

Researching livelihoods and  
services affected by conflict

# Why services won't always buy legitimacy:

Everyday experiences of the state  
in Swat, Pakistan

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# Preface



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The Secure Livelihoods Research Consortium (SLRC) aims to generate a stronger evidence base on statebuilding, service delivery and livelihood recovery in fragile and conflict-affected situations. It began in 2011 with funding from the UK's Department for International Development (DFID), Irish Aid and the European Commission (EC).

## Phase I: 2011 - 2017

SLRC's research can be separated into two phases. Our first phase was based on three research questions on state legitimacy, state capacity and livelihoods, developed over the course of an intensive one-year inception phase. Findings from the first phase of research were summarised in five synthesis reports produced in 2017 that draw out broad lessons for policy-makers, practitioners and researchers.

## Phase II: 2017 - 2019

Guided by our original research questions on state legitimacy, state capacity, and livelihoods, the second phase of SLRC answers the questions that still remain, under three themes:

- Theme 1: What are the underlying reasons for continued livelihood instability in post-conflict recovery situations?
- Theme 2: How does the experience of conflict link to how people experience trust, fairness and expectations of the future as part of their recovery?
- Theme 3: How does service delivery influence the negotiation of state legitimacy?

## Theme 3: Services and state legitimacy

This paper is one of three case studies conducted in Sri Lanka, Nepal, and Pakistan. Researchers from the Sustainable Development Policy Institute (SDPI)

in Pakistan, the Social Scientists Association (SSA) in Sri Lanka, Overseas Development Institute (ODI) in the UK and independent researchers collaborated to produce these case studies. The research lead was Aoife McCullough.

The case studies under this theme consider when and why services influence the negotiation of state legitimacy. Development donors and practitioners often assume that improving access to services will contribute to improving state legitimacy in post-conflict environments. Findings from SLRC I did not support this assumption; data from our panel survey indicated that access to, or improved satisfaction with basic services did not necessarily translate into improved perceptions of government. On the other hand, when people experienced a problem with a service, this translated into negative perceptions of government.

In SLRC II we sought to understand why access to, or improved satisfaction with basic services had a limited effect on people's perception of government while experiencing problems with services had a much stronger effect. We broadened our research angle to examine processes of negotiating state legitimacy and located this negotiation within evolving political settlements. Using this broader approach, we sought to understand when certain aspects of service delivery become salient in the negotiation of state legitimacy. In addition to these country studies, a third round of the panel survey was carried out in 2018 in Uganda, Nepal and Pakistan. New questions were added to the survey that were designed to capture a range of opinions related to perceptions of state legitimacy. The findings from the survey are forthcoming.

For more information on who we are and what we do, visit: [www.securelivelihoods.org/about-slrc](http://www.securelivelihoods.org/about-slrc)

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# Acknowledgements



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# Acronyms and glossary



<b>DRC</b>	Dispute Resolution Council	<b>Deobandi</b>	A revivalist Sunni movement
<b>JUI</b>	Jamiat Ulema-e-Islam, a Deobandi political party in Pakistan founded in 1947. During the Zia-ul-Haq regime, the party divided into JUIS where S stood for its leader Sami UI Haq, and JUIF, where F stands for the name of its leader Fazal-ur-Rehman. JUIS supports jihadism and a totalitarian state while JUIF supports the restoration of democracy in Pakistan.	<b>Gujar</b>	A non Pashtun ethnic group who were traditionally herders
		<b>Jirga</b>	Assembly of leaders who make decisions by consensus and according to Pashtun tradition
		<b>Khan</b>	Title originally used by the Mongols; commonly used in Pashtun society to refer to a major landowner. In the past, it was used to refer to a leader of a faction in a particular valley in Swat
<b>MMA</b>	Muttahida Majlis-e-Amal, a political alliance of Islamist and conservative parties of Pakistan, including the JUIF	<b>Paracha</b>	A professional class who traditionally were shopkeepers, peddlers, owners of mules and donkeys and transporters of grain and manure
<b>MPA</b>	Member of Provincial Assembly	<b>Pashtun /Pakhtun</b>	Wider Pashto- speaking ethnic group, concentrated mainly in the north of Pakistan and south of Afghanistan.
<b>NADRA</b>	National Database & Registration Authority	<b>Qazi</b>	Judge of sharia court
<b>NGO</b>	Non-governmental organisation	<b>Stanahdar</b>	Holy men or descendants of holy men. Before the establishment of the state, stanahdars were able to own land and in modern Swat are generally part of the upper classes
<b>OECD</b>	Organisation for Economic Co-operation and Development	<b>Tahsildars</b>	Revenue officer
<b>PATA</b>	Provincially Administered Tribal Area	<b>Wali</b>	Arabic for protector, used to refer to the ruler of Swat
<b>PIU</b>	Produce Index Unit	<b>Yusufzai</b>	Dominant Pashtun tribe in Swat and other valleys in Khyber Pakhtunkhwa
<b>SLRC</b>	Secure Livelihoods Research Consortium		
<b>TNSM</b>	Tehreek-e-Nifaz-e-Shariat-e-Mohammadi, movement for the enforcement of Islamic law, a militant group who took over much of Swat in 2007		
<b>TTP</b>	Tehreek-e-Taliban Pakistan, the Pakistani arm of the Taliban. Formed in 2007 when 13 groups agreed to unite under the leadership of Baitullah Mehsud		

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# Executive summary



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## Background

In 2017, the Secure Livelihoods Research Consortium (SLRC) published a set of unexpected findings. Between 2012 and 2015, services improved in Swat and Lower Dir districts in Khyber Pakhtunkhwa, Pakistan, but this improvement in services did not change people's opinion of the government.

The findings were based on a longitudinal survey that was carried out in 2012 and 2015. Among other questions, respondents were asked about their access to basic services such as health education and health, their satisfaction with those services and their perceptions of government. These findings raised questions about key assumptions informing international development programmes in post conflict contexts, namely that if people's satisfaction with services improved, this would repair state/society relations and strengthen state legitimacy.

The survey asked people about their perception of government, not about their perception of state legitimacy. While the authors argued that perceptions of government were a stepping stone to understanding perceptions of state legitimacy (Nixon and Mallett, 2017), measuring perceptions of government is only one slice of the overall perception of state. It is quite possible for citizens to consider a particular government illegitimate while believing that the state is legitimate. This present research seeks to examine experiences of the state more broadly. Using qualitative research, we explored whether there is a role for services to play in the construction of state legitimacy in Swat, Pakistan.<sup>1</sup>

## Methodology

We first conducted a political settlement analysis of Swat to identify groups that have different relationships with the state. We categorised groups as 'insiders' –

groups that have disruptive potential<sup>2</sup> but that are part of the political settlement; and 'outsiders' – groups with disruptive potential but that are outside the current political settlement. We defined the difference between groups inside and outside the political settlement by analysing how the state reacts to their disruptive potential—groups inside the political settlement are co-opted by the state while those outside it are repressed. We then interviewed a purposive sample of 79 insiders and outsiders from across Swat, using a set of open-ended questions about what the function of the state should be and how they experience the state on an everyday basis. Understanding people's beliefs about what the function of the state should be is important for gaining an insight into what kind of state they consider right for society. In this research, power becomes legitimate when it is justifiable by reference to core social values and beliefs about what is right for society held by those who are subject to that power.

## Findings

The political settlement analysis allowed us to identify specific aspects of state function that are salient in the negotiation of state legitimacy in Swat and to explain why these functions gained salience. In the past, under tribal customs, only those who owned land held political power and could participate in jirgas. As Swat was gradually integrated into the Pakistani state, landed elites worked to conserve their political power and maintain ownership of land. Land claims by non-elites were held up in court and titles were rarely formalised. Meanwhile landed elites also worked to regain control over the judiciary by negotiating for the integration of the Jirga system into the formal judicial system. As a result, land registration and the format of the justice system became key sites over which the legitimacy of the state was negotiated. For example, in 1970, tenants rose up against their landlords, refusing to pay rent and making claims to certain tracts of land. The landlords used their private armies of

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<sup>1</sup> A third round of the survey was carried out in 2018. A report that will integrate survey findings with the qualitative findings from this case study is forthcoming.

<sup>2</sup> Disruptive potential is the ability to mobilise other people to protest the status quo either violently or peacefully.

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dependents to suppress this uprising while state officials failed to protect the tenants. In 2007, labourers, service providers and small time businessmen rose up again, this time backed by the Pakistan Taliban and Tehreek-e-Nifaz-e-Shariat-e-Mohammadi (TNSM). The landlords no longer had private armies to protect them and their property; and in a move to gain monopoly over violence, the Pakistani army was deployed to Swat to violently suppress the uprising.

We found that the traditional landowning and business classes continue to be inside the political settlement—that is, they are co-opted by the state. Those lower down in Swat’s class system such as day labourers, service providers and those descended from traditional herders continue to be repressed by the state and thus remain outside the political settlement.

### How the state was imagined

The structured interviews revealed some shared beliefs about what functions the state should perform. Across both insiders and outsiders, people imagined the state as a provider of basic services and a constructor of infrastructure. People further away from the centre of power were more likely to imagine the state as a source of jobs. But, while many people agreed on these three core functions, people also imagined the state in a myriad of other, less tangible, ways. People imagined the state as a regulator of the physical and social environment, an influencer of values among the youth, and for some, as a defender of Islamic values.

### How the state was experienced

While there were similar notions among insiders and outsiders about the function of the state, there were significant differences in how people experienced the state. Three main themes emerged in stories that interviewees told about their experiences with the state. First, there is the challenge of navigating the bureaucracy, or the institutions of the state. Both insider and outsider groups told stories about negotiating the registration of companies, securing land certificates or simply travelling between regions in Pakistan. Most negotiations ended by paying a bribe, but insiders and outsiders described the experience of the negotiation differently. Whereas insiders portrayed the paying of a bribe as a way to resolve the situation, outsiders experienced it as coercion. Furthermore, outsiders talked more about having to rely on informal intermediaries such as elders to

mediate difficult situations involving the state, particularly those involving the police.

The second main theme of respondents’ stories of the state was the poor quality of services in Swat, especially in healthcare. The way people were treated emerged as an important aspect influencing how service delivery was evaluated. While insiders talked of being able to secure special treatment because of their status, outsiders told of being treated with disrespect, or being ignored because service providers saw them as uneducated or too poor to pay for the service.

Third, in outsiders’ stories, there were recurrent themes of structures of power outside traditional state structures and even beyond Pakistan’s national borders. For example, many returnee migrants talked of the high costs they had to pay travel agents for visas to the Gulf countries or the ill treatment they experienced in jobs they performed abroad. They expressed disappointment that the Pakistani state was not able to protect them against unscrupulous travel agents and foreign construction companies.

Finally, there were several stories of people’s houses being destroyed by the military during conflict or of male family members being arrested by the military and held without trial. The former haven’t been compensated and the latter have no information as to the status of their family members.

