

Inequality Regimes, Patriarchal Connectivity, And Women's Right To Property Inheritance In Rural Pakistan

Ishaq Ahmad¹, Amir Alam², Najib Khan³ and Rahat Ullah⁴

1 Lecturer, Department of Political Science, Shaheed Benazir Bhutto University, Sheringal Upper Dir, KP, Pakistan

2 Lecturer, Department of Social Work, Shaheed Benazir Bhutto University, Sheringal Upper Dir, KP, Pakistan

3 Lecturer in Sociology, Department of Social Work, Shaheed Benazir Bhutto University, Sheringal Upper Dir, KP, Pakistan

4 Lecturer in Kohat university of Science and Technology

Correspondence: najeebuom@yahoo.com³

Abstract

This study addresses the issue of women's right to property inheritance on account of cultural, ideological and legal impediments through a qualitative study carried out in Jandul Sub-division lower Dir, Pakistan. Land, as a prevalent economic asset, determines women's agency and well-being, however, rural women lack this most valuable resource owing to gender and class structures embedded in pastoral society, which, in turn, determines customary dogmatism, religious obscurantism and legal pluralism that lead to women's exclusion from land inheritance and possession. This research presents a fine-grained analysis of these important factors/perceptions and argues that through the government's failure to comply with constitutional and Shariah laws in the rural region, the underlying disparity regimes are deeply entrenched in the rural setup and establish socioeconomic hierarchical order. They discursively demarcate land as a collective good, restraining the prospect for women to acquire agency through owning and controlling land. The findings suggest that government should handle these challenges by implementing the reshape and renovate policies of women's inheritance rights in rural areas with letter and spirit to dismantle gender and class structures to bridge the gender gap in the control of property to contribute towards realizing gender socioeconomic equality in society. The paper employs purposive sampling for data collection and uses thematic analysis that identifies and analyzes themes within qualitative data analysis approaches.

Keywords: Land Rights, gender disparity, class structure, rural region, Pakistan

Introduction

Agency and well-being bring with them a high social status, income and effective treatment for women. Well-being is oriented toward accomplishing better treatment for women and agency refers to a person's freedom to seek goals and values, which an individual deems important for herself (Sen 1985; Hanmer&Klugman, 2016; Zulfiqar, 2022). In this perspective, the agency is closely linked

with resources and achievements: this reciprocal relationship grows prospects for changes in the lives of vulnerable groups (Kabeer, 2008; Hanmer&Klugman, 2016; Zulfiqar, 2022). Material resources, including productive assets comprising land, are a prerequisite for realizing agency, aimed at bestowing power and authority, and granting individuals the right to question, challenge, and resist norms and institutions that cause them to

carry on their subservience and subjection (Hammer & Klugman, 2016, Zulfiqar, 2022). Land ownership not only promises women a viable living, thereby serving as an indispensable resource for fortifying their economic security, but is also a critical factor in establishing their authority, accomplishing their social standing and involving them in decision-making processes, a seminal for interrelationship within family and society (Fletschner & Kenney, 2011; Khan, Khan & Zahir, 2020). Agarwal (1994)) asserts that possession and control of property are the major contributors to bridging the gap between males and females in terms of economic well-being, social standing, and allocation of power and authority. The lack of uniformity in achieving these characteristics characterizes gender inequality and variation in people's capabilities to own rights and make choices.

In South Asia, estate distribution and allocation of property have always been uneven along gender lines. This injustice is often done to women whereas men hardly ever face such grievances (Ahmad, Batool & Dziegielewski, 2016). Given that in South Asia, the basic unit of society is the family, which exercises control over the socioeconomic and political system. The chieftain of the household decides what is agreed upon and approved and what is intolerable and rejected, and these customary values shape and foster an overarching structure of governance, collective control and fiscal relationships. Since colonial times, the state has been relying on such standards of household and personal law to manage relations and resources within social hierarchies (Zulfiqar, 2022; Newbigib, 2010). Chaudhry (2009) refers to some studies from rural Pakistan and states that in the aforesaid regions, some women, who employ agency independently instead of collective ways, are perceived as unruly and deviant, thereby reducing and impeding their actions through violent behaviour in and around their lives (Chaudhry, 2009). Generally, the validity and importance of kinship and affinity infiltrate into the social, economic and political domains so

that citizenship turns out to be gendered on specific historic and cultural lines (Joseph, 1997).

