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The Magical Talisman *Within*: Representation of Cult of Optimism in Paulo Coelho's Novels

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Abstract

The article attempts to explore and explicate different dimensions of the optimistic worldview represented in Paulo Coelho's fictional narratives. To represent the prolific novelist's oeuvre, the researchers have selected two of his novels: The Alchemist (1988) and The Zahir (2005). Theoretically informed by the ideas offered by Thomas Elliott (1980) in his discussion of interrelation between fiction and the culture of optimism, the qualitative study approaches these fictional works to elaborate Coelho's peculiar rendering of state of affairs in the world. The analysis of the narratives, interpretation of the textual material, and inferences thereof have supported and substantiated the view that optimism remains the defining feature and representative marker of his message vis-à-vis the existential conditions. His protagonists, in both the narratives, chart trajectory of success by foraying into undefined mazes equipped with undefiled faith. Moreover, they find that the supportive and benevolent nature facilitating their journeys with consistency and unconditional commitment. Thus, the article explains depiction of the nexus between optimism and progress in the selected novels.

Key Words: Fiction; Optimism; Worldview; Rhetoric; Paulo Coelho.

Introduction

"True hope is swift, and flies with swallow's wings; kings it makes god's and meaner creature's kings"- **William Shakespeare**

Optimism and rhetoric of hope have got place in various kind of writings due to multifarious reasons, ranging from the philosophical preferences to the political ones. Nationalist writers find the populist appeal in optimistic discourse, littérateurs win acclaim by giving the message of hope, and philosophers use positive projections to reinvigorate the despondent mankind. Psychologically, these "favorable expectancies" held by people regarding future are "related prospectively to better subjective well-being in times of adversity or difficulty".[1] In view of the significance of the subject, the literary representations of the issue also merit attention and appreciation.

Therefore, the present study approaches Paulo Coelho's fictional works that thematize the optimistic visions and ideals. The Brazilian novelist is a prolific writer whose oeuvre is marked by the unequivocal expression of the discourse of optimism and progress. He is an ardent believer, also an advocate, of mankind's potential to produce and sustain a life with success as its defining feature. With his simple and supple idiom, he has approached people across the globe and won worldwide popularity and praise. Also, he has managed to earn critical acclaim by attracting literary intelligentsia with his universalist concerns and humanist themes. His works have already been translated into various languages and, consequently, made his global reach possible. To the contemporary readership, his works are an indispensable part of the canon of the world literature.

Two of his famous fictional narratives have been chosen for the study: *The Alchemist* and *The Zahir*. *The Alchemist*[2] is, without any doubt, his magnum opus that introduced him to the international literary stage. The novel is a marvelous narrative of the sojourn of an Andalusian boy, Santiago — the protagonist shares not only his name but also faith with Hemingway's code hero of his *The Old Man and the Sea* who believes: "But man is not made for defeat".[3] He travels to Egypt, the land of mysteries, to find the buried treasure whose presence has been suggested to him in his dream. During his journey towards his destination, he explores various places and encounters several people. These encounters make him see his spiritual mentor, the Alchemist, whose guidance secures success for the struggling Santiago. Ultimately, having got to know about wisdom and truth of life, he finds his hands on treasure, too. In short, the novel is an expression of Coelho's undaunted stance regarding fruitfulness of human efforts and struggle.

The other novel selected for the study, *The Zahir*, narrates a story that also conveys a message of hope to the readers and encourages them to face hardships with valor. The narrative is about the unnamed protagonist endeavoring to find his wife, Esther, who is missing. The disappearance is caused by strange kind of circumstances. The central focus of the novel is his obsession with the remembrance of his beloved wife, his *Zahir* — the terms has been used for *"someone or something which, once we have come into contact with them or it, gradually occupies our every*

thought, until we can think of nothing else".[4] He travels from country to country in search of his *Zahir*. The travel triggers the process of self-actualization and he happens to experience his own reality. Eventually, the struggle brings fruition and he is reunited with his wife. As peculiar to Coelho's works, the novel projects the message of fruitfulness of struggle and strength of faithfulness.

Precisely, both of the Coelho's novels validate his optimistic vision vis-à-vis the human life. His representation of human life is luminous that gives the message of hope. Therefore, with the aim to outline the optimistic dimensions and enthusiastic perspectives all-pervasive in Coelho's fictional works, the study attempt to resolve the following research questions:

i.   In what ways do Coelho's *The Alchemist* and *The Zahir* represent the cult of optimism and the rhetoric of progress?

ii.   How does the optimistic vision contribute or deviate from the contemporary literary consciousness apropos the ideal of success?

Thus, the intriguing questions engaging with both the literary and the social aspects of the selected texts are guiding the analysis and triggering the argument of the study. The resolution of these questions is going to enhance readers' understanding of Coelho's works and their social significance.

Methodological and Theoretical Approach

Methodologically, the study is purely a qualitative and thematic one in its nature. The method of "textual analysis"[5] has been used to interpret the relevant textual material, the culled quotations, and accomplish a systematic critique of the selected texts. The method is considered to support "the most likely interpretations"[6] in the thematic studies. Thus, the study is a rigorous one in terms of its methodological framing.

The theoretical and conceptual underpinning of the argument is provided by Thomas Elliott critique (1980) of relation between fictional works and the culture of optimism. According to him, optimism has been accepted as the magical thing that not only "precedes" rather "somehow produces Progress".[7] Dissecting the conventional superlative claims regarding the role of optimism in scaffolding success, Elliott elaborates:

… Progress seems to be thought of as something that depends on Optimism. If we can only feel good about things (especially ourselves), good things will happen to us. Surely this is a peculiar twist to have given the more rational Enlightenment belief that Optimism is valid (in one sense) because of a prior recognition that Progress is possible. [8]

This shows the belief in existence of the causal relation between the categories of optimism and progress. In other words, hope stands as the pivot for the superstructure of human beings' success and progress. The discussion shows primacy of the optimistic attitude for achievement of both

personal and collective goals. Thus, invoking Elliott's argument in this regard, the researchers have attempted to discern possibilities and find the relevant instances in Coelho's selected novels.

Binary of Optimism and Pessimism in Literature

There has always been an unmistakable focus in the literary and critical writings on the themes and ideas of optimism and pessimism, hopefulness and hopelessness, success and failure and so on. Arx's[9] puts side by side the discourses of progress and pessimism to explain their conflicting characterizations in different domains of knowledge: religious interpretation, political understanding, and historical rendering. His study specifically covers the representation of the categories in the English context and temporal range of late nineteenth century. Thus, it is an erudite critique of the charged debate of the relation between progress and optimism/pessimism.

Thompson studies the dichotomy of optimism and pessimism with reference to Dickens' famous character Mrs. Nickleby. As Dickens is one of the representative English novelists of his times, his detailed consideration of the issue shows its importance. He juxtaposes the contrasting properties present in Dickens' novel: "eternal optimism" and "bleak pictures".[10] He engages with several of his novels to substantiate his argument with references to some other characters and provide a comprehensive view of the conflict. His analysis of the fluctuating vision of the great novelist is enlightening in this regard.

Eagleton's is an interesting read regarding development of the ideas of hope and optimism through centuries. He clinically studies the ever-hoping humans facing ever-uncertain world of worries and mysteries. His stricture of hope begins with exposing "the banality of optimism"[11] that shows his favor for the idea of failure. He goes on to define the very idea of hope in a skeptical manner, "hope suggests a tremulous, half-fearful expectation".[12] So, his is more a cynical rendering of the idea and the history of hope. Thus, these studies give glances of the various facades of the debates that are going on regarding the binary of optimism/ pessimism.

Critical Acclaim of Coelho's Works

Coelho's novels have managed to attract literary critics and his works have been studied under various lenses, ranging from the eco-critical perspective to the philosophical ones. Mooney's[13] appreciates Coelho's works by drawing various parallels and identifying a few influences. She sees Borges' manifest influence upon his thought and the impact of magical realist narrative style on his peculiar expression. Especially, the comparison drawn been him George Eliot, the Victorian novelist of high caliber, bespeaks the sense of merit she attaches with Coelho. In short, the article tries to locate the novelist into the literary continuum by exploring and explaining several links and influences.

Morais's is a thorough kind of biographical work that presents a complete picture of Coelho's work, evolution, and thought. Having detailed various dimensions of the author's genius, he also

records the Brazilian critics' hostility to him who could not help "using heavy artillery fire"[14] on his literary castle. Morais declares his popularity to be the touchstone of his merit: "the bacteria of critics' remarks did not infect sales".[15] The work has been supported with a visible flavour of laudation, a fact that sometimes hampers the critical value of the document.

Hart studies three of the most evident strains present in Coelho's fictional works: representation of cultural hybridity, reflection of the magical realist thought, and his exquisite use of language. He refers to Coelho's "life-enhancing impact" and "shorthand of literary cliché"[16] to praise him. In this way, the article presents a comprehensive critique of the novelist's works by streamlining his thematic and stylistic qualities and contribution. Thus, the brief survey shows that Coelho's novels have got a considerable critical appreciation and attention.

Depiction of Optimism in *The Alchemist* and *The Zahir*

The rhetoric of optimism is all-pervasive in Coelho's selected fictional works, *The Alchemist* and *The Zahir*. His enthusiastic worldview, faith in the notion of free will, attribution of accomplishment of the stage of self-actualization to his characters, giving the passion of love a life-enhancing role, philanthropic propensity, showing poetic justice at play in his fictional world — all these features corroborate his optimistic stance and contentment. Following discussion brings the textual evidence to support all the aspects mentioned above.

i.   Benevolent Nature
The first and foremost feature reflecting his sanguine attitude is his belief in presence of a supportive nature and a facilitating environment that help mankind in materializing their aspirations and achieving their goals. In *The Alchemist*, Melchizedek, the old king, assures Santiago: "And, when you want something, all the universe conspires in helping you to achieve it".[17] This turns to be a refrain that finds repeated enunciations throughout the narrative. The old king is to be considered the author's mouthpiece in this instance. Therefore, this expression epitomizes Coelho's stance regarding the helpful character of the natural forces and surroundings in which mankind is situated. The optimistic belief generates a ray of hope that, in turn, enables the characters to aspire and achieve. For instance, on his way to Pyramids to find the treasure, Santiago suffers theft. Sitting helpless amidst the strange environs, he deliberates to decide about going further without his belongings. Coelho puts it thus:

As he mused about these things, he realized that he had to choose between thinking of himself as the poor victim of a thief and as an adventurer in search of his treasure. "I am adventurer, looking for treasure," he said to himself. [18]

In this way, sanguine temperament stops helplessness to turn into hopelessness and disturb protagonist's journey towards his goal. He tries to transcend the circumstantial difficulties and hope for the best. Likewise, while working at Tangier, once Santiago did consider the option of return. He ponders over the possibility of going back to his conform zone, leaving the sojourn

unaccomplished. Again, Coelho shows Santiago's optimistic attitude having saved him from the retreat that would have dashed his dreams into the dust:

The hills of Andalusia were only two hours away, but there was an entire desert between him and the Pyramids. Yet the boy felt that there was another way to regard his situation: he was actually two hours closer to his treasure… the fact that the two hours had stretched into an entire year didn't matter. [19]

This "another way to regard his situation" is reflective of his positive and progressive thinking. Santiago prefers picking his way from within the problematic situations instead of surrendering to the demanding hurdles. The commitment and the courage guarantee his success and help him reach closer to his destination. Thus, he uses hope as the guiding and driving force throughout his journey.

Having accomplished the expedition and resolved the mystery regarding the treasure, Coelho's Santiago says "life really is generous to those who pursue their destiny".[20] The unequivocal declaration of benevolence, which guides life in general, brings the protagonist's optimistic proclivity to the foreground. It is a signature expression found in Coelho's fiction regarding acknowledgment of the bounteousness of life. Life's magnanimity has never been shown to have deprived the deserving sojourners from their rightful places.

The Zahir, Coelho's second fictional work selected, also demonstrates his optimistic predilection. The most representative among the kind of expressions finds way thus: "the universe takes care of correcting our mistakes".[21] The novelist has often been found assuming the role of preacher: "show some respect for your time on this earth, and know that God has always forgiven you and always will".[22] His assurance is rooted in the deep commitment to the ideals of hope that is needed to invoke generosity of the invisible cosmic forces whose remedial role, in turn, is believed to have always resolved riddles of human existence. Thus, human predicament demands, according to Coelho, presence of the benevolent forces ruling the cosmic scheme of things.

The instances evidence that the sense of hopefulness is punctuating the structure of both the fictional narratives. The novels appear to have charted the paths leading to destinations instead of being superficial lullabies consoling the tormented human beings. Fiasco is brought, in the fictional world created by Coelho, only by disappointment and renunciation of hope. Courage and commitment are the paraphernalia essential for accomplishment of the exalted journeys. In short, both the selected works convey the message of hope, a cherished theme running like refrain throughout Coelho's imaginative world, and persuade the readers to remain enthusiastic and optimistic.

ii.   Free Will

The issue of free will has always been an essential part of the discourses revolving around the nature of human existence in the world. Coelho has also thematized significance of the notion

and, also, it influence on human endeavors to materialize dreams. The selected novels no exception in this respect and, therefore, portray various shades of the issue.

In *The Alchemist*, the protagonist adventures to find the treasure that has been revealed to him in a dream. At the outset, the protagonist, Santiago, has been shown to have encountered an old man whose name is Melchizedek. The sanguine old man is an epitome of wisdom who persuades him to attempt actualizing his dreams without being touched by any kind of skepticism. Old man's wisdom is coloured with optimism and flavoured with generosity. Their dialogue goes thus:

"What's the world's greatest lie?" the boy asked, completely surprised. "It is this: that at a certain point in our lives, we lose control of what's happening to us, and our lives become controlled by fate. That's the world's greatest lie." [23]

Melchizedek's sagacious and optimistic words work like a talisman and Santiago, the young adventurer, feels himself strengthened. The dialogue also explains the fallaciousness of the normative reception of the idea and role of fate in human lives, that is, a coercive force regulating lives and turning humans into mere puppets. Coelho furthers the explanation and speaks through the old man: "he never realized that people are capable, at any time of in their lives, of doing what they dream of".[24] He attributes the human predicament to misconceptions and misdeeds perpetuated by mankind: "most people see the world as a threatening place, and, because they do, the world turns out, indeed, to be a threatening place".[25] The instance are reflective of Coelho's firm belief in the notion of free will and its visible influence on human lives.

Coelho's unwavering credence to humans' inherent ability, also the right, to live freely is one of the major thematic strains of the other novel selected for the study, *The Zahir*. The novel begins with the chapter titled *I am a Free Man*, the title sets the tone of the text. There, the protagonist of the narrative expresses his view of life right at the outset: "I'm free, independent".[26] He also puts his preference for freedom in plain terms: "freedom continues to be the thing I prize most in the world".[27] The kind of beginning reflects that whole the narrative is pivoted upon the idea of free will and its role in human life. The story revolves around efforts of a dejected couple struggling to find way through the ordeals of life and surpass the hurdles found in the way. The end of the novel shows them to have achieved their goals, especially the protagonist who manages to transcend his *"history"*.[28]

In short, both the novels show human beings to be the real regulator of their lives with consummate ability and freedom to attempt and achieve their destinies and reach their destinations. They have been shown to be the agent of all their actions and achievements. Also, their failures are rooted in their negligence and indifference. Thus, human beings' prowess to endeavour and their capacity to accomplish have been portrayed with a missionary zest in these fictional narratives.

iii.   **Self-actualization**

It has been a tradition with the writers of hope to outline success stories of the adventurous protagonists with the aim to establish fruitfulness of human efforts and productivity of struggle. The selected novels follow the same structural frame of the success narrative a chart progressive trajectories culminating in narration of the point of self-actualization. Coelho's characters' enterprises bring fruition, their ventures stand accomplished, and their dreams find materialization. They have been shown to have confronted and, also, transcended the hurdles with courage.

Coelho's Santiago of *The Alchemist*, who shares name with Hemingway's hero of *The Old Man and the Sea*, exhibits all characteristics of an ideal adventurous soul who, ultimately, evolves into an accomplished hero. His progressive ambitions are ripe and also explicitly reported to his parents:

But ever since he had been a child, he had wanted to know the world … One
afternoon, on a visit to his family, he had summoned up the courage to tell his
father that he didn't want to become a priest. That he wanted to travel. [29]

The boy's ambition is to follow the trajectory outlined by his own aspirations and imagination, instead of following the culturally ordained normative routes. He wants to pursue his dreams by travelling across the globe and knowing the mysteries located away from his nativity. He finds himself unable to surrender his life to ecclesiastics and spend time reading about the metaphysical abstractions when his spirit wants concrete observation. Wonders of the world attract him and his curious soul can only be soothed by becoming a traveler. Therefore, he announces with utmost confidence: "I'll be a shepherd".[30] The shepherd evolves into a sagacious soul who transcends mundane spheres of the normative life and achieves the goal of self-actualization— whole the novel is devoted to this transformation.

The Zahir portrays the kind of accomplishment through the story of an endeavoring couple who actualize, ultimately, their dreams by finding the true meaning of their lives. Esther, the heroine of the narrative, expresses her curiosity to know the meaning of life: "it would harm me more to be living a life without meaning".[31] Her curiosity makes her disappears temporarily from her husband's life. To materialize the true meaning of her life with the help of alienation, she choose to hide at Steppes, a place in Kazakhstan. Also, her husband attains self-actualization in his struggle to search his beloved wife: "before I could find her, I must first find myself".[32] He feels himself to be the great mythical figure *"Ulysses"* and identifies his lost wife with *"Penelope"*.[33] Eventually, when they unite, both of them have already turned better versions of themselves. His struggle is brought to fruition and he finds his wife who has been the source of his self-realization. Thus, his strenuous effort is the cause of his resuscitation and resurrection. Mikhail, a Kazakh youth, shares his spiritual experiences with Esther and reaches the point of self-actualization with the help of the exposure to her mesmerizing personality.

