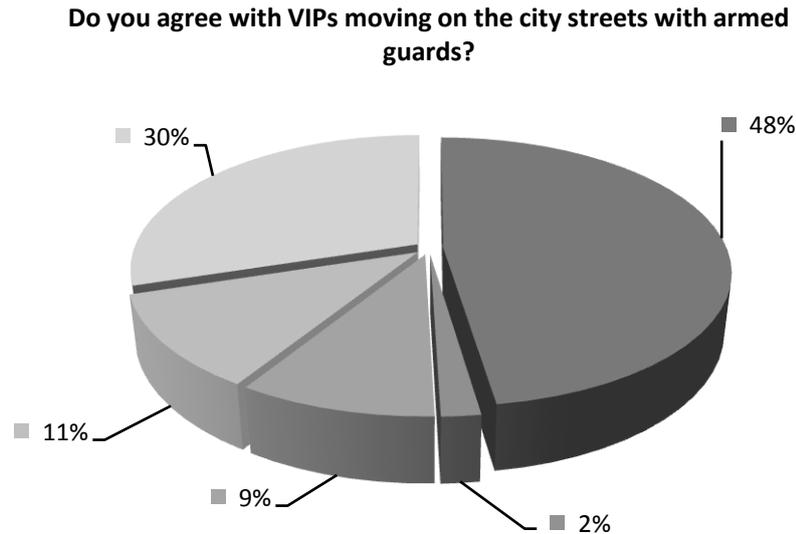
To substantiate affirmations being made in this research a survey(Iftikhar) was conducted using random sampling methods, both online as well as in person. Total 107 respondents (82 Male and 25 Female) were surveyed with age group varying between 18 years and 75 years. Survey focused on ten questions and answers were mostly sought using Likert Scale. The questions generally focused on issues relating to gun ownership, reasons for aspiration to own (or not to own) weapons, declaration of gun possession as a Constitutional Right in Pakistan, causes of excessive weapons in society and movement of elite with weapons etc.

Total 59% of the respondents want to own a weapon while only 8% strongly disagreed. Out of those who want to own the fire arms 59% want it for their personal safety and security, an allegation stemming from the fact that state has increasingly absolved itself from any responsibility to provide basic human security to masses. Question was asked using Peshawar Army Public School attack as reference for security at educational institutions. More than 80% of the respondents desire posting of the armed guards outside school institutions for the fear of lack of security for those attending educational institutions.



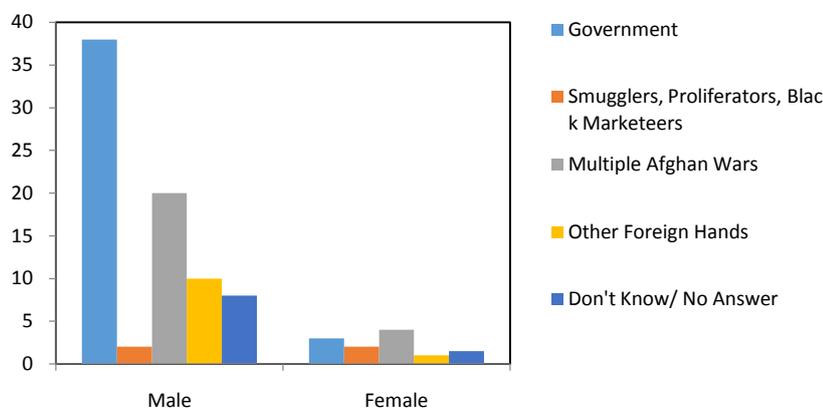
On the question of declaring gun possession as a Right through constitutional amendment, 42% agreed while 45% disagreed, with 13% remaining neutral. The proposals being made in this research in light of Theory of Societal Change can offset the reservations of those 13% lacking clarity in decision making on the issue and can evidently swing in a

more convincing direction, making a significant difference towards fulfillment of the proposals of this paper.



On the question of VIPs moving with weapons a whopping 77% disapproved of the act while only 12% granting them this luxury and another 11% remaining neutral. The resentment takes its roots from the notion that those responsible for provision of safety and security to general populace remain worried for their own lives more than those who get them elected to the office. This antipathy against the elected representatives and high officials is the product of institutional weakness when seen through the prism of Theory of Societal Change and remains a formidable challenge for Pakistan.

On apportioning the blame for excessive guns in society, male respondents mostly thought it to be government failure, while female participants considered multiple Afghan wars as the main cause. These numbers make enhanced awareness campaign obligatory before fresh gun laws can be promulgated.



### Recommendations

A Firearm Ownership Regulatory Authority (FORA) needs to be created as a wing of National Database Registration Authority (NADRA). While this organization needs to have an effective task force that needs to work in close collaboration with the Police Department – further modalities on improvement of policing of issue making use of the Motor Way Police Model, have sufficiently been discussed by multiple authors and can only be over emphasized here. FORA should ensure weapons accountability. The lethality of the proposed solution merits tough implementation and punitive actions across the board.

Allowance and possession of weapons as a Right will serve many purposes. Firstly, legal import, purchase and possession will allow government as well as gun buyers/sellers will make every weapon perceptible. Secondly it will effectively shut down the black market for weapons manufacturing and sales. Thirdly, it will make enforcement and random checking of the weapons easier, effective, and meaningful since FORA task force would integrate and assimilate into the existing policing system and NADRA. Fourth, possession of weapons will help in reduction of gun related violence since criminals would expect victims to possess weapons. Fifth, the customary possession of weapons in FATA can serve as a role model for absence of street crimes and safe possession of weapons by almost every household. Six, Western model of traffic Police salaries being generated out of violation tickets money can be replicated for FORA. Finally, there is a large number of light engineering expertise available in traditional gun markets of Khyber Pakhtunkhwa as well as Baluchistan. The knowledge and expertise of these individuals can seamlessly be

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integrated in the overall gun manufacturing industry under government auspices, which can help streamline this industry as private enterprises, generate much needed revenue and add considerably to export of quality weapons.

The constitutional changes being proposed in this research expect a strong rebuttal from certain quarters of society, especially the elite. There may thus be a requirement to systematically float and implement this proposal through legislation and if possible through a referendum. Government will have to muster rigorous efforts to bring around this change the only untried solution to harness illegal weapons Pakistan.

### **Conclusion**

Enlightenment in promulgating fresh laws for the land are the only way forward for Pakistan. Traditional buyback and crack downs have not worked, MNAs and other high officials continue to blitz the street with dozens of armed guards, political parties keep adding to stacks of the firearms, tribal belt doesn't want to give away their weapons – the only option left for an egalitarian solution for firearms is to declare its possession a Right. It is about time we tried heterodoxy in resolution of this conflict and harness the problem for future. This research has suggested legislation on Right of Possession of Firearms after sustained educational media. Those of us who still believe that it is possible to harness the issue through buybacks, crackdowns or any other methods of disarmament need to recheck the realities on ground. To cap in George Bernard's words, "give arms to all men who offer an honest price for them, without respect of persons or principles: to aristocrat and republican, to Nihilist and Tsar, to Capitalist and Socialist, to Protestant and Catholic, to burglar and policeman, to black man white man and yellow man, to all sorts and conditions, all nationalities, all faiths, all follies, all causes and all crimes."(Shaw, 2005).

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**Satisfaction with Native American Indian tribal criminal  
justice services and perceptions of crime seriousness:  
A research note**

*Julie C. Abril*

**Abstract**

Little work examines perceptions of criminal justice services provided by Native American Indian tribal governments to their citizens and the relationship these attitudes might have with communal views of crime seriousness. In this study, measures of perceptions about the police, court and crime victim services are tested to understand if and how closely they are associated with beliefs regarding crime. Data collected during the Southern Ute Indian Community Safety Survey are used to answer these and other related questions. Most study respondents had negative sentiments about the tribal criminal justice services while they also held severe views toward violent and alcohol-related crimes. This finding suggests that while people in this study held strong views against crime, they probably did not feel that their concerns about such were being adequately addressed by the local tribal government.

**Keywords:** perceptions of crime, crime seriousness, reporting crime, tribal services

**Introduction**

Little work has been conducted that examines perceptions of criminal justice services provided by Native American Indian tribal governments to their citizens and the relationship these attitudes might have with communal views of crime seriousness. In this study, measures of perceptions about the police, court and crime victim services (as well as measures that reflect efforts to improve the quality of life on the reservation) are tested to understand if and how closely these are associated with beliefs regarding the seriousness of a variety of general types of crime. Data collected during the Southern Ute Indian Community Safety Survey were used to answer several questions about the relationships of the attitudes of the tribal citizenry toward official governmental services. The larger hypothesis that drives this work is the idea that as views of tribal criminal justice services increase, perceptions of crime seriousness would increase as well.

### **Previous Work**

Much work has been focused on how urban citizens perceive various governmental services (Linder & Peters 1989; Welch, et al 2005; Carter & Belanger 2005). Indeed, this work has allowed for positive changes in public policies (Hung, et al 2005; Berlinger & Carter 2008) and development of newer, more precisely focused efforts to address civic concerns about rising crime and victimization occurring within the larger communities (Shaw 2007) and smaller neighborhoods within these areas (Willard & McGrath 1995). This work, however, has been predominantly focused on issues relevant to urban centers that tend to have a multi-cultural and multi-ethnic population base (Sampson, et al. 2005). Other work has sought to expand this knowledge base to include rural area communities and neighborhoods (Yagnik & Teraiya 1999) as well as views held by a variety of ethnically and racially diverse individuals (Peterson & Krivo 2005). During the search of the literature, no studies were found that sought to address perceptions of government services provided by tribal councils (the recognized governmental entity) to members of Native American Indian tribal groups living on reservations. The present study seeks to fill this void.

Similarly, much work on perceptions of crime seriousness permeates the criminological literature (Roth 1978; Stylianou 2003). A larger portion of this work surrounds the views of crime held by the dominant ethnic group which is usually Euro-American based (Warr 2006). Others have attempted to focus their work on the views of crime seriousness held by African Americans (Vogel & Meeker 2001), Hispanic Americans (Bedard, et al 1994) and Asian Americans (Kwan et al 2002). Abril (2007), however, offered a singular examination of perceptions of crime seriousness, cultural values, and collective efficacy between Native American Indians (hereafter, Indians)<sup>i</sup> and non-Indians who live within the same reservation community. It was discovered that Indian cultural values were significantly associated with perceptions of crime seriousness among this indigenous population. It was this finding that motivated the present inquiry regarding views of tribally-provided criminal justice services and communal attitudes toward crime. It was hypothesized that because the respondents in the earlier study reported they felt strongly about their cultural values that they would also feel strongly about the criminal justice services provided to them by their tribal council. It is this premise upon which the present work is situated.

## **Methodology**

The Southern Ute Indian Community Safety Survey (SUICSS) was a study of crime and violence occurring on and around the Southern Ute Indian reservation, located in rural southwest Colorado, USA. The nearest municipality to the reservation is Durango, CO. The SUICSS consisted of a 72-item questionnaire survey completed by 667 residents of rural Colorado and 85 structured personal interviews conducted with American Indian tribal members. The populations under study were Native American Indians and non-Indians. The survey instrument was mailed to adult tribal members (Indians over the age of 18) whose addresses were obtained from the Southern Ute Tribal Council. The entire list of enrolled adult tribal members and their contact addresses were contained in the listing obtained from the Tribal Council. There were approximately 1,100 adult Indian tribal members surveyed in this study; these Indians were sent the questionnaire and a request for a one hour long personal interview with the author. The respondents were compensated \$10.00 for each completed questionnaire returned to the author. Indians self-selected for the structured personal interviews were compensated \$50.00 following the interview. Only Indians were selected for personal interviews. A control sample of non-Indians was derived from the La Plata county voter registration list; a list that contained only adults over the age of 18. There were approximately 900 non-Indians who were sent the survey instrument but were not queried for a personal interview. As study funds were limited and the data gathered from the Indian sample was perceived to likely be unusually unique, it was determined that only Indians should be interviewed about their perceptions of their own tribal services. The study sample contained 312 tribal members and other people who self-identified as Native American Indian as well as 355 non-tribal members who reported membership in varying ethnic groups, with the dominate group being Euro-American based.<sup>iiiiii</sup>

## **Measures**

### *Evaluation of Tribal Services*

Satisfaction with tribal services was measured by seven (7) items that asked the respondents to evaluate several of the tribal services offered to community residents. The seven items were as follows: *How satisfied are you with the Southern Ute police department?*; *How satisfied are you with the Southern Ute Tribal Court?*; *How satisfied are you with the Southern Ute Crime Victim Services?*; *How satisfied are you with the Southern Ute Community Action Program (SUCAP)?*; *How satisfied are you with the Southern Ute Tribal Council?*; *How satisfied are you with the*

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*Southern Ute per capita payments?; and, How satisfied are you with the Southern Ute retirement benefits?* Each item asked the respondents to rate each service with a Likert-style scale ranging from 0 to 4; with 0 indicating *neither satisfied nor dissatisfied / no opinion*; “1” indicating *very dissatisfied*; “2” indicating *dissatisfied*; “3” indicating *satisfied*; and, “4” indicating *very satisfied*. Higher scores meant more satisfaction with the service. The new combined variable was labeled “SWTS” (Satisfaction with Tribal Services).

The measures were then stratified into two additional groups to measure *services for crime victims* and *quality of life*. The items used to measure *services for crime victims* were: the police department, the tribal court, and the crime victim’s services. The measures for *services for crime victims* had a possible range of 0 – 15. The items used to measure *quality of life* were: community action program, tribal council, per capita payments, and the retirement benefits. The measures for *quality of life* had a possible range of 0 – 20. Higher scores meant more satisfaction with the service.

#### Perceptions of Crime Seriousness

Perceptions of crime seriousness were measured by asking the respondents to evaluate a variety of commonly-occurring crimes ranging from murder to petty theft to drunk driving. These crimes were measured by a Likert-style scale that had a possible range of 0 – 5; with 0 meaning *no opinion*, 1 meaning *not serious*, 2 meaning *somewhat serious*, 3 meaning *a little serious*, 4 meaning *serious*, and 5 meaning *very serious*.

The crimes were then categorized into four different groups: ALL CRIMES combined, VIOLENT crimes, PROPERTY crimes, and ALCOHOL-RELATED crimes. The combined crimes category had a possible range of values from 0 – 80. VIOLENT crimes consisted of a variety of violent personal offenses that included murder, robbery, rape, beating, pushing, grabbing, and shoving, and a man beating his girlfriend and a woman beating her boyfriend. The violent crimes category had a possible range of 0 – 35. The PROPERTY crimes included grand theft, petty theft, theft of tools, auto theft, vandalism, and business cheating consumers. The property crimes category had a possible range of 0 – 30. ALCOHOL-RELATED crimes included *people drinking alcohol in public*, *drunk driving*, and *driving a car after having a few alcoholic drinks*. The alcohol crimes had a possible range of 0 – 15. Higher scores meant a more serious perception of the crime.

The property and violent crimes identified in the instrument are generally known crimes in that they are commonly referenced by the local populace and often appear in other studies about perceptions of crime (Levi & Jones, 1985; Smith & Hill, 1991; Vogel & Meeker, 2001). Alcohol-related crimes were included in the instrument as there is much evidence that substance abuse (particularly, alcoholism) is a significant irritant among many Indian groups (Dick, Manson, & Beals, 1993; Hisnanick, 1992; May, 1996, etc.).

### Demographic Variables

Ethnicity, age, income, and gender were used as demographic variables in this analysis. Ethnicity was measured by reports of an Indian identity. Those claiming an Indian identity were identified as INDIAN. All others were classified as NON-INDIAN. AGE was measured by checking a box that indicated the respondent's age in increments of about ten years; such as *17 or younger*, 18 - 29, 30 - 40, 41 - 50, 51 - 60, and *over 60*. Annual household INCOME was measured by increments of about USD\$10,000 from *less than USD\$5,000* to *more than USD\$75,000*. GENDER was measured by the respondent indicating either MALE or FEMALE.

### **Data Analysis**

Because most of the tribal services are only offered to enrolled tribal members, in this analysis only those views of crime seriousness held by members of the INDIAN group ( $n = 312$ ) were examined. Responses from members of the NON-INDIAN group were excluded from all analyses. The variables that constitute *tribal services* and *perceptions of crime seriousness* are both dependent (Y) variables in this initial correlation analyses.

The first level of analysis included identifying and describing the data from this study. Among the predominantly female respondents, most were between the ages of 30 and 40 years and had annual household incomes that averaged USD\$31,409. The median annual household income for the community surrounding the reservation at the time of the study was USD\$39,313. Table I presents the descriptive data from this study.

Table I: Descriptive Statistics

Ethnicity (N = 667)
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Indian $n = 312$			
Gender			
Female $n = 186$			
Male $n = 126$			
	Range	Mean	SD
Age	<17 - > 60	3.90 (30 – 40 yrs)	1.357
Income	< \$5,000 - > \$75,000	USD\$31,409	USD\$24,101
Satisfaction with Tribal Services	0 – 35	13.73	8.061
Crime Victim Services	0 – 15	4.92	4.253
Quality of Life Services	0 – 20	8.81	5.204
All Crimes	0 - 80	67.18	11.812
Violent Crime	0 – 35	30.25	5.688
Property Crime	0 – 30	24.06	5.566
Alcohol-related Crime	0 - 15	12.29	2.653
Median household income for La Plata County, CO USA at time of study was USD\$39,313.			