Conversely, in Pakistan, women and men are the same before its statutory law and Shariah (Shah, 2006). And the state is also a signatory to the UN's Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and other international agreements. All these human rights regimes guarantee gender equality and endorse that women are allowed by law to inherit and have access to all kinds of properties. Therefore, inheritance privileges belong to women by right and depriving them of these rights, based on gender lines, spoils the very model of family as a social entity (Ahmad, Batool & Dziegielewski, 2016). However, having a traditional religious setup, and patriarchal structure, the social system is ruled and controlled by men, which deprives women of these privileges (Syed, Tabassum and Afzal, 2013).

The state brought and is still bringing many legal land reforms approving women's rights to succession and inheritance and acknowledging them as equal to males with the same rights and opportunities. These developments diminish and transform customary social trends in urban zones to a large extent. On the contrary, the patriarchal and traditional religious connectivity and integration maintain these underlying trends in the country's rural regions to have a tight grip on their people and social system. One of the motives behind such accomplishments is to exert a strong influence on womenfolk to retain their bodies and minds in full subjection to men, make them profoundly dependent on them for their social life, and keep them deprived of property rights in family matters. For that reason, women continue to have fragile property inheritance rights in rural Pakistan. There have been abundant precedents in such areas that males are using force against women or killing them when they are accessing relevant departments and courts for claiming their inheritance or renouncing their rights to inheritance (Rehman, 2010).

Though the concerned institutions and law lords claim a major breakthrough in providing women with inheritance rights in these regions, yet, women, due to customary values, patriarchal exegesis of the sacred texts, legal pluralism and red-tapism in the concerned institutions are compelled to surrender all claims to the property (Zaman, 2014). Therefore, this study, in the preceding context, aims at exploring all those dominant cultural, ideological, and legal impediments that deprived women of inheritance rights in the Jandul Subdivision, Lower Dir district, which is a far-flung area in Kp province located near the Pak-Afghan border. And seeks to handle these challenges through institutional ways to fill the gender gap in the control of property to contribute towards realizing gender equality in society. To conduct this research, this study selects the three villages, namely Matta, Kotkai and Makhai, in Subdivision Jandul, Lower Dir as a focused zone for this activity. For this study, the sampling strategy is adopted through a purposive sampling method and qualitative research design, thematic analysis is applied to generate findings.

Objectives of the study

- To identify major substantive cultural, ideological and legal impediments that deprive women of property inheritance rights in rural regions;
- To assess the state gender reforms and the gap between policy and practice regarding women's property rights in rural Pakistan;
- To offer meaningful and precise recommendations to state institutions to combat and diminish these illegal traditional practices to bridge the gender gap in the control of the land to promote gender equality in society.

Inequality Regimes, Patriarchal Connectivity, and Women's Rights to Property Inheritance

There are three wide ranges of law in a state, the customary values, the religious law and the state law, which either positively or negatively impact women's rights (Zaman, 2014). The feminists posit that anti-feminist and patriarchal attitudes and practices in human societies are an outgrowth of a historical process that deliberated women as the property of menfolk without conceding their intrinsic rights (Bhalotra, Brule & Roy, 2020, Ahmad, 2012). According to Nunn (2012), history shapes and evolves cultural values and standards having an impact on institutions, including formal institutions; constitutions, rules, and laws and informal institutions; customary values and codes of conduct, which have a major role in organizing the social system, gender roles and relationship in a society. Informal institutions or customary values and beliefs are inherited by various social groups through which they cultivate their understanding and knowledge about and attitudes towards life (Zaman, 2014; Guiso, Sapienza, & Zingales, 2006). Zaman (2014) identifies that cultural practices are shared and subjected to change in nearly all societies but some of them are advantageous to all members while others have long-term harmful effects on a particular group, for instance, women.

Abdullah (2018) argues that cultural norms are crucial factors in shaping and interpreting the social milieu and human rights. Hunt (2007) points out that culture concedes human rights through discerning human concepts, approaches, insights, compassion, and concerns for specific groups of others. Nevertheless, Udoh, Folarin & Isumonah (2020) see that a wide range of traditions and customs across all sections of communities extensively affect the fostering and securing of women's rights notions and regimes. Customary values are frequently employed as an instrument to defend women's rights violations, particularly in marriage and property matters deep-seated patriarchal stereotypes and harmful gender metaphors are instrumental in bringing about an end to women's inheritance rights. As Okin (1999) remarks, the majority of socio-cultural

values across the globe, through shaping and interpreting gender rights, encourage supremacy and control of women by men.