Thus, representation of the process of self-actualization is an integral part of both of Coelho's novels. Various characters have been portrayed to have pursued their dreams and aspirations. In Coelho's fictional world, dreams drag destinations and struggles bring fruition. His characters choose to fight instead of succumbing to the circumstantial pressures and find ways through the tiring problems. Therefore, at the end they are found to be accomplished personalities whose evolution has been wrought by the ordeals.

iv.   Love's Constructive Character

Love has been painted with bright colours in Coelho's fictional works where it appears to be an enabling passion and invigorating feeling. During his journey towards Egypt, Santiago surrenders to the beauty and elegance of a girl, Fatima. Amidst the testing circumstances, thoughts of his beloved soothe him and feels strengthened to face the problem: "he knew that his love for her would enable him to discover every treasure in the world.[34] In this way, his love for Fatima is not a factor causing distraction but instead it helps him to persevere and continue pursuing his aspirations. Fatima herself persuades him to go ahead with the exalted aims and achieve what has been aspired:

That's why I want you to continue toward your goal. If you have to wait until the war is over, then wait. But if you have to go before then, go on in pursuit of your dream. The dunes are changed by the wind, but the desert never changes. That's the way it will be with our love for each other.[35]

She consoles him and encourages him to show commitment and steadfastness without cherishing any doubt. She insists with utmost sincerity: "you must understand that love never keeps a man from pursuing his destiny."[36] So, depiction of love between Santiago and Fatima is more a matter of strengthening the endeavoring hero.

The Zahir represents the passion of love in the same invigorating way. The novel is replete with the instances explaining the productive side of the passion: "love is the only thing that activates our intelligence and our creativity".[37] Coelho's protagonist considers his wife to be his lighthouse who have always been the source of strength and inspiration for him:

One day, because of a woman, I made a long pilgrimage in order to find my dream. Many years later, the same woman had made me set off again, this time to find the man who had got lost along the way.[38]

The limpid expression of the enabling influence of his beloved wife, and also of his love for her, is manifestation of Coelho's version of love. His characters deciphers enigmas of their lives with the talisman of love. Summarily, he has given love a purifying, persuasive, and soothing aspect of human interactions.

v.   Poetic Justice

The issue of representation of poetic justice remains one of the archetypal themes of the literary writings. In Coelho's fictional world, there is a consummate rule of poetic justice: a world where good always bring fruition and evil entails ramification. In *The Alchemist*, the affairs are settled in absolute conformity with the ideal principle of poetic justice. Santiago sojourns to materialize his dreams, therefore, his efforts are rewarded and he reaches the destination. Besides Santiago, other characters also find their hard work bringing fruition. For instance, the old king, who meets Santiago on his way to Egypt, narrates him an anecdote of an assiduous miner:

For five years he had been working a certain river, and had examined hundreds of thousands of stones looking for an emerald. The miner was about to give it all up, right at the point when, if he were to examine just one more stone – just one more – he would find his emerald. Since the miner had sacrificed everything to his destiny, the old man decided to become involved. He transformed himself into a stone that rolled up to the miner's foot.[39]

The anecdote is an enthusiastic declaration of the fact that toil turn dust into treasure because the benevolent nature rewards hard work. The miner was on the verge of desisting his effort due to frustration of the apparently unrewarding task. But nature follows its principle of justice and the miner gets what he deserves.

The other novel, *The Zahir*, also presents a world where rewards and punishments are proportional to efforts or mistakes. Both Esther and her husband get their dreams of self-actualization accomplished because of the commitment with which they pursue them. Mikhail's struggle and aspiration is, as Esther and her husband's, rewarded and the desired destination, realization of the ultimate reality, has been attained. The novelist believes that one faces failure when faith is lost: "absolutely, we just don't all have the courage to follow our dreams and to follow the signs. Perhaps that's where the sadness comes from".[40] Therefore, failure is nothing but the repercussion of faithlessness and surrender, whereas struggle is the token of success.

Conclusion

The foregoing analysis of the various shades of Coelho's optimistic weltanschauung and his vociferous enunciation of the ideal of progress evince the researchers' argument that the mentioned factors constitute the base of the fictional superstructure found in the selected novels. The thorough and systematic explication of the texts has facilitated the researchers to resolve the regulating research questions. Firstly, it has been brought to the surface how Coelho's *The Alchemist* and *The Zahir* have represented the cult of optimism and the rhetoric of progress. Benevolent nature, free will, self-actualization, love's enabling role, and presence of poetic justice— all of the thematic points reinforce his optimistic vision and progressive spirit. Secondly, such schematization also bring the fact to the foreground that Coelho's optimistic vision stands evidently deviant from the contemporary literary consciousness apropos the ideal of success as the latter is marked more by the pessimistic colours and despondent undertones. He seems to have

challenged zeitgeist of his times when precariousness looms large and threats are engulfing mankind from all around. Thus, Coelho confirms that, to borrow Elliott's words, "optimism is valid" and "progress is possible".[41]

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Why Democracies Give Rise to Populist Leaders?
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Abstract

Twenty-first century has seen a rise of populism resulting into downgrading the quality of democracies in several states including the United States, Britain, Italy, Brazil, South Africa, India, Turkey, the Philippines, and Pakistan. States' transformation from authoritarianism to liberal democracies passing through the phase of electoral democracy is usually achieved through processes involving preventing democratic breakdown, preventing democratic erosion, and completing democracy. In recent years, liberal democracies are facing a challenge of populism from within which has boosted the process of de-democratisation or democratic backsliding. Why are democracies giving rise to populist leadership at the first place? While applying qualitative research methods, this study explores populism in the historical context, particularly in the USA. It hypothesizes that the interplay between demand and supply of populist leaders and inherent weaknesses in democracy as an institution are giving rise to populism as a phenomenon. This introduction of binaries in politics – us versus them, common man versus elite, nationalist versus anti-nationalist, citizens versus outsiders, patriots versus traitors, white Christians versus coloured populations – led to the rise of populist leaders in the United States.

Key Words: De-democratisation, Populism, Democratic Backsliding, Democratic erosion

Introduction

Populism, as a political and potent force, has become part of the contemporary politics and is on the perpetual rise in almost every region of the world. It is a political force that divides society into two groups: a good group and bad group (Mudde & Kaltwasser, 2017). It is a 'thin layered ideology' that considers society to be ultimately separated into two homogeneous and antagonistic camps – the pure people' and 'the corrupt elite' (Mudde & Kaltwasser, 2017). Leaders of populist movement accentuate these divisions on several bases, depending upon the context and circumstances. Populism has different ideological foundations and is not independent of the surrounding circumstances. Depending upon political structures, it manifests itself differently and can be defined in many ways. Mudde and Kaltwasser state that scholars do not agree on one definition, but all definitions of populism have general agreement on some aspects: appeal to 'people' and denunciation or criticism of 'the elite' (Mudde & Kaltwasser, 2017). Populists argue that politics should be an expression of the volonte generale (general will) of the people (Mudde & Kaltwasser, 2017). Mudde considered populism as "a political narrative that antagonizes the people and the corrupt elite, and that aimsfor policies that reflect the will and are understood by the people" (Mudde, 2004). It is a belief that the will of the ordinary people should have credence over that of the established elite ('A Brief History of Populism', 2015).

Populist forces rarely work independently and are attached with at least one of the host ideologies – those can be right wing, left wing, nationalist, or even anti-nationalist, evangelical or anti-evangelical. It may affect democracy positively by leading to democratic consolidation – especially when populist movement intends to overthrow an authoritarian rule – or negatively when it leads to de-democratisation or democratic backsliding. Bermeo notes six forms of trends and challenges attached with democratic backsliding: 'coup d'état,' when government is ousted by military or other state elite; 'executive coup,' which is associated with dictatorships; 'election day fraud' when people are kept from voting a certain person in one way or other; 'promissory coups,' which happen against existing government with the promise of new election; 'executive aggrandizement" which is a slow process and occurs by weakening checks on the power of executive; and finally 'manipulating elections strategically' (Bermeo, 2016).

Populism is challenging almost every political system, specifically democracy. The last century saw forces of democracy and liberalism compete with those of communism, twenty-first century is seeing the forces of democracy clash with those of populism. Moreover, this challenge of populism is emerging from within the democratic system leading to the question that why democracy gives rise to populist leadership? This study further raises questions about inherent flaws of the democratic system and its ability to deal with populist challenges. It hypothesizes that absence of institutional barriers, in the way of radical or populist leaders, lead to their rise. The study is conducted using Ruth Wodak's conceptual framework of demand and supply that she elaborated in her book The Politics of Fear: What Right-Wing Populist Discourses Mean (Wodak, 2015). In Mathematics or Economics commodities are being demanded and supplied

and Wodak in her political explanation used populism as a product or commodity. Demand side model explains that in post-industrialized economy working class feels marginalized and considers itself 'modernization losers' (Wodak, 2015). This feeling leads to the rejection of older political parties and creates space for the populist parties. On the other hand, supply side explanatory model emphasises the strategic means used by populist leaders and parties in order to appeal to the electorates. Populism has three important components: "(1) the claim to be on the side of the people against the elite – which we label 'supply rhetoric;' (2) the 'fears or enthusiasms' of people – the demand conditions to which the populists pander; and (3) the disregard for longer-term consequences" (Guiso, Herrera, & Morelli, 2017, p. 3).

History of Populism in the Western World:

The process of democratic consolidation in the United States – that spanned over its first two and half decades – was interrupted during the presidential campaign of Andrew Jackson against John Quincy Adams. Andrew Jackson became seventh president of the United States in 1829. He was named the 'king mob' because of his populist tendencies – support for the 'common man' and oppose corrupt 'aristocratic elite' (Ellington, 2017). He was anti-establishment, introduced white supremacist nationalism in the US, and talked about people's rights. In his campaign, he clearly divided the society into two groups: the establishment, and people. This introduction of binaries in politics – us versus them, common man versus elite, nationalist versus anti-nationalist, citizens versus outsiders, patriots versus traitors, white Christians versus coloured immigrants and indigenous populations – gave a new touch to the US politics. Since then, several populist political parties and movements such as the American Party, the Greenback Party, the Populist Party, Conservative Populism, and leaders such as Huey Long, who was a Governor of Louisiana and a US Senator was one of the most ostentatious figures in the American politics. He raised the slogan of 'every man a king' and called himself a friend of the working men. (Long, 1996). White notes that 'From the moment he took office as governor in 1928 to the day an assassin's bullet cut him down in 1935, Huey Long wielded all but dictatorial control over the state of Louisiana. A man of shameless ambition and ruthless vindictiveness, Long orchestrated elections, hired and fired thousands at will, and deployed the state militia as his personal police force. And yet, paradoxically, as governor and later as senator, Long did more good for the state's poor and uneducated than any politician before or since' (White Jr, 2006). Father Coughlin, and George Wallace are other examples of populists who have influenced American political scenery (Editor, 2019). In the twenty-first century movements such as Occupy Wall Street and the Tea Party, and leaders such as Bernie Sanders used popular rhetoric to inflame cleavages in the society (Mirza, Ali, et al., 2021). Finally, President Trump using the same populist sentiments won the 2016 presidential elections.

Furthermore, with the founding of Front National - FN (renamed in 2018 as Rassemblement national (RN) – National Rally) in 1972, populist tendencies in Europe started to came on surface. FN was established against 'the Gang of Four," the four established political parties of France

(Fysh & Wolfreys, 2003, pp. 42–59). RN is an anti-immigrant right-wing nationalist political party (RN, 2020). Similarly, Forza Italia (FI) and United Kingdom Independence Party (UKIP) were founded as a result of the economic grievances in those states. Some other political parties also became part of European populist movement such as The Civic Forum (OF) in Czechoslovakia, Fidesz in Hungary, Law and Justice (PiS) in Poland, Vox in Spain, and Alternative for Democracy (AfD) in Germany ('Europe and Right-Wing Nationalism', 2019; Wike et al., 2019). Populism remained one of the most important trends of the European politics in the twenty-first century. A research by The Guardian found that number of Europeans voting for populist parties in national elections has increased from 7% to 25 % in the last two decades (Henley, 2018). 2014 European Parliament elections saw a 'big bang' with almost a quarter of the seats going to the. populist political parties (Martín-Cubas et al., 2019). So, the twenty-first century is seeing populists changing the political landscape of most of the Europe and their effect is felt in almost every liberal democracy. This study mostly deals with the United States and tries to find answer to the question that how President Trump being a populist leader rose to pre-eminence?

Demand for Populism (Demand side Analysis)

Political structure or political system act like a market. Demand leads to production of different commodities to be sold in this market. For instance, the world before COVID-19 was having a lesser demand for masks and other Personal Protective Equipment (PPEs). With the spread of Covid-19 to the global level, states and World Health Organisations (WHO) issued special directives for general public to wear a mask, that resulted in its enhanced demand and so the production. So, there was an impetus or trigger, that forced actors who are involved to devise strategies or launch campaigns about the safety, that ultimately enhanced demand of a particular commodity in the market. This is the principle of demand on which market works. Scholars consider that demands of people shape the rhetoric and practice of political parties, interest groups, and even governments. Political parties while addressing the demands of the population try to increase their popularity and gain audience (Guiso, Herrera, & Morelli, 2017). For instance, enhanced demand for liberal freedoms may lead to competition between political leaders and parties about liberal rhetoric. Every political party will try to outdo the other in its liberal credentials. Similarly, if a nation values heightened nationalist sentiment then there will be more and more nationalist parties in order to address the demand. Thus, in politics demand side works as a major factor that influences the narrative of political parties. Trigger or driver for the demand of populist political parties may range from legal or illegal migrants, heightened crime rate, xenophobia, economic disparities, increased unemployment, ethno-lingual or ethno-political cleavages within society, and the like. Actors which may involve populist leaders or populist political parties may amplify those subjective or objective cleavages and offer a remedy in the form of vilification of the established elite, political parties, or a single or set of groups, thus amplifying the sense of 'us versus them' (Fortunato, 2019). For a populist leader, it is necessary for to have an audience, that supports and demands his/her narrative. If there is no audience for a

populist narrative, then there are very less chances of a strong populist party or a group to thrive in a state. Demand side claims that the voters or audience abstain from voting in the absence of a populist political party and come out to vote for the populist political party that addresses their demands (Guiso, Herrera, Morelli, et al., 2017b) Guiso et al note, "First, we study the demand for populism: we analyze the drivers of the populist vote using individual level data from multiple waves of surveys in Europe. Individual voting preferences are influenced directly by different measures of economic insecurity and by the decline in trust in traditional parties. However, economic shocks that undermine voters' security and trust in parties also discourage voter turnout, thus mitigating the estimated demand of populism when ignoring this turnout selection. Economic insecurity affects intentions to vote for populist parties and turnout incentives also indirectly because it causes trust in parties to fall. Second, we study the supply side: we find that populist parties are more likely to appear when the drivers of demand for populism accumulate, and more so in countries with weak checks and balances and with higher political fragmentation. The non-populist parties' policy response is to reduce the distance of their platform from that of new populist entrants, thereby magnifying the aggregate supply of populist policies" (Guiso, Herrera, Morelli, et al., 2017a).

Absent the audience, demand for populism vanishes. Populism did not exist in the United throughout the history. There have been intermittent interludes when demand for the populist leaders vanishes. Supporters of the demand side claim that populist parties are dependent on the trigger situations. For example, economic insecurities create mistrust with the existing political structure and are considered as one of the biggest drivers for the populist demand (Guiso et al., 2020). Guiso et al note that "Populism does not have a cultural cause, but rather an economic insecurity cause, with an important and traceable cultural channel (all italics original)" (Guiso, Herrera, & Morelli, 2017, p. 41).

Demand side shapes the rise or fall of populist parties. But when we study, there is significant population of the world that keeps and follows populist narrative irrespective of date and time. they consider themselves being abandoned, exploited, and manipulated by the corrupt leaders (Mudde & Kaltwasser, 2017). The corrupt leaders or established elite are not part of them, rather they see themselves separate from the established elite. These sentiments exist in majority of the world population. But they materialise it in the form of establishing political parties or a movement under certain circumstances which include transition in socioeconomic and socio-political patterns and corruption charges against the established elite, etc (Mudde & Kaltwasser, 2017).

Once any of the above-mentioned event starts to happen, the sentiments of people are heated and the demand for populism starts to manifest itself in such circumstances. When fertile ground is established, the populist movements, populist parties, or populist leadership start rising. They fill the vacuum which is created by the recent transition in the established patterns. So, in this way

demand side creates an environment for populist tendencies to grow. Eventually, populist tendencies in the form of political parties, or movements grow in the society.

In the USA, such pattern is observed when demand side led to the rise of a populist leader. President Donald Trump did not become the American president out of the blue. It was neither magic nor some miracle of any sort. Political landscape of the USA then led to the rise of a populist leader who ultimately became the US president (Mirza, Babar, et al., 2021). In the 21st century, two major populist movements are witnessed in the USA. These movements include the "Occupy Wall Street", and "Tea Party movement" (Levitin, 2021; Peters, 2019). Both these movements rose in the post Great Recession era, which clearly suggests the cause behind the rise of these movements. Due to the Great Recession, American economy suffered a lot. Job market started shrinking and thousands of people lost their jobs. In short, people at the grassroot level were affected by this recession, thus it gave rise to sentiments of insecurity and agitation against the established elite. These circumstances made a fertile ground for populist rise, eventually leading to the rise of these movements and election of Donald Trump (Mirza, Ali, et al., 2021). Due to the weak organization, these movements started fading away, but their rhetoric is still relevant, thus making Bernie Sanders a senator in 2016 with his slogan of 1% against 99% (Stewart, 2019), and made Donald Trump president with his slogan of "Make America Great Again" (Mirza, Babar, et al., 2021).

Here one thing must be understood that there are different factors which make a ground fertile for populist rise in a state and it is not always only economy. For example, in Finland the average voter was not hard hit by the Great Recession, there was slight increase in unemployment and sovereign debt. So, it would be exaggeration to say that people suffered in Finland the way they suffered in the USA but despite that, in the 2011 elections of the state populist party obtained 19% of the votes (Mudde & Kaltwasser, 2017). Populist movements have different host ideologies in different states. Populist parties can also have different host ideology in the same state, under different circumstances. That is why it is called a "thin-centered" ideology by Cas Mudde (Mudde & Kaltwasser, 2017).