In the second level of analyses, *t*-tests were employed to determine the differences between the sample means because two independent samples were used (*satisfaction with tribal services* and *perceptions of crime seriousness*). The research hypothesis tested here is that the mean scores that rated satisfaction with tribal services would be similar to the mean scores derived from the ratings of perceptions of crime seriousness. The results of the first round of testing included the following: SWTS and all crimes combined ( $t = 19.850$ , sig. = .000); crime victim services and all crimes combined ( $t = -36.493$ , sig. = .000); and, quality of life and all crimes combined ( $t = -28.422$ , sig. = .000). The results of the second round of testing included the following: SWTS and violent crime only ( $t = -29.080$ , sig. = .000); crime victim services and violent crime only ( $t = -86.589$ , sig. = .000); and, quality of life and violent crime only ( $t = -83.682$ , sig. = .000). The results of the third round of testing included the following: SWTS and property crime only ( $t = -18.625$ , sig. = .000); crime victim services and property crime only ( $t = -69.553$ , sig. = .000); and, quality of life and property crime only ( $t = -66.803$ , sig. = .000). The results of the fourth round of testing included the following: SWTS and alcohol-related crime only ( $t = 3.092$ , sig. = .002); crime victim services and alcohol-related crime only ( $t = -66.281$ , sig. = .000); and, quality of life and alcohol-related crime only ( $t = -62.156$ , sig. = .000). As showed here, all combination of variables have statistically significant differences

between the compared sample means. This means that there are significant differences between *satisfaction with tribal services* and *perceptions of crime seriousness*. Therefore, the research hypothesis is rejected at the .01 significance level and the alternative hypothesis (i.e., that there are differences between the means) is retained.

In the third level of analyses, one-way ANOVA tests were conducted to determine if there was an interaction between the sample means of the categorized independent variables. Table II presents the results of the ANOVA analyses. We can observe in the table below that based on the Levene's test (which is the analyses of variance of the absolute deviation scores provided in the ANOVA test), that the *quality of life* measures significantly interact with stronger (i.e. more severe) perceptions of *violent crime only* ( $F$ -test = 2.917,  $df = 4$ , sig. = .022) (Rosenthal & Rosnow 1991). As this was the only significant interaction detected among the various possible relationships, an estimate of the effect size in this singular relationship was queried. To determine the size of this interaction, a squared curvilinear correlation ( $\eta^2$ ) was calculated to be about .04; which indicates that the interaction effect was about medium using Cohen's (1988) rule of thumb to interpret effect size (Witte & Witte 1997). The formula for this calculation was:

$$\eta^2 = \frac{SS \text{ between}}{SS \text{ total}} = \frac{368.447}{10061.997} = 0.03661$$

Table II: ANOVA: Satisfaction with Tribal Services (SWTS) by Perceptions of Crime Seriousness (Indian Only  $n = 312$ )

	Sum of Squares	$df$	Mean Square	F	Sig.	Levene Statistic	Sig.
SWTS / All Crimes Combined	12.215	33	.370	.718	.875	2.490	.000
Crime Victim Services / All Crimes Combined	.208	3	.069	.137	.938	.311	.817
Quality of Life / All Crimes Combined	2.795	4	.699	1.404	.233	3.992	.004
SWTS / Violent Crime	772.973	33	23.423	.701	.891	1.214	.203
Crime Victim Services / Violent Crime	133.707	3	44.569	1.383	.248	.434	.729
Quality of Life / Violent Crime	368.447	4	92.112	2.917	.022	4.980	.001

SWTS / Property Crime	559.642	33	16.959	.519	.987	1.471	.052
Crime Victim Services / Property Crime	77.749	3	25.916	.835	.475	.107	.956
Quality of Life / Property Crime	145.157	4	36.289	1.174	.322	3.430	.009
SWTS / Alcohol-related Crime	265.583	33	8.048	1.163	.255	1.669	.015
Crime Victim Services / Alcohol-related Crime	31.366	3	10.455	1.493	.217	.736	.531
Quality of Life / Alcohol-related Crime	34.935	4	8.734	1.245	.292	.705	.589

In the fourth level of analyses, contingency tables were constructed to determine if there were any relationships between the core variables. Chi-square ( $X^2$ ) tests can reveal whether the observed distribution of opinions is significantly different from what we would expect to occur by chance (Vito & Blankenship 2002). As in the previous tests, the contingency tables revealed only one statistically significant relationship between the *quality of life* measures and stronger (i.e. more severe) perceptions of *violent crime* ( $X^2 = 126.390, df = 100, sig. = .038$ ).

In the fifth and final level of testing, simple linear regression analyses were conducted to predict which of the core variables are significantly correlated. The direction and magnitude of the correlation may also be revealed in a simple linear regression model (Vito & Blankenship 2002). In these analyses, *satisfaction with tribal services* is the independent ( $X$ ) variable and *perceptions of crime seriousness* is the dependent ( $Y$ ) variable. It was hypothesized here that as satisfaction with tribal criminal justice services increased that perceptions of crime seriousness will increase as well, i.e., that a positive relationship exists. To determine if any significant relationships occurred in these regression models, the *Pearson's r* is used (Rosenthal & Rosnow 1991). Because most of the regression models did not initially reveal statistically significant correlations, only six combinations of variables that were significant are discussed here. The significant variables were the three measures of *satisfaction with tribal services* ( $X$ ) and *violent* and *alcohol-related* ( $Y$ ) crime only. Table III presents the regression models of only the tests that resulted in significant correlations. In all six possible regression models, the tests reveal negative relationships between the  $X$  and  $Y$  variables. This means that as scores for satisfaction with tribal criminal justice services

*decreased* there were predictable *increases* in perceptions of crime seriousness. The research hypothesis that suggested a *positive* relationship is, therefore, rejected because there is actually a *negative* relationship.

The magnitude of the relationship (effect size) is next examined. Cohen (1988) suggests that to do this, the squared point biserial correlation ( $r_{pb}^2$ ) should be consulted, however, there is some disagreement about using this test with moderate sample sizes such as occurred in this study ( $n = 312$ ) (Witte & Witte 1997). With this in mind, the omega squared ( $\omega^2$ ) test results will provide the measure of effect that may possibly be more accurate for this sample size. However, the omega squared ( $\omega^2$ ) test is a much more sophisticated level of analyses than is necessitated by these data. With this in mind, the squared point biserial correlation ( $r_{pb}^2$ ) will be used to estimate the effect size of these negative relationships. Models 1 through 5 indicate a relatively small (around .01) effect size, while Model 6 reflects a somewhat moderate or medium (around .06) effect. In the final note on these analyses, the demographic variables INCOME and AGE were the only such that were significantly associated with *satisfaction with tribal services* (sig. = .005). This means that as income and age increased, so too did satisfaction with tribal services.

Table III: Regression Model Summaries (Indian Only  $n = 312$ )

Model	R	R squared	Adjusted R square	Std. Error of the Estimate	R square change	F change	df 1	df 2	Sig. F change	Durbin-Watson
1	.190	.036	.023	5.686	.036	2.784	4	296	.027	2.048
2	.185	.034	.021	5.691	.034	2.629	4	296	.035	2.042
3	.197	.039	.026	5.678	.039	2.978	4	296	.020	2.046
4	.191	.015	.024	2.613	.037	2.812	4	296	.026	1.979
5	.200	.037	.027	2.609	.040	3.073	4	296	.017	1.986
6	.177	.040	.018	2.620	.031	2.400	4	296	.050	1.975

1 = Satisfaction with Tribal Services / Violent Crime Only  
2 = Crime Victim Services / Violent Crime Only  
3 = Quality of Life / Violent Crime Only  
4 = Satisfaction with Tribal Services / Alcohol-related Crime Only  
5 = Crime Victim Services / Alcohol-related Crime Only  
6 = Quality of Life / Alcohol-related Crime Only

**Findings**

In this study of satisfaction with tribal criminal justice services and perceptions of crime seriousness, it was found that tribal members (predominantly adult females) who rated the tribal services as less than satisfactory still maintained somewhat stronger perceptions of crime seriousness, specifically as they related to violent and alcohol-related crimes. This study also found that positive views of the services that are intended to improve the quality of life on the reservation are also closely associated with enhanced, i.e., stronger views against violent crime. One of the more significant findings of this study was that as the views of tribal services, specifically the tribal police, court and crime victim services decreased the attitudes toward crime seriousness increased. The implications of these findings are addressed next.

**Discussion**

The study findings suggest that while community members have strong attitudes against crime, they may not be receiving an equally relational response to these concerns from their tribal government. Based on these findings, it is advised that the tribal council, in collaboration with the federal government, make concerted efforts to undertake the following recommendations: 1) to bring greater awareness of their services (especially crime victim services) to the local tribal community; 2) take affirmative action to bring the values publicly presented by the police and court system more in alignment with those of the community members they are charged to serve; and, 3) to aggressively address both violent and alcohol-related crime in a manner that speaks strongly to the local residents that the tribal government will not tolerate victimization of its community members. Moreover, because those who hold positive views toward the efforts to improve the quality of life on the reservation by the tribe also hold strong views against violent crime, it may be beneficial for all parties to respond aggressively to violent crime. This means the public must report all crime. The police must aggressively pursue offenders. And the courts must assert all available resources to prevent criminal offenders from engaging in deleterious behaviors within the community. These combined actions may improve community perceptions of the local tribal government.

A coordinated response to crime by the tribal and federal governments is important here because both entities are ultimately responsible for protecting enrolled tribal members who live on reservations

(see, e.g., the entire United States Code Title 25 – Indians, and the U.S. Constitution Commerce Clause, Article I, Section 8). Yet the local tribal people do not perceive they are being adequately protected from not only primary and secondary victimization but increasingly more from tertiary victimization as well. Based on these findings, it would not be unreasonable to assume that tribal members feel increasingly vulnerable to becoming either 1) a primary victim of crime (a direct victim), 2) having loved ones become victims of crime (a secondary victim), or 3) observing other community members being victimized (leading to their tertiary victimization). These events would under-cut any possible sense of security within the tribal community or with the local tribal government. Certainly, fear of crime will take a stronger hold on the community if efforts to address decreased perceptions of tribal services are not adequately and swiftly addressed by the responsible parties.

### **Conclusion**

Most study respondents had negative sentiments about the tribal criminal justice services while they also held severe views against violent and alcohol-related crimes. This means that while people in this study held strong views against crime, they did not feel that their concerns about such were being met by the local tribal government criminal justice services. These realities have important implications for future research efforts. What can the tribal government do to improve their image in the eyes of the tribal members? What can the police do to better reflect the value structure of the local community? What can the tribal court do to improve their image to the public while taking positions that a) reflect the values of the electorate, and b) demonstrate unequivocally that public safety is their main priority? These are just a few of the important questions that should be answered to satiate the tribal citizen's desires and, certainly, their constitutional right to feel safe and secure within their own tribal community.

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<sup>i</sup> In the United States, the term "Indian" is a legal term used to describe indigenous people who are also enrolled members of federally-recognized American Indian tribes (see, e.g., 25 USC 1301).

<sup>ii</sup> In this report, Euro-American is generally denoted as being non-Indian.

<sup>iii</sup> For a complete discussion of the methodology used to gather the original data, see the Appendix of Abril, J.C. (2009). Crime and Violence In a Native American Indian Reservation: A Criminological Study of the Southern Ute Indians. Foreward by Gilbert

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Table IV: ANOVA (Indian Only  $n = 312$ )

Model	Sum of Squares	Df	Mean Square	F	Sig.
1					
Regression	359.912	4	89.978	2.784	.027
Residual	9568.294	296	32.325		
Total	9928.206	300			
2					
Regression	340.621	4	85.155	2.629	.035
Residual	9587.585	296	32.390		
Total	9928.206	300			
3					
Regression	384.062	4	96.016	2.978	.020
Residual	9544.144	296	32.244		
Total	9928.206	300			
4					
Regression	76.811	4	19.208	2.812	.026
Residual	2021.043	296	6.828		
Total	2097.852	300			
5					
Regression	83.642	4	20.911	3.073	.017
Residual	2014.211	296	6.805		
Total	2097.854	300			
6					
Regression	65.903	4	16.476	2.400	.050
Residual	2031.950	296	6.865		
Total	2097.854	300			

1 = Satisfaction with Tribal Services / Violent Crime Only
2 = Crime Victim Services / Violent Crime Only
3 = Quality of Life / Violent Crime Only
4 = Satisfaction with Tribal Services / Alcohol-related Crime Only
5 = Crime Victim Services / Alcohol-related Crime Only
6 = Quality of Life / Alcohol-related Crime Only

Table V: REGRESSION COEFFICIENTS: VIOLENT AND ALCOHOL-RELATED CRIME ONLY (Indian Only n = 312)

Model	B	Std. Error	Beta	T	Sig.	Lower Bound	Upper Bound	Zero order	Partial	Part
1										
Constant	31.143	1.096		28.413	.000	28.986	33.300			
Satisfaction with Tribal Services	-.035	.041	-.049	-.858	.391	-.117	.046	-.042	-.050	-.049
Income	3.916	.000	.164	2.780	.006	.000	.000	.131	.159	.159
Age	-.356	.249	-.083	-1.419	.157	-.842	.136	-.051	-.082	-.081
Gender	-1.138	.672	-.097	-1.694	.091	-2.460	.184	-.086	-.098	-.097
2										
Constant	30.479	1.137		26.814	.000	28.242	32.716			
Crime Victim Services	.118	.314	.021	.374	.709	-.501	.736	.014	.022	.021
Income	3.823	.000	.160	2.719	.007	.000	.000	.131	.156	.155
Age	-.356	.249	-.084	-1.429	.154	-.845	.134	-.051	-.083	-.012
Gender	-1.182	.674	-.101	-1.754	.080	-2.509	.144	-.086	-.101	-.100
3										
Constant	31.311	1.088		28.774	.000	29.169	33.453			
Quality of Life	-.078	.064	-.070	-1.220	.224	-.204	.048	-.055	-.071	-.070
Income	4.032	.000	.169	2.853	.005	.000	.000	.131	.163	.163
Age	-3.53	.248	-.083	-1.422	.156	-.842	.136	-.051	-.082	-.081
Gender	-1.141	.671	-.098	-1.701	.090	-2.461	.179	-.086	-.086	-.097

4	Constant	11.049	.504		21.934	.000	10.058	12.041			
	Satisfaction with Tribal Services	.030	.019	.090	1.568	.118	-.008	.067	.092	.091	.089
	Income	3.545	.000	.032	.547	.584	.000	.000	.061	.032	.031
	Age	.263	.114	.135	2.299	.022	.488	.488	.141	.132	.131
	Gender	-.502	.309	-	-1.627	.105	.105	.105	-.080	-.094	-
				.093							.093
5	Constant	10.913	.521		20.945	.000	.000	9.887			
	Crime Victim Services	4.283	.000	.039	.664	.063	.507	.000	.061	.039	.038
	Income	.262	.114	.134	2.293	.507	.023	.037	.141	.132	.131
	Age	-.530	.309	-	-1.716	.023	.087	-1.138	-.080	-.099	-
				.099							.098
	Gender	.269	.144	.106	1.863	.087	.063	-.015	.101	.108	.106
6	Constant	11.149	.534		20.898	.000	10.099	12.199			
	Quality of Life	3.685	.000	.034	.566	.355	.000	.000	.061	.033	.032
	Income	.262	.115	.135	2.301	.572	.038	.489	.141	.133	.132
	Age	-.482	.309	-	-1.557	.022	-1.090	.127	-.080	-.090	-
				.090							.089
	Gender	.123	.133	.053	.926	.121	-.138	.384	.060	.054	.053
1 = Satisfaction with Tribal Services / Violent Crime Only 2 = Crime Victim Services / Violent Crime Only 3 = Quality of Life / Violent Crime Only 4 = Satisfaction with Tribal Services / Alcohol-related Crime Only 5 = Crime Victim Services / Alcohol-related Crime Only 6 = Quality of Life / Alcohol-related Crime Only											

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**Factors affecting public trust in police: A study of twin cities  
(Rawalpindi & Islamabad)**

*Asim Muneeb Khan, Abdul Shakoor,  
Latafat Aziz, & Anas Baryal*

**Abstract**

In Pakistan, public trust in police has become a critical issue because of the undergoing transitional phase of this institution. The efficacy of police to maintain peace in the society has frequently been questioned by the civil society and media. Despite the serious attempts made by the government for increasing the efficiency of police, still, the overall situation is quite dismal. The current scholarship confirms that the trust of public in police plays a vital role to increase police competence. The current study is an effort to understand the level of public trust in police and to explore the social and structural factors that affect public trust in Pakistani Police. A cross sectional survey was conducted by using interview schedule as a tool of data collection. Five hundred and two respondents (Affectee=247 and Non-Affectee=255) were interviewed from Rawalpindi and Islamabad. Regression analysis indicated that the political interference, stereotypes & negative perception about police were among major predictors of perceived public trust in police. The study also confirmed that strengthening police can enhance the level of public trust in police. Furthermore, the study is associated with the current debate that political based recruitment and political involvement could deteriorate public trust in police. In the light of these findings, there is dire need of engaging citizens with police in order to develop a positive perception about police among common people. This objective can be achieved by depoliticizing the police and developing a transparent structure within the institution.

**Keywords:** police, public, procedural based trust, outcome based trust

**Introduction**

Police is always recognized to be the attendants of the public. The society identifies them as curators of law and order in respective community. Nevertheless, vast majority of police experts and policing literature reveals that the police are usually hostile towards significant portion of the population all over the world (Alemika & Chukwuma, 2000). Schaefer (2000) defines police as a branch of government which is charged with the preservation of public order and tranquility, the promotion of public health, safety and morals, and the prevention, detection and

punishment of crimes. Police is a sub system within the democratic set up of the state. In a democracy, it is vital that the operational styles of all public institutions are geared to report to the needs of good governance by ensuring that they draw sustenance from the people's support that elicit public participation in their working (Radelet & Carter, 1994).

Trust means a depth and a sense of strong assurance based on the character, ability, or truth that someone or something has shown over time or across situations (Kirkham & Wollan, 1980). Trust creates a sense of safety or of being free of fear, enough so that one can freely focus on other matters of life. Key aspects of this definition are its reliance on the foundation of character, ability and a sense of being safe (Tos et al. 2004).

#### **Research Objectives**

- i) To explore the socio-structural factors that affect public trust in police
- ii) To study the relationship between socio-structural factors and public trust in police
- iii) To suggest measures for the improvement of Public-Police relationship in Pakistani society.

