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THE LONG LIFE OF EMPIRE: COLLECTIVE PUNISHMENT, LAW AND WAR ON THE PAKISTANI FRONTIER

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Abstract

This article examines colonial legacies of state violence with particular reference to the Federally Administered Tribal Areas (FATA) of Pakistan. The use of collective punishment was institutionalized under British rule as a strategy to control the tribal Pashtuns in the frontier tribal regions of the Indian sub-continent. This was done by incorporating the principles of 'collective responsibility' and 'collective punishment' into the legal framework. Following independence in 1947, the newly created state of Pakistan inherited and maintained this, governing FATA through the administrative and legal system developed by the British. The study of state violence unleashed in this region firstly by the British until 1947, and then by its post-colonial counterpart, state of Pakistan, from 1947 till 2018, reveals the lingering impact of British colonial legacy. In the aftermath of 9/11 attacks, drone strikes by US as a counterterrorism strategy in the region also functioned as a form of collective punishment, echoing the same historical precedents set during the colonial era. The article employs qualitative analysis, drawing on historical narratives, legal documents and scholarly literature, to provide evidence for lasting impact of colonial violence. In doing so, the article contributes to postcolonial scholarship on the persistence of colonial legal frameworks in contemporary state and international security practice.

INTRODUCTION

The Federally Administered Tribal Areas (FATA) of Pakistan have historically been a region characterized by complex socio-political dynamics and unique administrative structures that have led to the region's persistent instability and underdevelopment. This unique status, in turn, stems from the region's history under British colonial rule. Established as a buffer zone between British India and Afghanistan, the region was governed by a combination of colonial laws and tribal customs. Unlike other parts of British India, FATA was administered through the Frontier Crimes Regulation (FCR), a set of laws that allowed significant autonomy to tribal leaders and political agents, while limiting direct governance by colonial authorities. This arrangement fostered a semi-autonomous status that persisted post-

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independence, isolating the region from the broader administrative and constitutional framework that governed the rest of Pakistan. This paper examines the evolution of these structures, with a particular focus on practice of direct violence by the colonial as well as postcolonial state on the citizens of FATA, to highlight the lingering impact of the British colonial legacy.

According to Parashar (2009), "violence has been an integral part of the nation-state discourse and practice" because the imperial state that ruled over them subjugated them with power and force. In the case of the Indian sub-continent, the British ruled over it directly from 1858 till partition in 1947, culminating in the creation of sovereign states of India and Pakistan. The British devised a unique system of governance for the tribal regions under its jurisdiction. This region comprised of the northwest frontier of the British raj, in the bordering areas between British-controlled Punjab and the Kingdom of Afghanistan. The British deemed the region as a 'problem', a source of 'trouble' and 'disturbances', in the face of the rebellions by the Pashtun tribes against its rule. The British experimented with a number of different approaches to deal with these tribesmen, including 'forward' policy and 'close-border' system, all of which rested on the assumption that the tribal people were different from the rest of the population in British India and required different methods of subjugation and control (Hayat, 2009). The British developed the Frontier Crimes Regulation (FCR) to deal with these tribes (Hopkins, 2015). Under the FCR, an administrative structure was created with a selected cadre of Political Agents (PAs) at the helm, who worked with the tribal elders or *maliks*, giving them allowances for good behavior and maintaining law and order with the help of native militia or *khassadars* (Tripodi, 2009). The PA reported directly to the Governor General and because of the simultaneous powers granted to him of 'chief of police, judge and executioner' all at the same time, the tribes called the PA *Badshah* or king (Akins, 2017). And king he was, because under the sweeping powers that he was given, if he even thought that "locals were involved in anti-state activities", he could employ a "range of pressure tactics" including imprisoning, exiling and confiscating businesses or properties of an entire clan for the action or behavior of its members as a show of force (Farooq, 2017b). This dual idea of 'collective responsibility' and 'collective punishment' was made possible by section 21 of the FCR which authorized "the seizure, wherever they may be found, of all or any of the members of such tribe, and of all and any property belonging to them or any of them for an offence committed by one or more members of a tribe" (Afridi, 2012).