Supply for Populism (Supply Side Analysis)

Once people (demand side) has shown interest for populist narratives, populist actors start playing their role in political arena. These populist groups adapt the host ideology that aligns with the narrative of populism among people. Thus, there are left- and right-wing populist parties, each complying with the demands of people in specific space and time. Once popular narrative is recognized by populist tendencies, they try to exaggerate the reality of those narratives for masses. They use the grievances of people in their own favour by asserting that they are addressing the issue of people, unlike the establishment or the mainstream political parties. Mudde and Kaltwasser note, "Under certain circumstances, the sovereign people can feel that they are not being (well) represented by the elites in power, and, accordingly, they will criticize—or even rebel against—the political establishment. This could set the stage for a populist struggle "to give

government back to the people" (Mudde & Kaltwasser, 2017). Populist groups consciously make division within the society and try to give the impression that its "us, the good people" vs. "them, the bad people or the corrupt elite" (Mirza, Ali, et al., 2021; Mudde & Kaltwasser, 2017). Such narratives when find acceptance among masses, lead to the increase in vote bank of populist political actors.

Voters or masses (majority of them, if not all) always have these sentiments of being used, corrupted, and excluded. Mudde and Kaltwasser note, "Another key factor in the activation of populist attitudes is the general feeling that the political system is unresponsive. When citizens feel that the political parties and governments do not listen to them and ignore their demands, the possibility grows that populism becomes active, at least within the constituencies that feel abandoned by the establishment" (Mudde & Kaltwasser, 2017). These sentiments intensify when a situation of crisis or national emergency comes in. These first two steps are very important for the populist parties. As, they work by manipulating and exploiting the grievances of people against the established elite. So, first two are major ingredients for populist rise. If these two factors are not there then populist parties have to create them, which is a long process and still needs some igniting point at least. Otherwise, rise of populist leadership becomes very challenging (Mirza, Ali, et al., 2021).

In the former case, when first two steps are fulfilled, that is, there are grievances among masses, and due to some pressing reason, these grievances are intensified, then third and the last step that facilitates the rise of populist leadership begins. It is the role of supplier side once the demand side has shown its stance. Now in such a state, populist forces start mobilizing. If grievances of people are relevant to economy, then there is possibility of the rise of the left-wing populist parties, but at times right-wing populism also rises, while blaming immigrants and other groups in a state – xenophobic populist narratives is one example of it. The case of Donald Trump is a textbook example of right-wing populist rise (Mirza, Ali, et al., 2021). Demand and supply sides work hand in hand with each other, to facilitate the rise of populist leadership. But it is not always the supply side that is the product of demand side. There are grievances among masses for the issues which remain unaddressed by the establishment. Populists take advantage of it and start talking about those issues while showing to masses that establishment is not prioritizing their problems, instead they are busy in corruption (Mudde & Kaltwasser, 2017). Another trick is to create the sense of crisis in the minds of people, by intensifying the insecurities of people. Consciously or unconsciously, media helps these populist leaders in spreading their message to the masses. Thus, by using different tools, populist leaders increase their vote bank.

Historically, in the US history of populism, it was Andrew Jackson who applied this tactic to win the elections. He influenced the populist narratives at that time. During his political campaign for 1828 elections, he used worsening economic conditions for creating sense of crisis in the minds of people. Moreover, he introduced nationalism of exclusive nature, which is also called Jacksonian nationalism. His populist narrative gained recognition among masses, while leading

to the victory in 1828 elections against president John Quincy Adams who was presented as a corrupt and establishment candidate – part of the corrupt 'them' (Mirza, Ali, et al., 2021). So, at times supply side influences the demand side.

Demand and Supply side theory highlights one fact, that be it demand side influencing the supply side or otherwise, populists acknowledge the importance of voters. They opt for democratic means, to come into power, which include campaign, propaganda, participation in elections, and the like. Though populists use democratic approach to be in power, but once they are in power, they work in anti- democratic ways while working on policies of exclusive nature, disrespecting constitution, and division of power. In bringing them to this position, demand and supply side have major role to play. They collectively help in the rise of populist leadership.

Institutional weaknesses:

Demand and Supply side collectively lead to the rise of populist leadership. 21st century populism has witnessed rise of populism everywhere, but it is more conspicuous in the democratic states, as compared with the authoritarian states. Hence one can ask why do we see the rise of populist leadership in democracies?

Democracy may not be the best political system, but it is one of the best available options. Churchill said that "No one pretends that democracy is perfect or all-wise. Indeed it has been said that democracy is the worst form of Government except for all those other forms that have been tried from time to time.…' (The Worst Form of Government - International Churchill Society, n.d.). Therefore, democracy has been presented with different challenges from time to time. In contemporary times, rise of populism is the challenge faced by liberal democracies. This rise of populism is basically the consequence of weakness which are embedded in liberal democracy. For instance, absence of institutional barrier to stop radical populist forces is one major weakness. As hypothesised that it is the institutional weakness in democracy which fails to stop populism from growing once the preliminary requirements are fulfilled.

This further lead to the question that what are these institutional weaknesses which cause the rise of populism in a democracy. Democratic institutions are pluralistic in nature. In simple words, democratic institutions allow multiparty system, which leads to the creation of different parties with their different agenda. In such political system, populist forces start growing under favourable circumstances. They do their campaign in a democratic way, contest in elections, gain vote, and become part of system. At times, it is not a party, it can be an individual who may run election campaign on populist narrative, like Bernie Sanders and Donald Trump in the USA. But democracy being pluralistic in nature, does not have any mechanism to stop them. Thus, in such situations pluralism becomes liability for democracy, thus suggesting it as a weakness of democracy in such situations, instead of a strength.

Further, in a democracy there are no institutional barriers which can curb the rise of populism. For instance, in the USA, during his campaign, former president Donald Trump signalled towards his exclusive nationalism, building border wall, and controversial views about immigrant issues. Despite this, democratic institutions of flagbearer state of liberal democracy could not stop a populist leader from rising and becoming President of the state. So, absence of institution to curtail the rise of populist leader is a weakness of democracy. This weakness favours the populist leader.

In democracies like the USA, first populist leaders or populist movements find or create suitable circumstances for themselves, either through bottom to top (demand leading to supply), or top to bottom (supply leading to demand) approach. Once they are mobilized, then they start spreading their roots. For instance, economic recession of 2008 provided a reason to people for mobilizing against established elite. Brian et al; notes that "The resulting financial carnage was exemplified by the collapse of Lehman Brothers in September 2008, even though the crisis had been brewing for a long time before then. What started as a financial crisis quickly made its way into the "real economy", triggering an unprecedented collapse in world trade, widespread job losses and the first contraction in the global economy since the Second World War. No wonder some people called it "Great Recession" (Brian & Patrick, 2010). Populist used this recession as an opportunity and responded to it in the form of "Tea Part Movement" and "Occupy Wall Street". Cas Mudde says that these movements could not survive due to weak leadership and internal conflicts. But the rhetoric they generated was furthered by Bernie Sanders and Donald Trump (Mudde & Kaltwasser, 2017). So, once populist actors managed to gain popularity among masses, democracy was not a challenge to them. Instead, democracy facilitated them in campaigning and presenting their views to people. Consequently, populist actors attracted voters and held important seats in the state.

The only challenge populist tendencies face in a democratic state, and specifically in the USA is opposition from other parties. Thus, when democratic institution allows populists to be part of system, then the real test of democracy begins, and here too institutions tremble in protecting democracy. That is the reason behind the democratic backsliding in the 21st century, as democratic institutions could not protect themselves from populist leaders.

Democracy survive through constitution, mutual toleration, and forbearance, which means that politicians should restrain the use of their institutional prerogative (Levitsky & Ziblatt, 2018). Later two (mutual toleration and forbearance) are called democratic norms (Levitsky & Ziblatt, 2018). American democracy survived and thrived due to constitution, but also due to these two democratic norms. Since norms are not like rules or laws, so implementation of them completely depends on the mutual understanding of institutions and the main actors. So, if a populist actor chooses not to abide by these norms, democratic institutions fail to curtail the abuse of power. Complete reliability, thus, on the democratic norms instead of any strong institutional mechanism facilitate the rise of populist leadership.

Under the populist leader in democracies, these two democratic norms are not implemented or followed. For instance, Andrew Jackson did not practice forbearance and used veto against the Congress decisions more than once, while empowering the executive at the expense of legislature (III et al., 2020). Similarly, President Donald Trump also followed the same pattern. He went against the decision of Congress over the budgeting of wall and spending on the construction of wall from military budget (Bauer & Becker, 2020). Despite criticism of this approach, President Trump continued to pursue his agenda. He not only ignored democratic norms but also constitution, and democratic institutions (congress and judiciary) after using their possible options, witnessed the abuse of power and rise of a populist leader.

Once ground is fertile for a populist actor to spread its roots in a democracy, and the populist movement is mobilized under strong leadership or a well-organized party, it offers a tough competition to democracy. Once populist movement succeeds in gathering vote bank, democratic institutions offer no barrier to it, except for opposition from other political parties, which any political party faces from its opposition. Eventually, when a populist leader becomes part of system or holds the presidential or prime ministerial seat, here again democratic institutions fail as they rely on mercy of the one in power and democratic norms. This leads to the validation of hypothesis that "the weaknesses which are embedded in the liberal democracy allow the weak institutions to exist, which in return facilitate the rise of populist leadership".

Conclusion:

Populism is an old ideology. Being thin centered it has manifested itself in different forms. At times it exists as right-wing ideology and others a left-wing ideology. In the United States, its history dates back to the 19th century (Mirza, Ali, et al., 2021). Unlike other different ideologies, history of populism has never been linear. There have been times in history when populism completely ceased to exist or there was no active populist movement. And then there have been times when populist leaders dominated the scenery of the not only the domestic but also the international politics. This trajectory of populism suggests that populism rises under certain circumstances which are explained by both demand side and supply side models. Once factors facilitating populist rise emerge, populist movement catalyses. Though several authoritarian rulers can adopt populist rhetoric in order to strengthen their rule, yet these are mostly the democracies from where populist leaders may emerge. In democracies, such movements are not crushed or stopped since there is no institutional structure for such situations. Thus, the absence of institutional barriers causes the rise of populism in democracies. In order to curtail the populist challenge, democracies and particularly liberal democracies need to revisit their institutional structures and instead of mere reliability on democratic norms, there has to be formal institutional setup. Through such measures this challenge of populist rise in democracies can be handled and also be avoided in future.

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Impacts of Heuristic Biases on Investment Decision Making in Pakistan by Mediating Role of Locus of Control

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Abstract

The purpose and aim of this research study are to identify the influence of three commonly heuristic biases for example availability, representative and overconfidence biases on the investment decision-making process, it also identifies how much these biases effects our investment. which is mediated by the locus of control bias. This is quantitative research in this research we used a review and questionnaire method on behalf of getting data from respondents. Data is collected from 242 local financiers and investors of different cities in Pakistan. The results of this search study revealed and disclosed the effect of three heuristics variables causes the investors to diverge after the logical decision-making process significantly and the locus of the control also significantly affects the investment decision-making process. Our model gives us the perception many heuristics or other behavioural issues can tip the investor to some sub-optimal decision-making process. Our research found that it is beneficial for individual investors, foreign individual investors, managers of investment, and policymakers also.

Keywords: Investment, Heuristics, Investment decision making, Pakistan, Biases

Introduction

Investment is the method or process of investing wealth to gain future benefits or profit (Makhmudov, S. 2020). when the investor made decisions based on a clear mind, knowledge about the investment and effective research the can result in a healthy outcome so the investor has to make proper research and gather knowledge about the investment and the investment area. It is human's thinking to get determined and maximum return on the assumption and irrational investment decisions that the investor made during investment. (Sattar, Toseef, & Sattar, 2020). In the past few years, many researchers indicated that the best decision-making process is always dependent on how much the investors have information and experience about the investment and investment areas (Sattar, Toseef, & Sattar, 2020). The heuristics behaviour influenced the investors while investing in bank deposits, gold & silver, residential flats and apartments, stock and shares and agricultural land (Makhmudov, 2020). Being considered as a rule of thumb it does not provide optimal and productive investment decisions but assists investors in making decisions based on the potential of problem-solving. The present study mainly focuses on obtaining and understanding heuristics biases such as psychology and investment behaviours of investors, recognizing the major types of heuristics (Johny & Royit, 2019). If people know the investment is the best decision, he/they can make and can get a higher future return. The major portion of this research is focused on an individual's decision-making behaviour. which are necessary for financial markets and other financial institutions like banks etc. especially the investors dispatch for the bulk of activity (Gompers, & Metrick, 2001). Heuristics are a set of rules or principles sometimes followed by investors for making their investment decisions to choose upon suitable alternatives. Understanding and awareness about investment and investment areas like the financial market are very important to gain future benefits. If investor clearly understands the financial behaviour or knowledge about behavioural finance it will help them in the selection of optimal instrument of investment such as investment in stock and shares, any banking product and property etc. as a result, they can resist the errors that cost a heavy amount in future. A heuristic method is an impure or unrefined rule of thumb used to make judgments about possibilities, future revenues generation and so on while a bias is said to be a partiality concerning the making of judgmental errors (Tversky & Kahneman, 1974). These heuristics are sometimes useful in some cases especially when the investor has limited time to make decisions but in long run, they might lead to biases and errors. Thus, heuristics and biases techniques involve heuristics individuals employ to make the judgement and link biases in them. The relevant issues are how these biases and heuristics affect investment decision making. Every step of investment requires a variety of choices and reasons for choosing a particular investment area to invest wealth (Venkatapathy & sultana, 2016). It is difficult for the investor to choose and select the areas of investment because sometimes the capital market provides a higher return than the financial market. (wijiya & Ferrari, 2020).

In this research study, mediating results of mediators in the connection of investment decision process and heuristic biases are discussed. Human memory is not durable and there are always chances of errors and mistakes. Some investors and people rely more on heuristics if they think that their effort will increase the outcome and they will be dependent on their instincts (Sharma et al, 1981). The main purpose and aim of this research are to discover the impact of heuristics biases on the investment decision creation process by investors with mediating role of LOC in Pakistan.

Literature Review

This section of research discusses, the influence of representativeness, overconfidence and availability biases on the investment decision-making process.

Investment Decision

Investment can be successful by doing research and gathering proper information about investment and investment areas (Shah, Ahmad, & Mahmood, 2018). The investment decisions are continuously made based on many factors such as current and potential shares of any company, technology use in the company and the value of the company in the close period (Caselli & Negri, 2018). The best investment decisions are depending upon the financial information, data and the confidence level of investors in the Pakistani market (Shawahna et al, 2017). The investor's conclusion is affected by his/her behavioural preconceptions which sometimes lead to irrational investment conclusions and poor investment performance.

When the investment area is inefficient and the role of information is weak so the investors fail to make a profitable investment in the market. Investors use heuristics in their decision making and are irrational in their approaches. They are affected by a weekly result like weekly high returns, previous prices, take risks with their investment and use market capitalization ratio. The Pakistani commercial markets and other investment areas are inefficient and investors do not have broad data and knowledge about the market and the market's changing changes. Sometimes the investors are not able or try to make rational investment decisions due to their social preconceptions. The best way and method of thinking power will increase the quality of their decision-making process Sometimes it is useful to make the desired decision but sometimes it results in negative and irrational decisions (Boda & Sunitha, 2018).

Representative Bias

In representative bias mean deciding for investment on the biases of the past performance of the same company relatively than the peer groups. In this bias, the investor always tries to make decisions by judging something and correlating or comparing it with others. The decisions became unclear and vague, as it is not confirmed that the judgment is right or wrong (Tversky and Kahneman, 1970). They will be inclined to buy stocks, shares and any property which value have

been increasing recently. It saves time and sometimes is right but usually results in representative bias and wrong decisions.

The investor always wishes to buy stocks, banking products, gold and property etc. to get a high return (Chen et al, 2007). The bias occurs when investors invest as good or bad as established in its recent presentation. Therefore, the investors always try to buy stocks etc. But in the case of land, gold and dollar the investors try to invest their money to sell it when the prices of land, gold and dollar have risen. The investment decisions of the investors vary because of their representativeness that they relate the company's condition to the past company's condition (Ollor, & George, 2020). According to Arrfelt (2013), this bias is began when the investors see the reputation and past performance and success of the area of investment. They are unable to see that what the area of investment can give them in the future. So some areas of investment that are good in past can go in the loss in the future and vice versa (Petkova, 2014). The investors trust or depend on the factors like goodwill that vary with time so this is an irrational attitude of investors towards investment.

H1: The RB has a positive significant effect on LOC.

H2: RB has a significant positive effect on DM.

Availability Bias

Investors have healthier self-confidence; they rely on knowledge and skills for making better investments to get high returns from their investments. some investors only believe in voluntarily available information rather than making research and examining the factors and alternatives attached with the investment which causes irrational investment decisions. The investors try to wish to invest in local aware and well-known companies based on easily existing data (Waweru et al, 2008). Availability heuristics is often employed when people trust current information to make their decisions and overlook all the previous data and details which make it biased opinion and wrong decisions (Kudryavtsev, 2018).

In this research study, we are focusing on investment in banks products, gold, lands and other properties and stocks etc. in the Pakistani market and usually these decisions are made under undefined situations. Investors should calculate the chance of getting profits or earning loss on any stock and other investment areas whether they want to sell, hold or purchase it.

H3: AB has a positive and significant impact on LOC

H4: AB has a major positive impact on DM.

Overconfidence Bias

The investors having a large amount of Overconfidence will make him/her a risk taker and risk seeker and the investors who have low confidence power will make /her risk averse (Balaramulu,

D 2017). The overconfidence bias is one of the heuristic biases which defines as unnecessary faith in one's judgment and thinking power. The effect of overconfidence on investors is to misjudge and overestimate the knowledge and skills of investors. Investors who are overvalued and more confident about themselves for what they are or what they are not suffering from overconfidence bias. the overconfidence bias affects very greatly the decision-making process and investment. Overconfidence also impacts investors' financial decisions and the financial decision of an institute. People's overconfidence is also affected by gender and age etc. (Goyal, 2017). It greatly affects the decision-making process of an investor while deciding on an investment. So the people(investors) should be underconfident and not overconfident when they invest in different investment areas. In behavioural finance, the overconfidence bias is one of the established Heuristic and psychological factors and biases which affects the investment decision greatly (Dominic & Gupta.2020).

 H5: OB has a positive significant impact on LOC.

H6: OB has a positive impact on DM.

