

Tom Ginsburg: An Economic Analysis of Pashtunwali

This essay analyzes the Pashtunwali, the tribal code of the Pashtuns, from a political economy perspective. The Pashtunwali is a cultural system that channels, and thus limits, private violence. Instead of viewing the Pashtunwali as problematic, it argues that the logic of retaliation and the dispute resolution provided by the jirga form a kind of proto-legal system. This system supplements and sometimes clashes with the formal system of state law. The paper also considers two normative problems that are associated with the Pashtunwali: gender inequities and relatively high levels of violence. It considers a simple strategy for introducing greater normative coherence to the Pashtunwali that might also ameliorate its morally troubling aspects - the expansion of literacy. Greater levels of education could potentially facilitate clearer substantive norms within the Pashtunwali as well as improved quality of life for women.