The findings from the qualitative research reveal the differential treatment by service providers of people according to their social status. The requirement to pay bribes to gain access to services is experienced as coercive by poorer people who can’t afford to make these payments. These experiences provide people with evidence that seems to support narratives promoted by the Pakistani Taliban and TNSM that the Pakistani state is oppressive, corrupt and only serves the interests of the wealthy.

The findings also emphasize that the state is experienced as much more than a provider of basic services. It was clear that in many situations people experienced the state as a coercive and unaccountable power. State absence was also an experience of state, where the state failed to provide protection for migrants.

The difference between what was described in how people imagined the state and their stories of experiences of the state reveal a significant disjuncture. This disjuncture was particularly acute for outsider



groups, as how they imagined the state to function did not translate into reality.

## Conclusions

In Swat, services work to reproduce class relations – in this case, distinctions between upper and lower classes. In a region where the social hierarchy was contested through the Islamist uprising in 2007/08 and in a tenant uprising in the 1970s, the reproduction of class relations through services is likely to work to delegitimise the state, particularly for those outside the political settlement and who may have been involved in the uprisings.

Donors face competing priorities in Khyber Pakhtunkhwa. On the one hand, there is a need to preserve the stability that has been achieved in most areas since the military suppressed the Taliban uprising in 2009. On the other hand, this stability is based on the repression of certain groups that contested the state in 2008/2009, and these repressive actions limit the possibility for negotiating state legitimacy with those groups.

To legitimate its power to non-elite groups, the state needs to address at least some of the hotly contested issues raised by repressed groups, including access to land and a functioning justice system. Khans and other elites will resist reform of the land tenure legislation and deep reform of the justice system so donor funded reform programmes need to target parts of the land tenure and justice systems where there is some traction

and space for change. In this way, small incremental changes can be achieved that are less likely to be destabilising.

The emerging issue of the unaccountability of the military will be a very sensitive area for donors to try and influence. However, a focus on addressing the factors that incentivise corrupt and disrespectful behaviour among civil servants would contribute to changing the way that citizens experience other parts of the bureaucracy. Improving the treatment of citizens by civil servants will help avoid fuelling narratives that the Pakistani Taliban and TNSM produce about the state as oppressive, corrupt and only serving the interests of the wealthy.

## Recommendations

- Recommendation 1: Focus efforts on addressing the problems in state functions that are salient in the negotiation of legitimacy in Swat: land registration and the justice system.
- Recommendation 2: To improve people broader experience of the state, include indicators of how people are treated when measuring the success of service delivery programmes.
- Recommendation 3: Treat reform of the bureaucracy as a political process and invest in politically-informed programmes that aim to adjust incentive structures rather than provide training and capacity building.

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# 1 Introduction: reflections on supporting state legitimacy in international development



In international development, we often use terms such as ‘state performance’, ‘government trustworthiness’ and ‘social contract’ to create the illusion of a consistent relationship between society and the state that can be used to tap into state legitimacy. Most commonly, we base ideas of state legitimacy on an institutionalist and quite technocratic idea of the state. There is a widespread belief among policy makers and academics that if those institutions perform according to people’s expectations, this will strengthen the legitimacy of the state (see for example OECD, 2010; Krasner and Risse, 2014; Ciorciari and Krasner, 2018; Levi, 2018; Stollenwerk, 2018). Services are one of the most tangible outputs of functioning state institutions and can, in theory, be accessed by most citizens. As such, improving services would seem to offer a way to strengthen state legitimacy.

The logic of this approach is enticing. Surely if the state is delivering services and achieving improvements on standard human development indicators, it will become more legitimate? As with all enticingly simple notions of how the world works, there are some problematic assumptions.

## 1.1 Assumption 1: there is a distinction between state and society

The first assumption built into this understanding of how to construct legitimacy is that there is a line that separates state from society. In fact, it is very difficult to clarify the distinction between state and society (Mitchell, 1991; Migdal, 2009). Social and private sector elements penetrate the state on all sides, and vice versa, making the boundary between what is state and non-state porous.

Services such as health, water provision and education are often partly or completely provided by private companies or non-governmental organisations (NGOs), depending on the country. Even in countries where everyone perceives a service to be public, there can be parts that are contracted out to the private sector. In the UK’s National Health Service, for example, the private sector in fact delivers many services.

When we speak about improving services to bolster state legitimacy, do we really mean increasing regulation of the private sector or NGOs to deliver services better? If the private sector and NGOs involved in delivering services are better regulated by the state, do people understand this as state performance, and thereby perceive the state to be more legitimate?

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The structure of society, including the structure of social relations, also influences how services are delivered. State-brokers and powerful people within a community mediate people's relationship with the state. In Sri Lanka, for example, people's social status and their connections to political representatives influenced the amount of social protection they received (Godamunne, 2015). This complicates the task of investing in services with the aim of strengthening legitimacy. If resources are increased to improve the reach of services, will those who have connections with political representatives receive the bulk of the benefits? And, if so, will those with connections consider the state as more legitimate while those who are disconnected from political representatives see the state as less legitimate?

## **1.2 Assumption 2: the state is a collection of tangible institutions and agencies**

The second assumption underpinning the idea that improved services support the construction of state legitimacy is that people understand the state only as a collection of tangible institutions and agencies. However, qualitative research on perceptions of state legitimacy in South Sudan indicates that the state can be an abstract entity that is disconnected from everyday experience. Moro et al. (2017) found that many people living outside of South Sudanese towns and cities did not experience the state in a material form in their day-to-day lives. Their idea of the state was an abstract idea of independence from Sudan, rather than a tangible reality in their daily lives.

Marx and Engels both argued that the state is an illusory idea that presents a particular balance of political power unaffected by class struggles (see Abrams, 1977). This means that even in places where the state is an everyday tangible reality, such as in the UK, at its core the state remains an ideology rather than a 'thing'. In Abrams' line of argument, the state apparatus, including the military, police, judiciary, schools and hospitals, is a product of that ideology and functions to maintain and protect political power.

In this sense, perceptions of state legitimacy should be based on judgements on whether a form of political power is justified or not, rather than judgements about state performance, government trustworthiness or

the strength of the social contract. However, as many theorists of the state have pointed out, state ideology works to camouflage the legitimization of political power structures (Abrams, 1977; Mitchell, 1991). So, what influences how people judge the rightness of a state?

## **1.3 What this report is about**

In this report, we present the results of our attempt to answer the question: 'What influences how people judge the rightness of the Pakistani state in Swat Valley?' We first took a historical approach to the evolution of a political settlement in Swat, to understand what aspects of the settlement have been contested and how this plays out in service delivery in Swat. Normally, political settlement analysis is carried out at the national level. For this research, examining the political settlement at the subnational level was useful as it allowed us to look for ways in which basic services have played a role in the negotiation of state legitimacy in Swat since the formation of a state. In particular, it allowed us to understand why certain functions of the state became key sites on which the legitimacy of the state was negotiated.<sup>3</sup> Through the political settlement analysis, it became clear that land registration and an efficient justice system were two aspects of state function over which the legitimacy of the state was contested.

Field research in Swat between June and October 2018 deepened our understanding of the role services play in how people experience and speak about the state. To accommodate the challenge of the blurred boundary between state and society, we asked open-ended questions about the state including questions about what the function of the state should be. We also asked participants to describe an experience they had with the state.<sup>4</sup> The stories that people told were sometimes about getting justice and getting land registered but more often than not, they were about more diffuse experiences of the state, going to the local hospital and seeing piles of rubbish, getting arrested in Karachi, or the absence of state such as losing a job abroad without any compensation.

Finally, we used our understanding of the political settlement in Swat and the analysis of how people imagine and experience the state to comment on the outlook for negotiating state legitimacy in Swat.

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<sup>3</sup> For more details, see Box: Theoretical approach

<sup>4</sup> For more details on our method see Annex 1.

**Box 1: Theoretical framework**

Recognising that, at its core, the state is an ideology, but an ideology that produces a 'state system' (Abrams, 1977), we approach the state as set of power configurations rather than a set of institutions. We hypothesised that people's experience of the state, and thus the way they judge state legitimacy, depends on their relationship with state power.

We draw on political settlement theory to inform our analysis of power relations in Swat. A political settlement is an ongoing, conflict-ending agreement among powerful groups, around a set of political institutions and a distribution of power, expected to deliver an acceptable distribution of benefits (Kelsall 2018).

Drawing on Kelsall (2018), we use the idea that there is a 'social foundation' for a political settlement. A social foundation is a group, or groups, whose consent to the settlement is crucial to the settlement's reproduction. In Kelsall's framework, groups that form the social foundation are termed 'insider groups', whereas those whose consent is not crucial are termed 'outsider groups'. Kelsall's approach differs from other approaches to analysing the distribution of power in society. In much of the literature on developed countries, inspired by the Marxist tradition, the analysis of power within society focuses on class. The problem is that this approach misses other forms of social and political organisation linked to, for example, ethnicity, caste, religion and region.

Kelsall's approach categorises groups according to both their disruptive potential and the way the political leadership responds to this. Groups that have disruptive potential but are repressed by the political leadership are located outside the political settlement, as 'outsider groups'. Groups with strong disruptive potential that are co-opted by the political leadership are located inside the political settlement, as 'insider groups'. Many political settlements also have 'marginal groups' that have weak disruptive potential. This means the state does not need to act to prevent them from contesting its power.

We also draw on Beetham (2013) to inform our approach to legitimacy. Thus power becomes legitimate when it is justifiable by reference to core social values and beliefs about what is right for society held by those who are subject to that power. Power is legitimated through a two-way process between the ruler and the ruled. First, power must be exerted in ways that conform to established rules. These rules may be unwritten as informal conventions, or they may be formalised in legal codes or judgements. For these rules to be accepted, the rules must be justifiable in terms of the beliefs both dominant and subordinate groups hold. On its own, legal validity is insufficient to secure legitimacy, since the rules through which power is acquired and exercised need justification. As Beetham put it: 'For any given institution to generate legitimacy, it must ultimately be justifiable by reference to core social values, and resonate with beliefs about what is right for society' (Beetham, 2013: 13).

Thus, we sought to understand how people in Swat imagined the state in order to observe whether there were shared beliefs about the way state power should be exerted. We also examined how people experienced the state to allow us to analyse the difference between shared beliefs about state power should be exerted and the day-to-day experience of how state power is exerted in Swat.



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## 2 The political settlement of Swat



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In this section, we trace the development of the political settlement in Swat. We first examine the way in which power was centralised during the establishment of the state between 1849 and 1969. The push towards increasing centralisation of power was disrupted in 1969 when Swat merged with the rest of Pakistan. We examine the effect the merge had on the negotiation of state power. Through the analysis, we explore the role that services played in the legitimisation of state power. We use this to understand the significance of certain state functions, such as land registration and provision of justice in modern day Swat. This analysis allows us to then place and interpret the primary data collected on how people imagine and experience the state in Swat in 2018.

### 2.1 The first state structures in Swat, 1849–1969

To understand the current political settlement in Swat, it is useful to examine systems for managing power before power was consolidated in a centralised state structure. Until 1849, political power was decentralised across several factions. The leaders of most factions were Yusufzai – an ethnically Pashtun tribe that conquered Swat between the 16th and 17th centuries. The Yusufzai dispossessed the tribes living in Swat of their land. Some fled, but many stayed and became indentured to the Yusufzai (Plowden, 1875). The Yusufzai thus were the main landowners. In each valley, the leaders of factions were referred to as Khans.