For that reason, in evolving societies, despite the broad inclusive national and international laws and policies about egalitarianism and social equality, females are still treated as a marginalized group and deprived of property inheritance rights on account of customary and patriarchal norms embedded into these societies. This certainly shapes a social phenomenon that Acker (1990, p. 139) turns to as “all-male enclaves” that maneuver on a male-dominated ethos. Accordingly, in such a hierarchical social structure and gender stratification setting, gender disparity exists at all levels of society.

Conversely, Ahmad (2012) argues that the steeping of society in traditional and patriarchal structure not only affects the progressive interpretations of its sacred texts but also transforms them into a patriarchal approach. Spiritual doctrines have a deep influence over human rights and are marked out for women’s emancipation (Udoh, Folarin & Isumonah, 2020). Lauren (1998) opines that, generally, major world religions have great values, uprightness, and dignity for all people irrespective of class, race, and gender identities and, subsequently, impart moral obligation to human beings to serve the prerequisites of suffering persons in unbiased ways. Rieffer (2006), while endorsing these remarks, points out that, ultimately, these high religious standards and developed moral obligations provided a broader rational and philosophical base for the international human rights regimes to institute their laws and policies. In this way, predominantly early sacred scripts settled a set of moral principles or rules of behaviour that held and promoted the preliminary discourse on human rights, which culminated in conceding and ratifying the duties, responsibilities, and rights of all peoples. These codes of conduct got ideas and concepts back into shape regarding human rights that were eventually approved and assimilated into international law in the

twentieth century (Udoh, Folarin, & Isumonah, 2020; Rieffer, 2006).

Sait & Lim (2006) argue that same is the case with Islam. It is one of the world’s greatest legal systems and has a progressive version regarding women’s property and marriage rights, improving the status of women and addressing the question of inheritance and succession on equitable grounds to ensure gender equality. Nevertheless, Ahmad (2012) states, its enlightened version had been distorted through patriarchal exegesis and historical traditions in the classical age of Islam, which remained firm and acceptable in early civilization until even recent times. This perpetuates males’ hegemony and authority over women to operate the family matters inclusively and exploit widely their economic profits and property privileges, which lead to social stratification, gender differences and inequalities in society.

Alesina & Giuliano (2015), on the other hand, theorize the relationship between culture and institutions and argue that both are closely interrelated, develop respectively, and affect each other simultaneously. Therefore, Nunn (2012) points out that culture or customary values make a profound impact on the formation and expansion of formal institutions; constitutions, laws and rules. This interrelationship of formal and informal institutions leads to legal pluralism, which Voyce & Possamai (2011) define as the presence and execution of a compound legal system within society. In other words, it is the intersection of non-state indigenous norms and state-sanction rules in a system of law, for instance, the District Reconciliation Committee, the Jirga system, a local judicial structure that decides in line with the Pushtin social code in rural areas. That grows into a serious impediment to the state’s law due process regarding family matters, particularly women’s acquisition and disposal of land, and fostering a fair gendered social order.

Kiye & Emmanuel (2015) opine that the nexus of culture and formal laws promises the survival of loopholes in a legal system. Given

that sometimes a court does not accept a custom to be applied to society, however, it does not stop society from observing that practice. Thereby a wide divergence takes place between what the law court deliberates as custom and what is acknowledged and employed as a customary rule in society for resolving family matters and showing a reckless disregard for the court verdict. Khan, Khan & Zahir (2020) observe that such procedures and practices produce more complications than necessary and women go through endless red tape to get inheritance rights and, eventually, surrender all claims to the property.

