



JERGA

JERGA, an assembly or council of local adult men sitting in a circular formation for the resolution of conflicts and discussion of issues and challenges that face the settled and nomadic Pashtun tribal communities of Afghanistan and Pakistan.

The earliest published reference to jerga is provided during the colonial period by Mountstuart Elphinstone (1815), a representative of the British government of India to the court of the ruler of Kabul at his summer capital of Peshawar. English dictionary references to jerga are provided by Henry George Raverty, Henry Walter Bellew, and John Gordon Lorimer, all colonial officers of the British government of India. Other early references to jerga are available in official British colonial records about Pashtuns.

The jerga functions as a sodality, invoked when the need for it appears and disbanded when it is not needed. It is the symbol of the political and legal autonomy of a Pashtun male and his tribe. As such it is an integral part of pashtunwalaey (*paštunwāli*), Pashtun charter for appropriate behavior, including upholding male honor (*nang* or *‘ezzat*) and avoiding shame (*šarm*), both through the proper sexual behavior of his female dependents (*nāmus*, especially wife, daughter, sister, and mother), revenge (*badal*, a form of balanced or negative reciprocity in response to real [bodily] or symbolic [verbal] injury), offering food (*mēlmastia*, hospitality) to those accepted as guests, providing asylum or refuge (*nanawātay*) to those who sue for peace or ask for forgiveness or protection, professing Islam, and abiding by other components of Pashtun custom



Although the concept of *jerga* is familiar to non-Pashtuns in the region, it is not their native label for local assemblies or councils for conflict resolution. In Persian, *jerga* refers to a social network, group, coterie, or clique, but it is not used as the label for tribal or other local mechanisms for conflict resolution. Among the Marri Baluch the term *jerga* applies to a relatively stable and structured arrangement in which “the hierarchy of tribal leaders, the organs of external administration, and the framework of sections meet and articulate in a manner that is decisive to the function of each” (Pehrson, p. 23). Some contemporary Afghan nationalist writers argue that Pashtun tribes have inherited the concept of *jerga* from their Aryan ancestors (‘Aṭā’i, 1978, p. 1; idem, 1979 and 1982 Khadem, p. 52).

Jerga is sometimes interchangeably used with *maraka* (discussion, conversation, or dialogue), but *maraka*, a form of small-scale *jerga*, is used among Pashtuns to deliberate and make decisions about specific local policies or problems or to settle minor disputes. Participants in the *maraka* are male elders of the village or local lineage(s) and are called *marakačīān*. The *maraka* is convened at the request of an elder or of disputants and is held in the open air courtyard of the local mosque or near a shrine. There are two kinds of *marakas*. In one the disputants argue in front of the *marakačīān*, who will decide which side has a more persuasive argument. In the other, the *maraka* examines the evidence and argumentation from each party and acts as an arbitrator and imposes a compromise. In both cases the decision of the *maraka* is based on consensus and is final (‘Aṭā’i, 1978).

The *jerga*, on the other hand, deals with major intra and inter-tribal conflict. In principle the *jerga* represents the tribe as a whole and acts as a judicial, legislative, and executive agency. In inter-tribal conflict or when a number of tribes wish to participate in a collective response to a challenge or initiative from the state or from another tribe or consortium of tribes, the *jerga* will include representatives from all tribes involved. Regardless of size or the number of tribes involved, no qualifiers (small, large, etc.) are used with the label *jerga*. The phrase “great *jirga*” was once used by the British colonial government of India when it wished to engage the Mas‘ud tribe as a whole, but the event turned into a “disorderly mob” (Caroe, pp. 401-2). Borrowing from and manipulating European sources, some prominent Afghan authors argue that a *lōya jerga* (great assembly) was convened in two historical settings for the selection of Afghanistan’s political leaders: during 1708 for the approval of Mir Ways Hotak’s opposition to the Safavid rule in Kandahar (Qandahār), and



during 1747 for the selection of Aḥmad Khan Abdāli (q.v.) as the ruler of Afghanistan (Ġobār, pp. 319, 354). However, neither claim is supported by the historical record.

