

Women's Property Inheritance Rights in Pakhtun's Society: A Study of Dir Lower, Khyber Pakhtunkhwa, Pakistan

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Abstract

The current study aimed to analyze the practice of women's property inheritance rights in Pakhtun's society. For this purpose, the data was collected from women through an interview schedule by purposive sampling technique and selected 288 respondents from Jandool, Dir Lower, Khyber Pakhtunkhwa, Pakistan. A Chi-Square test was applied to find out the association between women's property inheritance rights and Pakhtun's cultural constraints. The results show that there is a high and significant relationship between the property inheritance rights of women and various cultural constraints i.e. endogamous marriages, exchange marriages, illiterate parents and brothers, secular family members, misinterpretation of Islamic values, Pakhtun's culture, a family boycott on property demand, discrimination between male and female, low status of women and dowry. The study recommends that proper interpretation of Islamic values should be addressed by religious leaders, parents should play a significant role in the socialization and personality of their children, and government should aware the mass about women's rights of inheritance.

Keywords: Women; Property inheritance rights; Pakhtun's society

1. Introduction

Islam is a religion which has granted equal rights to women. In early period of Islam women were given their full rights but in later ages their rights were fully violated (Joseph, 1991). In the constitutions of many Islamic countries women have guaranteed equal rights but practically they are not given. In many Islamic countries different laws are being made such as Muslim family laws but they are not practically applied Muslims. They are violating those rights which Quran has given to women (Radford, 1999). Islam gives women share in property, but now-a-days in Muslim society they are not given their share. Their share, property either remains with their father or with their husbands after marriage. Inheritance is the way through which women can get their share in property or can claim for it. Islam gives women their right of inheritance and Quran fixed her share. But Shariah would never admit this. Being a Muslim country we should implement Quranic provisions and what Shariah says should not be considered final. Everything regarding right of inheritance should be reformulated in the light of Quranic provisions (Bert, 2006). Before Islam, the inheritance system was limited to male descendants. Women do not have any inheritance rights, they themselves can inherit. Siblings from the mother's side, like half-sisters or half-brothers, are completely excluded (Bishin & Cherif, 2017). According to Coulson, N. (2017), Islam changed the status of women in an unprecedented way by clearly stipulating in the Quran that women have the right to inherit property for themselves. The Quran states:

“Men shall have a share in what parents and kinsfolk leave behind, and women shall have a share in what parents and kinsfolk leave behind.” (Quran 4:7).

Inheritance is the main means by which the physical capital accumulated by people is transferred or excluded. The transfer of physical assets from parents to the next generation can provide the starting material for more independent future livelihoods and economic productivity of younger generations (Engineer, 2008). However, exclusion from asset inheritance increases chronic poverty and vulnerability to the intergenerational transmission of poverty (Ahmed, 1992). In some states, inheritance laws and customs may exclude individuals, especially women and orphans, from inheriting property (including housing, land and other productive resources) they acquired during the lifetime of their husband or father (Jawad, 1998).

Being a third world country Pakistan has always remained in the list of those countries where the women face a lot of violence, discrimination and deprivation problems. They don't even get their basic rights in different aspects of life. Because of the extensive denial of the property inheritance rights of women, the Pakistani government passed a criminal amendment in 2011 to criminalize the forcible disinheritance of women (Rubab, 2021). Still, the interplay of cultural mores and patriarchal intentions creates many barriers for women. Women in Pakistan and especially in Jandool, Lower Dir, Khyber Pakhtunkhwa, this problem are faced in Pakhtun society in deprivation from property inheritance rights. They don't share even their basic rights in different

aspect of life. The violation of women's right and their unequal and injustice status in society is degrading day by day.

2. Methods and Materials

This study was conducted in Jandool sub-division of the district Lower Dir, from 10 January, 2022 to 28 May, 2022. A total of 288 married female respondents were interviewed through purposive sampling technique from the entire Jandool sub-division of the District Dir Lower, Khyber Pakhtunkhwa, Pakistan. A structured interview was conducted for data collection through a female trainer. A Chi-square test is a noteworthy statistical test amongst the numerous tests of significance developed by statistician (Kothari, 2004). Thus, the Chi-square test was designed to test the significance of association between dependent (Women property inheritance rights) and independent variables (Pakhtun cultural constraints).