#### **Literature Review**

Confidence in the police has always been investigated as one of the broader social queries in police-public relation. In 2000, Paoline et al., conducted several studies to inspect officers' attitude toward citizen support and trust. They have examined various factors such as the determinants of officers' perception of citizens. These factors have been classified into two groups: individual and occupational variables. In connection to individual variables, inspection shows that gender and educational attainment were significantly associated with officers' attitude towards citizens' support and trust (Jackson & Bradford, 2009). It has been highlighted under the course of research based on the World Values Survey that age, religiosity, and educational level are the significant predictors of police trust. While on the other hand, gender and marital status may not be as significant predictors. These findings can vary among developed and underdeveloped nations around the globe (Cao & Dai, 2006).

In 2011, Alvi provided comprehensive analysis of Pakistani police which shows the image of police force in Pakistan is in quite depreciating condition on account of benighted, unlettered officials, improper training, lack of basic civic facilities in the police stations (PS), and political

pressure on the police officials which led towards the composition of negative citizens' perception about police.

Public trust in the police emerges as a result of their expectations. Additionally, the public is end user of police services so they hope to receive police support and protection in various situations especially where they believe their safety is at peril (Suddle, 2001). In this way, their level of trust indicates their belief in the ability of the police to ensure their protection in the given situations (Hurst et al., 2000).

Similarly, if citizens recognize the police to be quite potent to deal with crime then they would trust the police. Instrumental approach directs to the trust in any institution that arises from the citizens' observations made in relation to the effectiveness and readiness of the institution (Shinar & McKnight, 1986). Police procure a significant amount of power to regulate communal behavior. Thus, citizens expect the police to exercise their powers which they have been conferred and supposed to treat all citizens rightfully. This is labeled as procedural approach: level of citizens' trust in the police provided by police adequate and fair treatment towards them (Sunshine & Tyler, 2003).

### **Material and Methods**

The study was conducted in twin cities i.e. Rawalpindi and Islamabad. In order to examine people's response towards the operationalized variables, it was decided to collect data from citizens of Rawalpindi and Islamabad. Two types of respondents were selected randomly through purposive sampling (Neuman, 2013) from the target area: those who have ever contact with the police in any case and those who never have any contact with the police.

### **Results and Discussion**

Analysis and interpretation of data are the most vital steps involved in scientific research. Without these steps, generalization level and prediction cannot be achieved. The data collected for this study provide an examination of socio-economic characteristics of respondents, their perceptions about effectiveness of police and their trust in police. Moreover, performance in terms of their behavior and personal characteristics towards general public is also emphasized. Each of these mentioned themes have been discussed in the following

Table I *Opinion of Respondents Regarding Political Interference in Police Department*

<b>Political Affiliation/Political Interference</b>	<b>SA</b>	<b>A</b>	<b>NO</b>	<b>D</b>	<b>S D</b>	<b>Mean</b>	<b>S.D</b>	<b>Kurtosis</b>
Mostly political leaders appoint those police officials in their areas who favor them.	209 (41.6)	176 (35.0)	45 (9.0)	53 (10.6)	19 (3.8)	4.0	1.13	0.290
Police officials get transferred to their favorite/suitable areas by approaching the political leaders.	198 (39.4)	223 (44.4)	19 (3.8)	53 (10.6)	9 (1.8)	4.09	1.01	.943
Police officials get extra-ordinary benefits from local politicians to fulfill their wrongdoings.	184 (36.7)	214 (42.6)	18 (3.6)	70 (13.9)	16 (3.2)	3.96	1.12	0.201

*Strongly Agree (SA), Agree (A), No Opinion (NO), Disagree (D), Strongly Disagree (SD), Standard Deviation (S.D)*

Table I depicts the descriptive results of independent variable i. e Political Interference in police department. There were three items through which this variable was measured. The first item was politicians' involvement in appointing police officials. The findings show that less than half of the respondents (41.6%) believe that political leaders are involved in appointing those police officials in their areas who favor them. The second majority (35.0%) of the sample also agree that there is involvement of the politicians in the appointment process of the police officials. However, some respondents (3.8%) strongly reject the fact that there is any involvement of the politicians in the appointment of the police officials in their areas who favored them. In addition to this, 10.6% of the respondents disagree with the assumption. The average score of this item (M= 4.0, S.D=1.13) indicates that political leaders are involved in appointment process of the police personnel in their areas.

The second item includes that police personnel approach political leaders to get themselves transferred to their favorite areas. The findings reveal that less than half of the respondents (44.4%) agree to the fact that police officers are transferred by approaching political leaders. The second

majority (39.4%) of the sample strongly agree that political leaders are quite active in their transfers as per police personnel's demand. However, some respondents (11%) reject the notion that police officials get transferred to their favorite areas by approaching the political leaders. Only 2% of the respondents disagree to the fact that there is any kind of political intervention in the transferring process of policemen. The average score of this item (M= 4.09, S.D=1.01) highlight that police officers get transferred to their favorite areas by approaching the political leaders.

The third item comprises that police personnel get extra-ordinary benefits from local politicians for fulfilling their wrongdoings. The data reveals that 43% of the respondents emphasize that police personnel are more prone to get benefits from local politicians to fulfill their wrongdoings. The second majority (37%) strongly agree to the fact that police officers approach local politicians for their malpractices while some respondents (14%) reject this notion. Furthermore, less than five percent of the respondents strongly reject the above mentioned assumption of police interaction with local politicians for their hidden interests. The average score of this item (M= 3.96, S.D=1.12) marked that police personnel are more prone to get benefits from local political bodies for their mean interests.

Table II *Opinion of Respondents Regarding the Involvement of Police Official in Gambling*

<b>Gambling</b>	<b>SA</b>	<b>A</b>	<b>NO</b>	<b>D</b>	<b>S D</b>	<b>Mean</b>	<b>S.D</b>	<b>Kurtosis</b>
Some Police officials run their own Gambling Dens.	97 (19.3)	251 (50.0)	39 (7.8)	90 (17.9)	25 (5.0)	3.61	1.03	-.408
Some Police officials provide shelter to Gambling Dens.	192 (38.2)	219 (43.6)	29 (5.8)	40 (8.0)	22 (4.4)	4.03	1.07	1.15
Police officials do not arrest gamblers because they take money from them.	222 (44.2)	216 (43.0)	27 (5.4)	13 (2.6)	24 (4.8)	4.19	0.1	3.0

Table II delineates the descriptive findings of independent variable i.e. police malicious activities guided by involvement in gambling. The variable is scaled by three items. The first item shows that some police personnel run their own gambling dens. The findings reveal that majority of

the respondents (50%) believe that some of the policemen are involved in gambling as they are running their own gambling dens. The second majority of the respondents (19.3%) strongly agree that police officials gallop their own gambling caverns. Moreover, some of the respondents (18%) are opposed to the said notion of some policemen involvement in gambling dens. While only 5% strongly disagree to the assumption. The average score of this item ( $M= 3.61$ ,  $S.D= 1.03$ ) pointed out that some of policemen are guiding their own gambling dens in relevant localities.

The second item exhibits that some police officials provide shelter to gambling caverns. The findings illuminate that majority of the respondents (44%) report that some of police officials cater the needs of gambling dens in their localities. The second majority of respondents (38.2%) strongly agree that some of the policemen are active in guiding gambling dens. Likewise, some of the respondents (8%) are indifferent to the police involvement in guiding gambling dens. Only 4.4% strongly oppose to the said notion. The average score of this item ( $M= 4.03$ ,  $S.D= 1.07$ ) indicates that some of the police officials provide safe passage to gambling dens.

The third item includes that police officials do not arrest gamblers because they take money from them. The findings reveal that majority of the respondents (44.2%) believe that most of the time police officials don't arrest gamblers as they take bribe from them. Additionally, second majority of the respondents (43.0%) agree that police personnel don't arrest gamblers as they take money from them to proceed with their activities. Likewise, some of the respondents (5%) strongly disagree to the assumption that police are indifferent to gamblers activities. While less than three percent of the respondents (2.6%) disagree to the said notion. The average score of this item ( $M= 4.19$ ,  $S.D= 0.1$ ) illuminate that police officials don't bother to arrest gamblers and restrain them form mischievous activities as they take money from them.

Table III Correlation of Public Trust in Police with Perceived Social &amp; Structural Factors

Perceived Social Factors		Public Trust in Police		
		Procedural Based Trust	Outcome Based Trust	Controlling Terrorism
Political Interference	Pearson Correlation	-.337**	-.358**	-.077
	Sig. (2-tailed)	.000	.000	.087
Political Based Recruitment	Pearson Correlation	-.127**	-.195**	.006
	Sig. (2-tailed)	.004	.000	.888
Bribe Taking	Pearson Correlation	-.361**	-.229**	.007
	Sig. (2-tailed)	.000	.000	.884
Drug Business	Pearson Correlation	-.287**	-.279**	-.173**
	Sig. (2-tailed)	.000	.000	.000
Prostitution	Pearson Correlation	-.349**	-.216**	-.216**
	Sig. (2-tailed)	.000	.000	.000
Gambling	Pearson Correlation	-.332**	-.301**	-.257**
	Sig. (2-tailed)	.000	.000	.000
Stereotypes	Pearson Correlation	-.410**	-.415**	-.122**
	Sig. (2-tailed)	.000	.000	.006
<b>Structural Factors</b>				
Working Condition	Pearson Correlation	-.068	-.143**	.024
	Sig. (2-tailed)	.128	.001	.593
Unmanageable Area of Control	Pearson Correlation	-.069	-.187**	.068
	Sig. (2-tailed)	.123	.000	.128
Govt. Support	Pearson Correlation	.032	-.052	.083
	Sig. (2-tailed)	.473	.242	.064
Technical Soundness	Pearson Correlation	.231**	.175**	.133**
	Sig. (2-tailed)	.000	.000	.003
	N	<b>502</b>	<b>502</b>	<b>502</b>

\*\* . Correlation is significant at the 0.01 level (2-tailed). \* . Correlation is significant at the 0.05 level (2-tailed).

In the table no 3 Public trust in police is correlated with the different parameters of social and structural factors. The first item of the social factors indicates that political interference in police department affects the trust of public in Police. As shown in first statement of the above table, political interference is negatively associated ( $r = -.337^{**}$ ,  $p < .05$ ) with the procedural based trust in police which shows that the people will be having higher level of trust in police if there is lesser level of political interference. The second item of the Public trust in Police i.e. Outcome based trust also shows the negative association ( $r = -.358^{**}$ ,  $p < .05$ ) with the independent item i.e. Political Interference which is giving an indication towards the fact that lesser the political interference in the police matters by the political leaders more would be the trust of public in police. The third item of the public trust i.e. “police’s participation in controlling crime in the society” is correlated with the political interference which doesn’t show any significant association between both variables, which means according to respondents, political interference didn’t forbid police to control crime.

The second item of the perceived social factor i.e. “Political Based recruitments” is correlated with different items of public trust in police. As shown in the table, the first item i.e. political based recruitments is negatively associated ( $r = -.127^{**}$ ,  $p < .05$ ) with the procedural based trust in police. This shows that the people will be having higher level of procedural based trust in police if there will not be any kind of political based recruitments in the police department. The second item of the Public trust in Police i.e. “Outcome based trust” also shows the negative association ( $r = -.195^{**}$ ,  $p < .05$ ) with the independent item i.e. Political based recruitment which is giving an indication towards the fact if the police would be recruited on merit, more would be the outcome based trust of public in police. The third item of the public trust i.e. police’s participation in controlling crime in the society didn’t show any significant association with the political based recruitments which means there’s no role of political based recruitment in stopping police in controlling crime in the society.

Bribe taking is another independent variable with which the different items of the dependent variable i.e. Public trust in police are correlated. The results of the said item shows that there is a negative association ( $r = -.361^{**}$ ,  $p < .05$ ) between the bribe taking and procedural based trust which means there would be the lesser level of public’s procedural based trust in police if they take bribe from public. “Outcome based trust” is also measured with the bribe taking of the police which shows the similar results of negative association ( $r = -.229^{**}$ ,  $p < .05$ ) This

supports the previous statement whereas when the same independent variable is correlated with the controlling crime it doesn't show any significant association.

The fourth item of the perceived social factor i.e. Police's involvement in drug selling business is correlated with different items of public trust in police. As shown in the above table, the fourth item i.e. "Police's involvement in drug selling business" is negatively associated ( $r = -.287^{**}$ ,  $p < .05$ ) with the procedural based trust in police. This shows that the people will be having higher level of procedural based trust in police if there isn't involvement of police in drug selling business. The second item of the Public trust in Police i.e. "Outcome based trust" also shows the negative association ( $r = -.279^{**}$ ,  $p < .05$ ) with the independent item i.e. Police's involvement in drug selling business which is giving an indication towards the fact if the police don't involve themselves in drug selling business more would be the outcome based trust of public in police. The third item of the public trust i.e. police's participation in controlling crime in the society also shows negative association ( $r = -.173^{**}$ ,  $p < .05$ ) with the police's involvement in drug selling business. This means that police's involvement in drug selling business play a big role in discontinuing police in controlling crime in the society.

The findings of the table also suggest that police's involvement in gambling affects the trust of public in Police. As shown in the table, the gambling is negatively associated ( $r = -.332^{**}$ ,  $p < .05$ ) with the procedural based trust in police which shows that the people will be having higher level of trust in police if police don't involve themselves in gambling. The second item of the public trust in police i.e. "Outcome based trust" also shows the negative association ( $r = -.301^{**}$ ,  $p < .05$ ) with the independent item i.e. gambling which is giving an indication towards the fact that lesser the police's involvement in gambling more would be the trust of public in police. The third item of the public trust i.e. police's participation in controlling crime in the society is correlated with the police's involvement in gambling which also shows similar results of negative association ( $r = -.257^{**}$ ,  $p < .05$ ) between both the variables. This means according to respondents, gambling activities by the police personnel forbid them to control the criminal activities in the society.

The last item of the perceived social factor i.e. stereotypes about police is correlated with different items of public trust in police. As shown in the table, the last item i.e. stereotypes about police is negatively

associated ( $r = -.410^{**}$ ,  $p < .05$ ) with the procedural based trust in police which shows that the people will be having higher level of procedural based trust in police if there will be no stereotypes about the police department. The second item of the Public trust in Police i.e. Outcome based trust also shows the negative association ( $r = -.415^{**}$ ,  $p < .05$ ) with the independent item i.e. stereotypes about police which is giving an indication towards the fact if there would be more stereotypes about the police department, less will be the outcome based trust of people in police department. The third item of the public trust in police i.e. police's participation in controlling crime in the society also shows negative association ( $r = -.122^{**}$ ,  $p < .05$ ) with the stereotypes about police which means that stereotypes about police play a big role in discontinuing police in controlling crime in the society.

### **Conclusion**

The current scholarship confirms that public trust in police plays a vital role to enhance police competence. The study is an effort to understand the significance of having public trust in police. This is made possible by understanding socio-structural factors that affect public trust in Pakistan. The respondents strongly agree that the political interference is one of the major causes of lack of public trust in police. Moreover, political interference is involved in the transferring process of police. They were settled in their desired area by the political references. Police officials guard illegal activities and provide help in their wrongdoings. Further, the study finds that political leaders interrupt the selection of new recruits through encouragement of their own people. Beside this, these political leaders don't hesitate to intrude in the registration of FIR (First Information Report) if it goes against their interest. Relation of police to the general public is satisfactory. A gift would be enough to conceal any of the misdeeds of politicians. This practice has rooted so strong that a gift is considered mandatory for even registering an FIR. If, however, an FIR is registered against any local leader, it can be easily erased by giving bribe in the shape of gifts to the police official. These practices are spread to give shelter to different kinds of criminals and out laws. This includes all types of criminalities as, brothels, killers, kidnappers, gamblers and rapists. The study further find out that common people are not entertained by the police without any reference. Majority of the cases are not reported as people fear that police interference might further creates problems. Therefore, people turn towards alternative dispute resolution mechanism.

### **Recommendations**

The basic aim of every research is to add the new knowledge for the solution of the problem. The present research highlights the factors that affect public trust in police. Followings are some suggestions to mitigate the issue.