After independence in 1947, these tribal areas came under the jurisdiction of the Pakistani state. Instead of regarding this region as a part *of* the state, it was treated as different *from* the rest of the state by allowing the colonial system to continue. Its citizens were similarly treated as separate from and unequal to the rest of Pakistani population. Building upon the knowledge that the State acquired from its colonial predecessors, they were termed as "inward-looking, living in self-imposed social and cultural isolation and opposed to integration" (Yousaf, 2018) so that they should be "governed by laws and customs which they are familiar with, and which suit their genius" (Mahmud, 2010). Hence, while the rest of the country came to be governed by a single Constitution and rule of law, the tribal regions were subjected to the same administrative and legal system that the British developed. FCR continued to be the governing law of FATA, instead of the Pakistani Constitution, until 2018, when it was finally abolished. The focus of this paper will be on the pre-merger period.

Aim of Study

The aim is to examine the colonial legacies of violence that have persisted in this region which have led to dire consequences for the inhabitants of FATA, as well as the state of Pakistan. In the case of FATA, colonial political and

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administrative structures have been used just as vigorously, if not more, by the postcolonial state to subjugate and control the tribal population in the name of security, especially its acts of punishing many for the crime of one, perpetuating the cycle of violence and oppression. In this sense, this exercise of re-narrating colonial history becomes just that – reiteration of the *same* modes of governance employing the *same* forms of repression against the *same* kind of people.

Methods and Literature Review

This study seeks to answer the following research questions:

1. How did the colonial legal and administrative frameworks use violence as a tactic to control the inhabitants of the tribal areas, and how did these practices continue in the postcolonial state?
2. How was the concept of collective punishment institutionalized by the British in the tribal areas, and what were its effects on its inhabitants?
3. In what ways has the legacy of collective punishment endured in FATA under Pakistan's administration, and how has this practice affected the inhabitants of FATA and affected their relationship with the state?

The postcolonial approach adopted in this article draws upon a range of scholarships to analyze the enduring legacies of violence in FATA to answer the above stated questions in the subsequent sections. While in general, postcolonialism explores the ongoing impacts of colonialism on societies, cultures, and power structures after the formal end of colonial rule, some key scholars have highlighted specific manifestations of these processes in their work which are also relevant to this study. Edward Said (1978), in his seminal work 'Orientalism' highlights how West's conception of the East served to justify colonial domination and perpetuate stereotypes of "otherness". The same phenomenon is visible in British categorization of Pashtun tribes as "semi-savage" people who had historically proven to be difficult to rule over (Lipsette, 1903), "hard men reared in hard school [whose] life is dominated by the law of *badal* or retaliation (Elliott, 1968), "turbulent tribesmen" (Davies, 1932), "the wild caterans of Yaghistan" etc. (ibid) in colonial discourse. Similarly, Frantz Fanon's (1967) work encompasses the psychological and existential dimensions of colonial oppression and resistance within the dynamics of violence in colonial context. His views on the internalization of the ideas of racial differences by the colonized depict the power of 'othering', which is also visible in the experiences of Pashtun communities in FATA.

Drawing on Parashar's (2009) observation of the postcolonial state's inheritance of "reciprocal violence between the state and its subjects", the study engages with Johan Galtung's (1969) conceptualization of violence as both 'direct' and 'structural'. These are differentiated from each other based on the subject who commits the act of violence. In the former case, "consequences can be traced back to concrete persons as actors" while in the latter "this is no longer meaningful". Direct violence, as the name suggests, is visible as well as physical. Examples include murders, killings, torture etc. where one can identify *who* carried out the act of violence. This categorization helps to understand violence as a phenomenon, manifested both in visible, physical acts of direct violence and the more diffuse, systemic violence inherent in structures and institutions.