Locus of Control

It is all about this person's own ability to think. Some investors think it is very helpful for investment decisions which leads to an increase in the output of the investment. There are two types of locus of control. For example, if an investor thinks the confident result and outcome can grow due to some external factors, such as chance and luck are the external locus of control (Selart, 2005). For investment decisions, it is very important to compare the connection between the investment decision making procedure and heuristics biases. For this purpose, we know both internal and external locus of controls. The Internal locus of control expresses about person's power and his/her ability and the external locus of control includes the outsides forces such as luck and chance etc. to control the outcomes of the investment so the investors have to know his/her abilities to do perfect investment which can minimize the level of risk and losses of investment. Sometimes the investor does not know about his/her abilities and risk too much, some investors overvalue their abilities and trust that, they can control or change the market environments and investment areas (Gervais & O dean, 2001).

H7: LOC has a positive impact on DM.

H8: LOC mediates the relationship between AB and DM

H9: LOC mediates the relationship between RB and DM.

H10: LOC mediates the relationship between OB and DM.

Theoretical Design

The study aims to observe the effect of heuristic biases in investors' decision making which is being mediated by the Locus of control. this study observed the relationships through conducting the survey.
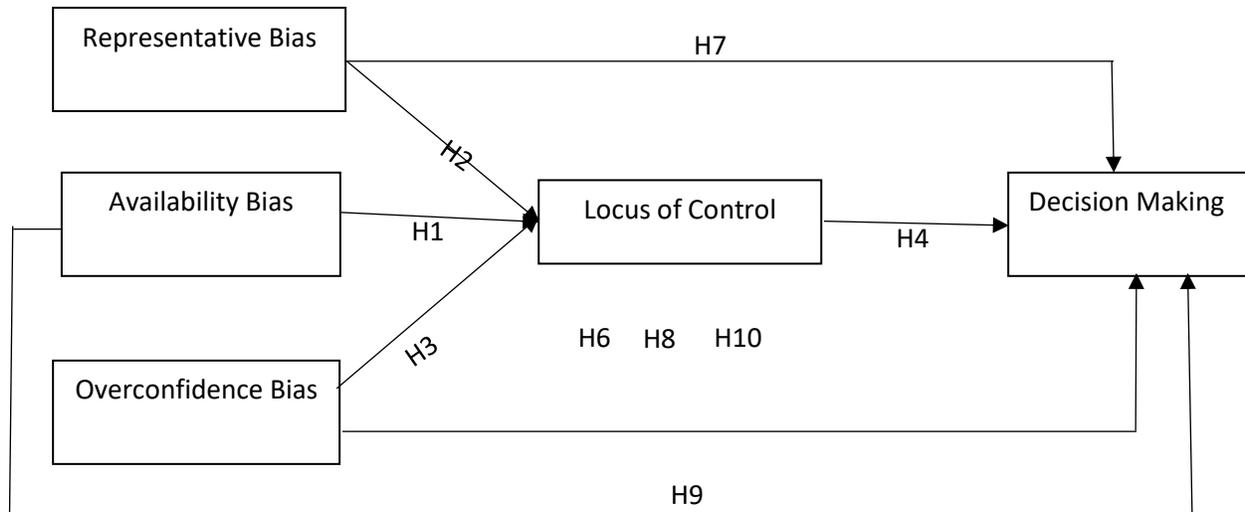

Figure 1. Theoretical framework

Research Methodology

The main objective of this research was to identify and investigate heuristic biases of investors and how it affects local investors' decision-making process in Pakistan. In this part of the study, we have discussed the methods of collecting data and analyzing the collected data from respondents.

Research Design

To collect data from Pakistani local investors we used the questionnaire method which records the responses along with the Likert scale. The sample includes investors from the local market. Questionnaires were distributed among 250 investors.

Survey Research Method

It is a sequential process. According to my research, we have collected data in two stages. In the first stage, the questionnaires were written for collecting data from respondents. For writing the questionnaires we get help from previous researcher's research papers consisting of questions related to the age of respondents, amount of investment, age ranges and the years of experience in the first part and the second part of our questionnaires it contains the availability, representative and overconfident heuristics to find their impact on Decision making when Locus of control plays the role of mediator. At the second stage, we have selected 250 investors as a papulation by using

a convenient sampling technique from different cities of Pakistan. We have collected data from different investors and according to that data, we have taken certain decisions. This research method is also called "Field Experiment". It is conducted in the natural environment. To collect data 250 questionnaires were distributed among different investors 249 were returned out of which 7 were spoiled and 242 were entered into the SPSS. Every individual investor that we have selected has experience starting from one year. Data is collected from different cities in Pakistan. According to Osborne and Castell (2004), that there is no specific rule for determining sample size in the case of behavioural studies.

Participant's Description

In this research, the data is collected from both male and female investors. The total number of male respondents are 228 and female respondents are 14. According to the age of respondents, there are 31.4% respondents whose age is between 20 years to 25 years, there are 28.1% respondents whose age is 25 to 30 years, 28.5% respondents whose age is 30 to 35 years and there are 12% respondents whose age is above 35years.According to the year of experience of investors. There are 19% of investors whose experience is less than 1 year, 37.2% of respondents whose experience is1 to 5 years, 28.9% of respondents whose year of experience is 5 to 10 years, the 14.9% of respondents whose year of experience is more than 10 years. According to the investment level 28.5% of respondents whose investment level is less than 2 lac. 19.8% of respondents whose investment level is 200000-350000, 32.3% respondents who invest 350000--600000 and 19.4% respondents whose investment level is 6 lacs. According to this research article, 95.9% of respondents are individual and 4.1% of respondents are institutional.

Results and Discussion

This research aims to check the impact of three types of heuristic biases on decision making and the Locus of control plays the mediating role. Data is collected through a questionnaire from 242 Pakistani investors. The collected data through a survey was tested with the help of SPSS.

Table no.1

Demographic variables

Descriptive analysis

S.no	Demographic variable	Demographic characteristics	Frequency	Percentage
1	**Age**			
		• 20-25	76	31.4

		• 26-30	68	28.1
		• 30-35	69	28.5
		• Above 35	29	12
		Total	242	100.0
2	**Gender**			
		• Male	228	94.2
		• Female	14	5.8
		Total	242	100.0
3	**Year of Experience**			
		• Less than 1	46	19.0
		• 1-5	90	37.2
		• 5-10	70	28.9
		• More than 10	36	14.9
		Total	242	100.0
4	**Investment**			
		• Less than 200000	69	28.5
		• 200000--350000	48	19.8
		• 350000--600000	78	32.3
		• Above 600000	47	19.4
		Total	242	100.0
5	**Investor Type**			
		• Individual	232	95.9
		• Institutional	10	4.1
		Total	242	100.0

Reliability Analysis

To analyze the reliability of study variables, the data from 242 investors were collected and entered into SPSS software. The reliability was identified by using Cronbach's α. The vales of Cronbach alpha should be above 0.70 which concludes that this study is reliable for the future. the Cronbach alpha from 0.6 to 0.7 shows an acceptable level of reliability and Cronbach alpha 0.8 or greater than 0.8 is a very good level of reliability (Hulin, Netemeyer, and Cudeck, 2001).

Table No. 2

Reliability Statistics

Variables	Cronbach's alpha	N of Items
Availability bias	.628	4
Representative bias	.715	6
Overconfidence bias	.738	5
Locus of control	.767	8
Decision making	.727	4

In this research, according to Cronbach's Alpha, all items of variables are greater than 0.6. which shows that these items are reliable and could be used for future analysis. In this research study, the Cronbach Alpha of locus of control is .767, availability bias is .628, representative bias is .715, decision making is .727 and overconfidence is.738.

Correlation Analysis

Table no 3

Correlations

		AB	RB	OC	LOC	DM
AB	Pearson Correlation	1				
	Sig. (2-tailed)					
	N	242				

RB	Pearson Correlation	.494**	1			
	Sig. (2-tailed)	.000				
	N	242	242			
OC	Pearson Correlation	.245**	.192**	1		
	Sig. (2-tailed)	.000	.003			
	N	242	242	242		
LOC	Pearson Correlation	.357**	.501**	.367**	1	
	Sig. (2-tailed)	.000	.000	.000		
	N	242	242	242	242	
DM	Pearson Correlation	.375**	.464**	.476**	.458**	1
	Sig. (2-tailed)	.000	.000	.000	.000	
	N	242	242	242	242	242

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

In the above analysis, we can see that every variable has a 1 significance level when tested with itself. The output of correlation analysis shows a positive relationship between the decision making and locus of control because the correlation between them is .458 which is significant at 0.000 level. Availability bias has a .375 correlation with decision making it means up to this level these two variables move in the same direction. Representative bias and overconfidence have .464 and .476 correlations with decision making respectively. According to our correlation analysis, there is no negative correlation between all the variables of the study. All the variables are significant at 0.000 level.

Anova Test

Table no. 4

ANOVA[a]

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	55.703	4	13.926	39.207	.000[b]

Residual	84.179	237	.355		
Total	139.882	241			

a. Dependent Variable: DM

b. Predictors: (Constant), LOC, AB, OC, RB

In this table, the P-value shows that the model is fit because it is significant at 0.000 level. It shows that all predictive variables affect the dependent variable.

Coefficient Analysis

Table no. 5

Coefficients^a

Model		Unstandardized Coefficients		Standardized Coefficients		
		B	Std. Error	Beta	T	Sig.
1	(Constant)	-.246	.315		-.781	.436
	AB	.109	.064	.101	1.706	.089
	RB	.332	.079	.268	4.228	.000
	OC	.368	.059	.340	6.209	.000
	LOC	.216	.082	.163	2.638	.009

a. Dependent Variable: DM

Value of B shows if there is an increase in one unit of an independent variable will take in an increase in the dependent variable. For example, the B value for availability bias is .109 that indicates by changing the independent variable the dependent variable is also changed. The value of B for representative bias is .332 which means that if we cause a change in representative bias it will bring an increase of .332 in decision making and vice versa. All the IVs have a nonstop impact on decision making. The value of B for overconfidence and locus of control is .368 and .216 which means that one unit change in overconfidence and locus of control will bring one unit change in decision making.

$R^2 = .398$

AdjustedR^2=.388

F=39.207

In this research, according to this test, we found a significant relationship among our variables. And how much the independent variables significantly affect the dependent variable. The Regression analysis also shows and defines that how one variable is changed by a change in another dependent or mediator variable.

Mediation Analysis

To check the role of the mediator Sobel test is used (Baron and Kenny, 1986).

Table. 6

Mediation analysis

Particulars			Test statistics	Significance One-tailed Two-tailed	Type of mediation
IV	MV	DV			
AB	**LOC**	**DM**	3.86703394	0.000 0.000	Full
RB	**LOC**	**DM**	4.20277826	0.000 0.000	Full
OC	**LOC**	**DM**	4.17598918	0.000 0.000	Full

The result of this analysis shows that LOC has full mediation between the first two types of biases whereas it has partial mediation when checked with overconfidence. First of all, we have run the regression analysis between AB and decision making then simple linear regression was run upon LOC and decision making the values of coefficients and standard error were entered into the Sobel test calculator to test the mediation. The results show both significance one-tailed and two-tailed are less than 0.001 which shows that LOC plays full mediation between all variables.

Summary of Hypothesis Testing

Hypothesis	Results

H1	AB has a positive impact on LOC.	**Accepted**
H2	RB has a positive significant impact on LOC.	**Accepted**
H3	OB has a positive significant impact on LOC.	**Accepted**
H4	LOC has a positive impact on DM.	**Accepted**
H5	AB has a significant positive impact on DM.	**Accepted**
H6	LOC mediates the relationship between AB and DM	**Accepted**
H7	RB has a significant positive impact on DM.	**Accepted**
H8	LOC mediates the relationship between RB and DM	**Accepted**
H9	OB has a significant positive impact on DM.	**Accepted**
H10	LOC mediates the relationship between OC and DM.	**Accepted**

Conclusion

This study helps to check the impact of heuristic biases which are independent variables like availability, representative bias and overconfidence upon the decision-making process which is the dependent variable regarding investments and investment areas. Such biases occur because most of the time investor prefers to rely or depend on their heuristics. Even if the investor knows finance and also the value of repayment associated with them but still they make irrational decisions because of the heuristics. Not only do normal people become affected by these biases but also there are highly knowledgeable and well-educated investors who are affected by these heuristic biases. Not only biases but also the locus of control play a dynamic role in making investment decisions. The most frequently used heuristics used in decision making are representative and availability biases but the thing that mediates these biases are overconfidence and locus of control to some extent. Sometimes, investors decisions may lead towards the wrong valuation of outcomes. The investors at Pakistani markets are strongly influenced by these kinds of biases. The reason behind this may be the culture and trend of the country due to which there is high involvement of such factors can be seen. Investors only gather information about one investment and implement that in other situations and other investment areas. They consider the decision only from one perspective and ignore the situations and circumstances of the other investment opportunity. Sometimes estimations about an offer may be converted into wrong or the information provided to investors can be false, in such cases, investors that rely on biases may invest in non-profitable chance. The main aim of this research is to make the reader accepting of the actual and real-life attitude of investors.

Future Implications and Limitations

Usually, traditional finance is considered to be a rough phenomenon, and it is failed to discuss problems related to behavioural finance. This study helps to concentrate or focus on such issues of human behaviour that affects the investment decisions process. Investors can consider this information to analyze an investment decision. This paper can also be used by the organizations seeking investment to estimate the market culture and provide more knowledge regarding the behaviours of investors. The policymakers can get benefit from this research for getting information about the market behaviour. They get to know about the information regarding investment decisions in the market and also investor's behaviour. In this research study, only three kinds of biases are discussed and used to find the results so all the other ignored biases can be studied soon.

•   There was less representation of female gender so it is optional to research only female investors as they get more inclined by the biases because of their emotional nature.

•   Future research can also be conducted to check and identify the behaviour of investors on a larger scale by selecting a large sample in different areas of investment.

•   Another recommendation could be concerning about mediator, in the future paper could be published on all the other biases with the mediating effect of locus of control.

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Understanding Political Change through Social Movement: A Case Study of PTM

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Abstract

Pashtun Tahafuz Movement (PTM) was initially started as Mehsud Tahafuz Movement (MTM) by eight students at Gomel University in May 2014, Dera Ismail khan. These students were from Mehsud tribe and belong to the South Waziristan. Following the fighting between militants and Pakistan Army, these students were of the view that we are the real victims of this fighting, we had to bore the brunt of untoward conditions of our area and our grievances are not addressed in a satisfactory and convincing manner. They campaigned door to door and mobilized people in the streets to create awareness about the reasons and factors contributing to their plight and miseries. It was limited and focused to the Mehsud Tribe only, now it has swept all over the major cities and public centers of the country and now claiming for the emancipation of all the Pashtun Nation. Extra-judicial killing of young resident of tribal area on 13 January 2018, Naqibullah Mehsud, by local police in Karachi, who was settled in Karachi as a small business man and was an aspiring model, proved to be as a foundation for the formation of Pashtun Tahafuz Movement (PTM).

Keywords: PTM, Nationalism, FATA, Ethnicity, War on Terror

Introduction

Federally Administered Tribal Areas (FATA) is situated along the Afghan Border and is adjacent to the Khyber Pakhtunkhwa (KPK). FATA is a mountainous region and now it has merged with KPK on May 24, 2019 after passing of 'FATA reforms bill' in National Assembly of Pakistan. Before that FATA was directly administered by federal government. Most of the population speaks Pashto language hence called Pashtuns. FATA is populated by tribes (largely Wazir, Mehsud and Dawar). Wazirs are largely based in North Waziristan and Mehsud are based in South Waziristan. Pashtun form an ethnic group, based in Afghanistan and Pakistan and are called by multiple terms such as Afghan, pashtoon, Pushtun, pathan and pukhtoon. (Ahmed, 2018) . Pashtuns are also populated in Baluchistan province along with tribal areas on the Pak- Afghan border region in the north-west, are second largest ethnic group with 15% of population out of total population of Pakistan. (misachi, 2018).

 FATA has remained an epicenter of conflict and war. Its geographic location, Afghanistan in the nearest neighborhood (conflict ridden), have also affected FATA. After the Soviet's invasion of Afghanistan and Pakistan's involvement in Jihad against the soviet forces, FATA had to bore the brunt of the conflict because most of the Jihadists were trained and sent to Afghanistan from this region and after the defeat of soviet forces and American involvement in the region, End of Taliban government, most of the militants fled from Afghanistan and got settled in FATA. For that matter security forces of Pakistan started operations to wipeout the militants from the region. Formation of militant groups like Tehrik-i-taliban Pakistan (TTP) and other outfits who fought against the security forces of Pakistan has played a crucial role in making FATA a no-go-area. There have been some stereotypes in colonial literature and in contemporary one as well, about the tribal Pashtuns that they are Savages and warrior like and are sympathizers of militants. (Major Shahid Afsar,major chris samples, major thomas wood, 2008) The most probable reasons for these stereotypes are, Pashtun's resentment and resistance (insurgent activities) against the British Raj in Indian subcontinent and for recent ones are, Pashtun Mujahidin' role in Afghan Soviet's war and the long-lasting effects of that role for this erstwhile region. (Johansen, 1997). The emergence of Pakistani Taliban and Haqqani network (afghan Taliban) has also portrayed a violent image of Pashtuns.

There also exist some misleading information about the Pashtun culture (Pashtunwali) that it has sympathies for militants as they have allowed the militants to stay in their places. Pashtunwali is a way of Pashtuns, a set of codes, values and customs that regulates the lives of Pashtuns. (B.L benson, Z.R sidiqui, 2014). Major Pashtun cultural codes are, 1) Pashtun jirga, that is considered to be very important council consist of tribal elders, that settles the disputes between two individuals or among the members of society. It is an important institution for conflict resolution. 2) Badragga, accounts for safe conduct. 3) Hujra, is a common sitting place for Pashtuns. 4) Lashkar, troops or militias formed for defense purposes. 5) Nanawatay, is a law for forgiveness and refuge. 6) Nang is an honor. 7) Tiga, is a state of peace agreed between two opponents. 8)

Malmastya, refuge or hospitality, has come under criticism that Pashtuns are sympathetic towards militants and they have given refuge to the militants as guests. Some of the customs might have produced some problems but that does not account for oversimplified generalizations against the Pashtuns. Pashtunwali has come under criticism for multiple reasons, human rights violations and gender rights but it still holds an importance in the lives of the Pashtuns residing in tribal areas. (u.khayamullah, s.Shah, 2018).