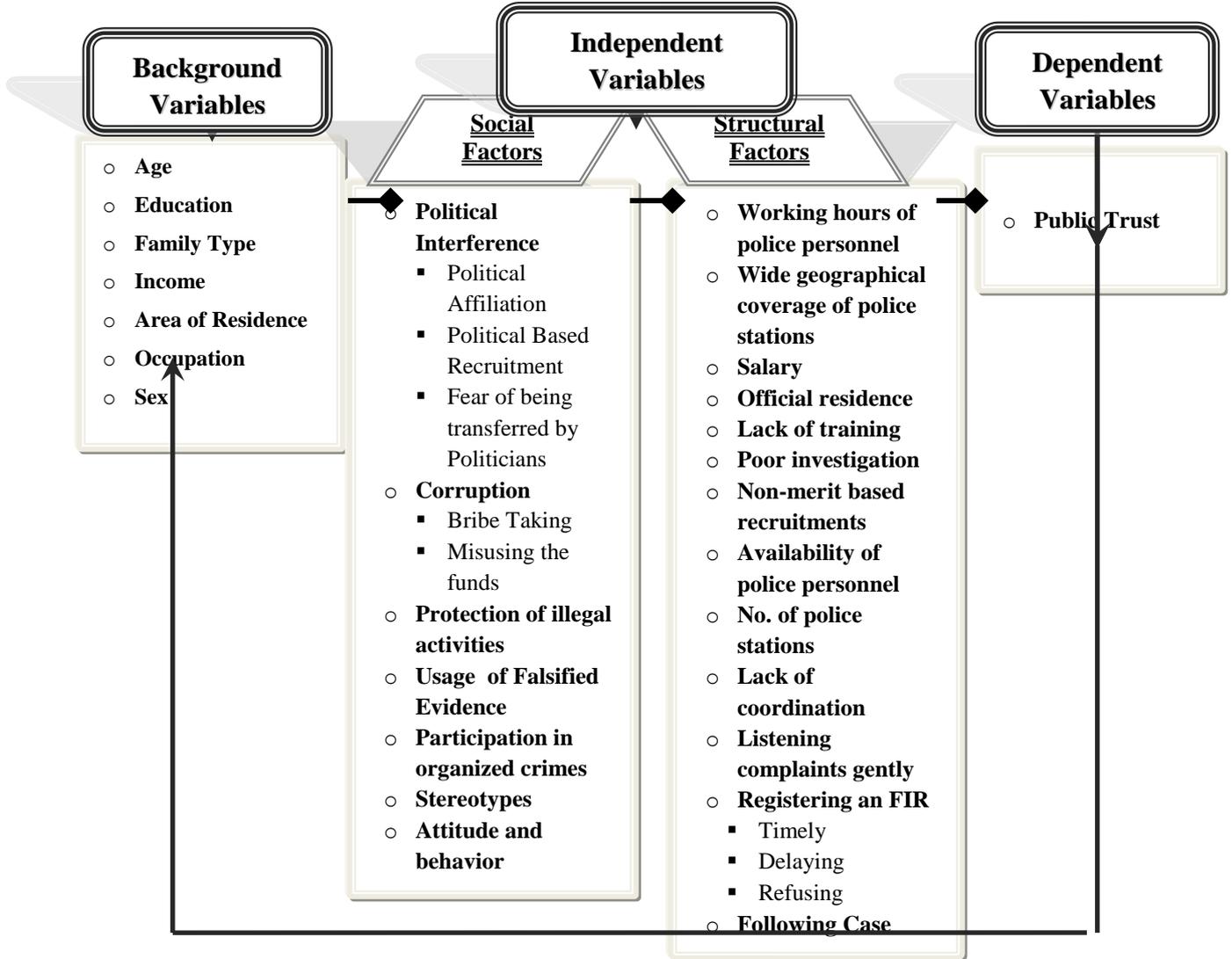
- On the line of developed countries, Government of Pakistan should introduce electronic way to register an FIR to free police from any influence.
- The concept of community policing should be introduced to have better police-public relationship.
- The recruitment process of police personnel should be made transparent so that more competent people may be hired.
- There should be constant monitoring system to check the police performance.
- Salary of police personnel should be increased so that any influence in police department on financial basis may be discouraged.
- Political influence should not hinder police operations by any way.
- Police offices/stations and officials should be under regular accountability.
- Any police personnel found with relation to criminals or terrorists should be treated under strict law to make him/her an example.
- Proper holidays must be provided to policemen so that they can also get the charm form life as others do..
- Policemen's posting should be in their hometown so that they can live with their family. Various training programs on how to behave with public should be initiated for policemen.

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Figure 1 Conceptual framework of the study



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## **Crossing the line: Perception about police corruption in Khyber Pakhtunkhwa, Pakistan**

*Farhat Ullah,  
Zia Ullah Akhunzada &  
Imran Ahmad Sajid*

### **Abstract**

It is very common that many citizens in Pakistan society believe public officials are corrupt. The study entitled “Crossing the line: A study of University students opinion about corruption in Khyber Pakhtunkhwa, Pakistan” exploring the opinion of university students regarding in police basic department and police personnel. Kohat University of science & Technology (KUST), Khyber Paktunkhwa was chosen as universe of the study. Data was collected through a structured questionnaire by using Likert scale from a sample of 300 participants determined through Sekaran table from six different departments of social sciences, students including both male and female. Total number of respondents (students) was 1329 in these departments and proportionate stratified sample technique was used to determine the sample size from each strata whereas systematic sampling method were applied to pick the samples from the six selected sample groups. The collected data was analyzed and tabulated. The results produced a number of key findings such as lack of check and balance on police personnel leads to corruption, corruption affects police performance and the recruiters are unfair in selection process of police personnel. On the basis of study findings, it is concluded that in students’ opinion, police department is one of the corrupt department and there is lack of transparency since long which requires correction. The study suggests there should be proper check and balance system, merit based recruitment, seminars and workshops for raising awareness and strict punishment to those who are involved in corruption.

**Keywords:** Corruption, Lack of transparency, police, students and Pakistan

### **Introduction**

When an institution is tasked with guarding citizen rights and controlling corruption, do not act with honesty, then ultimately citizen suffers. Across the world, corruption is a serious problem especially in developing countries. It is a huge crime that almost affects every segment of the society. It is a technique and method adopted just to avoid the rule of law and overcome the entire structure into socio-economic disorder.

Corruption is a cruelty and an accepted reality to abrogate the rule of law and the meanness verifies its impact (Sarwar, 2014). Human being by nature is greedy so because of this reason he desires more and more. For achieving his selfish desires, sometimes he chooses a path which is against the moral standards. Stuart (1999) stated that corruption applied to a police personnel involves the robbing of drug dealers, transmitting of smuggling goods into the particular accounts of officers, altering police reports, lodging drugs to frame citizens, lying to defend a corrupt officer, and a host of other wrongdoing that interrupts the oath of guarding the people. If law and order personnel are corrupt, violations of the citizens' human rights or law cannot legitimately be prevent and punish by the state.

Allegations of police corruption are central in Pakistan police. It is caused by thirst of the wealth, greediness, and lack of loyalty. There are numerous existence of corrupt people in the world. When police fail to act in public interest, it facilitates human rights abuses and open the door of political suppression and leads to an environment in which prearranged crime can flourish. Khalid (2009) stated if a police officer takes the benefits of his authority and power for individual and personal gains can certainly be called as a corrupt police officer.

Execution of law is a branch of government that can have a substantial impression on public opinion about corruption. In lower level of police corruption is found to be very common. According to a survey conducted by Transparency International (TI), police was perceived as one of the most corrupt department among other departments (Transparency International, 2013). The prominent cause of corruption noted during this survey was low salaries, lack of merit and accountability. Journalists and citizens uploaded cases of police officials' who taking bribes video sharing websites like You Tube and other social networking websites (You Tube, 2009 & 2011). There are various theories on the possible aspects contributing to public opinion of corruption. Among these theories the most widely-held theory for explaining the opinion of corruption relates to economic factors i.e. personal economic situation and general economic condition of country. This mean that the public will be less tolerant of the country's public officials in a weak economy. Some other literature about corruption has also proposed the degree of democratization and regime stability clarify opposing degrees of perceived corruption (Di John, 2005; Selgson, 2006; Gatti et al, 2003).

### Literature Review

The unlawful use of lawful authority vested to anyone is corruption. Any behavior that exceeds the limits of one's authority can be called as corruption (Javaid, 2010). The word 'police corruption' has been used to explain numerous actions: violence; bribery and brutality; destruction and fabrication of evidence; favoritism and racism (Newburn, 1999). There are wide, inclusive definitions which propose that corruption in police is 'loosely' identified as 'dishonest, deviant, improper, immoral or criminal behavior by a police officer' (Roebuck & Barker, 1974). There are also considerably narrower definitions. For instance, James Q Wilson (1968), differentiates between activities such as accepting bribes (which he along with everyone else considers to be the prototypical type of corrupt behavior) and 'criminal' activities such as burglary on duty (which he considers to be qualitatively different – criminal but not corrupt). Both the acts are although criminal, the point of Wilson's division is that bribery of policeman involves the misuse of authority in a way that burglary by policeman need not.

There is a parallel here with work on so-called 'white collar crime' (see Klockars, 1985). Both white collar crime and what Stoddard (1968) referred to as 'blue coat crime' (police corruption) are those which are committed in the course of occupations. Thus, as Klockars (1985:334) puts it, "if police officers steal from the scene of a crime they are called to investigate, they are corrupt. If they steal from their families, from their friends, or from stores and homes without the cover of their police role, they are merely thieves". Corruption in police essentially involves exploitation of position— what is corrupted is the 'special trust' invested in the occupation. The 'special trust' enjoyed by police officers may, according to Klockars, be corrupted in two ways. First, "it may be corrupted when police commit criminal acts under the cover of such trust. Secondly, it may be corrupted when that trust is employed for illegal reasons such as providing services for money. The latter type of corruption perverts the fair distribution of the *ends* of policing; the former corrupts both the *ends* of policing and the *means* we entrust the police to achieve them" (Klockars, 1985:334).

In the developing world corruption is a routine matter for anyone who confronts a policeman, voluntarily or not. Police corruption in the developed world is out of sight, cramped by and large to the shadowy world of vice regulation (Franklin & David, 2005). It is concentrated among

policemen who usually work in secret rather than among policemen who are dressed in uniform and able to be seen. Investigating commissions in countries like Pakistan, Nigeria, Afghanistan and India often identify particular assignments that are prone to corruption. A senior police officer in India observed that the lower rank policemen consider bribery as a basic right. Demand of money on police checkpoints for avoiding delays and harassment is common on all major highways. Bribery in developing countries becomes a transaction fee for undertaking any dealing with the police. It afflicts not just the criminals but everyone, and it implicates all officials of police (Bayley & Perito, 2011).

It is also common for policemen to buy their positions by paying heavy sum of money to their immediate bosses. Policemen especially the officers are involved in paying bribes for unjustified promotions and for assignments that offer chances to extract merchants and truckers and involve in smuggling. Misuse of funds provided for official use and stealing gasoline to sell on the black market is common. In many instances police officers are also reported to have sold their ammunition and weapons to criminals for monetary gains. Police chiefs in numerous cases have employed ghost officers and extracted their salaries to skim money from funds for conducting operations (Richard, 2009).

The police in Pakistan like that of a developing country have an awful status, and common masses normally avoid approaching police to register crime or communicate grievances. The masses consider the police as corrupt, incompetent and brutal institution. As a result, justice is elusive, uncertainty is widespread, and common masses are the sufferers of this system. The internal police assessments even admit the police's lack of credibility in the public eye (Jam, 2010). Police corruption is widespread in Pakistan and can be seen from the lower rung of the lower. The police department since inception has shaped more dacoits and corrupt people in the police uniform than the hard core criminals shaped by our society among masses. The senior police officers used to embezzle the funds. Arrangement for fuel for police mobiles for patrolling is up to the SHO who makes it out of the blood and sweat of common man. Police department as a whole is entangled in corruption that has insidiously damaged the efficiency of the force (Abro, 2009).

The main cause of corruption in police is low wages as everybody is searching a way to improve their standard of living as much as they can. Corruption is mostly to be seen where there are people having low wages.

They use illicit ways for increasing their means of earning. Dearth of accountability is another big cause of corruption in Pakistan. The government is getting different types of taxes and if these taxes are going in the hands of corrupt officials like policemen rather than on provision of education, health and other social services to common masses, then the results are evident that mostly people avoid paying taxes because they do not trust the government. People in this type of situation consider the government as good for nothing and termed taxes as burden and wastage of money (Khalid, 2009). Other reasons that lead to corruption may include failure of moral and ethical values, lure of being rich very quickly through proper or improper channels or means, enormous pressure on the police by businessmen, politician and military dictators and lack of honesty and integrity in society (Corruption in Pakistan, n.d). Bayley & Perito (2011) argues that police is the main organ of the state for ensuring law & order; however; corruption in this important organ of the state lessened the likelihood of peace & order. Police when exchange their assistance with monetary gain, peace in the society ceases to exist. Police corruption needs to be eliminated from society in order to ensure peace and order in society. This is also important for establishing rule of law at micro level.

### **Method of the study**

Data was collected from both primary and secondary sources. Universe of the study was university students and teachers of social sciences at Kohat University of Science & Technology (KUST), namely Department of Social Work & Sociology, Department of Economics, Department of Journalism, Institute of Management Sciences and Department of English were selected as universe of the study for conducting the research. Objective of the study was to investigate student's opinion about corruption in police. A well thought close ended questionnaire was used as a tool in data collection for the study. For data collection the sample size has been drawn by using Sekaran table (Sekaran, 2003). Proportionate stratified sampling method was used to determine the sample size for each strata whereas systematic sampling was applied to pick the samples from the two selected sample groups. The population was trifurcated into strata like University Students and teachers of social sciences at Kohat University of Science & Technology (KUST). Though a large sample size gives better results but keeping in view time, data was collected from 300 respondents including both male and female respondents of the selected sample groups. The sample method was adopted as follows.

Breakup of the composite sample size.

S.No	Sample Groups	Population Size	Sample Size
1	Total Students in the Department of Social Work and Sociology	153	35
2	Total Students in the Department of English	188	42
3	Total Students in the Department of Journalism and Mass Communication	51	12
4	Total Students in the Department of Economics	266	60
5	Total Students in the Department of Institute of Management and Sciences	620	139
6	Total Teachers in Social Work and Sociology, English, Journalism and Mass Communication, Economics and Institute of Management and Sciences	51	12
<b>Total</b>		<b>1329</b>	<b>300</b>

Sources: Registrar office Kohat University of Science and technology (KUST)

## Results of the Study

### Demographic Information

Table I shows Demographic information of the respondents. Nature of the respondents' educational level and their age are very important variables which determines their level of maturity, knowledge and awareness about the concerned topic i.e. University students and teachers opinion regarding corruption in police. Out of total 300(100%), 58(19.3%) respondents were in the age groups between 18-20 years, while 201(67.0%) respondents were of the age group between 21-23, and 32(10.7%) were of the age groups between 24-26 years, remaining 9(3.0%) were above 26 years. 182(60.7%) respondents were male, and 118(39.3%) were female. Similarly 27(9.0%) of the respondents were married, while 273(91.0%) were Unmarried. 164(54.7%) were having joint family, while 112(37.3%) respondents were having nuclear family, and 24(8.0%) were having extended family. 33(11.0%) respondents were in the size between 2-5 members, while 188(62.7%) respondents were of the size between 6-9 members, and remaining 79(26.3%) were above 10 members. 145(48.3%) respondents were having BS (Hons), 154(51.3%) were having MSC level, and 1(.3%) were having M.Phil / PHD. In addition 98(32.7%)

respondents were belong to Rural area, while 202(67.3%) were belong to Urban area (For detail. See Table I).

### **Findings of the Study (Results and Discussion)**

Table II shows perceptions about corruption in police personnel. Out of 300(100%), 270(90.0%) were of the view that Corruption is one of the most dreadful problem of police personnel, while 20(6.7%) were disagree, and the remaining 10(3.3%) do not know. Likewise, Sarwar (2014) regarded corruption is one of the major problem faced by police in developing countries. Similarly, majority of the respondents i.e. 263(87.7%) were agreed that lack of check and balances on police personnel leads to corruption in police, while 12(4%) were disagree and the remaining 25(8.3%) having no idea. Warraich (2004) also argued that absence of check and balances and strict punishment on police personnel leads to corruption. Furthermore, Corruption affects police performance, 271(90.3%) of the respondents were agree, while 29(9.7%) were disagree. Similarly, Abro (2009) stated that corruption in police affects police performance to maintain law and order situation. In addition, 189(63%) were agree that Corruption in police is due to insufficient salary, while 94(31.3%) were disagree with this idea, 17(5.7%) having no idea. Delattre (2002) stated that insufficient and low salaries results low morale, poverty and corruption among police personnel. Similarly 237(79%) respondents were agree that Lack of education and awareness leads police personnel towards corruption, while 56(18.7%) were not agree with this statement, and the 7(2.3%) respondents having no idea. Furthermore 204(68%) were agree that Unlimited desire of police personal families leads to corruption, while 75(25%) respondents were disagree, and the remaining 21(7%) do not know. Richard (2009) believed that personal or family relations influence corruption in police personnel. In addition 179(59.7%) respondents were agree that non transparent recruitment can be one of the cause of corruption, while 56(18.7%) were not agree with the statement, 65(21.7%) do not know. According to transparency international (2013), lack of transparency, integrity and professionalism in public officials leads them towards corruption. Similarly 238(79.3%) respondents were agree that more the political influence more will be corruption, while 27(9%) were disagree with that statement, and the 35(11.7%) respondents having no idea. Similarly, Svensson claims that political influence and lobbying allow police to take bribe. Furthermore 203(67.7%) respondents were agree that recruitment system of the police is very ineffective that leads to corruption, while 47(15.7%) were not agree with the statement, and 50(16.7%) respondents having no idea. Roebuck and Barker (1974) affirms

that police are ineffective, unprofessional and corrupt because the recruitment and selection process is ineffective. In addition 171(57%) were agree that Pakistan police can be ranked on top in corruption, while 115(38.3%) respondents were not in favor, and the remaining 14(4.7%) having no knowledge.

### **Conclusion and Suggestions**

Keeping in view the research findings from the study, police department is one of the worse and defective departments which suffer from corruption since long time. Along this it is also observed from the respondents' views regarding police corruption that it is challenging problem which need to be corrected through certain reforms. Lack of monitoring and proper check and balance system upon police department also created rooms for corruption for police to do evil business and deviate from their loyalty and duty which is assigned to them by the state to ensure peace and order in the country and seek to stop street crime. From the respondents' opinions low salaries to police is a leading factor to get involved in corruption. Unfair recruitment on political influence irrespective of merit is the main and root cause of corruption in police. During the research study it is seen that lack of training and improper hiring procedure empowering and compel police to do corruption. The performance of police is not satisfactory and Government needs to take such positive step to eradicate corruption and make police department corruption free. There should be proper check and balance system over police. Salaries should be increased to police in order to make their performance good. Recruitment of the police should be fair and merit based. Political influence should not be tolerated in selection of police to prefer desired person to be selected on preferential treatment. Police should be morally polished and socialized as well for the purpose that they feel reluctance from corruption.