The issue of land rights from the perspective of women, owing to the foregoing cultural and ideological stereotypes and legal loopholes is a growing concern across the world and a large number of countries undertake to overcome such outdated and traditional concepts of gender differences and hierarchies. Few, however, have delivered adequate resolutions for this complication. Accordingly, women are at the mercy of males for possession and accession to land, and, subsequently, women's rights and gender equality have fallen short of national and transnational's expectations (Murphy & Fogelman, 2022; Chigbu, 2022). Pakistan, a developing society, is one of the countries that has also this issue, particularly at

its rural levels. This research is an attempt to explore all those cultural, ideological, and legal obstacles in a rural region, Jandul Subdivision, Lower Dir district, of the country, which impede women's inheritance rights and address them to a maximum level through institutional ways to bridge the gender gap in the control of the land to contribute to determinations for gender socioeconomic equality in society.

Data and Methodology

Sample Size

This research was carried out through rural fieldwork based on in-depth, semi-structured interviews in the aforesaid three villages of Jandul Subdivision, District Lower Dir. The population for this study was divided into seven (07) strata. Overall, 37 women of the total population were interviewed, including educated and uneducated individuals. Interviews were also held with concerned department officials, comprising three SHOs at different police stations, two lawyers of the civil court, a reader in the office of the Assistant Commissioner, and three Village Councilors and Nazim in the union council. Three local Ulama were also interviewed to get primary information about the issue. The interviews were conducted over ten days.

S. No	Strata	Number
01	Women	37
02	Station House Officers (SHOs)	03
03	Lawyer	02
04	Reader	01
05	Village Counselor	03
06	Naim	01
07	Ulama	03
Total		50

Figure 01 shows the total number of participants in the study

Sampling Strategy

For this purpose, the purposive sampling method was employed. A purposive sampling approach is used in a qualitative study by the researcher, in which he/she, based on his

judgment and insight, selects a particular unit, including people, cases, or events, as a part of the data for the study. Generally, the sample, which is studied, is quite small and precise and is taken from a large group and employed to

provide information about that group regarding a particular social phenomenon. The foremost objective of purposive sampling is to study specific attributes of a population on a particular issue that satisfy the research objectives by revealing information about the concerning issue and seeking a solution for that problem (Mills & Gay, 2019).

The study employs primary data in the form of fieldwork, which includes in-depth interviews with men and women in the concerned site. Each interview took approximately 20 to 30 minutes. The interviews incorporated demographic characteristics of the respondents, including age, sex, family type (nuclear or joint family), and marital status (general age of marriage in the area, single, divorced or widowed). Type of marriage, comprised pieces of information regarding the nature of marriage: love marriage, arranged marriage or forced marriage. And the mode of marriage indicated whether marriage took place as a result of Watta Satta (exchange marriage), endogamy, Vani (marriage to resolve a conflict), or Valvar (bride price). Then a substantial portion was shaped for each participant about her education, level of qualification, and socioeconomic status. The last part of the interviews contained questions: knowledge about inheritance rights (constitution of Pakistan and Shariah law), Source of knowledge (family, school, madrasah, kinsfolk, neighborhood). Link with the property's owner (mother, sister, wife, daughter), received the inheritance (yes, no, surrender), hindrances to women's property inheritance (traditions, legal system, family attitude, patriarchy, red-tapism in concerned departments, social values, force, etc.).

To keep the tradition of the focused area in the process, the selected sample population was approached by local female facilitators having familiarity and acquaintance with them. All of them knew about women's inheritance rights. The interviews' record was studied and organized with codes to identify key concepts

to classify different important themes that affect women's inheritance rights (Table 1 illustrates this order). Secondary data comprising published books, articles, and reports are also included. Secondary resources have been utilized for collecting information, providing a quality database, and building a comparative approach to the related study.

Then, the research applies a qualitative research design to generate findings, which is adopted through thematic analysis, determining and evaluating themes or patterns within qualitative data. Firstly, themes, including customary values and women's land share, Islam, women's property inheritance and traditional and secular approaches, and red-tapism and loopholes in the government institutions and their subsequent inefficacy regarding women's inheritance rights are developed. In the second step, within these themes, a comprehensive analysis of different factors and concepts that are involved in creating hindrances to women's inheritance rights is conducted. In the third and last step, a comparative perspective, including socio-economic disparity regimes, gender socioeconomic inequality, and the possibility for change, is built to make recommendations for addressing the issues affecting women's inheritance rights in the focused zone. The thematic analysis is justified given that the research not only develops and presents a paradigm of related themes to show how they relate to the cumulative dimension but also analyses them thematically to illustrate different factors and concepts affecting women's rights to property inheritance and how to address these issues to achieve these women's privileges and uphold gender equality in society. Like other studies, this research does not assert to deal with the issue in its completeness, yet it paves the way for understanding various dynamics harming gender property legacy in the focused area, handling this challenge, and supporting gender equality in society.