Khans competed with each other to increase their power by gaining either more land or more supporters (Barth 1959). All non-landowners, including tenant farmers, herders, agrarian labourers and service providers paid taxes to landowners in the form of agricultural produce or services rendered. Political decisions were made in groups called jirgas, of which only landowners could be members (ibid.). Members of the saintly class ‘stanahdar’ were also able to own land and participate in jirgas (Sultan-i-Rome, 2017). Thus, the Yusufzai and the saintly class, such as Sayeeds and Mians, controlled rents and political decision-making.

Fearful of infiltration by the British and attacks by the ruler of Dir (a neighbouring state), Yusufzai, who were more numerous than stanahdars, agreed to select a king who would defend their interests. After the short-lived reign of Sayeed Akbar Shah from 1849 to 1857, factions continued to compete with each other, some leaders loosely aligning themselves with the British, others contesting British

power. In 1917, another Sayeed, Mian Gul Abdul Wadud, succeeded in consolidating power and the British Colonial Government recognised him as the Wali, or ruler, of Swat. Abdul Wadud worked to centralise power through a combination of strategies, including annihilating his rivals and weakening the political system developed by the Yusufzai that allowed land owners to command control over non-landowners (Barth, 1959).

The Wali secured Khans', Sayeeds' and Mians' support through coercion, patronising loyalty and making elite families dependent on the new state (for example, through offering them jobs in the army and the administration). In the initial years of the Princely State (starting in 1926), the Wali allowed Khans to draw their own set of rules to be implemented in their localities. This allowed the Wali to implement rule of law that aligned with the beliefs of Khans. As Khans still needed the support of non-landowners in their political block, they negotiated rules that were acceptable to their tenants. In this way, the Wali worked to legitimate his power to Khans and Khans worked to legitimate their power to their tenants. However, the system was backed up by brute force, with no separation of power between the judiciary and the executive, and limited downward accountability. Thus, extensive negotiation between the Wali and the Khans and the Khans and their tenants about the rules was unnecessary. In this way, Abdul Wadud cultivated an exclusive, highly personalised political settlement that featured elements of decentralised power.<sup>5</sup> Swat state emerged as a legal and administrative structure within British India and, when the new Pakistani state was formed, Swat initially maintained its status. Abdul Wadud reigned in Swat until 1949 when he handed over power to his son Miangu Jahan Zeb.

Within this new political settlement, there were distinct insider and outsider groups (see Section 2 for an explanation). Insider groups included aligned Khans, Sayeeds and Mians who drew their power from their position of landlords and extractors of land rent. Certain Mullahs also gained prominence during the Wali's time through patronage. As the state developed, trade became increasingly important and a merchant class emerged. Parachas, traditionally a group who were shopkeepers, peddlers, and transporters of grain and manure, used their connections to take advantage of the new trading opportunities that developed in the 1930s and 1940s.

Abdul Wadud promoted small-scale weaving industries with tax exemptions. The Parachas were the main group to benefit from these exemptions and by the 1960s they dominated the silk industry, which employed 3,000 people.

Outsiders were non-aligned Khans. These groups had been weakened through the Wali's office's confiscation of land in land disputes and through the administration providing support to their rivals, resulting in non-landowners increasingly positioning themselves in the political groups of aligned Khans.

Groups lower down in the Swat class hierarchy could not own land and, as a result, had almost no political power. These groups can be classified as marginal groups. As Swat gradually industrialised during the 1950s and 1960s, marginal groups began to work as daily labourers in the silk and cosmetic factories.<sup>6</sup>

The reign of the first and second Walis of Swat is often nostalgically remembered as a time when there was an efficient justice system, free education and healthcare.<sup>7</sup> By the time of the merger with the state of Pakistan in 1969, Swat state had achieved substantial advancements in the provision of healthcare: there were 16 hospitals with 611 beds for a population of just under a million, and patients were provided with free medicine. However, Swat was not necessarily more advanced than other rural parts of Pakistan. While the second Wali, Mian Gul Jehanzeb, son of Mian Gul Abdul Wadud, invested in building a modern education system, by the time of the merger the literacy rate was only marginally higher than the average for rural areas in Pakistan (7.1% compared with 6.1%) (Population Census of Pakistan, 1972). As both Walis invested heavily in roads and communications, at the time of the merger Swat had more infrastructure than other rural areas. A growing infrastructure combined with tax exemptions for industrialists promoted economic growth.

Ideas about alternative models of state circulated in Swat during the reign of the Wali, including models inspired by Islamist Mullahs or by the Bolshevik revolution in Russia. The Wali suppressed the promotion of alternative models with brute force, either by alienating Islamist Mullahs or through hanging those who were caught spreading Bolshevik ideas (Sultan-i-Rome, 2008).

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5 We draw on Kelsall's (2016) typology of political settlements to categorise the different settlements that emerged in Swat need to add reference.

6 Interview with president of Swat Chamber of Commerce, 3 July 2018

7 This theme emerged numerous times during our interviews with key informants in Saidu Sharif in May 2018. Most of the key informants were elites.

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The Wali himself was heavily influenced by the British model of the state, which at the time (1955 – 1969) was orientated towards providing free health care, free education and family allowances. It is not clear, however, that the Wali's office invested in hospitals and schools to respond to the demands of non-elite and to legitimate his power. Indeed, in the 1930s, Abdul Wadud shut down schools—fearing that educating people would make them contest his power (Sultan-i-Rome, 2008). It is more likely that the reason his son Miangul Jahan Zeb invested in basic services was to demonstrate to the outside world Swat's legitimacy as a princely state. As the state became more consolidated, the Wali's office increasingly modelled itself on a benign monarchy and legitimated its power by demonstrating economic development, modernisation and its ability to subordinate rival groups. However, this legitimation work was directed at a limited audience – namely, the landowning, saintly and merchant classes within the political settlement. Delivering services to the masses was an idea that was beginning to take hold among certain elites, but there is little evidence that a significant majority of elites linked the right of the Wali to rule to providing health services, education and clean water for all.

## **2.2 The political settlement following the merger of the 'princely state' with the central state, 1969–2007**

When the Swat 'princely state' merged with the Pakistani central state, the political settlement shifted once more. Where power had been consolidated within the Wali's office to produce a partially coordinated and highly personalised political settlement, power was now located across different provincial government departments with weak lines of accountability and perverse incentive structures. The dispersal of power created vacuums of power, which local elites quickly took advantage of (see Geiser, 2013 for an example of how this played out in the forestry department). Following the merger, formerly non-aligned Khans worked to reclaim land that the Wali's office had confiscated. Under the old political system, owning land had conferred the right to participate in jirgas and extract rent and labour from tenants. But the political system and beliefs about how power should be exerted

were changing. Non-landowners suddenly had full voting rights and, with this, a degree of political power. In 1970, Z.A. Bhutto—aware of the issues that were affecting the rural poor—launched his election campaign advocating social welfare, labour protection and land reform. He won, and in 1972 passed a land reform regulation (Martial Law Regulation 115). The response in Swat was dramatic. Tenants, anticipating land reform, stopped paying rent (Nichols, 2013). Groups of tenants engaged in armed confrontation with landlords (Barth, 1981), sometimes successfully claiming land. In some villages, up to 42% of land was claimed by gujars, although these claims are still being contested in court (Khan, 2009).

As per Martial Law Regulation 115, any person with an area equivalent to 15,000 Produce Index Units (PIUs)<sup>8</sup> was required to surrender it to the state. The landowner received some compensation and could retain an area equivalent to 3,000 PIUs. The state then sold the land to tenants at a subsidised price (Herring and Ghapfar Chaudhry, 1974). However, land claims made during this time in Swat are still held up in court.<sup>9</sup> Part of the problem was that the state legal system had not been implemented following the merge. The old customary system was not suitable for executing such a radical change in land ownership. In the 1977 elections, formerly aligned and non-aligned Khans united by an interest in protecting their property rights supported a Deobandi party, the Jamaat-i-Ulema-i-Islam (JUI), which defended private property rights (Nichols 2013). In the 1977 elections, Muhammad Zia-ul-Haq, supported by JUI, won on the basis of a conservative religious ideology that protected landlords' rights. Claims on land using Martial Law Regulation 115 continued to be made ineffectually in different courts, which gave rise to a complex system of bribery in the arbitration of land disputes.<sup>10</sup>

Alongside organising politically to protect their property rights, Khans worked to capture parts of the judiciary and the bureaucracy.<sup>11</sup> Having held jobs in the Wali's administration, members of formerly aligned Khan families were well placed to get jobs in the new administration. As Khans were subject to the same laws as everyone else in the newly merged Swat state, formerly competing Khan families were incentivised to work together to reinvigorate

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<sup>8</sup> PIUs are used to measure the productivity of land in Pakistan. Under this system, any 2 acres with the same PIU should be capable of producing approximately the same revenue per year.

<sup>9</sup> Interview with Sher Mohammed Khan, Senior Lawyer and former Judge at Peshawar High Court, in Saidu Sharif, 18 May 2018

<sup>10</sup> Ibid.

<sup>11</sup> By bureaucracy, we mean institutions of the state

the jirga and regain control over legal rulings.<sup>12</sup> They negotiated with members of the provincial government to change the system, arguing that the Pakistani legal system was not appropriate for tribal areas. In 1975, the provincial government introduced Provincially Administered Tribal Area (PATA) criminal and civil codes in the Malakand division, under which Swat falls. These effectively took power away from the regular courts and reinforced the jirgas, which the Khans controlled.<sup>13</sup>

Under PATA, the magistrate referred cases to the jirga under the supervision of a tahsildar (revenue officer, a position dating from the Wali's administration) (Hussain, 2007). Once the jirga had heard the case, the magistrate implemented its decision.<sup>14</sup> Any appeal was referred to the deputy commissioner and the North West Frontier Province home secretary (Hussain, 2007). This system ensured legal power was controlled by a combination of the landed elite, the revenue officer and the deputy commissioner (part of the executive). Meanwhile, the integration of the jirgas into the formal legal system inevitably led to delays, which allowed Khans to position themselves as brokers for what was quickly becoming a dysfunctional legal system.

In the 1960s and 1970s, marginal groups began migrating to larger Pakistani cities, such as Karachi, where there were opportunities to work in the textile industry (Khan, 2009); in the 1980s, migration began to Saudi Arabia and the United Arab Emirates (Khan, 2009; Geiser, 2013). Although the extent to which remittances led to the rise of a new middle class in Swat is debatable, there is evidence that remittances came to form a major part of income for many households in Swat, especially in the mountainous areas (Steimann, 2006). Ahmad (1991) notes that low-level lineages in Pashtun hierarchies saw employment abroad and the economic activities at home as an avenue of escape from their positions in society. With new sources of income, former tenant farmers were able to buy land but, in the face of a legal system that continued to disenfranchise lower classes, they could not get registration papers to formalise their purchases. Meanwhile in the 1980s, Mullahs active in the Deobandi movement, a revivalist Sunni movement, began receiving funding from Saudi Arabia, Arab religious organisations and from migrants returning from the Gulf states to set

up madrassas and mosques in Khyber Pakhtunkhwa (Gazdar, Kureshi and Sayeed, 2015).