3. Results

3.1 Socio-demographic characteristics of the respondents (N=288)

Socio-demographic characteristics of the respondents show the age, monthly income, family type, educational level of the respondents. Of 288 (100%) respondents, the age range of the respondents was >18-60< years. Majority of the respondents i.e. 95 (33%) age were between 46-55 years. Family type of the respondents shows that majority i.e. 158 (54.9%) were belong to joint family system. Education level of the respondents shows that majority were Illiterate i.e. 125 (43.4%). Moreover, majority of the monthly income of the respondents were between from 10,001 to 15,000.

3.1 Socio-demographic characteristics of the respondents (N=288)

	Frequency	Percentage
Age (years)		
18-25	55	19.1
26-35	63	21.9
36-45	75	26.0
46-55	95	33.0
Family type		
Nuclear family	130	45.1
Joint family	158	54.9
Education level of the respondents		
Illiterate	125	43.4
Primary	80	27.7
Middle	45	15.6

Metric	30	10.4
Graduate	08	2.7
Monthly Income (PKR)		
5,000-10,000	52	18.05
10,001-15,000	93	32.29
15,001-20,000	85	29.51
20,001-25,000	58	20.13

3.2. Relationship between Pakhtun's cultural constraints and Women Property Inheritance rights

To evaluate the relationship between Pakhtun's cultural constraints and women property inheritance rights. Variable were presented into few statements, as given in (Table-3.2). Findings of the table are discussed as below. The result shows that there was highly significant ($p=0.000$) association was found between women property inheritance rights and the statement that endogamous marriage is a responsible for the practice of property inheritance rights. Furthermore, a significant ($p=0.001$) association was found between women property inheritance rights and the statement that exchange marriage is a hindrance for women property inheritance rights. Additionally, a highly significant ($p=0.003$) association was found between women property inheritance rights and the statement that illiterate parents and brothers leads to the practice of property inheritance rights.

Moreover, a highly significant ($p=0.000$) association was found between women property inheritance rights and the statement that secular family members is the cause of practice of property inheritance rights. Furthermore, a highly significant ($p=0.006$) association was found between women property inheritance rights and the statement that misinterpretation of Islamic values is responsible for practice of property inheritance rights. Nevertheless, a non-significant ($p=0.002$) association was found between women property inheritance rights and the statement that Pakhtun's cultural values leads to the practice of women property inheritance rights. However, a very highly significant ($p=0.001$) association was found between women property inheritance rights and the statement that family boycott on property demand is cause of lack of women property inheritance rights.

Similarly, a high significant ($p=0.005$) association was found between women property inheritance rights and the statement that low status of women in society is a factor behind the practice of lack of women property inheritance rights. Furthermore, a very highly significant ($p=0.000$) association was found between women property inheritance rights and the statement that dowry as an alternative to inheritance leads to practice of lack of women property inheritance rights. Furthermore, a highly significant ($p=0.000$) association was found between women property inheritance rights and the statement that discrimination between male and female is a cause of lack of women property inheritance rights.

3.2. Relationship between Pakhtun's cultural constraints and Women Property Inheritance rights (n=288).

Statements (independent variable)	Dependent variable	Statistics
Endogamous marriage	Women Property Inheritance rights	$\chi^2=106.985$ (0.000)
Exchange marriage	Women Property Inheritance rights	$\chi^2=42.377$ (0.001)
Illiterate parents and brothers	Women Property Inheritance rights	$\chi^2=55.186$ (0.003)
Secular family members	Women Property Inheritance rights	$\chi^2=40.705$ (0.000)
Misinterpretation of Islamic values	Women Property Inheritance rights	$\chi^2=34.659$ (0.004)
Pakhtun cultural values	Women Property Inheritance rights	$\chi^2=46.715$ (0.002)
Family boycott on property demand	Women Property Inheritance rights	$\chi^2=47.172$ (0.001)
Low status of women	Women Property Inheritance rights	$\chi^2=54.623$ (0.005)
Dowry as an alternative to inheritance	Women Property Inheritance rights	$\chi^2=44.362$ (0.000)
Discrimination between male and female	Women Property Inheritance rights	$\chi^2=56.254$ (0.000)

4. Discussion

The aim of the present study was to explore the responsible factors which are associated with denial of women's property inheritance rights in Pakhtun's society. After the analysis of the collected data, it is unveiled that there is no single factor but a mixture of numerous so social, economic and cultural factors which leads to the renunciation of women's rights of property inheritance. Among them it has been found that misinterpretation of Islamic values and Pakhtun's cultural values is a responsible factor for denial of women's property inheritance rights. Other studies have also found that dominant cultural practices and norms and misinterpretation of religious values pose abundant hurdles for women (Ahmed, 2010; Hussain, 1987).