PTM launched a long-march from Dera Ismail khan to Islamabad, against the extra-judicial killing of Naqibullah Mehsud. It got enough participation by stopping in their way to different cities in Khyber-Pakhtunkhwa. PTM held a sit-in protest, lasted for ten days in Islamabad, ended by the assurances from the concerned authorities that their demands would be fulfilled. The demands of the PTM included: 1) trial of Rao Anwar (a police officer who extra-judicially murdered Naqibullah Mehsud) 2) formation of a truth and reconciliation commission. 3) removal of land-mines in FATA. 4) end to extra-judicial killings. 5) recovery of missing persons. This paper intends to analyze the emergence of PTM, how it developed into an interest group? By tracing the reasons through social and economic indicators of FATA as compared to the other parts of the country. Geographic location of FATA and its social and economic status, lack of integration (legally, politically, economically and administratively) What kind of events or issues impacted the PTM's change in strategies and direction? Account for as, through Some internal factors (realization about the miseries of people of FATA through a broad angle with the passage of time). And the State's indifferent approach that lead the PTM to change its strategies and directions.

 The negative stereotypes have played a significant role in making a perception and understanding about Pashtuns as thy are tyrant, warriors and savages. The state of Pakistan has also played no different role than colonial administration, tribal Pashtuns have been perceived as savages, state have been skeptical about the loyalty of tribal Pashtuns as Afghanistan didn't accept Durand line as a border and involvement of tribal Pashtuns in Afghan jihad and then the effects of that involvement on FATA and whole country aftermath, have earned an indifferent behavior towards tribal Pashtuns by the State of Pakistan. Colonial laws like Frontier crimes regulations (FCR) was not abolished, making FTA a buffer zone, excluded tribal Pashtuns socially, politically, economically and administratively, that further exacerbated the situation as militancy, instability and extremism prevailed further. (S.Haroon, Yousaf, 2017,2019). As long as I, myself have observed, tribal Pashtuns have always been treated unfairly and very often humiliations at check posts by the security forces. Very often when I move to my home town(Rawalakot AJ&K) from Islamabad, we got through three to four check posts, most of the time I accompanied by fellow Pashtun passengers/travelers (usually from tribal areas) who largely go to Pakistan administered Kashmir for labor purposes as there are opportunities for hard labor(construction, road and infrastructure projects) after the earthquake of 2005, most of the time whole of the travelers' CNICs got checked but Pashtuns are checked with whole bag and baggage. security personals at check posts have a perception about Pashtuns that they must be carrying with them some narcotics

or they are going there for some illegal purposes presumably militaristic, which is not necessarily the case. it shows that how much, negative stereotypes about the Pashtuns are prevailing in the country even at micro-level. Lack of counter narrative on tribal Pashtuns have given rise to further discrimination and ethnic profiling. 'Pashtun nationalism is equated with militants, Taliban and terrorism by western scholars and Pakistani ruling establishment'. Though it is a historical fact that tribal Pashtuns were patronized by the state of Pakistan in 1948 to invade Kashmir that lead to first war over Kashmir between India and Pakistan and later they were used for Afghan Jihad against the soviet's forces. (Saigol, 2012).(Shams, 2017).

Sacrifices and efforts towards peace by tribal Pashtuns are also need to be considered. It was and are, Pashtuns, who have had to bore the brunt of militancy and conflict. They had to leave their places, got internally displaced, lost a lot of precious and innocent lives in the hands of militants and military operations (collateral damage) and in drone strikes, suffered socially, economically, financially, politically and psychologically. Jirga meetings were convened and lashkars were formed to counter the militants' activities, militants were handed over to the state that shows the aspirations towards peace and a show of cooperation and coordination with the state of Pakistan. (Khayam, 2016). (khan, 2015). Regulating FATA through frontier crimes regulations (FCR) and directly through administration in Islamabad which do not have had an insightful approach and a clear understanding towards the erstwhile region, declaring the region as militarized and regulating it by the security forces (khasadar, FC and Army political agents, Maliks), banning the political activities and denying of access to the media and human rights observers have further isolated the tribal Pashtuns and a sense of deprivation, anger, dissent and grievances grown and got intense.

Ghulam Qadir khan Daur, a former civil servant and a resident of FATA (Darpa Khel), served as a deputy commissioner and political agent in FATA has shown a very different picture of FATA in his book 'Cheegha-the call from Waziristan, the last outpost', which is averse to that is usually found in popular literature on FATA. He shows that how peaceful FATA was, before the invasion of Afghanistan by the soviet's forces, even the Hindus who were living there were protected and a completely changed picture of FATA after the American invasion of Afghanistan and when Pakistan joined the American war on terror in 2001. Cheegha is a Pashto word which means an urgent call to protect common cause and rights. Daur tells the people that what has been happening with them and still happening in the name of militancy and war on terror. Though the international community, Pakistan army and Afghan Taliban delinks themselves with the militants in FATA but where do they get funding, training and protection? People of Fata have no local government and a provincial representation, it is time for the people to awake and don't sit idle and quite and realize about their miseries and plight and ask for the rights which are available to the other areas of the country. (Daur, 2014). Lack of integration, politically, economically and socially, militancy and being an epicenter of war for more than 15 years, State's negligence and an indifferent and undemocratic approach towards the Tribal areas, eventually provided necessary and sufficient conditions for the emergence of

an indigenous resentment, resistance against the injustices that comprised of years, a social movement, Pashtun Tahafuz Movement (PTM).

Changes in direction and strategies:

PTM was started earlier as Mehsud Tahafuz Movement (MTM) at Gomel University in May 2014 by eight students who were from Mehsud Tribe and belong to the south Waziristan. They realized that we have been under severe conditions for years and we are the real victim of conflict and unrest, we have to stood up against the injustices and for our rights. It is a fact that Mehsud tribes have been affected by militancy more than any other tribe in the tribal area, these students campaigned door to door and mobilized the people in the streets to create awareness about the causes and factors contributing to their miseries and what is to be done to have their voice heard. However, the extrajudicial killing of Naqibullah Mehsud proved to be as an impetus for MTM that was limited to one tribe only and was yet a campaign, to convert it into a social movement, PTM, that spread in the whole country.

 Naqibullah Mehsud was a young man of 27, a small business man, an aspiring model, had an active presence on social media, was settled in Karachi against the backdrop of displacement due to the military operations in FATA, his hometown. Karachi Police said he had links to terrorist organizations. His pictures were shared on social media and mainstream electronic media also covered the story of his murder. Naqibullah's ill-fated murder made young tribal Pashtuns to think about the perceptions, oversimplified generalizations and negative stereotypes that got settled among the security institutions in rest of the country about the Pashtuns that they must have links to militancy, crimes and terrorist organizations irrespective of considering the specificities and particular dynamics of the very incidents. It generated an anger and fresh anguish among the tribal youth in particular, that for how long, we have to be in such inhuman conditions and for how long, we have to face such kind of in discriminatory behavior, PTM started a long march from Dera Ismail Khan to Islamabad which swelled its numbers when it stopped on its way at various points and organized more people around. A sit-in protest was held for 10 days in Islamabad that ended after the assurances by the concerned authorities that the PTM's demands would be addressed. (Wazir, 2018).

 PTM's journey from MTM to PTM can be traced through some factors, the leadership is mostly comprised of Young and highly educated Pashtuns, there was an understanding and realization that if we remained limited to the one tribe or one area only, then we will not be succeeded in our cause. They invoked 'nationalities' Question', Pashtun Honor and constitutionalism and taped the grievances in whole country to make their bargaining position stronger. (Khan, 2019). Aslam Khawaja in his book 'People's Movements in Pakistan' has highlighted the importance of very contested 'nationalities' Question' since the inception of Pakistan, allocation of resources in Pakistan is not done through some market mechanism or following some other economic indicator but it depends on anyone's bargaining power. (Khawaja, 2017). PTM has had a clear understanding of that, so they resorted to the demand for emancipation of whole Pashtuns not

only Mehsud a or tribal area. PTM organized large protests and rallies in almost all the big cities like Karachi, Lahore and Peshawar (where enough tribal Pashtuns are populated, most of them are internally displaced), questioned the popular security narrative (war on terror), raised objections on security establishment's security policies, highlighted the plight of weak and downtrodden Pashtuns and gave a voice to them.

PTM invoked Constitutionalism and rule of Law and remained nonviolent by following the Bacha Khan's strategy of nonviolence to achieve their goals. This has swelled the following of PTM among different sections of the society, human rights organizations, civil society and leftist organizations have showed solidarity and support towards their cause. Manzoor Pashteen, leader of Pashtun Tahafuz movement, born in Sarakai, South Waziristan, studied at APS Banu, Masters in Veterinary sciences at Gomel University, has been a president of Tribal Students Association, had started awareness campaign about land mines and ammunition and to highlight the miseries of people of FATA sharing pictures and news with international and local media in 2016, has said in his first ever interview on mainstream Pakistani electronic media , we are demanding an Honor/dignity and equal treatment. He said, our elders got killed when they raised their voice against the injustices and eventually we got to know that demanding, honor and rights is considered to be as got killed. Among other demands Manzoor demanded about missing persons that if they are convicted, produce them before civil courts for trial and a judicial commission should be formed. PTM did not relied on local system (jirga) by arguing that jirga resolves the disputes between two members of a society but our issue is with the State of Pakistan, constitution is the mediatory between us. We want the people of FATA should be considered as an equal citizen of Pakistan, we want the rights available to other citizens in rest of the country, should be available to the people of FATA. Manzoor pledged to continue their protests until the fulfillment of their demands. This is how PTM taped the grievances, on the Issues of missing persons PTM got enough support in whole country because human rights organizations and civil society was already protesting for a long time against the enforced disappearances and illegal detains in Baluchistan, Peshawar Karachi, Lahore and Islamabad. Invoking constitution and rule of law has helped PTM earning a massive support from the educated and well aware citizens among different cities and abroad as well. (Pashteen, 2018).

PTM used social media as an effective tool to highlight the issues, amplify their voice and organizing people, demanding inquiries and support from international institutions like UN, Amnesty international and recording protests in front of white house has helped them introducing their cause on a global level. Although some of their demands have been addressed partially, but State's indifferent approach and apprehensions towards their demands, creating hurdles in organizing them rallies (filling the procession place with sewerage water in Lahore) , arresting the activists, lodging FIRs, putting the names of some activists on no- fly list, complete media blackout, threating, torture (murder of Arman Loni) and labeling them as foreign agents, traitors and paid activists (DG ISPRs press briefings, Punjab Government paid advertisements on TV

channel), running malicious propaganda against the PTM on social and electronic media(ARY,92 News) have also forced PTM to change their direction and strategies.

PTM did not take part in elections officially but two MNAs from Waziristan got elected on PTMs vote bank, they showed their presence in National assembly by moving resolution against missing persons and raising importance of FATA reforms, and participating in Senate Standing committee. Manzoor Pashteen did not talk about elections initially but in a recent interview he referred this treatment by State of Pakistan as 'Pakistan Army is afraid of our popularity and they want to delay the elections because they know that PTM candidates will be winners'. This accounts for the change in demands and direction of PTM that initially they did not contested elections officially but now after the merger of FATA they are showing intentions towards it, that will help them fighting for their constitutional rights and their bargaining position would be stronger. (Shah, 2019). (Sophia Saifi and Euan McKirdy, 2018) Since PTM is an ongoing phenomenon, a significant development has happened in last one and a half year, Waziristan check post incident, crackdown undergone, leadership got arrested (including two elected MNAs) Curfew had been imposed for many days and other high-handed measures had been taken by the security establishment, this is beyond the scope of this paper to analyze and account for the further change in strategies and direction of PTM that are going to happen in the ongoing days.

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Drimat: An Arbitration of Dispute in Pashtun's Customary Court

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Abstract

This study explores drimat/driyam/menzgarai/menzgartia as one among many dispute resolution mechanisms in the arsenal of Pashtun customary law. Drimat is an arbitration court initiated and congregated by disputants or by arbitrators with an aim and role to decide the truth about disputants' claims and to stop escalation of the dispute to not go out of hand between the disputants in the first instance and then to reach an amicable resolution through an arbitration done by arbitrators selected by disputants. Decision of arbitration and condition of settlement and indemnity bond are written down on legal document (stamp paper) signed by disputants, arbitrator[s] and eyewitness. Terms and conditions along with indemnity bond of arbitration in disputants' initiated drimat are written down after reaching an agreement to accept the final settlement arbitrated by arbitrators by disputants, and arbitrators. This practice is still continued despite the existence of formal courts aimed to decide the dispute. The existence of parallel jurisdiction of normative ordering is analyzed through analytical frame of legal pluralism theory. It helps to understand the existence and practice of indigenous law with existence of formal legal systems. The study is based on an ethnographic fieldwork among Pashtuns of District Zhob, Balochistan.

Keywords: *Drimat*, **Pashtun's Customary Court, Dispute, Legal Pluralism, Arbitration**

Introduction

After the emergence of colonialism, the concept of more than one law emerged in legal studies, because the precolonial people were organizing their interaction and order according to their customs and norms, but the mission of colonialism and its law was to impose new order based on the interest of colonialists. New order was to transform the colonized society through new legal orders to reshape the culture for the support of colonial powers. Such approach and mission created contestation between colonial order and control and normative system of colonized people (Merry, 1991).

One the hand the colonial powers imposed legislated laws derived from the colonial standards to civilize the colonized people and transform the culture into conception equal citizens before the law and to do away the concept of discrimination in the process of dispensing of justice. The logic behind was to diminish the discrimination and biasness towards citizens as nation state hosts different cultures and people from different socio-economic backgrounds. Such approaches to understand social contract between state and its citizens, where state in utopian sense, considers citizens equal before the law. Despite the existence of a uniform statutory law, indigenous or customary laws continue to exist. Such laws of community or their customs are regarded as an activity by the participants of the community in the very locality of similar people of community (Galanter, 2011). The community laws are used for the settlement or avoidance of the dispute between individuals or group of people though the resolution. These customary laws refrain from violence and attempt to reunify, harmonize, and reconcile the disputants involved in a dispute or conflict (Bonta, 1996). On other hand, the statutory law deals with dispute in neural assessment regardless of socio-cultural background of the disputants (Elsana, 2019), because the unitary or statutory law or state-centered systems interpret any disputes in terms of centralized legal codes when dispensing orders to decide the settlement of dispute (Tier, 1990; Emmanuel & Croce, 2017).

In early twentieth century studies primarily by anthropologists produced a bulk of literature on tribal and village communities in colonies in Africa, Asia, and Pacific to understand the maintenance of social order in these societies (Malinowski, 1985). These studies documented rich variety of social control, social pressure, custom, customary law, and judicial procedure within small-scale societies, these studies showed that these societies have both indigenous law and European law as well. Colonial law was reshaping social life in these villages in subtle ways in interaction with colonial state and its functions however tribes and villages had developed some indigenous customary laws over generation. With imposing of colonial law and existence of indigenous law of the community paved way for practicing of different methods to maintain social order in society. Such practice of more than one law in same society was termed as legal pluralism. The introduction of legal pluralism recognized that the introduction of European colonial law created a plurality of legal orders in their colonies (Merry, 1988; Tamanaha, 2000).

The case of India was not different. In 1901, British India government implemented Frontier Crimes Regulation (FCR) in Khyber Pakhtunkhwa and Balochistan. After partition and making of

Pakistan, the newly independent state in post-colonial era did not extend laws to larger population of Pashtun (Human Rights Commission of Pakistan, 2005) but formed an amalgamation of tribal distorted customs, and newly borrowed laws based on Britons' experience in their colonies. These laws uphold a shadow, ambiguity and liminality of laws aimed at governing the Pashtuns (Hayat, 2019). The laws governing the Pashtuns were mixture of customary laws and statutory laws that were brought by colonial and post colonial state to the region. Such laws were not implemented through a regular and specialized authority in the area but they were at the disposal of political agent and *malakan* (village headsmen) appointed by political agent to apprehend the criminals, dissemination and collection of information and governing developmental projects through *malaks*.

A considerable literature was produced on Pashtun society and culture. Such literature preserved and demonstrated the practice of indigenous laws in community like *jirgah* (Ahmad, 1990), and *markah and drimat/driyam* (Atayee, 1979; Barfield, 2003; Daur, 2014; Haq, 2018; Mehmood, Haider, & Ali, 2017). The basis of such customary laws and courts are guided by Pashtunwali (Ahmadzai, 2020; Ahmed A. S., 1976). (Atayee, 1979) in a book titled " (A Dictionary of The Terminolgy of Pashtun's Tribal Customary Law and Usage) elaborated the codes as laws of Pashtun society to guide interaction and behavior among Pashtuns where as a member of tribe is obliged and customized to follow the laws in specific customary court when an arbitration is made. The congregation and arbitration of customary courts are initiated to resolve the disputes and conflicts aroused due to women, wealth, land, allegation and claims of any kind. Scholars precisely in their studies on Pashtun polity reported few customary courts or alternative dispute resolutions like *jirgah* (Ahmed A. S., 1980; Barth, 1965; Lindholm, 1982; Majeed, 1991; Pastner, 1972; Hart, 1981), *marakah* (Daur, 2014; Haq, 2018; Mehmood, Haider, & Ali, 2017; Mushtaq, Yaqoob, & Javaid, 2016) and *driyam/mremgarai* or *drimat* (Atayee, 1979) but the literature has not specified very alternative dispute resolution with aim, nature and process of dispute and mechanism.

This paper attempts, therefore, to identify, classify and evaluate resolution mechanism of *drimat* employed by two disputants in Pashtun in district Zhob. The practice and law of *drimat* is studied in the light of legal pluralism. Legal pluralism provides analytical lenses to study the existence of more than one legal system in a society. To do this, I have drawn on my ethnographic fieldwork along with stamp papers where the arbitrators and disputants congregated *drimat* for resolution of dispute.

Locale and Methodology

The primary methods used for data collection were ethnographic fieldwork where structured and semi structured interviews based on the principle of conversational interview, in a very formal and informal way, focus group discussions, participation in administration and jurisdiction of *drimat* where people in concerned were *driman/driyam/drimgarai*. Observations were both covet and overt. On many occasions, *driman* asked me to accompany them to places where they had given appointments (read time) to disputants to discuss the matter. I used to accompany them and their

invitation was aimed to help me to understand the process, arguments, interaction and investigation, exchange of views and atmosphere where heated debates took place and through accompany and extended social relations of *driman,* I accessed other arbitrators.