S. No	Models	Themes	Cumulative Dimension
1	<ul style="list-style-type: none"> Compound system of law, legal Pluralism Patriarch norms related to marriage, endogamy, exchange marriage, and dowry Familial bonds, a family boycott on property demand, emotional attachment with family, social safety net Socialization into patriarchal norms, strict adherence to socio-cultural values 	Customary values and women's land share	Gender to Land Rights and Inequality Regimes= Gender Socioeconomic Disparity in Society
2	<ul style="list-style-type: none"> Traditional and patriarchal interpretations of sacred texts regarding women's inheritance rights Landed patriarchy Adopting a secular approach to keep the property in the family 	Islam, women's property inheritance, traditional, and secular approaches	
3	<ul style="list-style-type: none"> Lack of rule of law and due process of law Delaying tactics and red tape Legal Pluralism in depriving women of properties Failure of relevant institutions to fulfill their duties 	Government institutions, legal loopholes, red tape, and their inefficacy regarding women's inheritance rights	

Fig. 02 Data Structure: Women and land rights in the focused zone

Findings

In the context of the preceding data structure, the study identifies different concepts affecting women's inheritance rights and based on these concepts develops and draws attention to the second-order, themes, to show how they relate to the cumulative dimension. To ensure the accuracy of the accounts, the research incorporates the participants' perspectives through Fig.02 to substantiate its claims and illustrate the data through thematic analysis.

Customary laws and Women's Land Share

The customary values (a cluster of customs, popular beliefs, and usages of the community) in Pakistan, particularly in Pashtun rural areas

assume the Pashtuns' code of honor known as Pashtunwali, simply, the code of life under which they live. The Pashtunwali embodies Pashtun cultural identity so consistently and effectively that Pashtuns and their code turn into the same (Kakar 2004). Therefore, these deeply rooted customs and convictions work as both a code and ideology (Roy, 2009) and entirely govern the social life of Pashtuns, including males and females. They must adopt them, assimilate them into their lives, and defend them in all circumstances and processes. For that reason, in rural areas, customary laws function equivalently with statutory and religious laws administering collective or individual life. Subsequently, Pashtun women

in the rural belt expend their lives under the customary values and models, which enchain their lives, bodies, movements, liberties, rights, and professions to the best of their abilities. Accordingly, gender roles build the central part of this inclusive social system, which provides and promotes a framework for great reliance between the sexes instead of equality (Zulfacar, 2006; Stickland, 2007). A comprehensive survey of the UN Office of the High Commissioner on Human Rights (2016) reveals that customs and traditions provoke deep-seated patriarchal structures and detrimental gender stereotypes across the globe, which are consistently employed as valuable apparatus to substantiate the flout of women's rights predominantly within the purview of marriage and property.

The same is the case in the focused zone where customary values set women's position and property rights that make profound impacts on women's role and aptitude to shape their identity and destiny in society. A professor from Makhai village explained how it works in his village: in inheritance cases, under customary values, women are not given a share in the family land. It's extremely rare for a woman to be a shareholder in the household property. However, this procedure is performed through either her family's male elders or the local Jirga system, which is comprised of persons from the same ethnic group. The local people deem it a dishonor to take and settle such family matters in the local court or a police station. Two office-holders, a police SHO, at the concerned police station, and an ex-Union Council Nazim, from Kotkai village, responded that women's property inheritance practice is hardly followed here. In occasional circumstances, if this happens, the concerned family is guided to resolve the issue with their tribe's elders. The ex-Nazim added that in such a case he attended such negotiations as a local elder, not as a public office holder. The exact words were communicated by a reader in the office of the Assistant Commissioner.