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## Annex- I

**Table I: Demographic information of the Respondents.**

<b>Age of Respondent</b>	<b>Frequency</b>	<b>Percentage</b>
18-20 years	58	19.3%
21-23 years	201	67.0%
24-26 years	32	10.7%
Above 26 years	9	3.0%
<b>Total</b>	<b>300</b>	<b>100.0%</b>
<b>Gender</b>	<b>Frequency</b>	<b>Percentage</b>
Male	182	60.7%
Female	118	39.3%
<b>Total</b>	<b>300</b>	<b>100.0%</b>
<b>Marital Status</b>	<b>Frequency</b>	<b>Percentage</b>
Married	27	9.0%
Unmarried	273	91.0%
<b>Total</b>	<b>300</b>	<b>100.0%</b>
<b>Family Type</b>	<b>Frequency</b>	<b>Percentage</b>
Joint	164	54.7%

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Nuclear	112	37.3%
Extended	24	8.0%
<b>Total</b>	<b>300</b>	<b>100.0%</b>
<b>Family Size</b>	<b>Frequency</b>	<b>Percentage</b>
2-5 members	33	11.0%
6-9 members	188	62.7%
10 and Above	79	26.3%
<b>Total</b>	<b>300</b>	<b>100.0%</b>
<b>Educational Status</b>	<b>Frequency</b>	<b>Percentage</b>
BS (Hons)	145	48.3%
MSc level	154	51.3%
M.Phill / PHD	1	.3%
<b>Total</b>	<b>300</b>	<b>100.0%</b>
<b>Area of Resident</b>	<b>Frequency</b>	<b>Percentage</b>
Rural	98	32.7%
Urban	202	67.3%
<b>Total</b>	<b>300</b>	<b>100.0%</b>

**Table II: Perceptions about Police Corruption**

<b>S. No</b>	<b>Statements</b>	<b>Agree</b>	<b>Disagree</b>	<b>Don't Know</b>
<b>1</b>	Corruption is also one of the most dreadful problem of police personnel	270(90%)	20(6.7%)	10(3.3%)
<b>2</b>	Lack of check and balances on police personnel leads to corruption in police	263(87.7%)	12(4.0%)	25(8.3%)
<b>3</b>	Corruption affects police performance	271(90.3%)	29(9.7%)	0
<b>4</b>	Corruption in police is due to insufficient salary	189(63.0%)	94(31.3%)	17(5.7%)
<b>5</b>	Lack of education and awareness leads police personnel towards corruption	237(79.0%)	56(18.7%)	7(2.3%)
<b>6</b>	Unlimited desire of police personal families leads to corruption	204(68.0%)	75(25.0%)	21(7.0%)
<b>7</b>	Non transparent recruitment can be one of the cause of corruption	179(59.7%)	56(18.7%)	65(21.7%)
<b>8</b>	More the political influence more will be corruption	238(79.3%)	27(9.0%)	35(11.7%)
<b>9</b>	Recruitment system of the police is very ineffective that leads to corruption	203(67.7%)	47(15.7%)	50(16.7%)
<b>10</b>	Pakistan police can be ranked on top in corruption	171(57.0%)	115(38.3%)	14(4.7%)
<b>S. No</b>	<b>Statements</b>	<b>Agree</b>	<b>Disagree</b>	<b>Don't Know</b>
<b>1</b>	Corruption is also one of the most dreadful problem of police personnel	270(90%)	20(6.7%)	10(3.3%)
<b>2</b>	Lack of check and balances on police personnel leads to corruption in police	263(87.7%)	12(4.0%)	25(8.3%)
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9	Recruitment system of the police is very ineffective that leads to corruption	203(67.7%)	47(15.7%)	50(16.7%)
10	Pakistan police can be ranked on top in corruption	171(57.0%)	115(38.3%)	14(4.7%)

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## **A survey of practices and methods of denial of inheritance to females in Khyber Pakhtunkhwa, Pakistan**

*Mushtaq Ahmad Jadoon, &  
Rashid Khan*

### **Abstract**

Inheritance denial on gender basis is a crime in Pakistan. The present study explores different illegal methods, practices and procedures that were adopted to deny family females in getting their legal share in family inheritance. The data for the study were collected from the respondents belonging to rural and urban areas of District Peshawar. The results reveal female inheritance denial through various measures that included illegal as well as a common practice in the study area. Customary laws generally applied in inheritance matters which many times override even the statutory laws and rights given to females by the constitution in Pakistan. Though the use of illegal methods such as omitting females name from heir's list, marking females thumb on inheritance documents, getting power of attorney from the family females and making bogus inheritance documents was not practiced by the respondents at large but were still practiced by many people in the study area in one way or other. They along with patriarchy based norms, practices, inheritance getting procedures and dysfunctional role of legal institutions made very difficult for females to get their legal inheritance rights. The study recommended dealing the practices through strict law enforcement measures, discouraging the parallel courts/bodies, customary laws and making inheritance legal procedure simple.

**Keywords:** illegal inheritance denial methods, inheritance denial a white collar crime, female inheritance share denial, inheritance share on gender basis,

### **Introduction**

Article 23 of the Constitution of Pakistan states that "every citizen shall have the right to acquire, hold, and dispose of property in any part of Pakistan" whereas Article 25 further guarantees and terms the females' "rights to property and equality of citizen as fundamental rights". It further urges to ensure for bringing all laws in conformity with the Holy Quran and Sunnah and to strike down any custom having the force of law as far as it is inconsistent with fundamental rights (GOP, 2012). To protect women's

rights including the inheritance share further, Women Rights Bill 2011 was tabled and passed first by the National Assembly on November 15, 2011 (Khan, 2011) and later by the Senate on March 9, 2012. It is now part of the Constitution and any violation regarding deprivation of women's share in family inheritance can lead to legal imprisonment between 5 and 10 years or a fine of Rs. 1 million or both (Aaj News, 2012).

Despite constitutional protection, there is wide gap between official law and actual practices in Pakistan (Mehdi, 1994). Law in Pakistan entitles women to have share in family land and property but people at large level use various illegal measures, to deny this right. Many times this is intentional and called deliberate discrimination (Santiago, 2001) with major aim to keep the inheritance in the family. Arif and Ali said that to avoid taxes in Punjab rich people transfer the property on the name of wife or daughters, however, the property documents are under kept by a family male (1998). Similarly, in Baluchistan lands are registered on the women's name but they do not get the land. With mutual understanding, the brothers share the land with one another while the females in return receives share in harvest or gifts from the parents family. In rural Punjab many times male after making understanding with the *Patwari*<sup>1</sup> excluded the daughters and sisters names from the inheritance list on the pretext that they have surrendered their share whereas gift called *Habba* is also made on the name to the brothers once the land is transferred on the women name. To stop and discourage this, the courts have made mandatory for the women to appear in person and submit signed legal document called affidavit that they have not been forced to surrender their share. Many times males do not hesitate to have female's land share by making thumb mark documents, getting power of attorney and even making bogus documents (Ishaq, 2012; Mahdi, 2002 and Arif and Ali, 1998). On the other hand many people viewed women lack of capacity to deal with such affairs as laws relating land and property are quiet complicated, women especially in rural setting do not know how to use the law and the social and financial cost to go to court is very high. Women do not have enough financial resources to go in the courts. Also it is uncommon for women to make contact with the *Patwari*, police and court whereas the behavior of police and revenue department officials is not good, women do not know how to deal the concerned

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<sup>1</sup> **Patwari** or Patel are terms used in Pakistan and India for a land record officer at sub-division or Tehsil level. As the lowest state functionary in the Revenue Collection system, his job encompasses visiting agricultural lands and maintaining record of ownership and tilling (*girdawari*).

officials and mostly they are unaware of not only the required procedures and laws regarding getting their share but also even their share in family inheritance (Santiago, 2001; USAID, 2014; Beyani, 2001; Chaudhry, 2009).

### **Research Methodology**

District Peshawar of Khyber Pakhtunkhwa Province constituted the universe of the study. Being the provincial capital, it was one of the areas in the whole Khyber Pakhtunkhwa that contained more or less equal proportional of rural and urban population who was having all sorts of properties ranging from agricultural and non-agricultural land and properties. Variation in the district on the basis of farm and property size, socioeconomic status and trend towards sharing inheritance with family females was also found high. It comprised of 234,434 households with 119,515 from urban and 114,919 from rural areas (GOP, 1999). However, for present study, four communities each from rural and urban areas, of the district were randomly selected. A sample size of 384 was further determined on the basis of Sekran(2003) simplified procedure and the following Cooper and Emory (2000) sample size formula. Because of the lack of sampling frame, the samples from the study area were picked through systematic sampling method.

Study is based on secondary and primary data. The secondary data were collected from all the available sources while for primary data a comprehensive interview schedule was designed in the light of study objectives. To check the inconsistencies, relevance to the study objectives, it was pretested and necessary changes were made in the light of the pilot survey. The data were collected by team of investigators, who were trained before data collection and led by researcher himself. Round about three months were spent in data collection. Likert scale method was used to measure the different concepts and variables of the study. It is a method applied to measure the attitude and perception of the people (Nachmias and Nachmias, 1992). For present study a number of statements describing different aspects of both dependent and independent variables were designed and measured on three scale levels i-e yes, no and don't know and finally individual score allotted to each response of the statement was summed up.

The analysis of the data was made at uni and bivariate levels. The univariate analysis comprised of frequency distribution and percentages of the sampled respondents. Bivariate analysis was carried out to measure the

association between dependent and independent variables. Chi-square and Fisher Exact tests were used to measure the association. The formula used to compute Chi-square is given in the following:

$$\chi^2 = \sum_{i=1}^r \sum_{j=1}^c \frac{(O_{ij} - E_{ij})^2}{E_{ij}}$$

Where  $\chi^2$  is chi-square,  $O_{ij}$  is observed frequencies in  $i^{\text{th}}$  row and  $j^{\text{th}}$  column.  $E_{ij}$  is expected frequencies in  $i^{\text{th}}$  row and  $j^{\text{th}}$  column whereas  $r$  is number of rows and  $n$  is number of column. The large summation sign,  $\Sigma$  (capital sigma), tells us to compute the fractions for each cell and then sum over all cells to get  $\chi^2$ .

Fisher exact test was used when the frequencies in the table was less than 5. Following was the formula of the test.

$$= \frac{(a+b)!(c+d)!(a+c)!(b+d)!}{N!a!b!c!d!}$$

*Fisher Exact Test*

$$N!a!b!c!d!$$

Where  $a$ ,  $b$ ,  $c$  and  $d$  were the observed numbers in contingency table while “ $n$ ” were the total number of observations.

## Results and Discussion

This section describes the univariate and bivariate results. At univariate level it states the results regarding independent variable illegal inheritance transfer methods and practices. It is followed by its association with the dependent variable-e woman inheritance rights denied.

### Illegal Inheritance Transfer Methods and Practices

Article 23, 25 and Women Rights Bill 2011 of Pakistani Constitution not only entitle women in inheritance share but also prescribes penalties and punishment for those who failed to do so (GOP, 2012) but there is a wide gap between the law and its implementation (Mahdi, 1994). Various methods and practices that are mostly illegal and unconstitutional but intentional used to deny women share in family inheritance (Santiago, 2001).

Table I in this regard reports 70.1 percent of the sampled respondents stated yes to the statement that women right to share family inheritance is combination of customary practices and state laws whereas 61.7 percent further called this by viewing cultural norms routinely override the statutory women inheritance laws in Pakistan. In connection

with illegal methods used to grab the inheritance, 45.8 percent agreed or stated yes that many times male members through the collaboration with the revenue department omitted female names from the heirs list, brothers mark thumbs on inheritance documents (52.6%), take power of attorney from family females (50.0%) and bogus sale deeds or documents are made (49.5%). The results are supported by Arif and Ali (1998), Ishaq (2012), Mahdi (2002), Santiago (2001), USAID (2014), Beyani, (2001) and Chaudhry (2009) who found all the illegal methods are used to deny women inheritance share.

Table I: Perception of Sampled Respondents about Illegal Inheritance Transfer Methods and Practices

Sr, No.	Statements	Yes	No	Don't know
1.	Women right to share family inheritance is combination of customary practices and law	269 (70.1)	43 (11.2)	72 (18.8)
2.	The cultural norms routinely override the statutory women inheritance laws	237 (61.7)	73 (19.0)	74 (19.3)
3.	Female name is omitted from the heir list	176 (45.8)	151 (39.3)	57 14.8 ( )
4.	Brothers mark thumbs on inheritance documents	202 (52.6)	121 (31.5)	61 (15.9)
5.	Power of attorney is taken from family females	192 (50.0)	114 (29.7)	78 (20.3)
6.	Bogus sale deeds or documents are made	190 (49.5)	140 (36.5)	54 (14.1)
7.	Attitude of revenue and other government officials is not favorable with females in inheritances related cases	216 (56.3)	78 (20.3)	90 (23.4)
8.	Legal procedure of obtaining inheritance is cumbersome	275 (71.6)	73 (19.0)	36 (9.4)
9.	Social and material cost of litigation is too high	298 (77.6)	45 (11.7)	41 (10.7)
10.	Females lack knowledge about their share in inheritance	271 (70.6)	82 (21.4)	31 (8.1)

*Source: Survey*

To cope with constitutional barriers and illegal measures Table I further describes that women many times even lack knowledge about their share in inheritance (70.6%), if they go to court or contact other relevant state institutions, attitude of revenue and other government officials is not favorable with females in inheritances related cases (56.3%), legal procedure of obtaining inheritance is cumbersome (71.6%), social and material cost of litigation is too high for females in Pakistani culture

(77.6%) whereas at family level they can no influence family decisions (64.1%). Chaudhry (2009), IDRC (2014), IFPRI (1998), CPHD (2008), Ali and Rehman (2001) and GOP (2006) described that despite having a positive response to women from superior courts only few women challenged the status quo because of attitude of government officials, lengthy procedure and high social and economic cost for women.

Results in Table I as a whole reveal application of customary laws mainly in inheritance share cases. Many times they override the statutory laws or inheritance cases were ultimately decided by the locally based institutions such as Jirga or mediation. All this provided favorable atmosphere for the males in many cases to use even illegal methods. Females on the other hand were not able to contact the courts and other related legal institutions due to lack of knowledge even about their share in inheritance, court and other departments procedures, along with male attitude and behavior in state institutions and if they go, the social and economic cost they have pay during and after the case was high.

#### **Association between Illegal Inheritance Transfer Methods/Practices and Female Inheritance Rights Denied**

In connection with the illegal methods used to deny women inheritance rights, results in Table II reports a significant association of women inheritance rights denied with the general perception about the application of state laws relating to female inheritance share at community level that cultural norms routinely override the statutory women inheritance laws ( $p=0.015$ ). This was attributed to application of customary laws where land based affairs were decided through indigenous social institutions like *Jirga* and mediation or through *Salis* (*third party*). They made decisions mainly on the basis of local norms or past practices. It was also found that even the court cases were finally decided through indigenous methods i-e *Jirga* mostly. The results are supported by Mahdi (1994), Chaudhry (2009) and Rome (2012) who reported majority of the people living in rural areas of Pakistan were unaware of state laws, the customary laws either bypassed the state laws or overpowered them mostly.

Regarding the illegal or unlawful practices in gender based inheritance share cases, the significant association of dependent variable women inheritance rights denied was found only with power of attorney is taken from family females ( $p=0.006$ ) whereas the other unlawful methods such as female name is omitted from the heir list ( $p=0.457$ ), brothers mark

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thumbs on inheritance documents ( $p=0.125$ ) and bogus sale deeds or documents are made ( $p=0.820$ ) were found non-significant. The discussion with sampled respondents called it the impact of urbanization and education as all sampled areas were urban or located around Peshawar. It was very difficult for the urban dwellers to do all these as the size of the land and property was mostly very small along with more awareness among the females. At the same time, according to majority of the sampled respondents, the same unlawful methods were being practiced by many people in the sampled area. The results do not support Mahdi (2002), Arif and Ali (1998), Ishaq (2012), USAID (2014) and Chaudhry (2009) who reported the practice of all such methods at large level particularly in rural areas of Pakistan.

Women in Pakistan also faced some procedural legal problems as well. They ranged from knowledge about inheritance share to contacting revenue department and courts to get their legal rights. Results report a significant association of women inheritance rights denied with legal procedure of obtaining inheritance is cumbersome ( $p=0.005$ ) and social and material cost of litigation is too high ( $p=0.010$ ) because all inheritance related legal contracts in your family are executed by men ( $p=0.015$ ). On the other hand association was non-significant when asked attitude of revenue and other government officials is not favorable with females in inheritances related cases ( $p=0.214$ ) and females lack knowledge about their share in inheritance ( $p=0.416$ ). Results indicate that women at weak position if intend to seek justice from the courts and other legal institutions. The procedure of seeking justice was very complicated while it is and was not possible for females to contact courts and other relevant legal institutions as they could not bear the financial and social cost in Pukhtun Society which might be the highest male dominating society. Traditionally the most ideal place for a Pukhtun woman is under the four walls of house or the grave. Santiago (2001), USAID (2014), Beyani (2001) and Chaudhry (2009) supported the findings by stating that females lack capacity and knowledge to deal with affairs relating to land and property such as contacting police, *patwari* and courts due to deficient financial resources and lack of awareness regarding their share in family inheritance.