The mechanism through which direct violence was institutionalized in the system was through law, which simultaneously created and marginalized certain colonial subjects. Kolsky's (2005,2015) analysis of colonial laws and governance practices highlights the importance of law in perpetuating colonial power dynamics and subjugating indigenous populations. In 1831, a committee was formed in the House of Commons to examine the East India Company's administration in British India. It was found that there were major "defects" in the laws as they existed at the time both "in the authority of making them" and "in the manner of executing them" (Kolsky, 2005). It was decided that these laws needed to be reformed if the British were to successfully rule over the colony. These

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'reformed' laws were then used as "a tool for pacifying and governing the colonized peoples" (Stamp, 1991). As Chanock (1985) describes it, law was "the cutting edge of colonialism, an instrument of the power of an alien state and part of the process of coercion." It is important to keep in mind that laws introduced in the colonies were often different than those in the metropolitan, an anomaly often justified based on the different situations and conditions in the colonies that the British faced. In the tribal areas, especially, the image of the Pashtun tribals was popularized as 'fanatic warriors', or 'lawless' and 'freedom loving people' that were historically difficult to subjugate because of their tribal custom of 'Pashtunwali.' These and other forms of colonial knowledge led to the creation of customary laws which played their own part in "the invention of tradition" (Hobsbawm & Ranger, 1983). Afterall, as Dirks (2016) reminds us, "knowledge was what colonialism was all about." It is no hidden fact that colonial knowledge, in general, produced and reproduced colonial subjects as inferior to the British. Its officials "characterized travel across the geographical space of empire as a journey backward in time" (Kolsky, 2015). It is best to understand the condition of these tribal areas under British rule by Thomas Macaulay's famous remark that "India's nearest parallel would perhaps be the state of Europe during the fifth century" (in Kolsky, 2015).

The case of the frontier tribes was even more peculiar because they were considered even *more* inferior than the rest of colonial subjects. This double inferiority meant that they could be subjected to more repressive and violent laws. They were viewed as "belligerent people with greater proclivities toward violence, who required a certain kind and amount of law to match their state of arrested development" (Kolsky, 2015). As Punjab Governor Dennis Fitzpatrick remarked, "[the tribal Pashtuns] had to be *taught* what our strength was." This teaching came in the form of "legalization of disciplinary methods that unleashed the terror of empire" (Kolsky, 2015). Comaroff's (2001) concept of "lawfare", i.e. "the effort to conquer and control indigenous peoples by coercive use of legal means" discusses in detail how colonial and postcolonial states employed legal mechanisms to assert control and maintain order through coercive means. In the case of the frontier tribal region, harsh colonial laws such as the Murderous Outrages Act (1867) and Criminal Tribes Act (1871) eventually became the basis of the Frontier Crimes Regulation (FCR). The FCR interestingly also had three versions, each more hostile than the previous. It was first promulgated in 1872, then amended in 1887, and then again in 1901 when it was finally enacted.

Taylor Sherman's (2010) employs the term "coercive network" to refer to state practices such as "firing on crowds, exemplary use of bodily sanctions, detention without trial, imposition of collective fines on populations" which were justified by introducing "laws which enabled them" and "institutions that supported them." Over time, "these acts of violence became battlegrounds of representation" as these practices set the norm for how these populations were to be governed in the times to come. Both colonial India and postcolonial state of Pakistan adequately used lawfare by employing "duly enacted penal codes, "administrative law", "charters and mandates" and "states of emergency" to "impose a sense of order upon its subordinates by means of violence rendered legible, legal, and legitimate by its own sovereign word" (Comaroff & Comaroff, 2006). Piliavsky's (2015) notion of "epistemic violence" and Mahmud's (2010) discussion of "congealed structural and physical violence" are also based on the same principles, showing how colonial knowledge production and legal frameworks perpetuated this oppression. Mark Condos (2016) has noted that even while using the aggressive forms of violence against the colonized people, the British rulers were able to "steep" themselves and their actions "in the language of legitimacy and law"- an insight that leads him to question whether Clausewitz most famous axiom regarding war, i.e. that it is a continuation of politics by other means,

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can be modified to explain the relevance of law for perpetuation of violence against indigenous people. As he puts it, "law, and the colonial political-legal regimes it buttressed, [is] the continuation of a type of warfare against the colonized." Verkaaik, Khan & Rehman's (2012) characterization of tribal areas as "permanent war zones" and Ried's (2011) concept of "militarized margins" to refer to geographic areas with long histories of violence, oppression, and political and economic marginalization, also elucidates the enduring impact of colonial legacies on the lived experiences of marginalized communities in FATA.