Thus, the set of notorious customary values is a dominant feature of this rural area that causes gender discrimination regarding land rights and establishes the practice of treating women as legal minors in society, which forbids them to contract, acquire or dispose of the property. In the majority of cases, this discriminatory approach towards womenfolk is strengthened through the notion of endogamy, exchange marriage and dowry that deny them succession and inheritance. Endogamy refers to the institution of marrying individuals from your clan, caste and social group. This tradition existed and practiced throughout the world for centuries among primitive ethnic bands, socio-religious groups and aristocracies and was transmitted and steeped in the subcontinent, where it is prevalent until recent times (Safdar, Ikram, Sher & Rehman, 2021). Similarly, exchange marriage (Wata Sata in the local language) implies matrimony in which a family gives their female to a male from another household and reciprocates their female with a male from the former family. The tradition of exchange marriage has been in practice for a long time among various societies around the globe to act as a stimulus to establish communal relations and interactions and build up a kinship system (Zaman, 2014).

On the other hand, dowry is a stipulated quantity of estate, cash, and goods, that in traditional societies a wife or her family, as a premortem inheritance, pay her husband when they get married (Anderson, 2004). This custom had been practiced in ancient civilizations, comprising Hebrews, Egyptians, Mesopotamians, and Aztecs in 3000 BCE, and was marked as an institution in the history of all advanced nations and is characterized by evolving societies at present (Anderson, 2007). Generally, endogamous and exchange marriages take place in clans, similar races, and joined family systems to protect and secure the ties of kinship. For that reason, these practices are also realized as a grouping realization, kinship formation and cultural preservation. However, these sorts of marriages and the

custom of dowry are major causes of escaping the distribution of the family's financial assets, particularly women's property inheritance in rural regions. Accordingly, property in the focused zone is also believed as an immediate sign of honor, strength and a mark of respect for families and clans. Generally, the public has a deep respect for a family having a lot of property and it is also the required standard for Malakism (to be a chieftain in a village) and Khanism (to be a man of rank or leader of a clan) in this community. Accordingly, the property is considered a family right held by the elders of the family and they are assumed responsible for the survival of the family property.

In addition, there is extreme respect for their elders, relatives, and peers of their families and tribes in this rural culture. The juniors and lowers approve to surrender all claims and authorities, including choosing a spouse and getting married, to their elders. Denial of any party, male or female, of such values in matrimonial decisions results in extensive damage to the integrity of the family and the survival of the offenders. Subsequently, an elder's first choice for a son's spouse is considered to be his close relatives (biradary in the local language), cousins of his son, to avoid division of the family's property. About sixty-five percent of the respondents, including women, official servants and stakeholders in the local body system certify that nearly 80% of local people entered into endogamous marriages and 5 percent of exchange marriages took place in this area. In this way, the direct economic asset of women are taken away and hardly 1% of women have been given property and the rest of them are put at the mercy of males. And menfolk, while disregarding statutory laws and the Shariah of the country, become sole heirs of the household property and grab and operate the financial functions of their families.

Then dowry (wedding gift), which is neither justified by Islam nor a legally binding

agreement, is made obligatory for females under rural traditions in matrimonial decisions. Even though it is a short-term subsidy and not worth as much as real inheritance, nevertheless, in the concerned area, this illegitimate and unfounded custom is considered to be an excellent substitute for female inheritance and the local Pashtuns express a strong preference for it and have a widespread belief in dowry compared to legal heritage. Thus, to preserve the property, which signifies the integrity and strength of a family, to achieve high social status and position in the established social setup; these attitudes and approaches are deeply embedded in this community. The data also found that women also have issues with family in securing their property rights as most family bonds in this area, like the whole rural belt, are based on women's ceding their property claims to males. If a woman asks for acquiring her property in a family, the whole household, at first, rebukes her for disregarding the male's respect in the family and, then, the whole family, including her mother and sisters, started stopping all sorts of correspondence with her and even forbid their children to go to her home. Sometimes, property matters may lead to long-time disputes in a family; therefore, to avoid such incidents, women surrender all claims to the property.