Table II: Association between Illegal Inheritance Transfer Methods/Practices and Female Inheritance Rights Denied

S#	Statement	Women inheritance rights denied			Chi-square P=value
		Yes	No	Don't know	
1.	The cultural norms routinely override the statutory women inheritance laws				$x^2 = 12.296$ (0.015)
	Yes	151 (39.3)	75 (19.5)	11 (2.9)	
	No	35 (9.1)	30 (7.8)	8 (2.1)	
	Don't know	35 (9.1)	30 (7.8)	9 (2.3) ()	
2.	Female name is omitted from the heir list				$x^2 = 3.638$ (0.457)
	Yes	109 (28.4)	56 (14.6)	11 (2.9)	
	No	81 (21.1)	56 (14.6)	14 (3.6)	
	Don't know	31 (8.1)	23 (6.0)	3 (0.8)	
3.	Brothers mark thumbs on inheritance documents				$x^2 = 7.222$ (0.125)
	Yes	128 (33.3)	60 (15.6)	14 (3.6)	
	No	65 (16.9)	47 (12.2)	9 (2.3)	
	Don't know	28 (7.3)	28 (7.3)	5 (1.3)	
4.	Power of attorney is taken from family females				$x^2 = 14.428$ (0.006)
	Yes	125 (32.6)	57 (14.8)	10 (2.6)	
	No	62 (16.1)	45 (11.7)	7 (1.8)	
	Don't know	34 (8.9)	33 (8.6)	11 (2.9)	
5.	Bogus sale deeds or documents are made				$x^2 = 1.540$ (0.820)
	Yes	114 (29.7)	62 (16.1)	14 (3.6)	
	No	78 (20.3)	53 (13.8)	9 (2.3)	
	Don't know	29 (7.6)	20 (5.2)	5 (1.3)	
6.	Attitude of revenue and other government officials is not favorable with females in inheritances related cases				$x^2 = 5.810$ (0.214)
	Yes	132 (34.4)	73 (19.0)	11 (2.9)	
	No	39 (10.2)	32 (8.3)	7 (1.8)	
	Don't know	50 (13.0)	30 (7.8)	10 (2.6)	
7.	Legal procedure of obtaining inheritance is cumbersome				$x^2 = 14.766$ (0.005)
	Yes	170 (44.3)	92 (24.0)	13 (2.3)	
	No	32 (8.3)	32 (8.3)	9 (2.3)	
	Don't know	19 (4.9)	11 (2.9)	6 (1.6)	
8.	Social and material cost of litigation is too high				$x^2 = 13.264$ (0.010)
	Yes	178 (46.4)	104 (27.1)	16 (4.2)	
	No	21 (5.5)	20 (5.2)	4 (1.0)	
	Don't know	22 (5.7)	11 (2.9)	8 (2.1)	
9.	All inheritance related legal contracts in your family are executed by men				$x^2 = 12.400$ (0.015)
	Yes	145 (37.8)	80 (20.8)	11 (2.9)	
	No	48 (12.5)	44 (11.5)	13 (3.4)	
	Don't know	28 (7.3)	11 (2.9)	4 (1.0)	
10.	Females lack knowledge about their share in inheritance				$x^2 = 3.929$ (0.416)
	Yes	164 (42.7)	88 (22.9)	19 (4.9)	
	No	43 (11.2)	33 (8.6)	6 (1.6)	
	Don't know	14 (3.6)	14 (3.6)	3 (0.8)	

Source: Survey

## Conclusion

Like other traditional societies inheritance denial on gender basis was a common practice. Women found facing a number of problems in pursuing their inheritance rights. One of these was different illegal methods and practices used to deny female inheritance share. The application of illegal methods such as females name is omitted from the heir list, brothers mark thumb on inheritance documents, power of attorney is taken from family females, and bogus sales deeds/documents were stated made by many people in the study area. They along with patriarchy and following of customary norms and practices resulted women unable to protect and get their legal inheritance rights. Legal institutions on their part were more or less reported dysfunctional and women hence found facing many problems such as cumbersome inheritance obtaining procedure, high financial and social cost on litigation, unfavorable attitude of governmental officials with the females and inheritance related matters were executed by males who many times even omitted females names from family heir list through collaboration with revenue department. The study recommends dealing strictly with all illegal methods and practices along with conducive environment for those females who want to have their inheritance rights through legal measures by making inheritance transfer procedure simple and proper attitude of governmental officials.

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## **Federally Administered Tribal Areas (FATA): Impacts of militarization and war crimes on tribal women and children**

*Noreen Naseer*

### **Abstract**

In the global terrorism discourse the Pakhtun tribal areas of northwest of Pakistan straddling the Afghanistan border are projected as the 'natural' epicenter of militancy and extremism. Presently, around 21 Jihadi and 39 sectarian groups are operating in Pakistan, they support and endorse nearly 50 Taliban groups stationed and hiding in seven agencies of FATA under the umbrella of Tehrik-e-Taliban committing war crimes against women and children. Pakistan has launched more than fourteen major operations since 2002 and signed thirteen peace agreements with the Taliban, however, paid no attention to streamlining of FATA and address issues such as killings, displacing and persecuting non-combatants specifically women and children. An attempt is made in this paper to explore the skewed administrative system that led to militancy, challenges any primordial tribal disposition to violence and locates militarism in FATA. The colonial governance practices and postcolonial manipulation of the tribes in national and international issues; which led to radicalization of culture of the Pakhtun as 'warrior and militant' and its impact on women and children. This paper aims to (i) explore the socio-economic impact of armed conflict and war crimes committed against women and children living in the semi-autonomous Federally Administered Tribal Areas (FATA); and (ii) advocate for the rights of FATA's women and children in militarized space and highlight the criminal negligence of state. This study takes the following two hypotheses: (i) Armed conflicts has adversely affected the social and economic life of tribal people specifically women and children; (ii) Mainstream FATA to secure political, economic and social rights of all tribal people and specifically to protect women and children affected by conflicts.

**Keywords:** FATA, Pakhtun, Taliban, conflict, militancy, war crimes, women and children.

### **Introduction**

Pakistan semi-autonomous border region Federally Administered Tribal Areas (FATA) has been one of the most volatile border regions. Today's FATA, Pak Afghan border areas played a very important role since British colonial times, used as a buffer zone between Russian Czars

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and Great Britain during their “Great Game” both imperialist colonial powers were preserving their prosperous territories. Later tribal areas were again used in a “Cold War” converted to “Hot War” between two super powers in Afghanistan in 1979. Proxy war was fought on the expense of tribal people and their lands. After dismemberment of USSR, with no cold war or hot war, FATA already trained, prepared and used in a ten years long war was converted into a training ground for Jihadis/militants to fight inside and outside the state. In this capitalist and communist war, narratives are constructed about tribal people and culture (jihadi, warring and militant) that even today it’s difficult to challenge or change. However, it is also ironic that conflict going on in FATA and war crimes committed against non-combatant such as women and children is absent from any academic debate at national and international level nor tribal people are allowed to speak or participate due to Frontier Crimes Regulation (FCR) and Pakhtunwali (code of cultural norms of Pakhtuns in which women have no voice and representation). It is pertinent to generate a discourse and discuss local narratives about the conflict and war crimes that is affecting women and children. An attempt is made from emic and etic understanding to discuss the impact of armed conflict and war crimes in semi-autonomous FATA nowadays plagued with non-state actors threatening the very state of Pakistan and affecting lives of women and children living in this conflict-ridden border.

FATA is mountainous region, made up of seven ‘political agencies’ Bajaur, Khyber, Kurram, Mohmand, Orakzai, North Waziristan and South Waziristan along with six smaller zones, called ‘frontier regions’(FRs) total area of 27,220 sq.km, which separate the tribal agencies from the rest of the country. FATA is located between the Pakistan-Afghanistan border and the settled areas of Khyber Pakhtunkhwa. Its estimated population is 3.17 million out of a total Pakistani population of nearly 170 million (according to unofficial estimate it has reached 7 million) and share nearly 2253.081 km (1400 miles) of border with Afghanistan (FATA Development Authority, 2013). FATA is the poorest, least developed part of Pakistan. Literacy rate is only 17.42% and among women its hardly 3% women, per capita income is roughly \$250 and 66% of population lives beneath the poverty line. With hardly 3% land holdings, its 50% population is involved in agriculture or trade, women and children actively participate in agriculture activities. State negligence in terms of development and this border forbidding terrain isolate tribals from markets, health and education services, and many outside positive influences (FATA Civil Secretariat, 2014).

British during colonial period had accorded a skewed administrative and political status to FATA since 1849. British controlled the area through a combination of effective Political Agents, Frontier Crimes Regulations and tribal elders, while leaving the people with their traditions and cosmetic independence. The Political Agents under FCR were granted huge powers of executive and judicial authority such as the magisterial powers to institute a Sarkari Jirga (Government Council of Elders) of appointed tribal elders. They had the power of establishing or demolition of villages of certain clans as a reward or punishments. Military forces established by them could blockade tribes, banish them in severe cases and regulate their village guesthouses. Thus, he under FCR can award any punishment without a due process of law and right of appeal. In criminal cases, the only right of defendant was to object to the members designated to Jirga (Spain, 1985).

After 1947, Pakistan continued with the old British colonial system of FCR and Sarkari Jirga in her peripheral region. Hence, tribal agencies of Khyber, Kurram, North Waziristan and South Waziristan were extended the special status and later Mohmand Agency (in 1951), and Bajaur and Orakzai (in 1973) were formed with the same arrangements of administration (White, 2008). The special status of tribal areas was incorporated in the Constitution of Pakistan 1973, Article 246 defined certain areas and categorized them into (a) "Tribal Areas" meaning the areas in Pakistan which, immediately before the commencing day, were Tribal Areas, and includes "Provincially Administered Tribal Areas" includes certain areas adjacent to Khyber Pakhtunkhwa and Baluchistan and Federally Administered Tribal Areas (FATA) includes (i) Tribal Areas adjoining Peshawar district; (ii) Tribal Areas adjoining Kohat district; (iii) Tribal Areas adjoining Bannu district; (iv) Tribal Areas adjoining Dera Ismail Khan district; [(v) Bajaur Agency; (va) Orakzai Agency;] (vi) Mohmand Agency; (vii) Khyber Agency; (viii) Kurram Agency; (ix) North Waziristan Agency, and (x) South Waziristan Agency" (Butt, 2006).

Article 247 reaffirms the separate legal status of the Tribal Areas (FATA), hence neither Central nor Provincial Laws apply to them. The President of Pakistan controls these areas through his Governor of Khyber Pakhtunkhwa. He through his Governor and political agents administer 27% of FATA (Allaqa-i-Sarkar) through FCR, while the remaining 73% area (Allaqa-i-Ghair) is administered through Riway (Butt, 2006). The Judiciary of Pakistan cannot exercise any jurisdiction in relation to a Tribal Area,

therefore leaving tribal areas at the mercy of President, Governor and his appointed political agents.

Unfortunately, none of the Pakistan constitutions and governments recognized the need for change in tribal areas. Therefore, FATA has had very restricted participation in the political system of Pakistan. Until 1997, tribal Malik's votes would send its representatives to the National Assembly. In 1997, universal franchise was extended to FATA but on non-party basis (recently in 2011, Political Party Act is extended to FATA). They were kept away from Provincial Assembly of Khyber Pakhtunkhwa and could only send representatives to the federal legislature providing representation in the National Assembly and Senate. In the present setup, FATA has twelve seats in National Assembly and eight seats in Senate of Pakistan. However, tribal parliamentarian cannot legislate in the lower or upper house for any issue related to FATA or tribal people (Bangash, 1996). It is ironic that since British period, no measures or special attention is given to women and children in FCR and 1973 Constitution. There are no reserve seats for FATA women and have no representation at any level of the governance, although, 33% quota was reserved for other settled areas Pakistani women. While, Jirga in FATA is a male domain and there is no tribunal or judicial forum available to tribal woman (Nawaz, 2009). However, recently President Ordinance passed in 2011 forbade the detaining of women and children under FCR but even then no practical steps is taken to stop such inhuman practices or manipulation of women and children during conflicts or crimes against them in war (Govt. of Khyber Pakhtunkhwa, 2011).

### **War crimes against women and children of FATA**

After 9/11 incident and dismantling of Taliban government in Afghanistan by US converted FATA into war zone. Since 2001, Taliban and Pakistan military is engaged into endless operations against each other, which has profound effect on the population of FATA. Most of the Afghan Taliban settled down, formed bases in FATA, and started issuing fatwa (notifications based on Islamic Sharia) to the rest of tribal population. It is ironic that in FATA, the most affected are the women and children, however issues related to women and children are absent from any debate at national and international level nor tribal men/elders are allowed to speak or participate due to FCR, and Pakhtunwali.

There are different views and opinions regarding emergence of Taliban in FATA. Some are of the opinion that Taliban were given asylum

(Panah or Nanawatey in Pakhtunwali) by the tribals due to their cultural norms and values, other argue that they were given refuge as they were fighting a holy war against infidels. Pakhtun border areas across the Durand are very complex, emergence of Taliban after 9/11 in FATA is also another riddle. Local elders and the people have no idea how this new setup established overnight. According to tribal local people, most of the Taliban commanders are from deprived background and poor tribes. These groups are living in the most remote areas of tribal belt or in some cases forced the local people to leave their villages and taken over their lands and properties. They assert themselves through killings, beheadings, kidnappings and at times targeting their elders/Maliks. Due to fear and suppression, civil society of tribal areas failed to generate any movement to oust these terrorists from their respective areas. National and international media is not allowed to report, journalists are targeted for reporting or highlighting any issue related to terrorists activities. Taliban apparently demands for Sharia law to be implemented in FATA and rest of Pakistan, however, they are not clear about it, thus, targeting already impoverished services sector and weakest in FATA and assert themselves (Minutes recorded with tribals from FATA and resident editor of Express Tribune Iftikhar Firdous).

**(a): Children Education:**

Taliban are against every scientific and critical study based education. Hence, to deter and create scare among the tribal people, many sporadic incidents such as slaughtering of boy students, attacking/blasting girls school vans with mortar shells started in FATA, thus killed many school going students. In Bagzai village of Lower Kurram, militants' slaughtered school going boys, made compact discs of the gory crime and distributed it that led to sectarian skirmishes between Sunni and Shia population in Kurram (Minutes recorded with tribal elders at Tehsil Alizai in 2013). The incident of acid throwing by Taliban on Kohat University female students in Lower Kurram again created a scare and many families stopped their daughters from going to colleges and universities in settled areas of Khyber Pakhtunkhwa. Qari Mauvia threatened the local people that every girl would be targeted with acid if found going to school or college (The Nation, 2012). The only girls' school in Miramshah, North Waziristan was taken by Taliban in 2009 and according to locals, even after military operation, it is still their abode (Minutes recorded with elder of Dawar tribe in Peshawar 2015). In Tangi, Salarzai tehsil Bajaur, school-going van was targeted by remote control improvised explosive device, killing female teachers and students (Mohmand, 2014). After such incidents, boys and girls stopped attending school and student's attendance plummeted to

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hardly 1% and out of 458 educational institutions 317 schools are destroyed by militants (FATA Research Centre, 2014).

**(b): Women Health:**

Taliban also targeted the vulnerable health sector in FATA. There are hardly 41 hospitals for nearly 7 million FATA populations with poor paramedic staff. According official details, child mortality in FATA is 135 out of 1000 live births (Bureau of Statistics FATA, 2014). Above all Taliban targeted health workers and staff, making health facilities difficult for tribal children, in one gory incident health worker Suryia Bibi from Parachinar on official duty was ambushed on her way back from Peshawar in ambulance, she was raped and brutally killed by Taliban. This was not reported in newspapers and nor any security provided by local administration to female staff working in health services (Minutes recorded with locals in Parachinar 2013). In addition, an incident of Osama bin Laden and involvement of polio eradication workers involvement further complicates the issue and made health workers vulnerable to attacks. Recent attacks against polio-workers and ban on polio drops in FATA further created health emergency. Lady health workers and teachers after Suryia Bibi incident and Bin Laden incident either resigned or left on indefinite leave, very few are back on duties. Suffocated by tribal culture tribal women are further restricted by radical Taliban, many women and children died of minor infections due to non-availability of drugs and also in-access to the cities hospitals (The News International, Express Tribune, Dawn, 2010,11,12,13-14). The staple food items are sold by inflated prices compared to their original prices in other part of Pakistan. Food shortages and mal nutrition affected the health of children and women (Minutes recorded with locals from FATA).

**(c): Affecting Women Participation in FATA Economy:**

Tribal society is patriarchal although 60% of work force in agriculture sector were women and children, in Taliban controlled areas women are stopped from working in the farm fields and those in non-Taliban areas, quit working due to fear of militants, hence, pushed poor families into absolute poverty. Many females working as teachers, health workers, running vocational training centres of embroidery and stitching in FATA were also stopped and threatened. In FATA, women and female children cannot inherit, hence, on death of male members, lands and properties are taken by relatives with help of Taliban leaving them in despair (Minutes recorded with FATA women).

**(d): Women and Children Migrated and Trafficked:**

More than 6000 women and children cross over Pak-Afghan border only during Kurram Agency sectarian violence spearheaded by Taliban. According to few local reporters, women from different villages are taken to Khost, Paktia and Makeen (South Waziristan) by Taliban and were sold/taken as war bounty (Mal-e- Ghanimet) and they were declared missing or dead by the families. Similarly, in many other agencies, many women and children were lost, displaced and some reported as taken by Taliban or other actors (Minutes recorded with FATA elders).

**(e): Displaced Women and Children:**

Failure of peace agreements, operations conducted, led to the displacement nearly 3 million tribal people (IVAP, 2014) and since 2006, 26822 people are killed (SATP, 2014). The first major displacement during military operation was from South Waziristan Agency, which displaced around 428,000. Another huge military operation was launched in Tirah Valley of Khyber Agency, which resulted into huge exodus of more than 80,000 people, and then North Waziristan, displacing nearly 1 million people (IVAP, 2014). Many women are widowed, raped/crippled/mutilated, children are orphaned during conflict and there is no help available to them. Women and children in camps and different villages are traumatized and due to conservative culture norms and traditions, they cannot seek help or counseling. Many women have started eating opium for pains and mental trauma. More than 700 families in Durrani, Shasho and Eidgah camps in Kurram Agency are headed by females with no male to look after them (World Food Program Report, 2011). Born and raised in protective environment, women and young girls do not feel safe around other strange men. Recently, case was reported that woman was raped by the camp authorities in front of her three young daughters in Jalozei camp, hardly thirty five km away from Peshawar city (Mona, 2013). The recent huge exodus of nearly 1 million populations from North Waziristan in Zarb-e-Azab operation affected women and children badly, huge number of these non-combatants are suffering in camps along with their young children (IVAP, 2014).

