

John Braithwaite: a personal testimony from Pakistan

Ali Gohar*

Professor John Bradford Braithwaite is my friend, colleague and mentor who visited Pakistan in 2003 when we arranged the first international conference on restorative justice. I was excited to see him in person since his work on shame and honour was very relevant to my work in Pakistan (where the source of most violent conflict has its origins in the interplay of shame, honour and the burden of public opinion). At that time, I was also busy in field research on our indigenous system for peace building called *Jirga* which is practised in both Pakistan and Afghanistan. Research was funded by USIP (United States Institution for Peace) and EMU (Eastern Mennonite University, USA). Although I had collected a large amount of data about the institution of *Jirga* as well as its practitioners (known as '*Jirgamars*'), I was finding it challenging to present this information on *Jirga* dynamics in a form where it would show the inherent complexities of conflict resolution in our part of the world. John, during his few days' stay with us, helped to give me a fresh perspective on my work which was useful in helping me to write the book *Towards understanding Pukhtoon Jirga. An indigenous way of peace building and more ...* which was the product of field work completed in March 2005 (Yousufzai & Gohar, 2005).

I was also working at this time on how to update *Jirga* to make it compatible with the restorative justice model and human rights values and it was refreshing to discuss my ideas with John. I had discussed the research methods with my EMU professors but the practical know-how was given to me by John, as well as by the discussions which took place between the different experts who attended our three-day conference held at Peshawar.

Even after this conference I was in close contact with John via email and I sought his advice and also shared my progress in terms of research and updating *Jirga*. I continued with this line of work until 2008 when I started *Jirga* and restorative justice training for police personnel and community elders who were involved in practical *Jirga* work. After training, offices were opened for elders at the police station level where minor disputes were resolved without police and court involvement. Provincial police chief Malik Naveed Khan, with financial support of Aus-AID and Asia Foundation, initially started this on a pilot basis in two districts with potential for expansion to other districts. I kept John informed on a

* Ali Gohar is the founder of Just Peace Initiatives, UK and Pakistan. (<http://www.justpeaceintl.org>). Contact author: alibabano10@yahoo.com.

regular basis about my work in this regard; John in turn took a great interest in my work and always was ready to help in guiding and motivating me.

In 2014, I received an email from John about his desire to visit Pakistan to see my practical field work and share it with the rest of the world since my province (Khyber Pukhtoonkhawa) had become infamous during that time due to the rise of the Pakistani Taliban and it seemed the good work which was happening here barely got any mention on the international level. John, however, was keen to highlight the work I was doing and so was interested in meeting *Jirga* elders, *Muslahathi* (reconciliation) committees, which I had helped, set up at different police stations and also see my work on updating *Jirga*. Since the Taliban were also very active in our province at that time, I was concerned about John's visit to the provincial capital Peshawar and later on to other districts which I thought could be very dangerous. But John never thought security issues should be an obstacle and pressed ahead with his visit. Such a brave gesture increased my admiration for John, as many of my other colleagues around the world were interested to visit me and see my work but were afraid for their personal security.

I arranged the first meeting for John at the Area Study Centre of Peshawar University, where he talked to PhD and M.Phil students on peace building, criminology and restorative justice. This was a valuable opportunity for both John and I to share our insights with students at the university who were involved in social sciences such as criminology, sociology and social work, but were less aware of restorative justice and not in the least interested in local indigenous systems like *Jirga*. It opened the doors for me to introduce both *Jirga* and restorative justice to students of many disciplines at Peshawar University. Even now I am in touch with students at this university for research, and I have been invited many times as an external examiner on research work or invited for lectures when I visit Pakistan. My first contact with an academic institution was made because of John.

Now the most difficult task was to arrange a visit to the field to see the practical work and meet with elders, victims as well as offenders associated with violent conflict. We went to the village of Shergarh in Mardan district where John first met elders of the local *Muslahathi* (reconciliation) committee who had helped reconcile dozens of disputes ranging from issues related to property, money, children and women, to murder. He also attended *Hujra*, a traditional indigenous centre where *Jirga* sit to resolve community conflicts and which for youngsters is a place for informal learning of Pukhtoon code called *pukhtoonwali*; he also attended a marriage party at the same *Hujra*. On the way back John discussed with me the New Zealand Wagga-Wagga and Australian indigenous conflict resolution model with reference to *Jirga* and reconciliation committees and the similarities and differences between them.

The elders we met shared with us their stories of how they took in and cared for the IDPs (internally displaced persons) who had been forced to flee during the anti-Taliban operation in the Swat Valley, giving space to their children and women in their own homes, feeding them for more than three months. John told me 'I am much impressed by such social work. I have never seen humanitarian work like this before.' The elders also shared stories about the reconciliation process and their efforts for months and years in preparing parties to forgive each

other; even in serious cases like murder, people forgive each other for the sake of the God Almighty. This was something further astonishing for John, as the idea of forgiveness was wholly missing from the Western legal system but was very much a part of the fabric of the *Jirga* system here, with the legal system also endorsing it. He also advised me to write more and share my work using social media so that the world would know about the good work which was happening in our part of the world which was often overlooked by the mainstream news media.