On the contrary, some women acknowledge the services of family male members, through caring for their offspring, giving them sponsorship, providing them with security and all necessary stuff at marrying times, and relinquishing their property to the siblings of their own free will. A group of respondents, including educated and uneducated women, expressed the said two-dimensional attitudes. One respondent explained that she did not demand property from his brother as she has a good relationship with him and my offspring have great value for their maternal uncle and claim to property inheritance may lead to a strained relationship between our families. Conversely, in the rest two cases, they asked that we claim our heritage but the males of our

family do not entertain our demands. Thus, in both cases, women's rights are bound by prevailing customary laws and values. Discrimination on the grounds of gender in families also gets women into difficulties in claiming and receiving their rights to property inheritance in the rural region. Sons are always preferred over daughters at birth as they believe that boys guarantee the family's socio-economic while women bring with them massive socio-economic responsibilities to their parents and after growing up marry into outside families and take their property share to their in-laws. The inhabitants of this area are also steeped in this tradition and, subsequently, males are treated with respect and are entitled to enjoy all the benefits and privileges of the family whereas women are neither backed by their families nor are entertained with such services and accommodations.

These historic remains have been successfully assimilated into the rural community as the older women are fully equipped with traditional concepts of gender and have the important function of socializing and inculcating children with traditional views on gender roles. These grown-up women execute a starring role in training women, from an early age, with this particular set of beliefs that males are their protectors, and guardians and that they are heavily dependent on their family males. Accordingly, such socialization into patriarchal social structures instills in women their extreme loyalty to family, their norms and values. And this special bond between them and their families gives a privileged position to males, which they exploit by forbidding women from challenging family norms and values, even raising the question about their inheritance, as males' honor resides in the actions of the women of their family. This is why the majority of women, notwithstanding knowing their rights and upholding modern ideas, adhere strictly to traditional gender role postures and leave their property privileges to the family's discretion.

Islam, Women's Property Inheritance and Traditional and Secular Approaches

Islam, the Muslim religion, not only determines the promotion and protection of women's rights to property inheritance but also provides them with guidelines for realizing these rights. To retain parity between men and women and to wipe out acknowledged conventional women's subordination in whole civilizations, Islam, for the first time, conferred on womenfolk the right to succeed to the properties, acquire and purchase them. Islamic regulations, which are considered to be one of the world's supreme legal structures, set up the principles to bring peace and order at all levels of human society, enhance women's position and status quo, and handle the matter of inheritance and succession on fair and equitable grounds, disregarding all discriminations based on gender, race or ethnicity. Thus, Islam marked a new dawn in human history by imparting women an independent legal and economic identity (Sait & Lim, 2006; Udoh, Folarin & Isumonah, 2020). Nevertheless, a substantial part of the intelligentsia, including Muhammad Qutab (1964) and Syed Abul Aala Maududi (1987), views that Islam rationalizes some limitations on women's property inheritance in the sense that a woman receives half of a male in inheritance. They justify this distinction on the assumption that the man fulfills more financial obligations in the family system than the woman; therefore, the man's share in the inheritance distribution is greater (Shah, 2006). Modernist intellectuals, including Wadud (1999) and Shah (2006) counter these accounts and argue that men do not have the authority to avail double shares constantly under any circumstances irrespective of whether their economic role and contribution feature prominently in the household. Shah (2006) categorically rejects such perceived misogynistic attitudes and myths in the Islamic inheritance system with two patterns. First, if a female, having no offspring or grandchildren, passes away and leaves only her husband and her full sister as survivors, then, the property is distributed in such a way that both, her husband

and sister, get half shares. In this case, males and females have the same equal share of the property. Second, when a woman dies and leaves her daughter, one full brother, and husband as survivors, at that point, one-fourth of her estate is received by her full brother and husband whereas one-half of the total estate is received by her daughter. In this case, the woman collects a double share of her father and uncle. Therefore, both these cases prove that the question of gender is inappropriate in the Islamic inheritance system. The primary objective behind the deliberate misinterpretation of some verses of the holy Quran is to prove the superiority of men over women (inequality between men and women), which is out of touch with reality (Shah, 2006). Such patriarchal interpretations regarding estate heritage and overall gender discrimination stemmed from the old divine religions, Judaism and Christianity, which did not have detailed commandments and decrees about women's rights to property inheritance except in a few instances where women were sanctioned to inherit their fathers' land (Udoh, Folarin & Isumonah, 2020). To allocate inherited property to males was substantiated in their sacred books, and in the case of females, the daughter could inherit only in absence of the sons on the condition of her marriage within the tribe or family. Therefore, the property was considered a family right held by the male elders of the household (Hussain, 1987). These conservative and patriarchal exegesis of sacred texts regarding women's inheritance and gender rights also assimilated into Pashtun social orders and traditions and remained socially acceptable until the present. The data has many such examples in the focused zone, 80% of the respondents agreed with this tradition and responded: allotting property to males carries on over here as usual. Based on this common tradition, women do not make complaints about this unfair treatment. Women feel pleasure when siblings have a lot of property. A Woman is given a small piece of property when she has no brother and the rest of the property is distributed among her