**(f). State Apathy:**

In these conflicts and wars, crimes committed against the non-combatants women and children by the militants/non-state actors, state structures are equally responsible. The unjust FCR, absence of courts, proper policing and accountability mechanism has made lives of tribals more miserable. State failed to facilitate the women and children affected by the on-going crises. In 2006, United States pledged \$150 million

annually for development and rehabilitation of displaced tribals from war; however record of Rs. 6431.9 million fund used for FATA is available (Congressional Research Report, 2011). However, there are reports of huge misappropriations of funds allocated to conflict ridden tribal areas. Thus, in 2013, Federal Investigating Agency was given directions to investigate corruption in FATA funds by FATA Secretariat (Express Tribune, 2013). Recently, FATA Disaster Management Authority embezzled 60 million funds that were allocated for damaged houses in FATA (Amin, 2015). It is ironic that Ministry of SAFRON, Governor Khyber Pakhtunkhwa and political agents are not taken into an ambit of inquiries about funding and development.

**Participation of Tribal Women in Peace Building and Demilitarization:**

Patriarchal Pakhtun culture, state system and militancy have affected women and children the most during war crimes. Therefore, it is important to take them on board in peace building and demilitarization process. Gender mainstreaming in tribal areas will be possible if FATA is settled and reformed like other parts of Pakistan. It is also pertinent to mention that women in FATA is not organized in any kind of pressure group neither there is any forum through which they can address or highlight their plight. They are in individual capacity with all the security risks trying to run certain services based NGOs. In 2012, Farida Afridi of Savera from Khyber Agency was on her way to attend the meeting was assassinated in Hayatabad, Peshawar (widely reported on TV and other media). Hence, majority of the tribal women are doing jobs that do not involve their mobility outside homes. These restrictions are due to fear, system of oppression and militarization. The deliberate vacuum in terms of judicial, political and economic development led to the present situation of the weakest section of tribal society and unchecked/unaccountable and many un-reported war crimes.

1. Abolish inhuman FCR and special status of FATA; give tribal men and women representation in local, provincial and federal setup to fill the vacuum occupied by the autocratic state and non-state actors. Self-rule of tribals will make the system accountable too and mal-practices can be checked. Gender perspective will be guaranteed in the legislative and governance participation in patriarchal and militarized setup of tribal society if quota is fixed for women. Thus, gender parity should be recognized in legislative and governance structures of FATA at local/provincial/national level.

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2. For effective peace building and war crimes in FATA, Pakistan shall sign Security Council Resolution 1325 to assure security, protection and participation of tribal women in conflict hit FATA. While signing any peace agreements with militants, local people and women shall be included to address their grievances and other reservations.

3. With the help of UN Women, FATA women commission comprises of Pakistani human rights activists and local tribal women shall be formed to highlight unrecorded and unaddressed crimes against women and children in tribal areas. It is also essential that proper survey be carried out to record atrocities committed by state and non-state actors.

4. For conflict ridden FATA, special criminal tribunals (consist of human rights activists, sensitize police officials, judges and lawyers) shall be formed to punish militants according to the findings of commission.

5. Tribal women affected by conflict shall be taken in confidence in all aspects of repatriation and resettlement arrangements. Demographic research and survey should be carried out to find out families headed by women as most of the men died in the conflict.

### **Conclusion:**

Tribal Areas' old cultural practices, geography and states' policies contributed to the militarization of present day FATA. Pakistan's national and international entanglements have changed the nature of FATA's militarization and conflict. Presently, there is several state and non-state international actors' involved, which has complicated the issue and left no option but needs state prudent approach for rigorous reforms inclusive of women and children. States' militarization policies have not only disconnected tribal people from the state but created space for human rights violations, especially concerning women and children. Thus, on one hand militarization and armed conflict is pulling Pakistan into confusing abyss where she herself was entangled into a clash rather bringing a solution to it and on another side, the major sufferers are her non-combatant women and children. This approach of state towards FATA should change, peace and trust should be built between state and tribal people by abolishment of old colonial system and integrate them in a state through social, political and economic development. In addition, special measures should be taken to provide justice and protect tribal women and children.

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**Declaration:** This work is not published in any journal; however, it was presented in International Convention arranged by Jauhar Lal Nehru University, 2013, New Delhi. Later uploaded conference proceedings by Pakistan Project and SANGAT South Asia, blogs dealing with women and children in conflict.



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## **Women and armed conflict: Cultural obstacles to Pashtun women's participation in peacebuilding**

*Noor Sanauddin, Zafar Khan,  
Shakeel Ahmad & Khurshaid*

### **Abstract**

The UN Security Council Resolution 1325 on 'Women, Peace and Security' stresses the importance of women's 'equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision making with regard to conflict prevention and resolution'. However, the situation on the ground with respect to women's participation in peacebuilding efforts in many countries is still not very encouraging. This paper highlights the unequal treatment of women in peacebuilding process in Pakistan in general and the Pashtun belt in particular where women have been suffered in a number of ways during the on-going conflict. The article articulates that the patriarchal Pashtun society and culture present numerous hurdles in the way of women to actively participate in the peacebuilding process and that their role in peacebuilding efforts is not recognized and appreciated.

**Keywords:** women, conflict, peacebuilding, gender equality, pashtun, pakistan

### **Introduction**

Research on women and post-conflict reconstruction and peacebuilding tends to focus primarily on women as victims and passive targets for aid rather than conceptualizing peacebuilding as a process where greater participation by women may help increase the prospects for success (Gizelis, 2011; Woroniuk, 2001). Governmental organizations and international agencies often view peacebuilding in terms of post-conflict reconstruction of societal infrastructures and emphasis structural rebuilding of institutions and infrastructures. Peacebuilding discourses overlook that peacebuilding is both culture-specific and gendered (De La Rey and McKay, 2006). It is important to ensure that gender equality issues are taken into consideration in peacebuilding initiatives because both conflict and peacebuilding are gendered activities. There is a strong gender division of labour as women and men have differential access to resources, including power and decision-making during conflicts, and men and women experience conflict differently. The United Nations recognized and highlighted this in the Fourth World Conference on Women in Beijing:

“while entire communities suffer the consequences of armed conflict and terrorism, women and girls are particularly affected because of their status in society as well as their sex” (UN, 1995: para 135). Given their overall economic and political marginalisation, women in many societies are not well-placed to play an effective role in peacebuilding processes (Woroniuk, 2001).

This article outlines the specificities of peacebuilding in post-conflict situations and argues that women have been traditionally barred from playing their active role in peacebuilding efforts. With a focus upon Pakistan and the Pashtun culture more specifically, we argue that both the societal traditions at the local level and the state policies at the national level have systematically excluded women from peacebuilding efforts. Sustainable peace in the region cannot be achieved unless women, along with other marginalized groups, are given their due role in peace making forums.

### **Conflict, Peacebuilding, and Women**

Peacebuilding refers to those initiatives which foster and support sustainable structures and processes which strengthen the prospects for peaceful coexistence and decrease the likelihood of the outbreak, reoccurrence or continuation of violent conflict (Bush, 1998). Peacebuilding is a two-fold process requiring both the deconstruction of the structures of violence and the construction of the structures of peace. In other words, peacebuilding is a process that facilitates durable peace and tries to prevent violence by addressing the root causes and effects of conflict through reconciliation, institution building, and political as well as economic transformation. This means that peacebuilding process not only prevents violence but also advances the economic and political rights of people. The absence of violence only does not necessarily means peace. Desirable peace can be achieved to protect people from injustice and discrimination and to work for socio-political empowerment. It is important for the positive peace to protect the economic and political rights of the people irrespective of racial and gender discrimination.

During the past few years, there has been an increasing recognition by government and civil society organizations of the importance of women’s participation in peacebuilding. It is mainly because women suffer the most during conflicts but their role in the post-conflict scenarios has not been given due recognition. A growing challenge facing the world today is

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the increasing violence against women and girls in armed conflicts. They are not only the indirect victims of hardship, displacement and warfare; they are also targeted deliberately in the shape of forced marriages, rape, and physical assaults as an instrument of war. In some cases, women suffer even more than men during ethnic conflicts because they are considered symbols of community and ethnic identity, and at the same time, the easy and soft target for violence (El-Bushra and Sahl, 2005). It is because whenever conflict breaks up, a breakdown also occurs in the social and legal order which give ways to more human right abuses and women's rights violations. In the absence of moral and legal order during conflict, women, being the vulnerable groups, are exposed to greater gender based violence (Mohammad, 2009; Woroniuk, 2001). A good example is the 1994 genocide in Rwanda, in which Tutsi women were raped and killed because of their ethnicity (Mohammad, 2009). Studies from different parts of the world have documented that violent acts against women during conflicts further undermine their human rights. Displacement or force migration of people during conflicts creates various socio-economic and political problems generally for whole society and particularly for women. They are socially humiliated and face various forms of sexual violence particularly in refugee's camps after displacement. After the conflict, their unfair treatment in peacebuilding further intensifies problems for them as they are denied the opportunities to put themselves on equal level with men to ensure egalitarian peace. Desirable peace can be maintained when every segment of population particularly women become the part of it.

International organizations such as the UN Security Council, the United Nations Development Fund for Women (UNIFEM), and Women Waging Peace have been working to promote the critical importance of women's role in peacebuilding and advocate that women must be included in all aspects of conflict resolution and peacebuilding (Anderlini, 2000). In 2000, the UN Security Council, unanimously adopted Resolution 1325 which advocated broad participation of women in peacebuilding and post-conflict reconstruction. It called on all actors who negotiate and implement peace agreements to adopt a gender perspective in considering the needs of women and girls in post-conflict situations and in supporting local women's peace initiatives and indigenous conflict resolution processes (UN, 2002). The UN Security Council recognizes that war impacts women differently, and reaffirms the need to increase women's role in decision-making related to conflict prevention and resolution. The progress so far to include women in peacebuilding, however, is too slow: from 1992 to

2011, women comprised less than 4% of signatories to peace agreements and fewer than 10% of negotiators at peace tables (UN Women, 2015).

It is important to ensure women's participation in peacebuilding activities because improving women's status in society demands that they should be considered as co-architects with men in the process of building societies in post-conflict situations. Women's national, regional, and international involvement fundamentally shapes how peacebuilding projects and processes develop (De La Rey and McKay, 2006). Examining gender and meanings of peacebuilding at international, national and grassroots levels, Mazurana and McKay (1999) concluded that women's peacebuilding is culturally and contextually based and usually located at community and regional levels. Women's peacebuilding interests are likely to be shaped by local and regional concerns, including the socio-economic status of women. For example, Gizelis (2011) argues that societies where women enjoy a relatively higher status have greater prospects for successful peacebuilding.

Despite the widespread patriarchal barriers, women have played a pivotal role in peacebuilding in the different parts of the world at both micro and macro levels (Tripp, Casimiro, Kwesiga & Mungwa, 2009). In countries like Northern Ireland, El Salvador, Guatemala, and Rwanda, women as individuals and as organizations have played a gigantic task during conflict to protect the social fabrics and ensure desirable peace in the conflict-affected areas (Adebajo, 2002). For example, women in Northern Ireland have helped calm the often deadly 'marching season' by facilitating mediations between Protestant Unionists and Catholic Nationalists (Hunt & Posa, 2001). In Sierra Leone, women in the Mano River Women's Peace Network collaborate with women of Liberia and Guinea to foster reconciliation and lasting peace between their countries (Femmes Africa Solidarité, 2000). Women are challenging patriarchal norms and practices in South Korea by advocating against the pervasiveness of militarism and linking it with violence against women, prostitution, and sex trafficking (McKay & Mazurana, 2001). These examples reflect women's oft-emphases upon reconciliation, demilitarization, and calling attention to gender-specific violence and reducing its prevalence (De La Rey and McKay, 2006).

As detailed in the foregoing discussion, it is becoming increasingly obvious that women not only suffer conflict differently than men, they also have unique approaches towards conflict resolution and peacebuilding.

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Without realizing the gender dimensions of conflict and conflict resolution, sustainable peace cannot be achieved.

### **Peacebuilding in the Context of Culture**

An important aspect of peacebuilding is that it is a cultural specific process. Different conflicts in different cultural contexts need various kinds of strategies according to the prevalent socio-cultural environment (Moser & Clark, 2001; Fred-Mensah, 2004). The cultural and socio-political environment of a society often promotes conflict; hence, these factors cannot be ignored in peacebuilding process (Burns & Aspeslagh, 2014). Sometime, culturally embedded factors sabotage the peace process and need to be kept in mind by peace makers (Mac Ginty, 2010). In most cases, these local factors hinder the participation of the minorities and culturally subordinates and marginalized segments of the population, such as women, from peacebuilding efforts. For example, women participation in peacebuilding can be rarely found in the countries like Afghanistan, Pakistan, Iraq and most of Africa as the local culture is not in favour of women (De La Rey, & McKay, 2006).

Another important aspect of peacebuilding process is that it needs a holistic strategy to involve all cadres of people in the society to build a sustainable peace (Brenk, Hellema, & Verhoeven, 2005). Peacebuilding process gives emphasis on the human rights protection and strengthening of governmental institutions and promoting formal and informal process of political participation. Sustainable peace requires the participation of neglected and marginalized community (Tryggestad, 2009; Cohn, Kinsella, & Gibbings, 2004).

The processual nature of peacebuilding demands for a recognition of that fact that it is a dynamic process. In practice, it means that peacebuilding is a dynamic phenomenon and having something to contribute in every phase of a conflict, always changing in response to the situation and the stage of peace-making efforts (El-Bushra, 2000; Kirk, 2004; Porter, 2007; Pankhurst, 2003; Cohn, Kinsella & Gibbings, 2004; Jordan, 2003). Peacebuilding covers all the possible forms of conflict and trying to mitigate the socio-cultural and political factors of it (Chinkin & Charlesworth, 2006; Hamber, et. al, 2006). The dynamic nature of the conflict needs a dynamic peacebuilding process to tactfully deal the various causes of conflicts, particularly socio-cultural (Onyejekwe, 2005; Schirch, 2005; McKay, 2004).

### **Peacebuilding in Pashtun Culture and Pashtun Women**

The Pashtun society, which has endured the brunt of terrorist events in the recent times and is still suffering from violent extremism, presents an ideal case to see how cultural factor hinder women's participation in peacebuilding processes. As mentioned above, peacebuilding process cannot be separated from the indigenous socio-political and cultural context. The patriarchal cultural context of Pashtun provides little role to women in socio-political affairs. The role for Pashtun women is mostly limited to the private sphere of family and indoor activities. According to a Pashto proverb, "*Khazaya da kor da, ya da gor da*", meaning that "A woman's place is either a home or a grave". This proverb indicates the strong line between public and private spheres for a woman and advocate that a woman has nothing to do with the outside world beyond the four walls of the house. A woman's participation in a public issue is considered a matter of shame and humiliation for the family. As we will further explain in this article, local traditions have no provision for women's active role in peacebuilding process. As a reflection of local traditions, the state too has provided little opportunities for women to have access to state institutions and resources. As a result, women are kept marginalized and remain absent from peacebuilding discourses.

In the following pages, the status of Pashtun women and their exclusion from peacebuilding by Pashtun culture has been explained in detail. For this purpose, we have focussed the discussion on *Pashtunwali*—the Pashtun traditional code of conduct, which works like an unwritten constitution for Pashtuns. It is a set of moral and ethical principles which guides Pashtun people in overall socio-economic and political matters. *Pashtunwali* defines the position and role of men and women differently in different socio-political matters. A number of elements of *Pashtunwali* deal specifically with resolution of conflict and maintaining peace at the local level. These include cultural institutions and practices such as *jirga*, *nanawatay*, and *swara*. These elements of *Pashtunwali* have been critically examined from a gendered perspective to reveal that these traditional institutions and practices of Pashtun culture are biased against women and women's agency in socio-political affairs, especially in peacebuilding, is grossly negated.

#### ***Jirga, Nanawatay, and Swara***

The most important institution for conflict resolution and peacebuilding in Pashtun society is called *jirga*. *Jirga* has been considered a convenient traditional instrument of resolving inter-tribal and inter-

community disputes. In a broader sense, it is at once the parliament, court, and the police which take important decisions concerning communal affairs, resolve disputes between persons and tribes, maintain order and implement decision through various social sanctions<sup>1</sup> (Wardak, 2003). It is the council of elders who are culturally empowered to stop violence through peaceful negotiation between the conflicting parties. *Jirga* is composed of community elders called '*speengirimasheran*' (white-bearded elders). It is often claimed by local people that *jirga* is egalitarian in nature and it allows everyone to participate in it and contribute towards peacebuilding. The fact, however, is that it is highly patriarchal in nature as only elderly men can be its members. The institution of *jirga* systematically excludes marginalized and weaker groups including women and children to play any role in making important decisions that affect their lives. Similarly, people from lower socio-cultural backgrounds are not welcomed to be part of *jirga*.<sup>2</sup> As a result, women are denied any formal platform from where they can play a part in peacebuilding activities. It is considered as against the basic principles of *Pashtunwali* to allow women to play a leading role in peacebuilding. In the absence of women, it is no wonder that most of the decisions of *jirga* are biased against women.

There are a number of ways through which the *jirga* reconciles a conflict to resume peace among the conflicting parties. The most famous among them is the ritual of forgiveness called *nanawatay* which literally means "entering [the house of the offended party]". When one conflicting party (the wrong doers) realize their guilt or the *jirga* declare it so, the wrong doer can seek forgiveness through *nanawatay* in which the offenders enter into the house of the offended party to admit their guilt and to beg for pardon. *Nanawatay* usually takes the form of a procession consisting of the guilty part, members of *jirga*, other tribal elders, and a sheep to be slaughtered. The sheep symbolically represents the wrong doers and their submission to the wronged party. In some cases, the *nanawatay* procession

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<sup>1</sup> The institution of *jirga* works as alternative court and go parallel to the formal judicial system of the state. Majority of the Pashtuns still solve their disputes through *jirga* due to the slow and expensive judicial process in Pakistan. In the tribal areas, the state's legal courts do not operate and *jirga* is the only institution for dispute resolution.