Collective punishment in British India

As mentioned in the Introduction, the three-tier system of maliks, PA and FCR was the usual modus operandi of the British for the frontier regions in the subcontinent. However, whenever this policy failed or showed its limitations, it was reinforced by using force. As Lord Curzon (in Gilmour, 1994), the British viceroy of India in 1902 put it, the best way of managing the frontier tribesman was "to pay him and honour him when he behaves, but to lay him out flat when he does not." In a speech to tribal leaders, he announced that while the British rulers had 'not the smallest desire to interfere [with their religion and independence]', if they 'dart(ed) out from behind to harass and pillage and slay', then the British would also respond by 'return(ing) quickly and batter(ing) the door in" (Lipsette,1903).

One of the most violent means that the British used to control the tribal people was through collective punishment, i.e. punishing a large group of people, usually the whole tribe, for the crimes committed by one or few of its members. It was institutionalized as a practice by incorporating it into all versions of the FCR, and therefore law, so that it became an aspect of lawfare as was discussed earlier. According to Kolsky (2015), "as the colonial rule pressed against its own limits of legality, [it] produced new forms of law that sanctioned spectacular displays of power and violence." Lawfare, by definition, "always seeks to launder brute force in a wash of legitimacy, ethics, propriety" (Comaroff & Comaroff, 2006). The violent laws ended up subjecting "the people living [in the frontier] to startling levels for force" (Tahir, 2017). These laws were an example of direct violence, through which the tribal people were collectively punished in diverse ways, ranging from fines, curfews, and blockades to killings and even air bombing.

One of the first laws passed by British Punjab government for the frontier tribes the 1867 was 'an Act for the Suppression of Murderous Outrages in Certain Districts of the Punjab', also called MOA (Murderous Outrages Act). It was a customary law developed especially for the frontier region because the "general law of the country was not adequate to suppress such offenses" and applied to all people who "frequently murdered or attempted to murder servants of the State and other persons" (Punjab Murderous Outrages Act, 1867). These people were termed 'fanatics' and they were to be "punished either with death or with transportation for life, and all his property shall be forfeited to Government." The British used to dispose of their bodies and property as they wished, most commonly by burning (Kolsky, 2015). The MOA, just like its successor, FCR, was designed specifically for the frontier districts, reinforcing the colonial administration's perception of the frontier tribes as requiring harsher measures than the rest of the Indian sub-continent.

When the FCR was first introduced in 1872, it included legislation that entire tribe would be expelled from British territory if they pursued blood feuds, an ancient tribal custom in which retaliatory killings were carried out between groups as revenge for earlier killings. The 1887 FCR "went one step further" and allowed the PA to refer cases of actual or potential blood feud outbreaks to a jirga (Hopkins, 2015). Blockades were also codified into legislation and became a common British response to tribal incursions. Both the 1887 FCR and 1901 FCR "enhanced the

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punishments" to include "whipping and transportation in addition to fines." Collective fines could be imposed on even the slightest suspicion that a tribe member was hiding evidence or criminals within its jurisdiction. The 1901 version increased the number of years people could be transported to up to 14 years.