In its traditional format, the jerga operates on the margins of state structure, in opposition or alternative to the latter. During the colonial and postcolonial period, a jerga from a single tribe or a jerga composed of members from several tribes negotiated with agents of the adjacent state. Such instances are noted in the available ethnographic and historical records. Only landowners may participate in a jerga and, in theory, any adult male member of the tribe can request the convocation of the jerga. Theoretically only a Pashtun tribesman whose father's name appears in tribal genealogical charts can hold land. In practice, however, *mašrān* (elders, sing., *mašr*) or *spingiri* (singular, *spingiray*, white beards, elders) of the constituent lineages (*kēls* or *zais*) of a tribe initiate and participate in the assembly. The initiative for convening the jerga originates with the tribe(s), not with the state. At least one member of the tribe who knows tribal norms (*nark*), including the rules and procedures of the jerga, must participate. This individual is known as a *narkai* (plural, *narkīān*). A mullah (a religious leader who leads communal prayers at and keeps up the local mosque) attends the jerga but only to pray for its success and to bless its decision. Some Pashtun tribes allow *sayyeds* (non-Pashtuns who claim descent from Prophet Moḥammad and who usually live among Pashtuns and speak Pashtu) to participate in the jerga. No one officially presides over the jerga and every participant is entitled to speak. The jerga convenes near a local shrine, cemetery, or in the courtyard of a mosque in open space. Open space is explicitly preferred to space under a roof. Every tribe and local community has a designated place for its jerga. Among nomadic Pashtuns, the assembly meets in any open space designated by the elders. The place where the jerga meets is considered sacred and, among some tribes during important jergas, the location is ringed by tribal flags and banners. The Afridi (q.v.) Pashtuns occasionally surround the location of important jergas by black flags. It has been suggested that these flags were supplied to the Afridis by Amir Amān-Allāh (q.v.) of Afghanistan during the 1920s in order to dramatize Afridi opposition to the British government of India (‘Aṭā’i, 1978, p. 2).

To underscore equality, the jerga participants sit in a circle on bare ground, simple mats, or other floorings of uniform quality. All members of the jerga are considered equal. Non-members may sit near the jerga to listen to its



transactions. When the jerga is in session no one shall disrupt or interrupt its transactions. Violators of this rule are subject to punishment. Occasionally a jerga may convene in secrecy in which case no observers are allowed near the jerga. If someone violates its secrecy, he will be severely sanctioned. The punishment ranges from shaving the culprit's mustache and beard to setting his residential property on fire to execution.

A local jerga seldom has more than twenty-five members and rarely more than fifty. Inter-tribal jergas will have larger numbers but seldom more than one hundred. In the past, when jergas were convened in order to deal with the British government of India or the Kabul government, the numbers increased substantially, sometimes running into the hundreds. Both governments regularly distributed allowances or occasional gifts to tribal leaders and other real and potential jerga participants within their spheres of influence. The governments of Afghanistan and Pakistan have, in principle, continued these practices in dealing with tribal Pashtuns within (and occasionally beyond) their borders. It is likely that these policies have directly and indirectly encouraged larger jerga attendance. In general, however, it could be argued that the more remote a tribe was from state influence, the more egalitarian was its format and consequently the larger the number of its jerga participants. The role of the jerga in the resolution of conflict appears to have declined in Pashtun areas that are encapsulated by state structures, as well as in areas where an individual has achieved the status of *malek* (village leader or spokesman), or where the position of khan (village and lineage leader) has evolved into a hereditary rank, or where charismatic Sufi personalities have appeared.

Decisions of the jerga derive from discussion, debate, and mediation and are based on overt consensus or, when there is no explicit disagreement or surrender, to a majority view. Open robust dissent is strongly discouraged and rarely acknowledged. In some local traditions, when during the proceedings of the jerga a minority faction in the assembly disagrees with the prevailing tenor or direction of discussion or debate, its members will express their dissatisfaction by briefly clicking two small stones. When a decision is reached, members of the assembly symbolically express their sincere participation in it by taking a sacred oath by collectively placing their hands on a Qur'ān, on which are placed salt (*mālga*) and a sword (*tura*). The attending religious leader presides over this ritual (Aṭā'i, 1978, p. 76).