On the legal side, lawyers from the Pakistan Bar Association started to contest the jirgas and the influence of what they referred to as 'tribal law' on the formal legal system.<sup>15</sup> In the late 1980s, they submitted a petition to Peshawar High Court to abolish the PATA Regulation. In 1990, Peshawar High Court ruled in their favour. The federal government then appealed in the Supreme Court, which ruled four years later that the PATA Regulation was unconstitutional. But by that stage, the socioeconomic changes in Swat which gave rise to a new middle class, that supported a reinvigorated Islamist movement ultimately overtook efforts to instate a legal system that was more in line with the rest of Pakistan.

Islamist political alliances such as Muttahida Majlis-e-Amal (MMA) and militant groups such as Tehreek-e-Nifaz-e-Shariat-e-Mohammadi (TNSM) and Tehreek-e-Taliban Pakistan (TTP) successfully articulated a vision for an alternative order based on Islamist principles. TNSM built its support on criticism of two issues vital to society: the judicial system imposed by PATA and the corrupt electoral and political system of Pakistan (Khan, 2009). When the Supreme Court in 1994 ruled the PATA Regulation unconstitutional, TNSM demanded the imposition of sharia law. In a sign of TNSM's new power, the provincial government agreed to the introduction of the Sharia Nizam-i-Adl Ordinance, which required all courts to seek the assistance of a qazi to pass verdicts. However, TNSM continued to argue that the application of sharia law was insufficient and to lobby the federal government.

In 1999, the federal government promulgated the Sharia Nizam-i-Adl Regulation 1999, further increasing the clerics' influence in the courts. These changes in the political settlement resulted in a hybrid political system incorporating aspects of a legal system based on English common law and aspects of sharia. There was widespread support for these changes among different groups in Swat, particularly those who in the past had been excluded from the political settlement and were not served by a legal system that combined jirgas and formal courts in a dysfunctional way (BBC, 2009). However, tensions continued between representatives

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<sup>12</sup> Ibid.

<sup>13</sup> Interview with Akhtar Waheed Khan, President of District Bar Association, Swat, in Saidu Sharif, 17 May 2018; interview with Sher Mohammed Khan, Senior Lawyer and former Judge at Peshawar High Court, in Saidu Sharif, 18 May 2018

<sup>14</sup> Interview with Akhtar Waheed Khan, President of District Bar Association, Swat, in Saidu Sharif, 17 May 2018

<sup>15</sup> Ibid.



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of the courts, the qazis and members of the jirgas. With such competing interests groups, it was difficult for the state to legitimate its power with a unified narrative.

The form of Nizam-i-Adl was renegotiated in 2008 between the Government of Pakistan and the Pakistan Taliban, and a more extensive role for the application of sharia law was agreed. The agreement was brokered by small landowners and business owners, and allowed excessive power through open-ended sharia, which was essential to meet the rising expectations of non-elites (Khan, 2009). However, the United States—worried that a precedent would be set that would have repercussions in Afghanistan—pressurised the Pakistani state to intervene militarily.

One interpretation of the rise of the Taliban in Swat in 2007 and 2008 is that it was an uprising by the lower classes against the landed elite, the state and its representatives (e.g. Khan, 2009; Nichols, 2013). In a survey conducted by the Regional Institute of Policy Research and Training, 45% of respondents were of the opinion that the spread of militancy was owed to class differences (Aziz and Helge, 2010).<sup>16</sup> Even the grandson of Mian Gul Jehanzeb, the last Wali of Swat, admitted that the Taliban received covert support from the oppressed community – namely, the servants of Khans who felt disgruntled and subjugated.<sup>17</sup>

Another interpretation is that the state had failed to legitimate the hybrid political system that it had negotiated with TNSM. Since the merger with Pakistan in 1969, there have been two main uprisings in Swat. In the early 1970s, representatives of the state were not specifically contested, but rather large landowning Khans who represented the old political system. In the uprising of 2007/08, TNSM and TTP contested the legitimacy of the formal and informal legal system, and the democratic electoral system. Khans were once again attacked, including the old political system that they represented and the places where jirgas were held. Representatives of the state were also targeted, and symbols of the state, such as schools and hospitals, destroyed (Avis 2016). Access to land emerged again as an unresolved issue. However, access to basic services such as education, health and water were not raised during either uprising, which potentially indicates that basic service provision is not part of how state

legitimacy is negotiated in Swat. What we do not know is whether a more efficient delivery of basic services to lower classes would have consolidated more support for the state, even in the face of a dysfunctional and exclusionary legal and political system.

### 2.3 Political settlement in Swat, 2008–2018

In many ways, the 2008 uprising by the Taliban did shift parts of the political settlement. Many Khans lost land, their houses and their servants. Some have struggled to reassert their position. Wealthier Khans fled the conflict and have since settled in major cities such as Peshawar and Islamabad (Elahi 2015).<sup>18</sup> Meanwhile, returnee migrants and the middle class continue to buy land and increase their access to alternative sources of rent besides land.

However, the uprising did not empower the lower classes but rather partially replaced the traditional elites with a renewed state presence. In the initial years following the conflict, the military worked to regain control of the use of violence in Swat while explicitly displaying the state's power by reopening schools and health clinics. This was perhaps the first time the state had actively worked to legitimate its power by increasing access to basic services.

Once again, the judiciary was captured, this time by the military. From 2009 to 2013, the military implemented martial law in Swat. Whether the state succeeded in legitimating its use of repression and violence against the population is an extremely sensitive topic and difficult to research directly. The military played a role in food and goods distributions and managing refugees during the floods in 2010, but was unprepared to respond to the scale of the disaster (Orakzai, 2011). Support for the Pashtun Tahafuz Movement in Swat – a human rights movement that demands more accountability for military and police activities in Khyber Pakhtunkhwa province – indicates that the military did not succeed in fully legitimating its presence.

In 2013, the military officially handed authority of Swat back to the civilian government; however, it has remained in Swat, and indeed continues to occupy some institutions, such as hospitals. The military has developed connections with the construction and

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<sup>16</sup> The survey included in-depth interviews with district officials and key informants, focus group discussions and a questionnaire survey of 384 random households.

<sup>17</sup> Interview with Mian Gul Adnan Aurangzeb, grandson of Mian Gul Jehanzeb, in Saidu Sharif, 6 July 2018

<sup>18</sup> Also mentioned during interview with Adnan Sher, Consultant and researcher from Swat, in Islamabad, 8 December 2018.

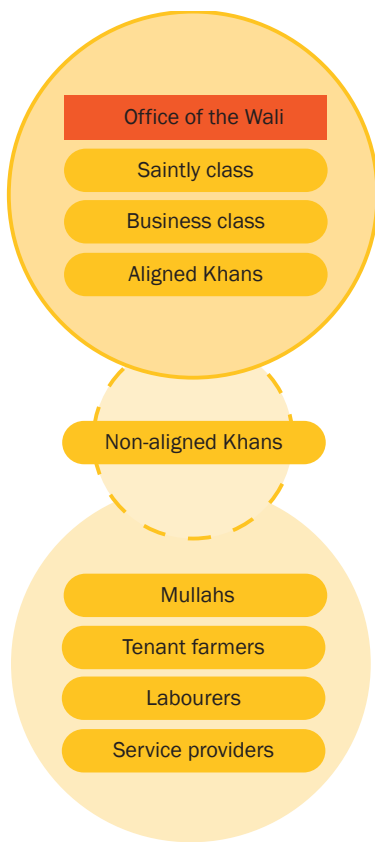
tourism industry, thus further asserting its position within the Swat political settlement. Since the official handover, the bureaucracy and local government have worked to reassert their presence by redeploying teachers and health care staff. The SLRC panel survey revealed that people were more satisfied with basic services including education and health in 2015 compared with 2012.

Meanwhile, there are some indications that the bureaucracy has gained increased control over the provision of justice. Jirgas have effectively been replaced by Dispute Resolution Councils (DRCs), which use alternative dispute resolution approaches to resolve civil cases referred by the police. DRCs were integrated into the formal legal system in Khyber Pakhtunkhwa in 2014. Unlike in the jirgas, members of the DRCs are selected by district police officers and include mostly retired senior civil servants with relevant experience. While many civil servants may be Khans, the DRCs represent a way for the bureaucracy to have more influence over informal justice systems in Swat.

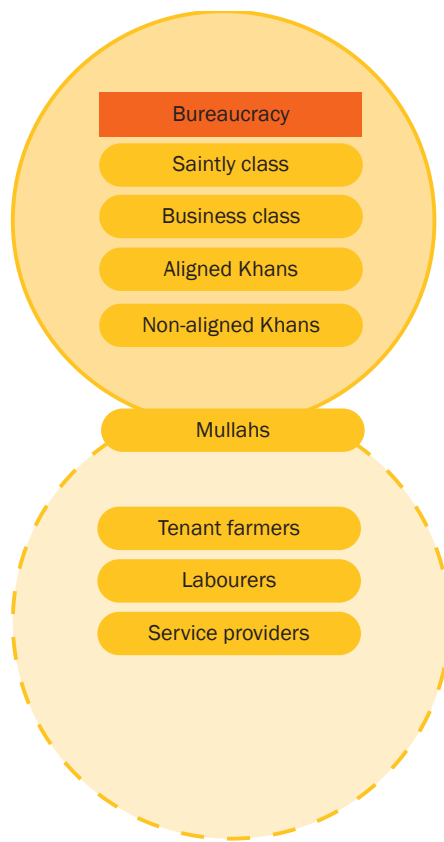
Although the traditional landowning, saintly and merchant classes suffered losses during the Taliban uprising, they remain central to the reproduction of the political settlement and so are located inside the political settlement. Non-landowners now rely less on landowners and have more access to alternative sources of revenue (through migration). They have also gained political power through political parties representing their interests. A sign of their increasing power is that the state initially worked to appease these groups when they demanded an alternative justice system not captured by elites in the 1990s and early 2000s.

The violent repression that certain groups experienced from the state between 2007 and 2008 once again excluded them from the political settlement. In this study, we therefore classify all interviewees who were not Khans, Sayeeds, Mians or Parachas as 'outsiders'. The next section explores the role services play in how insiders and outsiders experience and speak about the state more broadly.