The site for data collection was a village Rodh (pseudo name) within the district Zhob, Balochistan. I conducted interviews in village, populated by Pashtun as well in Zhob city where most of the *driman* and headsmen live and sometimes daily come to city for business and grocery shopping. I have named every informant as *M*. wherever *M* comes in the text along with a digit, it stands for informants and digit shows informant's serial number in transcription.

I conducted 27 interviews with *driman* who at some level themselves experienced the arbitration of their own disputes and disputes of other people who ask to accept their request to arbitrate their dispute. Along with interviews, five focus group discussions (FGDs) were held with *driman,* disputants and common people who accompanied the disputants or just came there to sit as observers. All interviews and focus group discussions were recorded on voice recorder on mobile, laptop and voice recorder device, which were then transcribed first in Pashto and then translated into English. First literal translation of the interviews and FGDs was done and later all the data were transformed to NVIVO application for development of code, analysis and verbatim required to justify the question of the paper. The process of interviews always began with general discussion and my introduction, because I very seldomly heard the names of arbitrators, their socio-economic background and process of *drimat.* The process followed the following sequence; (1) every informant (here I call them *driman* because they used word *driman* for themselves) was asked for general information of types of issues and process of resolution that existed in the district and community and who come to them for dispute resolution; (2) existing systems for dispute resolution; (3) investigation of cases, characteristics and qualification of *driman*; and (4) through interviews and cases written on stamp papers were discussed, background and access to disputants through arbitrators for thick and in-depth description of dispute.

Informants of the Study

Majority of *driman* were *malakan* (presented in article as M) and disputants (D) and observers. *Malakan* are headsmen of villages and have immense power as compared to their subordinates in the village. They gained these powers through historical patronage by colonial government and later postcolonial state. Colonial government used them to represent their tribes to government officials, collection of tax, and dissemination of government decree to people. A *malak* is considered powerful when he possesses strength, of character, wealth, numerous relations, influence with government, and last of all, birth (Robinson, 1978). Such influence and powers paved their way to clinch their position, government contracts on development project and governance of rural areas in Balochistan. Therefore interviews were necessary with *Malakan* and they have had enough experience and memories of such arbitration not only in their village but beyond their own villages. *Driman* are frequently invited for arbitration by disputants in different villages. Sometimes, they do not even know the people and their background that approach them

for arbitration. So, the relationship between disputants and arbitrators does not need to have any background prior to their contact. Such pragmatic relation demands them to write down decisions of arbitrations on stamp papers to sure its permanency and circulation for any time.

M13 said "*we keep the record of arbitration done by an individual because it becomes the responsibility of the person to keep the record straight and for future use and these stamp papers are almost about property issues and conflicts*".

Diman write down their arbitration and conditions when *drimat* is convened by disputants on stamp papers for their own record and as well for the sake of disputants, because such written records on stamp papers are later used for official arguments, incase, any disputant involves official court and local police for settlement of the dispute. I also consulted stamp papers for developing the arguments for *drimat,* selection of *driman,* terms and conditions put before arbitrators as well before arbitrators. These terms and conditions (T&C) limit the arbitrators as well the disputants to remain in the defined limits of discussion and dispute on stamp paper before starting process of *drimat*, and these T&C also help in enforcement of *driman's* decision.

Literature Review

Pashtun occupy a vast range of land from Afghanistan to Pakistan and have played important role in politics of Pakistan and Afghanistan. In Pakistan, Pashtun are in majority in Khyber Pakhtunkhwa and second largest ethnic group in Balochistan with a population of 3.7 million. Being living in diverse and large land scape, and natural surroundings, Pashtun get agreed on some social code and identity. They share a common language Pashto and claim that speakers of Pashto are Pashtun. For Pashtun, Pashto is not only a language that meets and fulfills their needs of communication, but it also guides and informs a shared behavior among Pashtuns. The standards and judgments are based on evaluation of any other Pashtun's character and behavior through lenses and codes of Pashto or Pashtunwali. Many anthropologists like Akber Ahmed (1976) in his book "Millennium and Charisma among Pathans: A Critical Essay in Social Anthropology" highlighted codes of Pashtunwali and adherence of people to norms and values enforced by it. Aminah Hoti (2006) in her article elaborated that Pashtunwali is not only practiced by men, it is actually reinforced and practiced by women on men. She further elaborates that it is the code of Pashtunwali that demands women to be more focus on social reciprocal responsibilities and relationships than modern day demands (Ahmed A. , 2006; Ahmed A. , 2005).

The scholars on Pashtun social and political system are in an agreement on the code of Pashtunwali that it has enormous control over the members of society and it works as fetter for sustaining, maintaining, creating cohesion as well creates problems to live in modern day as expressed by Akbar Ahmed and Aminah Hoti in their studies. Pashtunwali codes were first developed by (Atayee, 1979) for making sense of Pashtun's customary laws where he elaborated that Pashtun derives their uniform behavioral codes and laws from Pashto and its code. These codes bind and integrate the Pashtun society at large.

Pashtunwali as a concept is itself a compound word as well as culturally rich terms that need elaboration and interpretation to make sense of Pashto as language and law giver. The utterance of word Pashto by Pashtun among them has a specific meaning. It is used to refer to remind a commitment, promise, declaration, action, and law to another Pashtun. As (Malinowski, 1985) writes that savage societies are not lawless societies and even he claims that they are over legislated societies because every action and behavior of member of savage society is counted and reciprocated by other members of society. The same case is with Pashtuns. Their language, Pashto plays role of law and organic integration developed by (Durkheim, 2002) . This binding in the past was in the form of dependence, because a villager in the village has to depend in every condition like war, security, protection, help at time of sorrow and joy on his/her villagers (Ahmed A. , 2005). In this context, the current research takes it as law. Pashtun claim to resolve their disputes through norms and values extolled by Pashto (Yousaf, 2019). These norms and values are known in anthropological literature as customary laws or customary codes.

Customary laws are named and known with different codes and terminologies and are considered fetters of every part and sphere of life among people who adhere to these customary laws (Malinowski, 1985). As defined by (Banerjee, 2000) and (Barth, 1965)   that Pashto means doing Pashto or performing Pashto. By doing Pashto, it is meant to standby the rules, and fetters of Pashtun society and commitment made by any other Pashtun in-front of people. Some of these customs are very diligently elaborated and studied by scholars. The most elaborated one of the customary courts is *jirga* (Ahmed A. S., 1980), and *marakah* (Haq, 2018; Mehmood, Haider, & Ali, 2017; Ahmadzai & Hamid, 2020). But *drimat*, the main focus of this article has not been reported or studied as a cultural institution of dispute resolution.

Acting, practicing, and adhering to norms, practices to resolve disputes and issues through using specific societal norms and values as codes for guidance of native justice are called customary laws or normative legal system (Smith, 1903). Because these laws do not have any organize system to impose and execute the people who breached the community codes. They simply impose some sort of fines as compensation and punishment. The main function of these codes and customary laws are to create harmony, normalcy, and cohesion over the suppression of individuals' choices. These codes are generally unwritten therefore sometimes customary law is called unofficial unwritten law which depends on oral traditions and practices among natives, customs of society and use of customs for resolution and settling of disputes and issues among native people who know the oral traditions and experiences. The practice and gatherings where these codes are applied to arbitrate, to mediate and settle issues, disputes, and problems among native people are called customary courts or alternative dispute resolution mechanism. These courts are administered by leaders of the community, and their decisions and arbitrations are based on native customs because their way of justice is more justified and acceptable to community members. These customs are experiences of the native people for centuries and they socialized into it as right and acceptable way of resolution (Bennett & Vermeulen, 1980; Rosser, 2008).

These customary courts, knowledge, and process are transferred from generation to generation through participation and education in informal settings. These are practiced and supported by those who want to govern themselves according to their indigenous laws which are more close to their culture. As being part of the nation-state and its apparatuses in society in many ways natives prefer to resolve their issues through time tested customary courts or alternative conflict resolution forums. This practice in legal studies is known as legal pluralism (Donovan, 2007). Legal pluralism can be defined as; when more than one legal system are practiced in society, it is called a multicultural and legal pluralist society and state, where people choose one of the legal platforms of their choice to resolve and solve their issues, conflicts and disputes within society and state. Such practice and existence of legal platforms is called legal pluralism. Legal pluralism corresponds to the form of pluralism practiced in colonial times and some post-colonial states (Bell, 2006) where before the arrival of colonial powers, the communities had their systems of dispute resolution. Such arrival and making of statutory laws in colonies for governance and conflict management paved way for the practice of legal pluralism, because the native in some sense hesitated to take their disputes to formal courts where they were not socialized to accept the new way of dispute resolution. The hesitation and resistance to the newly imposed laws by residents of the former colonies compelled the colonial master to form a vague laws and amalgamation of native customs and administrative laws of colonial masters. These laws are known as *riwaj* system or laws of indigenous people.

The derivatives of statuary and formal law are customs of the society on which the law is implemented and they are governed by competent authority or state. The same case is with customary law. It springs from cultural norms, values, customs and it is practiced and governed through a decentralized body of local elders and wise men. The resolution of the dispute is only possible when codification of the general principles of native customs is codified (J.A.L, 1958).

Constitution of *Drimat*

Root word of drimat is *driyam. Driyam* means third one or third party or a third party trusted by both disputants in a case to be settled. The people who run the *drimat/driyam* are called *driyam/menzgarai/menzgartia/driman*. *Driman* (plural of *driyam*) gather information regarding the case from both disputants as well from other sources to make an informed judgment and decision of the case or dispute for permanent settlement of the dispute. The settlement of the dispute is always in the form of resolution where arbitrators try to settle it to not rise up again in future. On the basis of information, *driman* determine the *malamat* (guilty) in the case (Atayee, 1979, p. 33). *Driyam/drimat* can be convened on four occasions;

(1) When a conflict or dispute erupts between two or more people, and the fight starts over the dispute, then *gwashgeran (intervene to stop the fight)* come in and do *gwash* (to not let the dispute go out of hand). This process is initiated and works spontaneously by a third party. It is initiated with further consideration of the case and the position of the disputants in larger society. When two parties are in conflict and community thinks that the recent eruption of the fight and past

grievances against each other can escalate and conflict can go out of hand. In this case after *gwash*, any person or people from the community can initiate the process of *drimat*. If *driman* see that the on-going fight cannot be just ceased by their arrival, they bring Quran and come along with women who carry Quran on their heads and appeal the fighters to stop the fight. Due to presence of women and Quran, ceasefire was observed in all cases for the moment to honor Quran, and women. In case of successful *gwash*, the *gwashgiran* visit disputants one by one for seeking time for arbitration, convincing disputants for arbitration, reconciliation and resolution of the case at their homes and emphasize on unity. *Gwashgiran* place a request for truce (*tiga/kanni/dabara*) for a specific period of time. The duration of *tiga/kanni/dabara* is always tentative and flexible to change with requirement and easiness of arbitrators, disputants and compliance of disputants to truce.

The aim of the truce or during modus vivendi, both parties are obliged to follow the peaceful coexistence and they are bound to keep the promise of nonviolence or not to exploit the disputed assets under the terms and conditions laid down in truce. If one of the disputants violates *tiga*, *driman* fine violator in terms of social boycott and social ostracism (Bonta, 1996). Social ostracism and boycott are only relieved in cases when the violator opts for acceptable method of an apology to *driman* who did truce between disputants.

Truce also aims to convince the disputants for settlement of the dispute. It gives both parties time and space to think about the possible options to settle the case without damages to property, life and peace in the community. During the truce period, people from the community, who really want harmony, peace and unity among the people and have good wishes for the disputants, arrive for initiation of *drimat* to settle the dispute. The congregation of *drimat* by *driyam* always begins with determination to get waive of authority (*waak*) from disputants to settle dispute. Seeking *waak* demands a refined approach and wisdom from arbitrators. Arbitrators analyze the situation and case of disputants. If they think that just by visiting disputants' home and seeking *waak* is not possible only by mere visit and there is concerned in community that reluctance of each disputant can cause further damage to peace and it is necessary to settle the dispute as soon as possible. For durable and permanent resolution of the dispute, *driman* organize *nahoora* to seek *waak* from both parties to the dispute. *Nahoora*[1] is process as well a committee of people consists of *driman* (men and women) arrive at disputant's home and stage a hunger strike for seeking *waak*. In minor cases of quarrel, and fight, one night hunger strike can build enough pressure on disputants to give *waak* to *nahoora,* but in case of allegation of murder and attempt to murder, *nahoora* is repeated several times after a break of few months to persuade and convince the disputants for *waak*. Despite continuous rounds of *nahooray (plural of nahoora), driman* remain uncertain in seeking *waak,* because such cases are difficult test for settlement. In case of successful attempt in seeking *waak,* then *nahoora* becomes independent to negotiate the possible resolution with disputants and members of *nahoora*. Negotiation and consultations with disputants is just to understand the possible agreement of the disputant for possible and permanent acceptable resolution. M17 said, "*Our consultations and negotiations with disputants are just to understand their view regarding*

possible and acceptable resolution of the dispute[2]". After knowing the possible resolution through the eyes of disputants, then the discussion takes place among the *driman* to decide the possible resolution and determine the guilty. For determining guilty, and guilt, the *driman* ask each of the parties to the conflict to give his version of events, justifying his actions. After thorough investigation and crosschecking the information and versions shared by each party, the *driman* consult other traditionally experienced people familiar to the conflict and dispute. Evaluation of information and taking into account the ego each disputant party, *driman* decide and argue the guilty party to go for *nahoora* to seek forgiveness (*nanawati*) at opponent's home. The disputant who comes with *nahoora* for *nanavati* is sign of trespass that the party has transgressed (*malamatia*) against the other party. This time *nahoora* arrives with sheep and sit for hunger strike to seek forgive. Members of *nahoora* select leader (*wali*) of the *nahoora* to preside the *nahoora* and negotiations that will take place at the disputant's home. At the disputant's home, long rounds of negotiations. Negotiations always begin by asking the cause of their arrival at the disputant's home. Direct confrontation and discussion do not take place between the disputants. The disputant who came along *nahoora* remains quite and his stance and part of arguments are forwarded and put before the other disputant by leader of the *nahoora.* These negotiations are aimed to reach and developed consensus between *nahoora* and disputant parties.

Sometimes, disputant puts some unrealistic terms and conditions before the *nahoora.* For unrealistic terms and conditions and discussion among members of *nahoora* and guilty, the *nahoora* asks the other disputant to give them few minutes for internal discussion. After discussion among *nahoora,* leader calls back the disputant and response to his demands. Such round of discussion helps to reach an agreeable agreement and consensus between disputants facilitated by *nahoora.* If *nahoora* could not accept the unrealistic demands after consultation, and disputant also sees that his terms and conditions are difficult to be accepted, then disputant gives *waak* to *nahoora* to decide the best resolution of the dispute as per their understanding and precedence of such resolutions. In case of walk, it is upto *nahoora* to decide the possible best resolution. If damages to the party dispute are great, then *nahoora* decides the least possible compensation to be paid by the guilty. The acceptance of the compensation is up to the person to accept but the precedence reveals that in most cases the disputant accepts the compensation and this acceptance means to forgive the guilty permanently.

(2) A *drimat* is convened by disputants, when parties to dispute have different claims (*dawa*) over property, allegations, conspiracy, and trespass but the opponent denies allegation. In this case, the party that feels humiliated and victim, sends a *raibar/driyam* (go-betweens) to the other party for conveying the message of annoyance. The registration of annoyance with other party through a message of annoyance is sign of feeling of grievance inflicted by the other party. The feeling of annoyance and grievance is dealt as claim (*dawa*). In case of claim, the disputant shares claims, and demands through *raibar* and requests the go-betweens to invite the opposite party for *drimat* and the claimant shares the detail of the claim with go-betweens and asks the go-betweens to ask the opposite party " se pal da turzan tar ki/tasal me di waki".

If the recipient party agrees to go for drimat with the party, the party in dispute proposes possible names of arbitrators through *raibar* with other party to the dispute. If the party accepts the proposed arbitrators or arbitrator, they both approach the arbitrator for his role to facilitate them to peaceful resolution of the dispute. In case of acceptance of invitation of arbitration, the arbitrator always pens down terms and conditions for arbitration and acceptance of decision of the dispute on official document known as stamp paper. The possible reason of penning down terms and conditions for arbitration is fear of withdrawal of any disputants from his commitment after announcement of the decision of the dispute if they make commitments in verbal. The commitments written on stamp papers are reliable because such commitments, terms and conditions are counter signed and inked by thumb impression by disputants, arbitrators and eyewitness at the time of writing down of the agreement.

Through content analysis study of stamp papers found contents of terms and conditions of agreement penned down on stamp papers. Stamp papers are written in national language of Pakistan, but it depends on the situation and disputants. If the disputants who are Pashtun but citizens of Afghanistan, the decision can be written down in Pashto because if the case is taken up again by any disputant in future, the written decision terms and conditions shall be met before congregation of new arbitration. Stamp papers contain subjects and subject of the each stamp paper denotes issue and number of arbitrators like "*salisan* (arbitrators) or *salis* (sole arbitrator), "customary arbitration between disputants "*faisla-i-khangi wa mabain farqain*". Subject is followed by description and information of the each disputant. Each stamp paper carries "name of disputants, parenthood, village, tribe and district". After description of disputant, each stamp paper follows "both disputants who are physically and mentally sound have consented to invite the arbitration of X (detailed description of arbitrator) in presence of eyewitnesses (detail description of eyewitness) to arbitrate the dispute over (specific detail and nature of dispute). Disputants without any pressure and compulsion have invited arbitrator and he willingly accepted their invitation to arbitrate the dispute. As an arbitrator, both disputants have given him waive right of full authority (sometimes conditional authority) and authorized to arbitrate the dispute on merit in his capacity through *khangi faisala* (*drimat*). The decision of the arbitrator shall be acceptable to both disputants and each disputant shall be responsible to answer the people who might be concerned with dispute. In case of violation of the mentioned terms and conditions by any disputant shall pay indemnity bond (*zamanat*) of an amount (an amount fixed by arbitrator and disputant in accordance with nature of dispute) to the party in dispute and arbitrator[s]. People mentioned in the main text of stamp papers are signed and inked with thumb impression.