The decision of the jerga is final and binding on all members of the tribe. The



Pashtun jerga generates its own enforcement and executive arrangements. Usually an individual, symbolically called *tsalwektai* (one of forty) or *tsalwektey* (a set of or group of forty) or *tsalwektiān* ([those] of the forty), is assigned to execute the decisions of the jerga. In reality the actual number of the enforcement body varies with the importance and complexity of the task at hand. A person who does not abide by the decision of the jerga risks being expelled from the community and/or having his residential property destroyed. In the forested Pashtun tribal territories, where an active lumber industry exists, the group of men assigned to patrol the forests is also called *tsalwektey*. In some Pashtun areas this executive agency is called *arabakey* or *rabakey*. The concepts *tsalwektey* and *arabakey*, are symbolic and formulistic and are probably related to the Arabic word *arba'un* (forty) and the importance of this number in Muslim rituals and lore.

The popular term in non-Pashtun areas of Afghanistan for a local assembly or a deliberative or advisory body is *šurā-ye maḥalli* (local assembly or council), or *majles-e mašwara* (consultative council attached to the provincial government). During the reigns of Amir Ḥabib-Allāh (1901-19) and Amir Amān-Allāh (1919-29), the Afghan government instituted a *šurā-ye dawlat* (state council) composed of high-ranking members of the central government and the inner circle of the amir, but this practice was discontinued after the fall of Amir Amān-Allāh in 1929 (Hanifi, p. 299). Starting in 1921 and continuing to the present time, governments of Afghanistan have used an ad hoc mechanism in the construction of which the concept of Pashtun tribal jerga has been creatively manipulated. They have used the historical prestige of tribal Pashtuns and the myth of their numerical majority in Afghanistan by convening the so called *lōya jerga* in times of instability and crises, especially during tribal uprisings or widespread discontentment with the central government. On these occasions the government has, at its own expense, summoned “representatives” of the people from Afghan provinces to visit Kabul to participate in an assembly in which it presented and received rubber-stamped approval of its real or potentially controversial policies and programs, including new constitutions and international relations and treaties. About forty percent of the participants in these *lōya jergas* consisted of the current members of the parliament, members of which had routinely been hand-picked by the government, and the country’s high-ranking officials of the military and civil services. Members of these *lōya jergas* (especially for those from the provinces) received a fully paid visit to and stay for about two weeks in the capital city, with the king and his government acting as the



official hosts (Hanifi, pp. 309 ff.). It was this model of the *lōya jerga*, this time subsidized by the United States and orchestrated by the United Nations, which created the post-Taliban government in Kabul and the current constitution of Afghanistan (Hanifi, pp. 319-21). Since 1921, approximately twelve *lōya jergas* have been convened by the various governments of Afghanistan.

Over the life span of the state of Afghanistan (1880-present), ideas for the legislative institutions of the central government were inspired by and symbolically associated with the concept of Pashtun tribal *jerga*. *Majles-e šurā* (consultative assembly) was introduced during the reign of Moḥammad-Nāder (r. 1930-33), and the adjective *melli* (national) was occasionally added (*majles-e šurā -ye melli*) to signify national assembly. In 1933, a *majles-e a'yān* (assembly of nobles, elders, or grandees) was instituted. During 1964-78, the labels *majles-e šurā* and *majles-e a'yān* were changed to *wolosi jerga* (people's [i.e., commoners'] assembly) and *da mašrāno jerga* (elders' assembly) respectively (Hanifi, p. 299). The post-2001 constitution of the Islamic Republic of Afghanistan includes specific provisions for the use of these labels for the legislative institutions of the state and for the invocation of the *lōya jerga* in times of national crises.

See also [AFGHANISTAN](#); PAŠṬUNWĀLI.

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