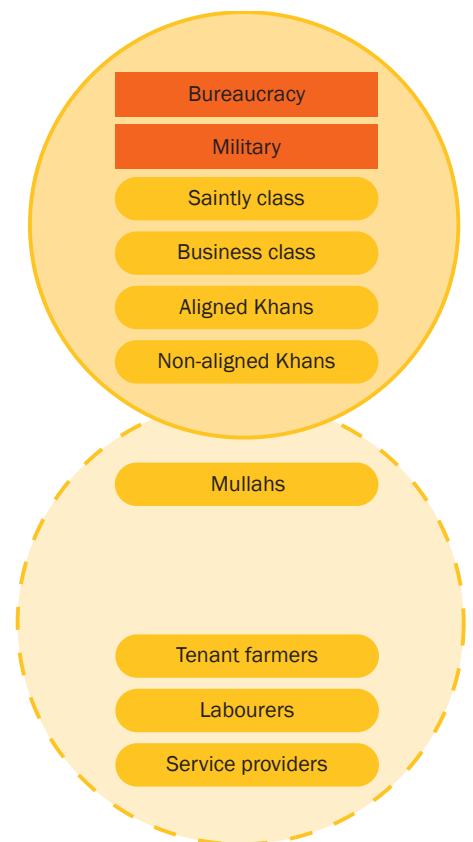
**Figure 1: The evolution of the political settlement in Swat, Pakistan, during the reign of Wali 1926 - 1969**



**Figure 2: Following the merge with the Pakistani state 1970-2007**



**Figure 3: Following the Taliban uprising 2013 - 2018**



**Key:** ● Inside the political settlement  Outside the political settlement  Marginal groups  State institutions

In the series of figures (Fig 1, 2 and 3), we attempt to depict the changing position of different groups in Swat according to whether they are inside the political settlement, that is, co-opted by the governing authority or outside the political settlement, meaning repressed by the governing authority.

During the reign of the Wali, there were three main positions that groups occupy in relation to the political settlement: inside the inner circle (mainly co-opted), inside the outer circle (mainly repressed), outside the outer circle (no political power and therefore not a threat to the political settlement). Of course the reality is always much messier than such a graphic depicts with members of different groups experiencing co-optation or repression at different times. Mullahs were mostly outside the political settlement but some who were willing to support the Wali gained political influence during the reign of the Wali. There are also likely to be members of insider groups who experienced state repression or members of outsider groups who were co-opted. For example,

women who were members of Khan families benefitted from the position of their husbands and brothers in the political settlement while at the same time experiencing repression. None of this finer detail is depicted here: the purpose is to indicate broad trends within the political settlement in Swat over time.

Following the merger with Pakistan, marginal groups gained a degree of political power through universal franchise. Mullahs who had not supported the Wali increased their power thanks to funding from Saudi Arabia, Arab religious organisations and returnee migrants from the Gulf states. To suppress this growing power, the state alternated between co-optation and repression.

Following military intervention, groups that had been gaining power were strongly repressed, pushing them to the outer edges of the political settlement. The military and the bureaucracy gained more control over how power was exerted.

### 3 Imagining and experiencing the state in Swat



Using the insights from the political settlement analysis, we aimed to capture how representatives from different groups across the political settlement experience and imagine the state in Swat.<sup>19</sup> In structured interviews we asked individuals to recount an experience they had with the state, and to identify three words that best described the Pakistani state as well as what functions it should perform.<sup>20</sup>

Based on our political settlement analysis, we categorised all Khans, members of the saintly class (e.g. Sayeeds and Mians) and business class (e.g. Parachas) as insiders and everyone else as an outsider. The reality of course is much more complicated than what our model predicts. Although there was evidence that most Khans, Sayeeds, Mians and Parachas were more likely to be co-opted than repressed, there were several Khans who described coercive action by the state, such as traffic fines for offences they claimed not to have committed. It was clear from the interviews that not just group membership, but also wealth influences how the state treats you: In some instances, poorer Khans and Mians were refused hospital treatment because they could not pay. For the purposes of this study, however, we retained the category of insider for all Khans, Sayeeds, Mians and Parachas as it is possible that the state used a mixture of co-option and coercion with some subgroups within the broader insider category. As Kelsall (2018) notes, social groups are fluid as new political and social identities emerge or dissolve, disruptive potential waxes and wanes, or new coalitions among groups get formed. For our purposes, we were interested in the similarities and differences in imagining and experiencing the state among groups who hold different positions in the political settlement.

#### 3.1 How people imagine the state in Swat

Interviewees imagined the state in Swat in many ways, as reflected in the range of answers they gave to the question: 'What three words best describe the Pakistani state?' The most common word used was 'selfish', indicating a sense that the state had betrayed people. People often depicted the state as unaware of poor people and concerned only with enriching high-level civil servants and wealthy people. Several interviewees used stepfamily analogies--such as 'stepmother', 'stepfather' or 'stepbrother'--to capture the cruel nature of the state. Others used family analogies such as 'mother' to denote the positive aspects of the state, or the sense of duty that they felt was due to the state.

<sup>19</sup> For more details on our sampling methods, see Annex 1.

<sup>20</sup> See Annex 3 for a copy of the interview guide.



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***My state is like mother to me; even if mother does anything bad to us we don't mind and hate her for that. Same should be our attitude towards our state. We should respect it no matter what (Factory worker, insider group).***

This quote from a poorer Khan is especially interesting. Even though she indicates that the state sometimes works against them, she believes that citizens should continue to respect the state. She prefers accepting the current state—with flaws—to contesting it.

### **3.1.1 The state as a provider of services, infrastructure and welfare**

There were more patterns in responses to the question: 'What functions should the state perform?' than to the question 'What three words best describe the Pakistani state?' The majority of insiders and outsiders imagined the functions of the state in two main ways: one, as a provider of services (education, health, water) and two, as a provider of infrastructure (roads, electricity, gas).

Members of outsider groups were more likely to imagine a stronger role for the state; in addition to basic services, outsiders often thought that the state should provide for the welfare of its people:

***It is the responsibility of our state to provide us with the basic human needs, like electricity, clean drinking water and education. Why do we have to ask for it? If we would have to ask for our basic needs, what's the purpose of State? (Housewife, outsider group)***

***I don't have gas, electricity, water. My house is in a very pathetic condition, I want State to fulfil all of my needs. (Housewife, outsider group)***

Some members of insider groups also thought the state should look after the welfare of poorer people, not because it was its duty but because this would make Swat a safer place.

### **3.1.2 The state as a provider of jobs**

Members of outsider groups were more likely to imagine the state as a provider of jobs:

***Job opportunities should be provided which may enable people to fight for their rights. (Male tenant, outsider group)***

***The current job in which I am employed is not secure....the state should ensure secure jobs for us. (Waiter, outsider group)***

***Poor people never get good job opportunities. There are no respectable jobs for poor people. We want the state to establish a factory here in Swat so many people could work here and earn for their families. (Housewife, outsider group)***

Outsiders were also frustrated that, even with an education, young people in Swat were not able to get a job. They saw the state's role as creating jobs for youth so they would not be idle.

Insiders imagined the state more as a facilitator of trade and business than as a creator of jobs. They imagined the state's role as providing subsidies for industry and ensuring a stable and secure environment in which a business could operate. There were some conflicting views on what would happen if the present government under Imran Khan were to abolish Swat's tax-exempt status. On the one hand, factory owners feared rising costs and declining competitiveness if they were required to pay corporation tax. On the other hand, some interviewees from outsider groups thought that more taxes for rich people should be introduced.

### **3.1.3 The state as a regulator**

Across the different groups, interviewees also imagined the Pakistani state as a regulator – an entity that ensured services were not just delivered, but delivered correctly and that takes responsibility for urban and rural living. This included regulating pollution, ensuring waterways and streets were clean and controlling prices of basic goods.

Many interviewees conjured up images of Swat in a time gone by when there was no shortage of water as people could drink water from the rivers. Interviewees commented on how the rivers in Swat still gushed and yet people had no clean water to drink. A common narrative in the interviews associated the state with water pollution and failure to maintain a standard of living that Swatis had enjoyed in the past. Indeed, an acute sense of injustice that the state had not been able to provide Swatis with clean water was palpable. One woman bitterly compared the situation with the highly symbolic war when Hussein, the Prophet's grandson, fought Yazid, the Caliph in 680 AD in Karbala, present-day Iraq:

***The situation in Swat is worse than what happened in Karbala. People in Karbala were not given water for three days, but poor people of Swat have not been given water and other facilities for year and years. (Housewife, insider group)***

### **3.1.4 The state as an upholder and protector of moral values**

Many interviewees imagined the state as a regulator of social relations and as cultivating the right values in Pakistani youth. People envisaged the state as having a range of responsibilities, from building the character of youth to deleting all pornographic content from the internet. A common theme was that the state had a role to play in promoting Islamic values among the population:

***Since Pakistan is an Islamic State, so youth should be brought up on the Islamic fundamentals. We think that Islam is conservative but it actually isn't. We need to show the true picture of Islam. (Female lawyer, insider group)***

***States can only be successful if they have a code of conduct and some rules and regulation. These rules and code of conduct are being given by Allah, through different prophets. We should make Islamic leaders our ideals and should follow them. (Female social worker, insider group)***

Several women imagined the state as being responsible for providing 'women-only' places to work and socialise. But these views were not shared across the board, and it was clear there were differences about the extent to which the state should uphold Islamic values.

### **3.1.5 The state as a maintainer of peace**

Finally, the state was perceived as responsible for maintaining peace. Some people commented that if the state could not keep peace and ensure security for its citizens, it was useless.

In summary, across outsider and insider groups, there were common beliefs about what functions the state should perform – mainly the provision of basic services and infrastructure to allow people to live modern lives with electricity and ease of travel. Insiders tended to imagine the state more as a regulator of the physical and economic environment, controlling pollution and ensuring financial stability.

In contrast, outsider groups, which are more distant from the state, emphasised an image of the state as an all-powerful entity that could provide them with complete welfare. The state in their descriptions was more of an entity that could provide a good environment to live in but instead had squandered its resources on itself, by enriching certain people connected to it.

This difference in perspective is perhaps understandable. Considering the blurred line between state and society, and that members of insider groups are more likely to be closer to the state, it is conceivable that insiders will be more likely to see the importance of the state as a regulator of relations between the state, semi-state entities and society.

## **3.2 How people experience the state in Swat**

While there were significant overlaps in the way that insider and outsider groups imagined the state, there was more divergence in the way these groups experienced the state.

Older male members of insider groups were more likely to say that their experience of the state now compared negatively with their experience of the state under the Wali Swat:

***Swat was second most peaceful district on the Sub-Continent with a lot of success stories, even though there was authoritarian rule. If there was any instability, the Government did not play a role. I am not against the Government of Pakistan and its actions in Swat, but for what means and with what number of sacrifices? (Member of a Khan family, insider group)***

This member of a Khan family is referring to the space the Wali afforded powerful Khans to resolve conflicts themselves. In other stories of the state during the time of the Wali, members of Khan families appreciated the involvement of the Wali or his high-level administrators in mediating conflict and judging disputes. The Wali judged cases in favour of Khan families that supported his reign (Sultan-i-Rome, 2008) so, understandably, aligned families remember his adjudication of cases favourably. In stories recounted, the features of the justice system under the Wali included efficiency – the disputes were resolved in one hearing – and appropriateness of the ruling – cases were resolved in a way that aligned with local values, and not according to complex legislation and lengthy procedures. Of course, as was argued in Section 3, following the merger the

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actions of various Khans worked to impede the state justice system.