(3) Eloquent, socially knowledgeable and traditionally intellectual person or persons are selected by each disputant to contest and further his case with the opponent's representative[s]. This kind of *drimat* congregated when disputants could not agree on the proposed names. The disagreement on names arises due to several reasons like closeness of arbitrator to any party in the dispute. In this case the *driman* are morally expected to support the person who selected for *drimat*. Majority of informants of the study termed this kind of arbitration difficult, because it creates a disagreement

between *driman* to reach a conclusion of the case. Majority *driman* agreed in reporting that we (the *driman*) almost do not want to accept such invitation by disputants. In case of acceptance and if we (*driman*) fail to reach a conclusion, we suggest the disputants another arbitrator as sole arbitrator to arbitrate the dispute and before the withdrawal from the role as an arbitrator, the arbitrators inform the disputants that they could not get agreed and could not create consensus to resolve the dispute among themselves, therefore, they suggest the disputants to go for other arbitrators. Sometimes arbitrators suggest the disputants another person as sole arbitrator to arbitrate the dispute. After the failure, it is up to the disputants to agree on the suggested name[s] of arbitrators or select another arbitrator of their own choice for arbitration of the dispute.

M11 said, "*It works like court where lawyer tries to protect and win the case for the interest of his/her client. In this context the person or arbitrator tries to protect his client's interests. This kind of arbitration is difficult because the arbitrators between or among themselves could not develop consensus on an agreed resolution of the dispute. When driman among them could not reach on an agreed agreement, we suggest another person to the disputants for their arbitration.*

(4) The last circumstances where one claimant seeks the help of powerful person to pressure the other disputants to resolve the dispute with the claimant. This case takes place in two ways. (i) The aggrieved persons seek refuge with a powerful person. Refuge is sought in two ways. (a) The aggrieved person leaves his native village or place of residence along with his family members and starts living nearby the territory of the powerful person. In most cases the aggrieved family lives nearby the powerful person home or his in village and (b) The aggrieved person arrives at night at powerful person's home and slaughter a sheep at door of the home and requests the person to accept his refuge and help him to convince the other person to sit with him for arbitration. If the request is accepted, it is the responsibility of the person to pressurize and compel the other person to sit for arbitration and resolve the dispute. If the other party remains reluctant to claims, the aggrieved person and powerful person use different violent tactics to compel the person to sit for arbitration. During the period of refuge (*hamsaya*), the normal damages like stealing the cattle, abducting the male member and damaging property and crops are tactics used the aggrieved person to build pressure and create fear and hurdles for the person to sit for arbitration. Along with violent tactics, the powerful person directly or indirectly keeps themselves in negotiation and conversation for peaceful resolution of the case. In case of agreement for arbitration, then *drimat* takes normal proceedings for arbitration and the damages during the refuge are not counted because they are compensated for the cost of refuge of the person.

In all the above conditions and circumstances if the arbitrator thinks that the disputants will not comply with the agreement, arbitrator[s] can ask the disputants to give the guarantee of a reliable and powerful person as their guarantor as he will ensure the arbitrator[s] for the acceptance and implementation of their decision of dispute settlement. Guarantors' signatures and thumbs impressions are taken on stamp paper and make them of the record. In case of violation of the agreement by disputant, the arbitrators will ask the guarantor to submit the indemnity bond on the

behalf of the disputant and it becomes an obligation of the guarantor to submit the indemnity bond by himself or force the disputant to accept the decision or pressure him to submit the indemnity bond to arbitrators.

Implementation

Basic and the most important question that arises from the debate in legal anthropology and legal studies is the process of implementation of the dispute resolution, and it is argued that indigenous arbitrations and arbitrators have no legitimized enforcement authority to implement its decision. These arguments are based on the concept of punishment that the implementation of the resolution always demands punishment and punishment can deter violation of the resolution. For inflicting punishment on violators, there shall be an agency armed with legitimacy to punish the violators to adhere to decision, but indigenous customary courts implements their decisions through soft powers derived from social structure where the conflict occurs and the disputants do day to day interaction. The arbitrary court of *drimat* implements its resolution through social pressure like social ostracism, social capital, and fear of noncooperation of the community in future, nonparticipation or low participation of members of community in ceremonies and rituals of death and weddings. Secondly, *drimat* derives its power of implementation of seizing of assets like weapons, or as indemnity bond submission.

The implementation and adherence to the decision depends the political and social position of arbitrators in larger society and their links with disputants and other influential people. As mentioned in description of informants, majority of arbitrators are from patronized families and they are themselves *malakan*.

M15 said, "*Most cases the arbitrator has a strong influence on the disputants and has the power to implement it through traditional mechanisms*".

If once a *drimat* takes place, another *drimat* can be only convened after submission of the indemnity bond to arbitrator and other disputant and the indemnity bond is always equal or sometimes greater than amount or property in dispute. M5 said, *M12* said, *I always keep the amount or the most valuable goods as indemnity bond before giving a decision. These valuable goods are in the form of guns and other materials. Most of the time we take guns as it is considered a personal belonging of the person and he does not give it away in such matters.*

M8 said, my father seized a gun from a person in indemnity bond and it is still hanging in our house with a caption that the gun is seized as indemnity bond from the person when he went back from his commitment in drimat.

So the economic and social pressure builds enough power and compulsions on disputants to accept the settlement of the resolution.

M11 said, *if a person runs away after announcement of the decision of the dispute, it becomes difficult for him to find another arbitrator for resolution, because the opponent party into the dispute will submit the record of the previous resolution.*

Stamp papers does not only play an important and vital role in the agreement to be [presented anywhere after the resolution, it is used as evidence in statutory courts, any of the disputants takes the resolution to formal court. The formal courts accept eyewitness and traditional decisions written on the stamp papers. The disputant who takes the dispute in the court will have to present evidence in black and white as well in verbal form like eyewitnesses. In response to submission of the evidence, the opponent party presents the decision of the arbitrary courts. It meets two important form of evidence; documentary evidences and eyewitness. In statutory courts, these both kinds of evidences are accepted to make justice possible. But the people remain reluctant to take their disputes to courts because the courts takes a long course of time to decide the dispute. A disputant D1 said, *I got the refuge with M5 and he accepted my request to sit with the disputant D2 for arbitration. With the help of M5, I resolved my issues of business dispute and I got my money in installments. Now I receive installments regularly.*

Majority of the informants of the study favored arbitration, because it decides according to the needs of the disputants and it does not take extra resources in the form of money and time. The decisions are familiar and acceptable to parties in dispute and the decisions are workable. The workability of the decision depends on the social and political position of the arbitrator who accepts the request the disputant who approach him for his role and help to bring the other disputant in the customary court. Most of the arbitrations are done by malaks who are popular and powerful. Their powers are derived from births of the family and economic and government employment. They are economically well off due to their position and contacts with government in colonial period as well after formation of Pakistan. (Buzdar & Naureen, 2017).

The area is tribal, and people know each other. As (Malinowski, 1985) writes that there is more integration and cohesion in tribal societies and it is due to the over burden of customary laws as each member of the society consciously and unconsciously follows and reciprocates. Thus customs create integrity, cohesion, unity and interdependent community. Such characteristics bind the community together to adhere to customary laws and well the decision of *drimat*. If a disputant once fails to comply with terms and conditions, it gives him a bad name that he never stands by his commitment. With such labels and tags, in the future, it creates hurdles and difficulties for him to get confidence of reputed people and others to seek their arbitration, support and participation in gham-khadi (Ahmed A. , 2006). So, they are socially and politically bound to comply with terms and conditions and secondly due to financial and reputational loss, the disputant agrees to accept the decision delivered by arbitrator[s]. Through such mechanism of dependency and showing commitments that they stand by their words even if they see loss in the decision.

Conclusion

Attitude and about conflict and dispute to dispute and conflict resolution are different from the approaches adopted by the statutory dispute in formal courts of Pakistan. Social relations and social life in society is based on striving to achieve peace without violence. In discussion and negotiation to persuade the disputants for peaceful resolution are always to emphasize on disputants to avoid escalation and sit for resolution through peaceful and nonviolent means. To avoid violence and escalation of conflict, Pashtun in the areas use different techniques and strategies to resolve the dispute between disputant parties. In *drimat*, the parties avoid to have face to face negotiations and confrontation to resolve their dispute. They invite or sometimes third party intervenes to resolve the dispute. Third party demands the disputants to submit their versions through written response or in verbal. Through submission of their versions, the arbitrators grasp the main characters of the claims and dispute and later hunt for further information through consultation and negotiations with other bystanders to share their information regarding the dispute and people in dispute. Hunt for information and collection of disputant's version of dispute lead the arbitrators to design the possible techniques and strategy to resolve the dispute that is acceptable to both disputants as well make a precedence for other to follow the resolution.

Murky Federalism in Pakistan: The Contemporary Landscape

Raja Qaiser Ahmed

Abstract

Federalism is a system that is adopted to administer and govern a state with a workable relation between the centre and its constituent units. This system emerged as an alternative to empire system that was governing Europe for many centuries. Americans experienced this form of government after the declaration of independence in 1789. From 1776-1786 America remained a confederation, a lose arrangement of statement under a decentralized centre. The American idea of national government inspired many countries of the world to adopt the federalist system. This idea became popular in Europe after World War II when different states amid the economic difficulties and issues of governance turned to federalism. All these arrangements were guaranteed under constitution. Unlike unitary form of government federalism strikes a balance between two forms of government. It is the combination of general or central government with regional or sub unit government under one political system.

Keywords: Federalism, Power Sharing, Interprovincial Coordination, Fiscal Friction

Introduction

India throughout its history existed as incoherent, diverse and bifurcated region with many kingdoms, sub kingdoms and princely states. No rule could govern this region in its entirety and India never existed as one single central territorial unit. [1]This unique geographical factor contributed to extreme diversity and heterogeneity. British after having colonized India could not transform this striking feature of Indian polity. British made arrangements with local rulers and ensured their loyalty. They resorted to use force where there was resistance and purchased the loyalties where they felt necessary. This resulted in two forms of rule simultaneously running with one another. All the colonial legislation strengthened this mechanism and it persisted till the withdrawal of British Empire from India. British introduced legal and constitutional mechanism

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[1] On this read Jawahar Lal Nehru, *The Discovery of India* (New Delhi: Oxford University Press, 1989 and Romila Thapar, *Early Indian History: A Reader* (New Delhi: Oxford University Press, 2013)

of governance which was unfamiliar to this region.[2] The institutional setup was also meant to strengthen the hold of British on their colony and to thwart any resistance coming in this way. This institutional mechanism was authoritative and coercive and deeply instituted the control and hold of the colonial empire in India. The institutional trajectory within British India was also aimed at creating a strong and authoritative control over the colony.[3]

The end of colonial rule in British India led to the formation of two states India and Pakistan. Both opted the parliamentary democracy which they inherited from British. Pakistan, at the onset of its independence was a dominion republic under the British crown. The independence of Pakistan was granted under the act which was presented and passed in British parliament on 3rd of June 1947 and subsequently led to the independence on 14th of August 1947. Pakistan inherited its constitutional mechanism from the British act of India 1935 which was authoritarian and colonial document. It had centralized powers and limited autonomy of action.[4] Pakistan continued to be a dominion republic until 1956 when the first constitution was adopted and country was declared as federal republic.

Federalism in Pakistan: An Uneasy Beginning

Pakistan science its independence confronted daunting challenges and multipronged consternation. The political instability and administrative inefficiency led to the worsening state of affairs in the newly independent country. This can be manifested through a fact that in early nine years of independence Pakistan experienced seven Prime Ministers. The dynamics of the partition plan impinged Pakistan with unintended consequences. The success of a federation is contingent on geographical contiguity where Pakistan was a unique federation with two equal halves East Pakistan and West Pakistan separated by thousands of miles with no land route. Former East Pakistan and now Bangladesh was more populous as compared to West Pakistan. The national language Urdu was unfamiliar to this part of Pakistan which made 53% of the total population. Different princely states acceded to Pakistan and hence Pakistan became a federation with five provinces. They included Punjab, Sindh, NWFP, Baluchistan and East Pakistan. East Pakistan was

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[2] Ian Talbot, *India and Pakistan: Inventing the Nation* (London: Bloomsbury Publishing, 2000), chapter 03.

[3] On this read Ilhan Niaz, *The Culture of Power and Governance in Pakistan: 1947-2008* (Karachi: Oxford University Press, 2010) and Ilhan Niaz, *Old World Empires: Cultures of Power and Governance in Eurasia* (London: Routledge Publishers, 2014)

[4] Khalid Bin Sayed, *Pakistan: The Formative Phase 1857-1948,* (Karachi: Oxford University Press, 1992), 192.

more populous compared to rest of Pakistan whereas political power was centralized in Punjab. The power distribution between both the wings became a contentious issue. [5]

The constituent units of this federation were culturally and linguistically different and the variations among them needed special arrangement. Tryst with federalism was as a better option given the shared undercurrents of security, identity and economy. It is noteworthy to mention that the act of 1935 with slight changes was adopted as interim constitution. This was a colonial meant to facilitate colonial rule and for the administrative convenience of British Raj.[6] The equation of power distribution was overtly titled towards centre and had little to offer the constituent units. The persistence of this document in post-independence phase brewed grievances. Country was locked into many issues of state building and was battling with many problems. That's why the issues of federalism and power division were of secondary importance. The rivalry between India and Pakistan led to the sense of acute insecurity in and guided Pakistan's defence buildup.[7] This subsided the theoretical ideals of system, politics and statecraft. This uneasy beginning and a perplexed trajectory marked the start of the politics of federalism in Pakistan.

Pakistan adopted its first constitution in 1956. This procrastination of nine years well reflect a point that the formidable challenges in the pretext of independence were the decisive factors in the landscape of Pakistani politics. It made nearly impossible for the state to govern and better manage the constitutional dispensations and federalist arrangements. This was cultivating the sense of underrepresentation and disgruntlement at large in the constituent units. The allocation of financial resources was a major discontent where no unanimous formula was agreed upon. The problems which Pakistan faced in the coming years stemmed out from the connotation of fiscal federalism. National Finance Commission was setup in 1951 to allocate the financial resources among the federating units.[8]

A major step was taken in 1954 with the formation of One Unit System. Under this system all four federating units were merged in West Pakistan and a single province like East Pakistan was

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[5] Raja Qaiser Ahmed, *Democracy in Pakistan: From Rhetoric to Reality* (Islamabad: Narratives Publishers, 2015), 75.

[6] See also Ian Talbot, *Pakistan: A Modern History* (London: C. Hurst and Co. Publishers, 2009)

[7] Muhammad Waseem, *Politics and the State in Pakistan* (Islamabad: National Institute of Historical and Cultural Research, 1989), 1-35

[8] 'Fiscal Federalism in Pakistan', *Pakistan Institute of Development Economics* (2012): 25.

formed. This step brought profound implications and untended consequences in Pakistani polity and redefined the perturbed matrix of federalism in Pakistan. This surged the grievances of the constituent federating units of West Pakistan. This was contrary to democratic spirit and prevalent norms of federalism. This system increased the grievances of East Pakistan and the leaders of East Pakistan labelled this attempt to benefit West Pakistan.[9] This was one of the major concerns along with many impending political crisis that led to the dismemberment of Pakistan and subsequent creation of Bangladesh through secession in 1971.

The persistent political instability paved the way for military intervention in political landscape. In 1958 the civilian setup was roll backed through an army coup and General Ayub Khan took over as the military ruler. The trajectory of federalism was completely revamped in military rule. Ayub annulled the constitution adopted in 1956 which had setup a reasonable formula of power distribution. It accepted Urdu and Bengali both as national languages. It also devolved many powers to the federating units and was relatively less authoritative constitution in the pretext of centre-province relations.[10] It also annulled the parliamentary system and introduced the presidential system. The pattern of authoritarianism under this dictatorial rule brought profound implications for the dispensation of federalism in Pakistan. Pakistan adopted its second constitution in 1962 under military dictatorship where powers returned to provinces in 1956's constitution were reverted and a strong centre was established with uncontestable and authoritative powers. The country also introduced a vague system of elections through basic democracies. Under this 80,000 members were to be elected from the entire country called as BD members. These BD members were then to elect the president of Pakistan.[11] Ayub Khan managed to defeat Fatima Jinnah, the sister of the founder of Pakistan Muhammad Ali Jinnah in allegedly rigged elections in 1964 and further consolidated his role and reins of power.

Two successive military rules of Ayub Khan and Yahya Khan ended with the collapse of federation where in 1971 country was torn apart and East Pakistan dismembered and became Bangladesh through an armed insurrection. It is also noteworthy to mention that this debacle occurred in the

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[9] Michael Brecher, *A Century of Crisis and Conflict in the International System*: *Theory and Evidence: Intellectual* (New York: Springer Press, 2017), 184. See also Veena Kukreja, *Contemporary Pakistan: Political Processes, Conflicts and Crises* (London: Sage Publications, 2003)

[10] Hamid Khan, *Constitutional and Political Development in Pakistan* (Oxford: Oxford University Press, 2005), 157.

[11] Hasan Askari Rizvi, *Military State and Society in Pakistan* (London: Palgrave MacMillan, 2000), 103.

backdrop of the first general elections of Pakistan. Awami League from Bangladesh secured a simple majority while power was not transferred and eventually ended up the partition of Pakistan. Pakistan Peoples party was the majority party in West Pakistan and it failed to secure a single seat in East Pakistan and likewise was with Awami League which failed to secure a single seat in West Pakistan. Failing to reach onto some power sharing arrangement led to a worse stalemate and finally concluded with the fall of East Pakistan.[12] The powers fell into the hands of Zulfiqar Ali Bhutto, a civilian leader who crafted the map of a new consensual constitution which was adopted in 1973. Country was declared as a federation with four provinces and one federal.

Interprovincial Relations

Interprovincial relations under Pakistani federation remained recipient to endemic quandaries. Punjab, the country's largest province with respect to size is considered to be the largest beneficiary in terms of allocation of financial resources, political capital, job share and a disproportionate development in comparison with other provinces. This can substantiated through a fact that the movement for Pakistan grew stronger when it was embraced in Punjab. The merger of Punjab Unionist Party with All India Muslim League made the case for a separate homeland stronger as it was never before. In 1937's elections Muslim League could only secure 4% votes in Punjab and it turned around dramatically in 1946's elections when Muslim League completely swept away in Punjab and registered an obvious case for the creation of Pakistan.[13] Much of the development of Punjab is due to a fact that colonial rule invested in the development of huge infrastructure in Punjab and it led to its development. The oriental lexicon of Punjabis, being the martial race had helped Punjab in securing a major share in military, bureaucracy and statecraft.[14] At the time of independence Punjab was more developed in comparison with other federating units.