<sup>2</sup> A Pashto proverb says: "*Saraychedala she no faisaly ye jolagankawe*", meaning that "*When a man loses honour, his disputes are solved by weavers*". It is pertinent to mention here that the Pashtun consider 'weavers' and other occupational groups such as 'cobblers' and 'masons' as lower in social rank compared to Pashtun themselves. A dispute among Pashtuns is ideally solved by a *jirga* of Pashtun elders, not weaver, cobblers or potters. The proverb suggests that *jirga* and conflict resolution among Pashtuns is an undemocratic process which excludes marginalized groups from its membership.

also includes a few women of the offending party. It is because women are symbol of men's pride and honour, and when a person allows his women to submit to the enemy, this is considered as the height of submission and humility, and the wronged party is obliged to grant forgiveness. The *nanawatay* ritual is based on the concepts of asylum (*panawarkawal*) according to which asylum must be granted even to the one's enemy if asked for, and hospitality (*melmastiya*) which requires that one must entertain one's guest with honour and provide food and comfort, even if he is an enemy or a complete stranger. A specific Pashtun custom in which women play a role in ending violent conflict is called "*pessa or peskeachawal*", meaning "dropping the veil". In this custom, women go to the house of one of the conflicting parties and put their veil in the feet of the party. They beg for peace and mercy. Culturally, that party is obliged to grant mercy and end the conflict. This shows that the positive peace-making role of women is embedded in Pashtun culture. Yet women do not have a place in *jirga* where disputes and conflicts are discussed and adjudicated. In other words, *jirga* and *nanawatay* are men-dominated shows in which women are neither given any formal and active role nor their contributions are acknowledged.

Another dispute and conflict resolution mechanism is *swara* which has direct relevance to women. In order to end a cycle of blood feuds between two families/tribes, a young girl is given by the offending party to the offended party who is married to one of the male members of the offended party. The rationale behind this practice is to convert the enmity (*dushmani*) into affinity (*dusti*). The young girl married in this way into the enemy's house is called *swara*, which, in a sense, is a sacrificial goat whose life is sacrificed to save the lives of her brothers and other men of her natal house. This practice shows that rather than giving women an active role in peacebuilding, women in Pashtun culture are 'used' as compensation for the wrong done by men in order to resume peace. This practice also exposes the gender biased decisions of traditional *jirga* system.

### **The 'Women Jirga' in Swat:**

While most women surrender to the gendered biased decisions of *jirga*, some brave women have recently stood against the men-only composition and gender biased decisions of *jirga*. In district Swat, for example, women have taken a revolutionary step under the leadership of Tabassum Adnan by establishing a "Women *Jirga*". She first applied for a place in the *Swat Qaumi Aman Jirga* (Swat National Peace *Jirga*) to seek justice and representation for women. When her request was refused by male elders of the community, she organized an all-women's 25-member

*jirga*, the first of its kind in the country. Conservative sections of the society call it a 'shameful act' and equated it with 'blasphemy with tradition' (Kureshi, 2013). Talking to media about the women-only *jirga*, the head of the women *jirga* said, "We're fed up with male-only *jirgas* which decide only in favour of men and sacrifice women for their own mistakes. ... We simply can't leave women at the mercy of the male *jirgas*" (Dawn, 2013). By organizing 'Women *Jirga*', these women of Swat "created a separate space for themselves which is subversive as it defies the cultural ethos while staying within the cultural metaphor" (AWAZ: 2015: 11). So far, the 'Women *Jirga*' has successfully helped abused women of Swat in getting them justice from the legal courts and law enforcing agencies. These women have also raised their voices to put an end to the on-going terrorism in the country by urging "the government, army and Taliban to announce ceasefire and adopt the path of negotiations to avoid further bloodshed in the country" (Pakistan Gender News, 2014).

#### **'Peace Committees' and 'Peace Deals' with Taliban:**

The state of Pakistan has remained mostly silent over the exclusion of women from peace process. Not only that, but its policies has further strengthened the patriarchal structure by excluding women from local and national committees dealing with peacebuilding. In order to negotiate peace with the terrorists, the government of Pakistan has constituted 'Peace Negotiation Committees' (*MasalehatiJirgas*) from time to time. Importantly, none of these committees had a woman as a member. For example, when a peace deal was struck with Tehreek-e-Nifaz-e-Shariat-e-Mohammadi (TNSM) in 2009, there was no representation of women. Above that, "women became the main target as a result of the passing of this 'peace' deal as women were publicly flogged and attacked for attending schools or going to marketplaces (Bari, 2014). This shows that when women are excluded from peace making process, their rights are further violated. Similarly, the government of Pakistan has formed "*Aman Committees*" (Peace Committees) at the local level in terrorist affected areas in order to support the state against the Taliban. The members of these committees are consulted by government in important matters. Notably, the membership of these state-sponsored "*Aman Committees*", like the traditional *jirgas*, is all male (AWAZ, 2014). This provides evidence that peacebuilding and conflict resolution process at the local and national level have failed to consider women as actors and agents of peace. Women are generally defined as members of vulnerable groups, together with the elderly and the handicapped, as part of the category 'women and-children'. This approach deprives them of the agency as responsible citizen.

Instead of treating women as passive victim of conflict, peacebuilding initiatives at the local, national and international level must incorporate gender analysis into the assessment of the conflict and post-conflict situations and ensure that gender equality considerations are present in situation analysis and formulation of policies, programs and projects intended towards peacebuilding. As argued by Woroniuk (2011), peace is a pre-requisite for achieving the goal of gender equality and women's empowerment, and in some cases, true peace cannot be achieved without gender equality.

### **Conclusion**

Women suffer a great deal during violent conflicts, yet they are often neglected in post-conflict reconstruction and peacebuilding programs. In Pakistan as a whole in the Pashtun belt in particular, patriarchal traditions and practices such as *jirga*, *nanawatay*, and *swara* exclude women from peacebuilding ventures and discourses. In fact, these traditions are the main sources of women's rights violation as women are sacrificed for the resolving familial and tribal disputes. At the national level, the state too has exposed its patriarchal nature by not giving any representation to women in the various committees it has constituted from time to time for negotiating peace with the Taliban. Instead of protecting women, the state sponsored truces and peace agreements with the Taliban in the conflict affected areas like Swat have resulted in even further abuses of women. Gender representation in peacebuilding initiatives at all levels must be encouraged in order to achieve the goal of gender equality sustainable peace.

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## **Association between effectiveness of probation system and rehabilitation of offenders in the Punjab, Pakistan**

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### **Abstract**

Probation system constitutes an essential organ of criminal justice system which reintegrates criminals into society. The study aimed to know association between effectiveness of probation system and rehabilitation of offenders in Punjab Province, Pakistan. Sample of 511 probationers as respondents was selected proportionately from 10 districts of Punjab province. Results of study showed high association between supervision of probation officer and rehabilitation of probationers. Probation system was noted significant for rehabilitation of probationers with satisfactory self-esteem. Thus offenders of minor offences should be given opportunity of probation and professional training of probation officers may prove effective in reintegrating the offenders into society.

**Keywords:** probation, offence, prison, Pakistan, rehabilitation, Punjab, effectiveness

### **Introduction**

Criminal justice system is the collection of all government agencies which manage criminal justice system's functions, including operations, administration or technical support (Schmalleger & Smykla, 2001). As Criminal Justice System provides a mechanism of social control (Seigel, 2005), therefore, Probation system was introduced in criminal justice with the intent of reforming offenders (Ghosh, 2006) through correctional treatment in the community (Aulakh & Khan, 2005). Hence Probation System is a correctional process (Srivastava, 1970) which allows for conditional and revocable release of convicts in the community (Macionis, 1999) under the supervision of a probation officer (Ellsworth, 1996). Probation officer gives advice to the probationer on how to live a law-abiding lifestyle (Healy & O' Donnell, 2008). According to Encyclopedia of Britannica (2002), the probation process in criminal justice system for an adult begins with a pre-sentence investigation of the offender after guilt has been established.

Probation system is effective as this emphasizes on rehabilitation and re-integration of offenders (Garland, 1997) with the aim of positive

reshaping the criminal's personality (Crow, 2001). Probation system acts in two ways; one it provides a service to offenders to stop them from becoming professional criminals (Martinson & Wilks, 1977) and second Probation system helps offenders to become useful and productive citizen of society (McAnany & Fogel, 1984). However, the practice of probation system focuses on the philosophy of rehabilitation (Brownlee, 1998) and offenders are regarded an appropriate human resource (Robinson, 2005). In probation system, rehabilitation is a treatment which aims at reducing the inclination of individual offenders to commit crimes in the future (Ellsworth, 1996). The rehabilitation, according to the probation law, follows the court orders that asks probation officer to prepare and submit a social investigation report/pre-sentence report about the offender (Zafar, 1983). The probation officer does the pre-sentence investigation to learn family and social background of the offender and, thus assesses strengths and weaknesses of the offender with a view towards working out a treatment programme for him or her (Fox, 1972). Prisons are the breeding places for professional criminals (Jilani, 1999). Prisons perpetuate criminal behavior (Garland, 2001) and it does not reform the criminals (Devasia & Devasia, 1992) but imprisonment brings a deep feeling of alienation among the inmates (Korn & McCrokley, 1959).

### **Rationale of the study**

Alienation has a dehumanizing effect on inmates (Khan, 1981) and prisoners engage themselves in self-destructive behavior (Haycock, 1991). For this reason, probation system is alternative to harsh punishments and imprisonment (Schmallegger, 2009). Regarding Pakistan, mostly, a poor who commits crime due to poverty and sense of deprivation face imprisonment in minor offences but when he or she comes out of imprisonment, the inmates socialize them into a hardened criminals. Therefore probation is an essential component of criminal justice system in Pakistan and Probation affords the criminal another chance for rehabilitation and normalcy. However, in Pakistan there are insufficient scientific studies to prove association between probation system and rehabilitation of offenders. Thus study was conducted to know 'whether there is an association or not between rehabilitation of offenders into society and the probation system' with the following specific objectives:

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## Objectives

1. To examine the extent of rehabilitation of offenders under the supervision of probation officer
2. To analyze the association between effectiveness of probation system and rehabilitation of offenders

## Hypotheses

**H1:** There is an association between supervision of probation officer and rehabilitation of offenders

**H2:** There is no association between supervision of probation officer and rehabilitation of offenders

## Data and Methods

Methodology is essential in collecting and managing the data for statistical analysis. The population of the study consisted of all the male adult<sup>1</sup> probationers in 36 districts of Punjab who had also spent some duration in prisons. The sample was finalized at two stages. At first stage, random sampling technique was used to draw ten districts out of 36 districts of whole Punjab. Time and cost were the limits of the study due to which sample was limited to ten districts.

At second stage, 511 adult male probationers were selected from ten districts of Punjab by using proportionate sampling technique (table1). However the proportion of each district was fixed as 10% to total number of probationers in every district to make true representative sample.

The data was collected through a structured questionnaire. Previous literature of the study helped in devising the questionnaire. The probation officer from every district was approached by the researchers and probation officer was requested to arrange an interview meeting of the researchers with the respondent. As most of the respondents were illiterate and could not fill the questionnaire which was developed in English language therefore the researchers filled questionnaire through arranged meetings with the respondents. The collected raw data was entered into SPSS-18 to apply statistical tests for the confirming correlations among variables.

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<sup>1</sup> Above 18 years of age

Table: I Sampling technique of the Study

District	No. of Probationers in sampled district (N)	Proportion of each district (n)
Bahawalpur	596 (N1)	60
Bhakkar	257 (N2)	26
Faisalabad	927 (N3)	93
Gujrat	372 (N4)	37
Jhelum	293 (N5)	29
Khanewal	261 (N6)	26
Layyah	324 (N7)	32
Mianwali	693 (N8)	69
Sahiwal	531 (N9)	53
Sheikhupura	862 (N10)	86
<b>Total</b>	<b>5116 (N)</b>	<b>511(n)</b>

Source: Directorate of Reclamation and Probation Punjab (2013)

#### Inclusion and Exclusion Criteria

- i. In the research process, only male adult offenders were included in the study because it was easy to access male.
- ii. The probationers whose probation order was for one year were included in the study.
- iii. Female offenders were excluded from the study because it was difficult to access them for data collection.

#### Descriptive Statistics

For bringing data in the computer, Statistical Package for Social Sciences (SPSS) was used to analyze the data. Simple frequency tables were made to interpret the response variables. In order to have empirical results of association between supervision of probation officer and ‘ rehabilitation of probationers, chi-square was used.

Table II: Descriptive data on rehabilitation of the offender

Rehabilitation of the Offender <i>f (%)</i>	SA	A	U	D	SD
Assistance from probation officer helps in rehabilitation of probationer	178 (34.9)	277 (54.3)	30 (5.9)	20 (3.8)	6 (1.2)
Probation period is helpful for probationer to re-integrate into society	141 (27.5)	296 (58.1)	64 (12.6)	5 (0.9)	5 (0.9)

The level of self-esteem of probationer remains satisfactory	115 (22.5)	261 (51.1)	103 (20.2)	17 (3.2)	15 (2.9)
Probationer is not stigmatized for his offense by the members of society	88 (17.3)	217 (42.5)	178 (34.9)	21 (4.1)	7 (1.2)
Probationer avails the equal opportunities as member of society	116 (22.6)	285 (55.7)	70 (13.8)	33 (6.5)	8 (1.2)
Probationer is involved in family decision as respected member of family	186 (36.4)	240 (46.9)	33 (6.5)	37 (7.3)	15 (2.9)

*SA : Strongly Agree A: Agree U:Undecided: D: Disagree SD : Strongly Disagree*

Table II shows frequency and percentage regarding extent of rehabilitation of the offender under the supervision of a probation officer. Thus according to information about the statement 'assistance from probation officer helps in rehabilitation of probationer' 54.3% of the respondents agreed, 5.9% undecided, 3.8% disagreed while 34.9% strongly agreed, and remaining 1.2% strongly disagreed. Regarding information about 'probation period is helpful for probationer to re-integrate into society' more than half (58.1%) of the respondents agreed, 12.6% undecided, 0.9% disagreed, 27.5% strongly agreed, and only 0.9% strongly disagreed with the statement. About the statement 'level of self-esteem of probationer remains satisfactory during the probation period' 22.6% strongly agreed, 51.0% only agreed, 20.2% 'undecided', 3.2% disagreed and only 2.9% of the respondents strongly agreed with the statement that level of self-esteem of probationer remains satisfactory.

In response to the statement 'probationer is not stigmatized for his offense by the members of society, 42.5% of the respondents agreed, 34.9% undecided, 4.1% disagreed, 17.3% strongly agreed, while only 1.2% of them strongly disagreed on with the opinion. One of the main purposes of placing offenders on probation is to bring some positive changes in their offending behavior and reintegration. Therefore, it was important to know if probationers of this research study had felt any positive changes regarding their offending behavior for which they were/are on probation.

Table 2 also gives information about the statement 'probationer avails the equal opportunities as member of society' in response to which 22.6% strongly agreed, 55.7% agreed, 13.8% were undecided, 6.5% disagreed and only 1.5% strongly agreed with the statement. Regarding the opinion 'probationer is involved in family decision as respected member of

family' 36.4% of the respondents strongly agreed, 46.9% agreed, 6.5% were undecided, 7.3% disagreed and only 2.9% strongly agreed with the opinion. People commit crimes through no fault of their own but criminals themselves become the victims of social injustice, poverty and racism. Hence their acts are a response to the society that has deprived them of their fundamental rights. The destitute and impoverished upbringing may cause them psychologically abnormal and this abnormality further enhances their criminal behaviour. The people want protection from crime but they also favour programmes designed to help unfortunate people who commit crime due to social and psychological deprivations. Henceforth the Rehabilitation Model embraces the notion that proper care and treatment can modify attitude and behavior of criminals into productive and law-abiding citizens (Siegel, 2005)

Table III: Association between supervision of probation officer and rehabilitation of offenders

Supervision of probation officer	Rehabilitation of probationers			
	Low	Medium	High	Total
Good	31	36	45	112
Better	75	83	90	248
Best	41	52	58	151
<b>Total</b>	<b>147</b>	<b>171</b>	<b>193</b>	<b>511</b>

*Chi-square value = 1.48 Significance Level:  $\alpha = 0.05$   $p < 0.001$*

Table III indicates the empirical association between supervision of probation officer and rehabilitation of offenders. The chi-square test tells that out of 511 respondents, 193 (37.8%) had high chances to be rehabilitated under the supervision of a probation officer, 171 (33.5%) had medium while 147 (28.8%) had low chances of rehabilitation under the supervision of a probation officer. The table under discussion also shows that out of 511 respondents, 151 had best opportunity of rehabilitation (29.5%) under the supervision of a probation officer, 248 respondents had better chances (48.5%) and 112 had good opportunity (22%) of rehabilitation under the supervision of a probation officer. Thus it is concluded that probation system has significant association with rehabilitation of offenders. For this reason we accept our hypothesis 1 which says; 'there is an association between supervision of probation officer and rehabilitation of offenders'. However we reject our hypothesis 2 which says, 'there is no association between supervision of probation officer and rehabilitation of offenders'. Earlier studies also found that

probation system effectively rehabilitate and re-socialize the offenders (Aulakh, 1986). According to Gullen and Gilbert (1982) rehabilitation is the only justification of punishment that obligates the probation system to care for the offender's needs.

### **Conclusion**

Probation system is significant in rehabilitating the offenders without sending them into jail. Rehabilitation of offenders, who are involved in minor crimes, is greatly associated with probation system. The study examined the association between effectiveness of probation system and rehabilitation of offenders in Punjab province, Pakistan. Results of the study concluded that there was significant association between supervision of probation officer and the rehabilitation of offenders in Punjab, Pakistan. Probation system was found essential component of criminal justice system in Pakistan for re-integrating the offenders into normal social set up that improves their self-esteem in society.

### **Recommendations**

1. As probation system is effective in rehabilitation of offenders therefore the number of probation officers may be increased through new recruitment. This will be helpful in giving access to maximum number of petty offenders.
2. The judicial officers should encourage the probation of those offenders who are not involved in habitual or heinous crimes.
3. Professional training for probation officers may be made mandatory to enhance their professional competency and establishing sympathetic attitude towards the adjustment of probationers.

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