### 3.2.1 Negotiating the bureaucracy

A recurrent theme in stories about the state told by younger male members of both insider and outsider groups was the negotiation of state bureaucracy. Difficulties involved in registering property and businesses and obtaining compensation for damage to property during the conflict were recounted. For insiders, these stories often ended in the resolution of the problem, more often than not with a bribe:

***He [member of staff at the property registrar office] said: "I am favouring you only, pay whatever you want to pay but do pay." I paid him PKR 20,000 and got the matter resolved. (Goods trader, insider group)***

A silk factory owner tried to pursue a property dispute through legal channels but faced pressure from his family to resolve the issue faster. He also found that his business was suffering because of the amount of time he was spending pursuing the matter through legal channels. In the end, he decided to pay a bribe to get the dispute resolved. Another businessman tried to get compensation for damage done during the conflict by making a formal application. After receiving nothing, he eventually bribed a member of staff at the administration office PKR 30,000 and was compensated PKR 775,000. However, bribes were not always the solution to impasses. There were parts of the bureaucracy that were unresponsive even to pressure from members of insider groups. One man described filing complaints about leaking pipes to the Water and Sanitation Services offices and getting no response.

Men in outsider groups also talked of negotiating the state bureaucracy, but their stories were less about the ability to resolve the problem and more about feelings of coercion. Often, the outcome was similar to what had happened in the stories from insider groups – a bribe was paid – but the men were more likely to feel targeted and unfairly treated:

***The police were not letting me go through even, after too much insistence. I was asked to pay extra money in the form of bribe to which I agreed. After paying the money, I started my journey back to the destination. (Pillow and blanket maker, outsider group)***

There was a sense that if you did not have members of insider groups (such as elders) to negotiate on your behalf with the state, state officials could use brute force to coerce you to pay a bribe. In one story, an unemployed man told of how, when his nephews and son were in Karachi working in a textile mill, they were arrested. As they did not have access to elders in Karachi, he was forced to pay a bribe to the police to get them released. In another situation in Swat, two young men were threatened by the local police chief as they were out beyond the curfew. The men were able to avoid paying a bribe by threatening to get the local elders involved.

Thus, while members of both insider and outsider groups had been subject to bribery to access state services, the nature of the experience was different. Members of insider groups interpreted the bribes they paid as more of a negotiation and a way to resolve the situation where both sides benefit, whereas members of outsider groups experienced the requirement to pay bribes as more onerous, presumably as they could not afford the bribe.

### 3.2.2 The poor state of the healthcare system

Stories about the poor functioning of public healthcare system featured across all groups. For example, both insiders and outsiders complained that, even if you had money to pay for treatment, facilities were not available in Swat. However, there were differences in the focus of these stories. Insiders tended to highlight the poor condition of public healthcare services and how they chose to access private services. A businessman, who expressed shock at the waste and lack of regulation at the public hospital, decided to move his father to a private hospital.

In some situations, insiders needed to access public hospitals as private facilities were not always available in rural areas. In these situations, insiders were able to negotiate better treatment:

***In government hospitals, we are given immediate services and medicine is always arranged for us. Two days before I went to a government hospital in Mingora, where I was very satisfied with their treatment (Member of a Khan family, Housewife, insider group)***

***Once I went to a public hospital for the treatment of my eyes. Something went inside my eyes and I was hurting a lot. I kept on asking the doctor to check my eyes, as eyes are always very sensitive part of***

*body. The doctor didn't know that I am daughter of MPA [Member of Provincial Assembly]. They asked rudely to sit down quietly and wait my turn, which was fine, I should have waited for my turn but it was hurting severely that I just could not wait. But when I told them that I am daughter of MPA, all the doctors gathered around me and started treating me like a VIP. (Student, insider group)*

In contrast, the dominant theme of stories from outsiders, particularly female outsiders, about the public health care system, was not the condition of healthcare services but the bad treatment they had received from staff.

*When I go to hospital they never listen to us. Doctors treat us nicely only if we have money. Other staff judge our financial status by our appearance and treat us badly. If we wore expensive cloths and high heels, they would treat us as VIPs but otherwise we feel as if we are not human. (Female beautician, outsider group)*

*Hospitals are the worst place to visit. They never treat you as humans. They treat you on the basis of money in your pocket. I never have enough money to give them that's why I get scared of going to hospitals and prefer sitting at home. (Female sharecropper, outsider group)*

Male outsiders were less likely to recount stories of bad treatment in hospitals, highlighting instead the fact that they had to pay for medicines and syringes themselves.

### 3.2.3 Treatment by service providers

Insiders not only accessed preferential treatment in hospitals and health clinics but also were able to negotiate better treatment across a range of public institutions.

*We are rich community of Swat, so when we go to any state institution for anything we are treated nicely. (Member of a Khan family, housewife, insider group)*

*Around one month ago I went to NADRA [National Database & Registration Authority] for my ID card. Since one of my cousins works for NADRA so I didn't have to stand in queue and wait for my turn, rather they directly served me before others standing in queue. Whereas, other people who were waiting in*

*for so long for their turn were treated very rudely. I felt bad about them. (Member of a Khan family, student, insider group)*

Many insiders were aware of the preferential treatment they received because of their position. Some identified the current system as discriminatory and expressed a preference for state services that treated everyone more equally.

The view from the other side looks very different. A male tenant farmer described applying for one of twelve positions with the Technical Education and Vocational Training Authority. He was rejected on the basis that he did not fulfil the criteria. As he did fulfil the criteria, he filed a complaint. This was two years ago. The storyteller concluded:

*There was money and other personal benefits involved [in the decision], which I was not able to afford. (Male tenant farmer, outside group)*

### 3.2.4 Competing structures of power

When asked for stories of the state, men from outsider groups often talked about structures of power, rather than interaction with the state bureaucracy. One man described how 'spies' operating at a local cattle mart charged an arbitrary tax to anyone who purchased an animal. The spies are the local mafia who have captured the cattle mart and operate to create a shadow state.

### 3.2.5 Limitations of state power

Returnee migrants often told stories that indicated that they understood the Pakistani state as a power structure that was responsible for protecting their rights in other countries. Many of their stories were about the high visa prices charged by travel agents (that are supposed to be licensed by the state) and the poor work conditions endured abroad. These migrants expected the Pakistani state to enforce a minimum wage in the countries where a large population of Pakistani citizens works.

### 3.2.6 Experiencing the state as a woman

Of course, power is exerted in different ways across groups. Yet in both insider and outsider groups, women had less disruptive potential and less power to influence the political settlement. A woman's position in the



political settlement did not protect her from gender-based discrimination. For instance, one insider woman told a story about how an advertisement for a job in a government department encouraged women to apply. The woman got the job but found that it was not possible to perform her duties as a monitoring and evaluation officer with only 15 days of maternity leave.

### 3.2.7 Experiencing the state as an actor in the conflict

During the conflict, both the state and the militants used violence against the population. Although there were plenty of exceptions, the militants in general targeted Khans, attacking their houses and forcing them to flee. In retaliation, members of Khan families reported members of other groups to the military as sympathisers. As a result, many outsiders experienced direct bombing of their houses by the Pakistani military and arrests of family members. When the army launched a full attack on the Taliban in 2009, both insiders and outsiders were forced to flee their homes. Many, including Khans, have not received compensation for the damage to their homes and property.

Many outsiders remain extremely distrustful of the Pakistani state. Many outsiders felt so unsure about their right to comment on the state that they refused to describe an experience they had had with the state. Among the female tenants interviewed were some who did not trust anyone in authority, as their experiences had been negative.

As one person put it:

***We get scared of getting closer to state institutions, so we don't interact with them. If we are treated badly, we don't feel bad about it because we know that's how they are, and that's how people with authority should be. (Female tenant, outsider group)***


In summary, outsiders described extreme difficulty in negotiating the state, either to access basic services or secure documentation to protect their rights. Even where the state succeeded in providing a service, parts of this were often inaccessible for poor people. In hospitals, patients had to pay for all medicines and syringes. To get registration papers, bribes were needed. In the worst scenarios, poor people were not seen by doctors or were treated with disrespect as doctors assumed they were uneducated or would not be able to pay for their treatment. Outsiders often described the state as 'only for the rich'.

Insiders' experience of the state also did not match their imagination of it, but they were mostly able to mitigate the negative effect of poor-quality services. Through accessing preferential treatment at state institutions, bypassing the public system by accessing private services or using illicit means, insiders did not suffer the full effects of the disjuncture between how they imagined and how they experienced the state. To be sure, they could not always circumvent the dysfunctional state: they also experienced crumbling roads, polluted rivers and lack of health facilities.



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## 4 The outlook on negotiating state legitimacy in Swat



The significant disjuncture between how people imagined and experienced the state in Swat is a cause for concern. According to Beetham (2013), legitimacy depends on the extent to which power is exerted according to formal or informal rules. For the rules to have any validity, they must align with shared beliefs about how state power should be exerted. Through believing the state should exert its power in one way, while experiencing its power in another—contradictory—way, Swatis are likely to perceive state power as delegitimised.

However, a number of factors temper the delegitimising effect of the disjuncture between how people imagine and experience the state. The traditional landowning, saithly and business classes experience disjuncture between what they imagine the state should do and how the state actually exerts its power. Yet the state continues to work to appease these groups through political goodies such as zero corporate tax and opportunities to maintain control over land through bribery. Members of outsider groups experience the disjuncture, but not the accompanying appeasement. The stories of the state eliciting bribes for services or arresting people without procedure reveal a state that exerts its power through coercion. With lower incomes, there are also limited ways for outsiders to avoid the negative effects of poor services. However, the military occupation and increased state surveillance have subdued outsiders' ability to collectively organise and contest what they may perceive as a delegitimised state.

The political settlement analysis in section 3 highlights how different aspects of the exertion of state power became hotly contested. These aspects included access to land and a functioning justice system. Access to basic services did not feature as a salient issue in the negotiation of the political settlement. Indeed, following the merge of Swat state with the rest of Pakistan, despite access to free health care and increasing access to education, non-elites took up arms and contested Khans' power. The right to own land had become the salient issue for which people were willing to contest the status quo, not access to healthcare and education. This means that without addressing the problems within the justice and land tenure systems, it will be difficult for the state to legitimate its power to non-elites in Swat.

There have been attempts by the international community to support the Pakistani government in reforming the justice system. The United Nations Development Program (UNDP), for example, has invested heavily in training of court officials, increasing access to legal aid for non-

elites and supporting alternative dispute resolution mechanisms. However, the approach has been largely driven by a centralised vision of what a functioning legal system looks like, rather than starting with the problems and directly tackling some of the incentives that drive perverse behaviour within the justice system (see McCullough, 2017, for more details).

However, while access to land and a functioning justice system have been salient issues in the negotiation of the political settlement, it is possible that new points of contestation are emerging. The most recent outward contestation of the state was articulated by the Pashtun Tahafuz Movement, which marched through Swat in early 2018. Although it is difficult to obtain reliable details on this, it appears that several thousand Swatis joined this march. In their stories of the state, several interviewees told of arrests by the military without trial. According to the Commission of Inquiry on Enforced Disappearances, there are currently 1,577 cases still pending. In interviews with key informants, the estimate was much higher at 6,000. Undoubtedly, some of these arrests were of people with connections to the Pakistani and Afghan Taliban but the lack of transparency around the process leaves families not knowing whether their sons are alive or dead.