The annexation of the state of Kallat in Pakistan triggered a major controversy which even today remains relevant with the grievances of Baluchistan, country's most underprivileged and underdeveloped province. It is generally believed that Kallat was forcefully annexed to Pakistan notwithstanding the commitment of Jinnah to Khan of Kallat. Northern Western Frontier Province

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[12] Christophe Jaffrelot, *The Pakistan Paradox: Instability and Resilience* (Oxford: Oxford University Press, 2015), 123.

[13] M. Rafique Afzal, *A History of the All-India Muslim League 1906-194* (Karachi: Oxford University Press)

[14] Ayesh Jalal, *The State of Martial Rule: The Origins of Pakistan's Economy of Defence* (Cambridge: Cambridge University Press, 2007), 100-120.

(NWFP) now renamed as Khyber Pakhtunkhwa remained host to decades long consternation even after independence. Afghanistan government refused to accept the legitimacy of Durand line which separates NWFP with Afghanistan, hence claiming all these areas of NWFP part of Afghanistan based on cultural and linguistic affinity. The refugee settlements at the time of partition were primarily done in Sindh and Karachi, the largest city of Sindh. It disturbed the demography of this province and also soared the intercommunal relations in the province.[15] Karachi became the centre of this hostility where the armed violence between different ethnic communities ruined the peace of the city and also cultivated a deeply insinuated rivalry among different ethnicities and communities. Overall picture of Pakistani federalism appears to be confounding, hazy and consternated.

The matrix of centre-province relations in past seven decades is far away from the idealistic disposition of federalism and its concomitant theoretical principles. Distribution of power between centre and provinces is still an unresolved matter, the autonomy of political action is yet undetermined and the fiscal federalism with the appropriation of financial resources is a sorry state of affairs at large. Pakistani federation could not ensure its commitment to the provinces which is enshrined in the constitution of Pakistan. The power equilibrium is profoundly tilted in favour of the federating capital and provinces are at receiving end. This is further compounded with the inequitable treatment with the smaller provinces.[16] The theoretical prerequisites are not manifested and guaranteed albeit pledged under the constitutional arrangements.

Political impulsions have heightened the divergences in the federating units of Pakistan. The ethnic and cultural differences culminated with the unequal structural development and questionable allocation of financial resources summed it up as Punjab vs others in the national purview. Pakistan is a unique case study of a nation state with multiple cultures and indigenous identities put together as a federal republic. The larger share of Punjab and its economic development has developed a narrative of Punjab as Centre and Centre's exploitative turn towards provinces due to the dominance of Punjabis appropriately termed as Punjabi elitism. The share of Punjab in civil bureaucracy again puts a case of imbalanced state structure given that Sindh and Baluchistan are

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[15] Hamza Alvai, "Politics of Ethnicity in India and Pakistan," in South Asia, ed. Hamza Alavi and John Harriss (New York: Monthly Review Press, 1989)

[16] Anas Malik, *Political Survival in Pakistan: Beyond Ideology* (London: Routledge, 2010). 23

having insubstantial share in it. 50% of the share by Punjab almost excludes the rest of the federating units and presents it as a case of structural exploitation. Punjab's upper hand in agricultural economy given the factor of fertility and politics of water resources heightens the differences. Rest of the provinces found them themselves at the receiving end. The political economy of Punjab is way better than the rest because of jobs, agriculture, industry, farmers, land owners, traders and developers.

Fiscal Federalism: An Inexplicable Trajectory

The democracy in Pakistan sustained in intermittent stints. The protracted military rules in the country have resulted in putting a confused case for democracy. The upper hand of military in the country's decision making proved to be a major setback for democratic development in the country. The pattern of relation between the Centre and provinces turned inimical over the question of the extent of political autonomy and questionable allocation of financial resources. Military rules intensified the differences and grievances where the adoption of the differential policies resulted in the debacle of East Pakistan

The economic policies set by the Ayub Khan's administration resulted in magnifying the differences. Discriminatory economic opportunities between East and West Pakistan and an attempted marginalization of East Pakistan given a fact that cultural differences already were rife. The tariff system imposed tariffs on the East Pakistani goods coming from the West Pakistan.[17] On the other hand there were no tariffs on the West Pakistani goods. The goods coming from the West Pakistan had an easy access to the markets of the East Pakistan while East had to pay the price. The series of events led to the debacle of East Pakistan.

Punjab is the largest province of Pakistan with respect to population and it receives a big share in national economy, jobs quota and institutional development. The disproportionate development both structural and institutional in other provinces vis-à-vis Punjab makes an equation of Punjab vs other provinces. Punjab is dubbed as Centre in national purview and perceived as an exploiter by the rest of the provinces given a fact that Punjab has been enjoying a huge share in allocation of financial resources throughout the history.

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[17] Iftikhar H. Malik, The State and Civil Society in Pakistan (New York: St. Martin's Press, 1997), 678.

In Pakistan the allocation of the financial resources to the provinces takes place through National Finance Commission Award. National Finance Commission is a series of economic programs put in to practice since 1951 but the first formal NFC award was presented after the adoption of the constitution of 1973. It is done on annual basis but formula is to be agreed upon for 5 years. Taxes are collected and pooled and redistributed according to the agreed formula.[18] Smaller provinces have always envisaged the role of Punjab with suspicion. Other provinces have a deeply grown mistrust against Punjab. The basis of sharing resources have been perceived as discriminatory by the provinces. Population had been the sole criterion for the allocation of the national resources. This had put Punjab in advantageous position. Secondly federal government failed to meet its commitment of treating all provinces equally. Rest of all provinces had been demanding revision of NFC award. Sindh wanted contribution to the national economy as a criterion for financial allocation given a fact that Sindh contributes 70 percent to the divisible pool of financial resources. Khyber Pakhtunkhwa demanded hydroelectricity and poverty as a criterion and Baluchistan demand had been the natural resources and geographical size to be the criterion for the allocation of financial resources.[19]

The first award that was presented by the Bhutto government was to aim at reducing the disharmony between the Centre and the provinces. Point of friction had always been the upper hand and larger share of Punjab in the distribution of resources. Punjab had been insisting Population to be the sole criterion of the allocation of financial resources. Punjab had been opposing population as a criterion till the separation of East Pakistan given East Pakistan was more populous but after the separation of East Pakistan Punjab bent on population to be the criterion for resources' distribution. This puts other provinces at disadvantageous position. Till 2010 population remained the only criterion for the allocation of financial resources until new NFC award was adopted. No financial award was given in 1980 and 1985 by the government during the military rule of General Zia Ul Haq. This dictatorial adhocism made provinces totally subservient to the Centre and their political autonomy went marginalized. Financial viability of the province also

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[18] Nighat Bilgrami Jaffery & Mahpara Sadaqat, "NFC Awards Commentary and Agenda," Pakistan Economic and Social Review 44, no. 2 (Winter 2006): 209.
[19] Reducing Disharmony through Financial Award," Dawn, February 17, 2003

eroded. It also reflects that the factor of Army's dominance in the statecraft which heightened the grievances between the Centre and the federating units.

Second NFC award was given in 1991 but the dominance of Punjab remained intact. Punjab received share of 58 per cent, NWFP 14 % Sindh 23%, and Baluchistan 5 %.[20] Third NFC award was given during the interim government of Meraj Khalid. Provinces protested because they considered this issue beyond the jurisdiction of an interim government. The provinces had a perception that this award was rushed to oblige Punjab otherwise there was no point in announcing it just three days before elections. This perception was strengthened through a fact that the then Prime Minister, President and Finance Minister were all Punjabis. The disgruntlement of the provinces gets substantiated through a fact that three provincial assemblies did not ratify this award. This became a major source of friction between 3 Provinces and the Centre.[21] The elected government of Nawaz Sharif did not review the award given that Punjab was primary beneficiary of the award and Nawaz Shraif's politics revolves around Punjabi ethnic politics. The NFC award adopted in 2010 somehow reduced the friction where other criteria like poverty, hydroelectricity were acknowledged but differences still exist and Punjab still is the major benefiter.

Pakistan's fourth and most recent military leader—General Pervez Musharraf—imposed martial law in 1999. Musharraf failed to offer a new NFC award formula that addressed the concerns of the smaller provinces. Despite announcing his intention to improve interprovincial relations in his first speech as the chief executive, Musharraf failed to offer a new NFC award that addressed province concerns about the mechanisms for allocating federal funds, and took no alternative measures to address the grievances of Balochistan, KPK, and Sindh.

The most important award in this regard was 7th NFC award adopted in 2010. It was extremely important award since it came in the light of the 18th amendment in the constitution of Pakistan. 18th amendment in the constitution of Pakistan returned many powers to the provinces and gave them the autonomy of action. It also ended the concurrent list, the undecided powers, between the federation and the provinces and which were undecided since independence. Fiscal federalism since always remained a rough ride for Pakistan. Resource transfer remained a continuous source

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[20] Raja Qaiser Ahmed, "Nationalism and Political Identity Making in Pakistan: The Rise and Role of Indigenous Identities", *SAIS Review of International Affairs,* Viol. 35, No. 02 (2015): 105-116.
[21] Muhammad Sabir, "Dynamic Consequences of the 1997 NFC Award: Provincial Social Sector Expenditures,"
The Pakistan Development Review Part II (Winter 2001): 967.

of consternation between centre and the federating units. Out of all the NFC awards only four have set the additional parameters of resource allocation to the federating units.[22] Till the 7th award a less systematic approach has been followed in resource allocation from divisible pool with population as the sole and primary parametric criterion. This remained a source of incessant friction between federation and provinces and embittered interprovincial relations as well. The other potential variables have been ignored largely and no amicable framework of fiancé allocation could have been agreed upon.

The 7th NFC award was groundbreaking in many aspects. It enlisted the multiplication and divisional factors with regard to

1) Exponential Population
2) Poverty and Backwardness
3) GDP and Revenue Collection
4) Urban Density

Historically all these factors remained neglected in the equation of financial resource allocation. Despite all these factors this award was still unable to address the disparity amongst the provinces. Under this award Punjab received 51.74% of the financial share, 24.55% to Sindh, 14.62 to Khyber Pakhtunkhwa and 9.09% to Baluchistan. Though NFC award allotted 82.98% of the financial grants to the four provinces out of which 10.3% was to be spent on poverty alleviation. Federation surrendered 10 percent of its share. This added additional 225 billion rupees to the share of provinces in the annual allocation of resources in coming year. The demands of Khyber Pakhtunkhwa and Baluchistan were accepted. All stakeholders also developed a consensus to reduce collection charges to 1% from 5% resultantly boosting the real transfers from the divisible pools to the provinces. The provincial share of the divisible pools increased from 47.5% to 56 percent in the first year of NFC and 57% for the coming years.[23] Federation for the very first time expressed its resolve to accommodate the smaller provinces. Under the 7th NFC award formula the Federation and other federating units Punjab, Sindh and Khyber Pakhtunkhwa acknowledged and accepted the special needs of Baluchistan. Additional Rs 83 billion 9.09 % of the provincial pool was given to Baluchistan in the first year of the Award. The parameters under the 7th NFC

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[22] 'Evolving a Consensus Formula', *Dawn*, August 10, 2009
[23] Usman Mustafa, "Fiscal Federalism in Pakistan: The 7th National Finance Commission Award and Its Implications, *PIDE Working Paper,* No. 73 (2011): 7-8.

Award give 82 percent weightage to population, poverty 10.3%, revenue collection 5%, 2.5% revenue generation, 2.5% revenue collection and the density area will get 2.7% share.

Provinces got additional 852 billion after the adoption of the 7th NFC award. Punjab still remained the largest beneficiary in comparison with rest of the provinces. Punjab only surrendered 1.27% of its existing allocation, Sindh surrendered 0.39%, Khyber Pakhtunkhwa 0.26% whereas Baluchistan gained 1.82%. Baluchistan being the most underprivileged province though received a better share compared to previous awards yet this was too meagre to address the grave issues of poverty and underdevelopment which Baluchistan is confronting. The success of the 7th NFC award was that it removed the disparities in revenue collection, hydel energy production and gas development surcharge among the provinces. Revenue collection was the major objection of Sindh government, Hydel energy royalty was the primal demand of Khyber Pakhtunkhwa and Gas development surcharge was ever persistent demand of Baluchistan.[24]

Way Forward

Pakistani federalism had been facing hiccups since its provenance. Multifaceted challenges impinged Pakistani polity and made this journey inconvenient, uneasy and exploitative for the federating units. The constitutional amendments made during the military rules had reshaped country's posture more authoritarian and dictatorial and failure of restoring constitution into its democratic spirit has made Pakistani democracy as quasi authoritarian democracy. The equation of power is overwhelmingly tilted towards the federation and provinces don't receive the legitimate power of action and autonomy as promised and guaranteed under the constitution of Pakistan implemented after 1973.

The identity construct in Pakistan is was never monolithic and a sense of national Pakistani identity which never successfully took root, is at its weakest. It was instrumentally created by using religion as a symbol but over the years this "One National Identity Pattern" has eroded and cleavages between ethnic identities are growing. The catalytic factors in this changing landscape of political identity making are political marginalization of federating units, unequal distribution of financial resources and hard headed policies of military regimes. The rise of indigenous and peripheral identities have simultaneously taken place. The nationalistic sentiments and the pattern of secondary identity construction have taken place over the period of years.

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[24] Iram Khalid, "Politics of Federalism in Pakistan: Problems and Prospects", *South Asian Studies,* Vol. 28, No. 1 (2013): 199-212.

The edifice of Federal republic seemingly is changing after 18th amendment. Many issue areas are solved by removing concurrent list[25] and extending political autonomy to the provinces but the lack of implementation and reluctance in transferring powers from centre to the provinces is still a big question. The hyper security state structure given the war facing from within in the form of Taliban insurgency, Baluch insurgency and establishment of military courts in the aftermath of Operation Zarb e Azab and Radul Fasad have resisted the process of decentralization and devolution[26]. Only constitutional arrangements may not guarantee the entirety of a federative state, need of the time is to adopt policies guaranteeing the autonomous existence of a province and financial empowerment through equal distribution of financial resources. A shared Pakistani national identity can only be fostered if all provinces are given equal financial resources, political autonomy and democratic stability.

7th NFC award paved the trajectory of convenient interprovincial relation but thing seriously erred in the backdrop of the expiry of 7th NFC award on June 30th 2015. Provinces secured authority and more powers after the adoption of 18th amendment yet they were unable to exercise these reinforced powers and authority in the historical context of strong federation and weaker units. Security arrangements amid war on terrorism seriously hampered the devolution of power. Arbitrariness in the policy making and unresolved of the current government the existing NFC was given an extension for one year unless new consensus was achieved. Smaller provinces pressed the demand for the new award because the delay was akin to not getting their due share in the resources. Smaller provinces held Punjab responsible for the delay of 8th award. Punjab deliberately delayed nomination of its private member for 5 months and consequently NFC could not discuss and deliberate the new award. Sindh alleged that it was given 112 billion less in 2015-16.[27] In the negotiations provinces demanded more tax revenue from the federation. No agreement was reached. The major disagreement between the federation and the provinces is the increase in fund given a fact that 7th award was adopted in the anticipation of the 18th amendment which was passed in April 2010 whereas NFC was adopted in December 2009.[28] 18th amendment increased

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[25] Concurrent list has 40 items on which Centre and Province both can legislate but in case of a conflict Centre's law would prevail.

[26] Operation Zarb e Azab and Rad ul Fasad are the ongoing counter insurgency operations in Pakistan in the aftermath of internal turbulence and security threats.

[27] Shahbaz Rana, '8th NFC Award: Provinces demand more tax revenue from Centre', April 29, 2015

[28] Mahmud Ahmed, '8th NFC Award: Setting Direction', *Dawn,* May 04, 2015.

the scope of authority and responsibility for the provinces and in return they demand more share from the federal. Provinces contend that the federal government owes them more money in the 8th award and it is procrastinating this award not to serve provinces with their due right in the financial allocation of resources.[29]

Federal government holds opinion that provinces in order to get additional share in resources should share more responsibilities with the federal government in combating terrorism, natural disasters and aid to special regions of the country. Baluchistan completely rejected this proposal. Out of the nine meetings to conclude the proposals for the 8th NFC award no consensus could have been achieved.[30] Population which receives 82% of the allocation of resources remains a contested criteria. Country did not have a census till 1998. In 2017 the country has recently completed its census but its results have been rejected by the smaller provinces. The provinces and the political parties from the smaller provinces claim that their population have been shown drastically less to cater the politically and economically advantageous position of Punjab. Accurate figures would have reflected more population and more population means more financial share and also increase in the number of seats in the national assembly. Population is also criterion for the determination of the constituencies in Pakistan. This has stirred a major controversy which will impinge the polity with unforeseeable consequences. Pakistan Muslim League Nawaz the ruling party in Pakistan is essentially a Punjab centric party with support base, representation and more electoral seats in national assembly from Punjab and hence represents and caters the interest of Punjab.

The trajectory of Pakistani federalism cannot be cooperative unless there is a smooth and consensual working relationship between the provinces and the federal government. Failure in evoking this matrix will end up in the persistence of quasi authoritarian set up. The logic of democracy presumes devolving powers to the federating units. Pakistan is far away becoming a truly democratic federal republic yet the silver lining is the recognition of the predicament and the series of proposals to solve and mitigate the federal-provincial and interprovincial disharmony. The continuity of democratic setup, equitable allocation of financial resources and recognition of provincial autonomy with the inculcation of democratic norms and culture will pave a way for a cooperative federalist dispensation in Pakistan in its true letter and spirits.

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[29] Shahbaz Rana, '8th NFC Award: Punjab, K-P seek larger slices of revenue pie', *Express Tribune,* January 26, 2016.

[30] 'Provinces meet to do spadework on 8th NFC Award', *The Nation,* September 05, 2016.

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[1] Nahoora is composed of nah and oora. Nah means no and oora means lighting of fire. Sometimes it is interpreted as staying without cooked food for three days at disputants' home for getting waak.

[2] Two idioms are used by driman for consultation with disputants |da Khuly khwand me maloom ky/ the khuly khwand me boye ky| I have inquired possible resolution of dispute to him.