The next meeting I arranged for him was with *Muslahathi* (reconciliation) committee elders at a police station in another far-flung area. John asked the elders questions about how they resolved cases and documented it, how members of the community such as women, children and the poor have access to them and how they resolved cases where there was a power imbalance between the respective parties. Then he asked the committee if they had any lawyer in the committee, to which they replied in the affirmative. The committee members not only shared their own personal experiences working to resolve conflicts but also brought the lawyer to answer John's questions. Both for John and I, this was a refreshing experience as it showed that traditional conflict resolution systems (represented by the committee members) and the legal system (represented by the lawyer) could work together to resolve conflicts for the good of all, while in the early days of my work, lawyers, the police, the judiciary and civil society organisations were all against my work.

A poor man sitting there then shared his story about how his land was illegally occupied by powerful people, but the reconciliation committee members mediated between him and the occupiers to get his land back and even went so far as to insist that they would picket the disputed land in order to get the poor person his land back. Later, John visited different committees and explained to me how to guide elders further to resolve the cases more in line with the principles of restorative justice and also to switch the elders from being arbitrators to becoming mediators. John also met with police officials who had initially been reluctant to work with the reconciliation committees; but with the passage of time, on seeing the work being done by them, which in turn led to the reduction in the police workload, they warmed to the idea. In their meeting with John they expressed their satisfaction and highlighted the spirit of cooperation which existed between them and the reconciliation committees.

Through my discussions with John, I was able to understand my work with the reconciliation committees not just through the perspective of restorative justice but also through a criminological lens. The discussions were not only very informative for me but also for the police officials involved in.¹

I have also written about the non-violent movement headed by Abdul Ghaffar Khan, nicknamed Bacha Khan (1890-1988), who organised an army of hundred thousand non-violent volunteers and fought non-violently for independence. This movement was known by the name *Khudai Khidmatgars* (servants of God).

1 For more information, see the TV report Video on Muslahathi Committees: <https://www.facebook.com/video.php?v=891168370901902> (last accessed June 2010).

To me, as a peace builder, it was important to highlight this period in our history as it gave us a precedent as to how to fight violent conflict using non-violent means. John showed his interest in Bacha Khan's non-violent struggle by visiting the centre in Peshawar which was dedicated to this period in history. John shared his thoughts by saying how non-violent action helped the process of peace building as love, compassion and patience help to bring about change in people's minds and hearts and make the process of reconciliation and forgiveness easier. He further said that if such values espoused by this movement were applied in a true sense by society's members this would greatly reduce the incidence of violent conflict world.²

John not only guided me at the field level in Pakistan but we also collaborated on the international level in writing an article which was published in the prestigious international journal *Law and Society Review*. In it we evaluated how the restorative justice model was applied in *Muslahathi* (reconciliation) committees in Pakistan and its success as well as the challenges it posed for others working in the same field around the globe.

John also introduced me to different platforms like the Asia-Pacific Forum of Restorative Justice, the International Institute of Restorative Practices and various other restorative justice researcher groups, which gave me a chance to share my work with an international audience. I was particularly honoured to be invited by John to an event arranged at Oxford University titled 'The place of "F" (forgiveness) in restorative justice' where he was a keynote speaker. He asked the organisers to invite me while he would cover my costs for attending. The other thing which I found most touching was when in his keynote speech he introduced me as a peace builder and invited me to share my work in Pakistan with the audience. He introduced me there with such beautiful words: 'if you want to see real forgiveness and reconciliation, listen to Ali Gohar.'

Recently John sent me his (then) unpublished book to read and write my thoughts in the preface prior to its publication. I was honoured that his trip to Pakistan (and his trip to the village of Shergarh) was published along with some pictures (Braithwaite & d'Costa, 2018: 103).

I have found John to be a humble, down to earth, inspiring and fearless person who has never let concerns for his personal safety get in the way of pursuing his life's work. This was made evident to me when he, despite my great concerns, visited the Baluchistan and Khyber Pakhtunkhwa provinces of Pakistan at the height of insurgency. I have also found John to be always ready to offer assistance and teach me all he knew in his field; he not only answered my questions but also introduced me to the whole world by encouraging me to write as well as speak at different forums. I have been fortunate to know John and learn from him and have found him a source of inspiration. I pray for John's long and healthy life to share his wisdom and knowledge with peace-loving people around the world.

2 For more information see the video on 'The servants of GOD' (founded by Bacha Khan): <https://www.facebook.com/alibabno10/videos/687048904647184/> (last accessed November 2019).

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