The way that people are treated when accessing services contributes to a broader experience of the state. The stories told by people across different groups in Swat in 2018 indicate that the bureaucracy continues to serve the interests mainly of influential Khans. These experiences are likely to feed a narrative that the Pakistani state is only for wealthy people and that the way to build a state that treats all people equally and without bias is to introduce sharia, a narrative that militant groups such as TNSM and the Pakistani Taliban

promote. Thus, while basic services such as access to healthcare, education and water are currently not the main sites over which the legitimacy of the state is contested, the experiences that people have of the state through accessing basic services confirms the narrative that militant groups promote, thus fuelling narratives that ultimately delegitimize the state.

Of course, in any society, there will never be complete agreement about the justification of political power, but it is possible that the divergences in the way people in Swat imagine and experience the state are large enough to produce very different perceptions of state legitimacy. In its post-conflict response, the Pakistani government, supported by the international community, has not invested much in negotiating a shared vision of the state. In fact, despite the conflict being about the form the state should take, the post-conflict response has been dominated largely by a focus on state reconstruction and improving the outreach of services. This approach reflects the assumption that people in Swat perceive the state not as representing an ideology but as a set of institutions that deliver certain services.

The impact of this effort is evident from the survey findings: people reported greater access to services such as education and health. However, state legitimacy is not a phenomenon that emerges on the basis of a transaction – that is, if citizens gain access to a service, they will consider the state legitimate. The evidence collected during this research indicates that, while people may have increased access to services, those services are being reconstructed to once again benefit those from the traditional landowning, saintly and merchant classes. In this way, the fundamental disjuncture between how outsiders imagine the state and how they experience it has not been resolved.

## 5 Conclusions and implications



Donors face competing priorities in Khyber Pakhtunkhwa. On the one hand, there is a need to preserve the stability that has been achieved in most areas over the past eight years. On the other hand, this stability is based on the repression of certain groups who contested the state in 2008/2009, and these repressive actions limit the possibility for negotiating state legitimacy with those groups.

All forms of power relations, including those between citizens and the state, involve negative features such as exclusion, restriction and compulsion. These actions need justification if the state is to enjoy moral authority as opposed to merely de facto power, or validity under a given system of law. However, the state may not need to legitimate its negative use of power to all groups in a polity. It may be possible to control those outside the political settlement through repression alone. In fact, it is likely that the state will need to do more to justify its repressive actions to those inside the political settlement, as these groups can contest power more easily. This approach worked relatively well during the Wali's reign when many groups had no political power at all. With the merging of the state and the granting of universal franchise, groups who had formerly been marginal gained some political power. There was also a shift in the flows of resources as non-land owning groups started to earn more money through migrating to Arab and East Asian countries. The flow of funding from Saudi Arabia and Arab religious organisations to Deobandi madrassas and mosques allowed Mullahs to promote their vision of a new moral order, facilitated by an Islamic state. By the 1990s, representatives of the state were working to justify state power to groups traditionally outside the political settlement by negotiating alternative laws for Swat. However, with the threat of losing control of violence to the Taliban in strategic areas and pressure from the United States, in 2008, the state reverted to controlling outsider groups through force. The state could not maintain a permanent military presence in Swat and by 2013 handed governance back to a civilian provincial government. While the state has gained a monopoly over the use of force in Swat, the task of legitimating the state to groups outside the political settlement remains unfinished. To limit the appeal of narratives produced by TNSM and the Pakistani Taliban, the Khyber Pakhtunkhwa Government and the wider state of Pakistan now needs to negotiate its legitimacy with outsider groups.

The research findings highlight the non-transactional quality to state legitimacy. Legitimacy is not based on the state performing certain functions and then people

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acquiescing to the state in return. Legitimacy is better captured as a form of negotiation over what can be described as ‘hot’ functions. If a state function is not a site over which legitimacy is negotiated, improvements in access or quality are unlikely to make a difference to the overall legitimacy of the state. If, on the other hand, ‘hot’ functions are addressed in a sensitive way, then the legitimacy of the state can be supported. Political settlement analysis can contribute to the identification of ‘hot’ functions. To legitimate its power in Swat, the state needs to address at least some of the hotly contested issues raised by repressed groups, including access to land and a functioning justice system. Reform of the land tenure and justice system will be resisted by Khans and other elites, so initiatives need to target areas where there is some traction and space for change. In this way, small incremental changes can be achieved that are less likely to be destabilising.

The emerging issue of the unaccountability of the military will be a very sensitive area for donors to try and influence. Yet a focus on addressing the factors that incentivise corrupt and disrespectful behaviour among civil servants would contribute to changing the way that citizens experience other parts of the bureaucracy. Improving the treatment of citizens by civil servants will avoid fuelling Pakistani Taliban and TNSM narratives about the state as oppressive, corrupt and only serving the interests of the wealthy. Reforming the way that service providers treat citizens will require a politically smart approach to changing behavioural incentives.

## 5.1 Recommendations

- Recommendation 1: Focus efforts on addressing the problems in state functions that are salient in the negotiation of legitimacy in Swat: land registration and the justice system.

In each context, different state functions will hold different meanings with some state functions being more salient in the negotiation of state legitimacy. In Swat, land registration and an inefficient justice system are two state functions that people outside the political settlement are willing to take up arms to contest. Without addressing the issues preventing the state from performing these functions, state legitimacy will be

difficult to achieve among groups outside the political settlement.

- Recommendation 2: Include indicators of how people are treated when measuring the success of service delivery programmes

Achieving change in how civil servants treat people from less prominent classes involves addressing the incentives driving civil servant behaviour. Too often, governments and international development agencies rely on easy-to-measure tangible indicators of improvement in terms of the reach of services, for example numbers of new doctors recruited, numbers of patients treated, numbers of cases resolved through the courts, etc. However, if we measure only tangible indicators, we end up with very limited understanding of how people experience services. Of course, devising indicators of respectful treatment will be difficult. However, in a post-conflict society such as Swat, monitoring how people are treated through service delivery is a worthwhile investment. The Bureaucracy Lab<sup>21</sup> funded by the World Bank represents an opportunity for developing new indicators and collecting representative data.

- Recommendation 3: Treat reform of the bureaucracy as a political process and invest in politically-informed programmes that aim to adjust incentive structures rather than provide training and capacity building

It is likely that there are organisational factors driving civil servants’ behaviour. Studies of the Pakistani bureaucracy highlight the burden on civil servants, high levels of inefficiency in organisational structures and lack of incentives to improve performance. At the same time, a large proportion of the post-conflict reconstruction in Khyber Pakhtunkhwa has focused on capacity-building and training of civil servants, with little emphasis on reforming the perverse incentives driving much of civil servant behaviour. To address the disrespectful behaviour of civil servants towards less prominent classes, incentives need to be understood and initiatives taken to create new incentives. Bureaucratic reform is a highly political process, so programmes aiming to address this issue will need to be politically informed and have a long time horizon.

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21 <http://www.worldbank.org/en/research/dime/brief/Bureaucracy-Lab>

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## Annex 1: Research methods

To carry out the political settlement analysis, Dr Shehryar Khan and Aoife McCullough first consulted historical literature on the founding of the state in Swat. Based on our review of the literature, we identified key informants who would be able to provide us with insights as to how the political settlement currently holds. These key informants included representatives from the military, representatives from the judiciary and other parts of the bureaucracy, members of the former ruling family and the business class. We also sought out analysts of local politics including historians and political scientists from local universities (See Annex 2). To guide the interviews, we developed a semi-structured interview guide (see Annex 3) tailored to the different types of interviewees. Two members of the SDPI team, Shehryar Khan and Shujaat Ahmed carried out a series of initial interviews in May 2018. The interviews were carried out in Pashto, Urdu and English. Following a review of the interview transcripts, additional more in-depth interviews were carried out in August 2018. The data was then analysed by Shehryar Khan and Aoife McCullough. Additional key readings were consulted and the political settlement analysis developed.

Based on the political settlement analysis, the team then developed the sampling method and interview guide for the 2nd part of the research. The team sought to sample

from groups positioned across the political settlement including Khans, Parachas, mullahs, tenant farmers, day labourers and service providers. We also sought out representatives of new political groups such as the new Islamist political parties to balance out tendencies of researchers working for Western agencies to interview people who broadly support liberal democratic values. We used structured interview guides with open-ended questions designed not to pre-assume interviewees' understanding of the state (see Annex 4). Rubab Sayeed and Shujaat Sayeed carried out a total of 79 interviews between August and October 2018. Rubab carried out interviews with female interviewees while Shujaat with male interviewees. They used their contacts in Swat to access interviewees. This meant that the initial sample was skewed towards the educated and elites. On the 2nd round of interviews, the team sought to mitigate the bias and access less educated interviewees. The final sample included 43 females and 36 males, 42 insiders and 37 outsiders.

Asking people questions about the state is highly sensitive in Swat. For this reason, we carefully anonymized all interview notes and digital records.

The data from the interviews on perspectives of the state from within the interviewed social groups was coded using MaxQDA. Coding was split between imaginations of the state and experiences of the state. Demographic data was saved in an excel sheet and used for reference.

**Annex 2: List of key informants for the political settlement analysis**

Date	Name	Designation	Venue	Organization
17th May 2018	Akhtar Waheed Khan	President	Swat	Swat Bar Association
	Mr. Naveed Khan	Former Police Officer and Convener/Chairman	Swat	Khyber Pakhtunkhwa Police and Dispute Resolution Council
18th May 2018	Dr. Ghulam Subhani	District Health Officer	Swat	District Health Office, Swat
	Syed Obaid Ullah Shah	Additional Session Judge	Swat	Session Court Swat
19th May 2018	Sher Muhammad Khan	Former Judge and Lawyer	Swat	Peshawar High Court
20th May 2018	Awais Dastagir	Brigadier	Swat	Pakistan Army
	Gohar	Lecturer	Malakand	University of Malakand
2nd st July 2018	Haji Rasul Khan	Convener/Chairman	Swat	Dispute Resolution Council Swat
	Awais Dastagir	Brigadier	Swat	Pakistan Army
3rd July 2018	Sher Muhammad Khan	Former Judge and Lawyer	Swat	Peshawar High Court
4th July 2018	Dr. Sultan-e-Rome	Professor	Swat	Jahanzeb College Swat
5th July 2018	Representatives of Swat Chamber of Commerce (Focus Group Discussion)	President/Senior Vice President	Swat	Swat Chamber of Commerce and Industry
6th July 2018	Mian Gul Adnan Aurngzeb	Grand-Son of Wali-e-Swat	Islamabad	
30th October, 2019	Adnan Sher	Consultant/researcher in Swat	Islamabad	

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### Annex 3: Suggested interview questions for key informant interviews

#### Introduction to the research

In Pakistan, a survey was carried out in 2012 and 2015 in Swat and Lower Dir. We got useful findings from the survey but there are a few findings that we don't understand. For example, although people in Swat and Lower Dir had more access to services and were more satisfied with them in 2015 compared with 2012, they did not have improved perceptions of government in context of (trust in state institutions, capacity and governance). As you know that "the state" playing a decisive or central role in the provision of services/development/ transformation. How the state is visualised and embraced by diverse stakeholders is important to know how the state secures (or attempts to) secure legitimacy from citizens.