In 1853, the entire Hasanzai tribe was punished when one of its members killed two British officers. "Working 12 hours a day (9 A.M to 9 P.M), British troops set about burning villages and settlements, killing livestock, and laying waste to foodstuffs" (Xu, 2016). After four days, they decided that this was "sufficient punishment for the murder of the two British officers and headed back to Punjab having delivered its message to the Hasanzai tribe." In 1897, the Mohmand Field Force, formed in response to tribal strikes against the British forces, "burnt whole villages and destroyed houses, water tanks and grain stores" (Ahmed, 1979). In 1908, when some people belonging to the Mahsud tribe killed a British officer, "seizure of person and property of all the Mahsuds in the protected and administered areas" was announced as collective punishment and 400 Mahsuds were captured (Baha, 1968). In 1916, electrocuted wires were "put up between the Kabul and Swat rivers along a length of seventeen miles" to contain the Mohmad tribe uprising (Ahmed, 1979). Further, "in between and at every 600 yards, strongly guarded blockhouses were constructed" and "nearby villages were destroyed", as a result of which "400 Mohamands were electrocuted." These expeditions increased in frequency with time because they were highly effective (Tripodi, 2016). That is why in the 1930s, the "British government had more troops stationed within Waziristan than the remainder of the Indian subcontinent (Akins, 2017). In the years between 1849 and 1890, more than 42 punitive expeditions were lodged against the tribal people (Khan, 2020). In 1930, hundreds of unarmed people were killed in Peshawar as they lodged protects against British laws, including the FCR (Yousaf, 2018). In 1919, Winston Churchill, as British Secretary of State of War and Air, "ordered the bombing of Jalalabad during the Third Afghan War" and when tribal people from the frontier regions rebelled against this action, "their villages were also bombed" (Tahir, 2015). "In 1933 and 1935, campaigns air strikes and tanks were used against the Mohmands" (Ahmed, 1979). In 1937, the Fakir of Ippi, a tribal Pashtun notorious for his attacks on the British forces, was repeatedly attacked at his known whereabouts using air bombing (Hauner, 1981). "In some areas, such as the Tori Khel, the RAF bombed, on and off, for eight months, expending 1,650 flying hours, 1,600 bombs, and 68,000 machine gun rounds" (Chandler, 2011). The 1939 manual Frontier Warfare-India (Army and Royal Air Force) even contained specific guidelines for the tribal regions. It contained information such as "20-lb bombs will only make a small hole in the huts of tribesmen, 112-lb bombs will be expected to blow off the roof, while 230-lb and larger bombs should destroy large houses."

Central behind these collective punishments was the idea if one person from a tribe was a criminal, the whole tribe was either *itself* criminal or *backed* the criminal or *approved* of his crimes. This is evident from Bellew and Temple's (in Xu, 2016) conclusion that in troublesome tribes or those who had committed crimes, "there is not a single man of them who is innocent or who does not fully support the misconduct of his tribe." The suffering was inflicted on a large scale, and it did not matter that innocents would also suffer as a result. In fact, considerable effort was put to research actions which would bring maximum suffering to the whole tribe. For instance, the 1926 'Military Report on Mohmand Country General Staff' stated that the obedience of Mohmand tribe could be best secured by "the destruction of their crops and villages" It even had a section titled 'Best Season for Operations' which identified that Autumn was the best season to attack the tribe's crops and villages because then "the chief harvest of the year" could be used for expeditions, surpluses could be destroyed and sowing of crops

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for the next season could be disturbed." Similarly, because of blockades imposed on the entire Agency, shortages of basic items like cloth became common and prices of everyday food items rose unprecedently. At the end, it just did not matter which form of violence was used if it brought results and achieved the goals of tribal control. A state official in 1935 is reported to have said, "If the Government of India have to teach the marauders a lesson, what from the point of view of the party attacked is the difference between being bombed from above, or shelled from opposite, or being attacked by machine-gun or rifle fire?" It was almost common-sensical to assume that since everyone was guilty, everyone should be punished. The tribal frontier therefore became a place "where the sovereign power to decide was essentially converted into the power to kill" (Condos, 2016). Being sovereign in these areas meant that the State had an invisible license to kill those people which offered even the slightest resistance to their rule. In turn, the British justified this violence based on the colonial knowledge they had accumulated over the years which designated the tribal people as inherently violent themselves. As G.R. Elsmie, the British Additional Commissioner in 1873 put it, there was "evidently something in the air of the frontier which roused brutality in every Mohammaden." Even in terms of air policing, The British Royal Air Force operated on the following principle: "In warfare against savage tribes who do not conform to codes of civilized warfare, aerial bombardment is not necessarily limited in its methods or objectives by rules agreed upon in international law" (Chandler, 2011). The task of law was to simply lend legitimacy to such colonial knowledge and justify the resort to brutal violence by the British.