Furthermore, this study has also found that dowry as a substitute to women's property inheritance rights, family boycott on property demand, discrimination between male and female, low status of women, endogamous and exchange marriages and low status of women is strongly associated with the denial of women's property inheritance rights. Most dowries were made to compensate the bride for her legal share of the inheritable family estate, thereby subtly disinheriting women (Esposito, 2001). Although dowry is legally prohibited by the government of Pakistan, it has done little to reduce the practice. In addition, customs encouraged consanguineous marriages to ensure that property remained within the family, and in extreme cases, feudal families as well (Saeed, 2010). In other cases, women relinquish their property inheritance rights simply because they fear that their families may abandon them (Mehdi, 2002).

5. Conclusions

The primary purpose of this study was to analyze the responsible factors which are associated with the denial of women's property inheritance rights in Pakhtun's society. After analyzing these variables, this study concluded that Pakhtun's cultural constraints play an important role in the deprivation of women's property inheritance rights, which includes; endogamous marriages, exchange marriages, illiterate parents and brothers, secular family members, misinterpretation of Islamic values, Pakhtun's culture, a family boycott on property demand, discrimination between male and female, low status of women and dowry as an alternative to inheritance. The study recommends that parents can play a great role in the socialization, development and personality of the child. Moreover, Islamic education is the most important solution for so many problems including the denial of property inheritance rights of women and the government should aware the mass about women's rights to inheritance.

References

- Ahmed, L. (1992). *Women and gender in Islam: Historical roots of a modern debate*. Yale University Press.
- Ahmed, N. (2010). *Land Rights for Muslim Women: Review of Law and Policy*, Islamabad: SDPI Policy Brief Series.
- Bishin, B. G., & Cherif, F. M. (2017). Women, Property Rights, and Islam. *Comparative Politics*, 49(4), 501-520.
- Coulson, N. (2017). *A history of Islamic law*. Routledge.
- Engineer, A. (2008). *The rights of women in Islam*. Sterling Publishers Pvt. Ltd.
- Esposito, J.L. (2001). *Women in Muslim Family Law*, New York: Syracuse University Press.
- Hussain, A. (1987). *Status of Women in Islam*, Lahore: Pakistan Educational Press.
- Jawad, H. (1998). *The rights of women in Islam: An authentic approach*. Springer.
- Kothari, C. R. (2004). *Research methodology: Methods and techniques*. New Age International.

- Lockwood, Bert B. (ed.), *Women's Rights: A "Human Rights Quarterly" Reader* (Johns Hopkins University Press, 2006), ISBN 978-0-8018-8374-3.
- Mehdi, R. (2002). *Gender and Property Law in Pakistan: Resources and Discourses*, Lahore: Vanguard Publication House, p.136.
- Mehdi, R. (2002). *Gender and Property Law in Pakistan: Resources and Discourses*, Lahore: Vanguard Publication House, p. 136.
- Radford, M. F. (1999). *Inheritance Rights of Women under Jewish and Islamic Law*. *BC Int'l & Comp. L. Rev.*, 23, 135.
- Rubab, I. (2021). *Status of Women Inheritors in Islam: Institutional Hurdles in Punjab, Pakistan*. *AL-QAWĀRĪR*, 2(04), 13-24.
- Saeed, R. (2010). *Denial of Women's Right of Inheritance Enhancing Their Vulnerability to Domestic and Societal Violence*. Islamabad: AWAZ Foundation: Centre for Development Services.
- Schacht, Joseph (1991). "Mīrāth". *Encyclopaedia of Islam*. 7 (2nd ed.). Brill Academic Publishers. pp. 106–113. ISBN 90-04-09419-9.