Some of the key research questions include:

How to effectively support people to build more resilient livelihoods as they recover from difficult circumstances?

How to build state capacities to deliver services and social protection and support livelihoods?

Does support to services = state legitimacy defined as citizens acceptance of state authority?

For this reason, we are carrying out some key informant interviews to gain better insights into the relationship between access to services and perception of government. We really appreciate you taking the time to speak with us and provide us with your invaluable insights.

#### A. Military Command at Malakand

- 1 What should be the role of the state in livelihood opportunities or the provision of social services in Swat?
- 2 What are the main economic activities in Swat? Which economic activities are currently the most profitable? Which groups have access to these activities?
- 3 Which groups/tribes are most likely to migrate? What do they invest their money in?
- 4 What do you believe is important in order to gain citizen's approval of the state in Swat?
- 5 In what ways do different groups work to delegitimise the state in Swat?
- 6 What is the military's role in building state legitimacy in Swat?

- 7 Are there differences between different classes in relation to what they consider 'a legitimate state'? E.g. differences between Yusufzai, Miangan, Pirs, Syeds, Zamidars, Dehqan and Gujjars?
- 8 (Note: you could probe in terms of differences in what values different groups believe the state should uphold, what function different groups consider the state should prioritise)
- 9 Does the military have influence over the composition of the jirgas?

#### B. For Court Officials

- 1 What do you believe is important in order to gain citizen's approval of the state in Swat?
- 2 How do the courts contribute to building state legitimacy in Swat?
- 3 What are the informal ways that people use to access the courts in Swat?
- 4 Are there any groups who find it difficult to access the courts? What do they do to overcome these difficulties?
- 5 Are there differences between different classes in relation to what they consider 'a legitimate state'? E.g. differences between Yusufzai, Miangan, Pirs, Syeds, Zamidars, Dehqan and Gujjars?
- 6 (Note: you could probe in terms of differences in what values different groups believe the state should uphold, what function different groups consider the state should prioritise)
- 7 Which classes/tribes are most likely to work in the state courts in Swat?
- 8 Which classes/tribes are most likely to work in the Qazi courts in Swat?
- 9 Which classes/tribes are most likely to work in the DRCs in Swat?
- 10 Which classes/tribes are most likely to be members of the jirgas in Swat?
- 11 In what ways do different groups work to delegitimise the state in Swat?
- 12 Does the Nizam I Adl Regulation affect the functioning of the courts in Swat?
- 13 What type of cases did the Taliban prioritise during their reign in Swat?
- 14 The National Judicial Policy prioritises cases involving women, juveniles, rent disputes, stay orders, bail matters, small claims and minor offences. Do you think this list of prioritisation address people's needs? Are these types of cases prioritised in reality? (If no, you could probe why not)

Members of the DRC

- 1 Do delays in disputes resolution affects citizens perceptions regarding the state, please elaborate.
- 2 Does the Nizam I Adl Regulation affect the functioning of DRCs?
- 3 What type of cases did the Taliban prioritise during their reign in Swat?
- 4 The National Judicial Policy prioritises cases involving women, juveniles, rent disputes, stay orders, bail matters, small claims and minor offences. Do you think this list of prioritisation address people's needs? Are these types of cases prioritised in reality? (If no, you could probe why not)
- 5 What do you believe is important in order to gain citizen's approval of the state in Swat?
- 6 Which classes/tribes are most likely to work in the DRCs in Swat?

Land registry Office

- 1 Which groups/classes/tribes are the main land owners in Swat?
- 2 Are there any groups who find it difficult to access land to farm or buy? What do they do to overcome these difficulties?
- 3 Over the last 10 years, have any groups gained more land or lost land? E.g. which groups investing more in land? Which groups are selling land?
- 4 Can migrants from Swat working for example in the Gulf afford to buy land in Swat?
- 5 What do you believe is important in order to gain citizen's approval of the state in Swat?

Business representatives

- 1 What are the main economic activities in Swat? Which economic activities are currently the most profitable? Which groups have access to these activities?
- 2 (In the SLRC survey waves 1 and 2, it was found that migration is the largest income source. In wave 2, more people reported fruit picking/packing as their main source of income)
- 3 What are migrants from Swat who work, for example, in the Gulf, most likely to invest their earnings in? What do you believe is important in order to gain citizen's approval of the state in Swat?
- 4 Are there differences between different classes in relation to what they consider 'a legitimate state'? E.g. differences between Yusufzai, Miangan, Pirs, Syeds, Zamidars, Dehqan and Gujjars?

- 5 (Note: you could probe in terms of differences in what values different groups believe the state should uphold, what function different groups consider the state should prioritise)
- 6 Which groups can influence political decisions in Swat? How do they influence decision making?
- 7 What do you believe is important in order to gain citizen's approval of the state in Swat?

For political philosophy/political scientists at Malakand Uni

- 1 Are there differences between different classes in relation to what they consider 'a legitimate state'? E.g. differences between E.g. differences between Yusufzai, Miangan, Pirs, Syeds, Zamidars, Dehqan and Gujjars? (Note: you could probe in terms of differences in what values different groups believe the state should uphold, what function different groups consider the state should prioritise)
- 2 What is the military's role in building state legitimacy in Swat?
- 3 Does the military contribute to building state legitimacy in different ways with different groups in Swat?
- 4 In what ways do different groups work to delegitimise the state in Swat?
- 5 In what ways does the military work with different groups to ensure that they do not work to delegitimise the state?
- 6 What are the main economic activities in Swat? Which economic activities are currently the most profitable? Which groups have access to these activities?
- 7 Which groups can influence political decisions in Swat? How do they influence decision making?
- 8 Which classes/tribes are most likely to work in the state courts in Swat?
- 9 Which classes/tribes are most likely to work in the Qazi courts in Swat?
- 10 Which classes/tribes are most likely to work in the DRCs in Swat?
- 11 Which classes/tribes are most likely to be members of the jirgas in Swat?
- 12 Does the state use access to services to keep some groups happy?
- 13 Are any groups excluded from particular services in Swat?
- 14 Which groups have access to services directly and which groups can only access services through power brokers?
- 15 Who benefits from Zakat? How is Zakat used by wealthier families in Swat?

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For journalists/activists

- 1 Are there differences between different classes in relation to what they consider 'a legitimate state'? E.g. differences between Yusufzai, Miangan, Pirs, Syeds, Zamidars, Dehqan and Gujjars?
- 2 (Note: you could probe in terms of differences in what values different groups believe the state should uphold, what function different groups consider the state should prioritise)
- 3 What is the military's role in building state legitimacy in Swat?
- 4 Does the military contribute to building state legitimacy in different ways with different groups in Swat?
- 5 In what ways do different groups work to delegitimise the state in Swat?
- 6 In what ways does the military work with different groups to ensure that they do not work to delegitimise the state?
- 7 What are the main economic activities in Swat? Which economic activities are currently the most profitable? Which groups have access to these activities?
- 8 Have the sources of rents changes since the resumption of democratic governance (e.g. are there more rents from development projects/state infrastructure projects etc?)
- 9 Which groups/tribes are most likely to migrate? What do they invest their savings in?
- 10 Which groups can influence political decisions in Swat? How do they influence decision making?
- 11 Which classes/tribes are most likely to work in the state courts in Swat?
- 12 Which classes/tribes are most likely to work in the Qazi courts in Swat?
- 13 Which classes/tribes are most likely to work in the DRCs in Swat?
- 14 Which classes/tribes are most likely to be members of the jirgas in Swat?
- 15 Were lower classes more likely to be members of courts during the Taliban rule?
- 16 Does the state use access to services to keep some groups happy?
- 17 Are any groups excluded from particular services in Swat?
- 18 Which groups have access to services directly and which groups can only access services through power brokers?
- 19 Does any group suffer from exclusion?
- 20 Who benefits from Zakat? How is Zakat used by wealthier families in Swat?

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Representatives from the Miangul family

- 1 What do you believe is important in order to gain citizen's approval of the state in Swat?
- 2 In what way did the Miangul family achieve legitimacy during their time in power? How is this different from how the state achieves legitimacy in Swat?
- 3 What do you see as the Miangul family's role in Swat these days?
- 4 Do you think its important for the Mlangul family to continue to work in politics? Why?
- 5 Which other families/tribes are active in politics?
- 6 What is the military's role in building state legitimacy in Swat?
- 7 Does the military contribute to building state legitimacy in different ways with different groups in Swat?
- 8 In what ways do different groups work to delegitimise the state in Swat?
- 9 In what ways does the military work with different groups to ensure that they do not work to delegitimise the state?

MS/District Health Official

- 1 What do you believe is important in order to gain citizen's approval of the state in Swat?
- 2 Does the provision of health services play an important role in shaping citizens perceptions concerning the state? If it does, how and why do you think health services may accord greater acceptance of establishing state legitimacy in Swat
- 3 In the household survey that we carried out in Swat in 2012 and 2015, we found that an increase in access to health services did not lead to improved perceptions of government. Similarly, an increase in satisfaction with health services did not lead to improved perceptions of government. Do you have any idea why this was so?
- 4 When people are unsatisfied with health services, in what ways they express their concerns, please elaborate.
- 5 Does the state use access to services to keep some groups happy? Which services
- 6 Are any groups excluded from particular services in Swat?
- 7 Which groups have access to services directly and which groups can only access services through power brokers?
- 8 Does any group suffer from exclusion? If yes, please elaborate reasons.



District Education Official

- 1 What do you believe is important in order to gain citizen's approval of the state in Swat?
- 2 Does the provision of education play an important role in citizens' perceptions concerning the state? If it does, how and why do you think provision of education may accord greater acceptance of establishing state legitimacy in Swat?
- 3 In the household survey that we carried out in Swat in 2012 and 2015, we found that an increase in access to education did not lead to improved perceptions of government. Similarly, an increase in satisfaction with education did not lead to improved perceptions of government. Do you have any idea why this was so?
- 4 When people are unsatisfied with health services, in what ways they express their concerns, please elaborate.
- 5 Does the state use access to services to keep some groups happy? Which services?
- 6 Are any groups excluded from particular services in Swat?
- 7 Which groups have access to services directly and which groups can only access services through power brokers?
- 8 Does any group suffer from exclusion? If yes, please elaborate reasons.

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## Annex 4: Emic perspectives of the state: interview questions

Date  
Location:  
Name of interviewer:  
Interviewee category and number:  
Age:  
Caste and subtribe:  
Job:  
Method of selection:

- 1 What are the most important functions that the state should perform in the context of Swat?
- 2 Follow up Q: Why?
- 3 What words best describe the Pakistani state for you?
- 4 Can you recount a story of an experience you have had with the state?







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