Collective punishment in Pakistan

The predicament of the frontier tribal people with regards to collective punishment did not end with the creation of Pakistan. As the postcolonial state called back all its troops from FATA according to a deal made with the tribes in 1947, the FCR was kept in place by the first Governor General, Mohammad Ali Jinnah as well as his successors. The Tribal Areas thus had a distinct administrative structure from the rest of the country, while the PA retained its position and powers as the representative of the federal government. The citizens of FATA were denied the basic rights of "appeal, *wakeel* (lawyer) and *daleel* (argument)" (Ullah, 2015). At the same time, the 'collective responsibility clause' continued to allow for collective punishment in the shape of fines, blockades, and sanctions through the PA and even brute military force against a culprit's entire tribe if the need arose. This started as early as 1953 when Faqir of Ippi challenged the newly created state by gathering support for an independent Pashtunistan for the Pashtuns. As he rebelled against the state, the state responded just like its colonial counterpart; Pakistani Air Force bombed his suspected hideouts to kill him (Hauner, 1981).

Imprisonment of tribe members was a common measure during this time as well. For instance, in 1992, more than twenty members of a tribe were imprisoned for 6 months when a tribe member was suspected of stealing a minibus. They were released only after they paid the owner monetary compensation (Farooq, 2017a).

After Taliban militants started establishing their safe havens in FATA, and the Pakistani military started operations against these militants, collective punishment was used as a policy by the troops and the administration. This was evident especially in the aftermath of attacks by the TTP against Pakistani military forces, because of which "tens of thousands of homes were demolished, entire tribes were blockaded or exiled for years, and PAs arrested thousands of tribesmen in an attempt to punish them" (Farooq, 2017b). In 2004 military and FC operations against Taliban militants in FATA, the former repeatedly employed collective punishments "in the hope that it would motivate local tribesmen to hand over al Qaeda and Taliban members to the

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authorities" (Fair & Chalk, 2006). For instance, In April, economic blockade and sanctions were imposed for four months in South Waziristan to locate a Taliban militant and this resulted in fruit shortages and massive losses for the local farmers ("Horticulture, Trade hit by Blockade," 2004). Even after the militant was killed by a drone strike, the blockade and sanctions remained in place in the hope of arresting more militants (Tahir, 2015). "Tens of thousands of homes were demolished, entire tribes were blockaded or exiled for years, and political agents arrested thousands of tribesmen in an attempt to punish them" (Farooq, 2017b). People were put in jail and imprisoned just because of their tribal affiliation. In 2005, military forces fighting Talibans in FATA used collective punishment tactics such as closing "local schools and hospitals", firing "tribe members who were distant relations from government jobs in settled Pakistani territory", holding tribe "members including children in jail", and razing their properties, to punish individual criminals (Marten, 2015). In various military operations between 2008 and 2011, "the Pakistani Air Force dropped 10,600 bombs in the region" with nearly one million people displaced and "an untold number of deaths" (Tahir, 2017).

As narrated by Griswold (2004), local people from Shawal (where Osama bin Laden was thought to be hiding) were detained randomly by the PA and released after days and weeks only if they promised to visit each house in their area and check for the fugitive. In 2009, the PA of South Waziristan "ordered the detention of all Mehsud tribesmen – hundreds of thousands of people – and the seizure of the property throughout the country" when it declared war against the Taliban and the leader, Baitullah Mehsud (Farooq, 2014). Even though the rest of Pakistani citizens are exempt from arbitrary arrests and detentions under Article 10 of the Pakistani Constitution, these laws did not apply to FATA. Similarly, the right to property (Article 23 and 24) and the freedom of movement (Article 15) are granted in the Pakistani Constitution but the tribal people were ruled according to the FCR which gave the PA powers to seize property and impose blockades (Zeb and Ahmed, 2019). In 2015, the Sipah clan in Khyber district was fined a whooping 120 million rupees because one of its members was a leader in a militant organization (Khattak, 2015). In June 2012, militants banned polio vaccinations in North Waziristan to protest against US drone strikes. In response, the PA halted the issuance of passports, national identity cards and other documentation of the tribal people, and stopped development projects in the region (Hyat, 2013). In 2016, when a major of the Pakistani army was killed in an explosion in a market in South Waziristan, the authorities imposed a curfew and closed more than 6000 shops. They then destroyed the whole two-story market as punishment (Mehsud, 2016). Due to the damage caused to shops, fuel stations and hotels, more than 150 families were deprived of their livelihoods (Yousaf, 2016). Indiscriminate arrests and curfews were a usual activity during all this time. The longest military operation carried out by military forces in FATA, Operation Rah-e-Nijat, damaged an "estimate 60,000 houses, markets and educational institutions" (Burki, 2016). The military operation Zarb-e-Azb that started in 2014 similarly caused massive damage to the infrastructure. According to one account, there were "11,000 shops in the markets of Miran Shah and 7000 plus in Mir Ali Bazar" and after the operation, "not even a matchbox was left in some markets that once used to be bustling shopping centers" (Khattak, 2016).

The same logic of collective punishment was the foundation of the US drone strike program in FATA. These drone strikes started on 19 June 2004, and the last one took place in 2018. Over these years, the US drones have heavily bombarded the FATA region, especially North and South Waziristan, to attack Taliban militants believed to be terrorists. Thousands of missiles have been launched on villages and towns of the region. According to some groups, there have been around 500 strikes in Pakistan in total in which 4000-5000 people have been killed, out of which

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around 1000 were civilians and 200 were children ("Strikes in Pakistan"). The target of these drone strikes has almost exclusively been the FATA region out of the whole of Pakistan. Obama justified this peculiar fact in 2013 by stating that "the terrorists took refuge in remote tribal areas where the state lacks the capacity or will to take action" (Farooq, 2017b). However, "every single place bombarded by American drones has a history of colonial rule" and "some of these places served as sites for British colonialists' aerial policing to control people" (Tahir, 2015). For instance, most of the 75 missiles launched between in 2010 "targeted the same villages that protected the Faqir of Ippi in the 1920s" (Chandler, 2011). These drone strikes targeted militants, but civilians and infrastructure became collateral damage in the process. And it did not matter, because firstly, the State had, conveniently, no jurisdiction over the area, and secondly, the long legacy of violence made certain things possible which might seem impossible in other areas of the country. Afterall, Pakistani government never allowed US to expand drone access to Quetta ("Pakistan Denies U.S Request," 2010). Hence, it was only in FATA that US could "drop bombs without declaring war, officially or unofficially" (Tahir, 2015). When Musharraf told a CIA officer that in Pakistan, 'things fall out of the sky all the time', he was referring to FATA (Tahir, 2015). Whether carried out by the Pakistani forces or US drones, FATA remained at the receiving end of collective violence and collective punishment. This region has been referred to as *Ilaqa e Ghair* (foreign, unknown territory) and the violence its residents have been subjected to "whether through US drone strikes, violent attacks by the Tehrik-e Taliban Pakistan (TTP), or Pakistani military operations, made them feel that they are indeed *ghair* (unknown) to the state of Pakistan" (Yousaf, 2016). According to one scholar, most of the $33 billion military aid that the US gave to Pakistan in the aftermath of the 9/11 attacks was used to further strengthen this system in FATA, "keeping alive a system of collective punishment that was neither welcomed by locals not effective in keeping the Taliban at bay" (Farooq, 2017a).

It is clear from the above discussion that the use of direct violence against the FATA inhabitants was again premised on continuity, not break, from the past. It was made possible due to the entrenchment of the principle of collective punishment in the legal system during colonial times. The use of collective punishment by the Pakistani military and administration against the people of FATA and the overt use of drone strikes by USA are simply a manifestation of the colonial legacy. Both relied on the use of "indiscriminate air power and artillery" (Zahab, 2016). In 2010 alone, the number of drone attacks was double the amount in 2009 (Zahab, 2016). These drone attacks posed a serious threat to the survival of the people of FATA. The missile launched from the drones killed *people*, militants as well as civilians. At times, no distinction was even necessary; for US President Barrack Obama, for instance, every military age man killed in drone strikes was presumed to be a militant (Friedersdorf, 2012). Since the state had no jurisdiction in these areas, there are still no proper official figures of damage caused by the strikes, and in cases, where they do exist, they are largely under-reported. According to some sources, drone strikes from 2006 to 2009 killed 14 terrorists in FATA, along with 700 civilians. This meant "50 civilians for every militant killed, a hit rate of 2 percent" (Kilcullen & Exum, 2009). In addition, studies found that drone attacks created a permanent state of fear and anxiety among the people, for whom just the sounds of hovering drones meant that they could be struck anytime (Cavallaro, Sonnenberg & Knuckey, 2012). It also created massive resentment against the US in the region (Hudson, Owens & Flannes, 2011). As a result of both these factors, terrorist recruitments increased in FATA as more and more people started joining militant organizations as a form of revenge of death of their family members etc. (Kilcullen & Exum, 2009). This seriously curtailed the efforts of the Pakistani

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state in fighting terrorism. The US drone strikes kept producing more terrorists than the ones killed by them. The people of FATA perceived the Pakistani military to be acting in unison with the US, and this posed serious threats to the national solidarity of the country. Terrorist attacks were even carried out outside Pakistan, in the US, for instance, as blowback from drone attacks in FATA (Adams & Nasir, 2010).

Conclusion

Just like the MOA enacted by the British to deal with the 'murderous outrages' of frontier tribes and instil fair and compliance among them, the modern era consists of similar examples. In stark continuity with the colonial practice of burning the corpses of tribal rebels, in 2005, US soldiers burnt the corpses of two Afghans ("U.S Soldiers Reprimanded," 2005). Similarly, in 2014, images were published on websites that showed US Marines burning corpses of Iraqis in Fallujah in 2004 (Ackerman, 2014). The inquiry report of the Afghanistan incident stated that their actions demonstrated "a lack of Afghan cultural knowledge". However, their cultural knowledge, at least of the colonial past, comes across as completely accurate, as this rationale can be seen as a reflection of a deeply entrenched historical attitude towards occupied populations. The soldiers' actions echo the punitive and terror-inducing tactics used by British colonial rulers against their frontier subjects.

The continuity of colonial mentality and colonial knowledge is also visible in the following statement of Major General Zafarullah Khan Khattak who led operations in Waziristan in 2015: "Whether it is rethink of the FCR or economic solutions or good governance, we must understand what rules these people. *What's always worked must work again*. And for those who don't follow the local custom… we must kill them" (Khan, 2014, emphasis added). This statement also implicitly contains a belief in the efficacy of harsh, violent control over populations perceived as inherently rebellious or difficult to govern.

These are the colonial legacies of violence. No doubt, they have had a postcolonial afterlife. During the British era, violence and force was used to control the tribal people so they did not pose any threat to the rulers. The British subjected them to violence in the form repressive administrative structures and legal frameworks that led to their marginalization, *and* oppressive laws that made collective punishment and brutal use of force possible. The State of Pakistan inherited and continued these practices long after independence, especially evident in its military operations carried out in the region. The use of collective punishment however did not remain confined to the State and re-presented itself in the US drone strike program after 9/11. As a result of this violence, deeply rooted in historical injustices, the region became a perpetual battleground. The legacy of colonial knowledge and colonial laws based upon the historical categorization of tribal people as 'belligerent' and 'savage' helped perpetuate discriminatory practices against the tribal people and an enduring perception that justified the use of force, both by colonial and postcolonial authorities. This resulted in the enduring legacies of violence and marginalization, as the legal and administrative structures continued to legitimize collective punishment and maintain the region's socio-political isolation from the rest of the country. What changed over time was the identity of the ruling authority; what remained constant was the underlying logic of collective culpability, first used by the British, then by the Pakistani state, and later by the US in its drone strike program. Read together, these are not three separate histories of violence in FATA, but one continuous one.

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