siblings. When a local Imam (prayer leader) was asked why not he guided the local public regarding women's property rights under Islamic law, he replied: he is obliged to go according to their directives and traditions in managing regular and funeral prayers. On many such occasions and religious ceremonies, he guided them on religious lines regarding women's inheritance rights, nevertheless, despite listening and having religious knowledge, they address such issues through their customs and traditions. Thus, it is not the religion of Islam but rather the traditions that either deprive women of inheritance rights or do not confer on them the same inheritance rights as males.

The study also found that the majority of elders of different households knew that it is a divine instruction to provide women with a fair share of the property but they adopted a secular approach while handling matters of property inheritance of their families. They did not entertain their religious beliefs and denied bestowing women with property shares. In the same way, some families' male members have religious knowledge but they do not give women their share of property owing to many factors, including bowing to family and social pressures, keeping honor and prestige in society, losing control of women, upholding customs and traditions, and dropping authorities in households. Thus, traditional and patriarchal interpretations of religious scripts and secular approaches towards the region have a key role in denying women of their property rights in the concerned zone.

Government institutions and their inefficacy regarding realizing women's inheritance rights

There are three departments at the government level, namely the revenue department, the office of the Assistant Commissioner, the Civil Court, and the Police Department to accept a petition of a female as a legal heir. However, to get property inheritance, the data found that in all these units a woman goes through numerous red tape and legal gaps, which lastly tires her of

these proceedings and compels her to surrender all claims to the property. The main complications that force women to relinquish possession of the property in the revenue department include Patwari's colluding with family regarding depriving a female of property, misuse of land records by the Patwari's office, and a family influence on Patwari and his management hierarchy. Similarly, preparing a verbal gift of the property to the sons without the daughters' finding out, producing fake gift deeds, and obtaining blank signatures and thumb impressions from women on the blank documents through the collude of Patwari and concerned families are also unlawful means of the said unit to dispose of a female of property inheritance. Such illegal deeds are advertised in local anonymous and obscure newspapers, having no readers, instead of popular national printed media and, thus, these illegal processes cannot be identified and detected. (Khan, Khan & Zahir, 2020).

In the interviews, 70% of the females, including educated and uneducated, revealed that they neither know the exact location of their property nor has knowledge that whose name the property is, which did not confirm their position that they are either heirs of the property or they had been excluded. The other government bodies, including the police department and local union, reported that in the majority of these cases, women are either forced or convinced, on account of purdah, broken relationship or family honor, and finally agreed to surrender their claims to the property. Rule of law and due process of law within their relevant dominions confirms and guarantees functional specialization of the state's institutions and mark peace, prosperity and full-fledged provision of services to citizens in a country. The Judicial system is one of the crucial factors of the rule of law that certifies the due mechanism of law and uniform delivery of improved scale human rights and securities in a state irrespective of class, race and gender identities. Nevertheless, the execution of these basic attributes has not been effectively

demonstrated throughout the country until now. The basic reasons for this failure are that after the passage of the law, though, the ministry of the law sends a notification of the said law to the concerned offices, including the Advocate General, Prosecutor General and Registrar offices, to circulate to all relevant departments. However, the bar Councils, the various departments of law and the judicial system fail to fulfil their responsibility by promoting education about that law and providing free legal assistance to deserving citizens, particularly women (Zaman, 2014).

Furthermore, long procedures, the dearth of female staff in these departments and their poor performances and unsmooth delivery of the services also exhaust women to carry on their endeavors for achieving their inheritance rights. In this study, it is largely observed that in the majority of cases the women's perceptions have not been taken into account in the family and concerned departments, therefore, the biased judicial processes and bureaucratic hurdles are a great challenge to the calm delivery of women's inheritance. There was also a major fault in the law system at a basic level, a local body system. The local union council had a very minimum record of registration of birth, death, marriage, and divorce. Due to traditional values, neither families want to register themselves with their particulars nor did local union council secretaries force them to submit the concerned details to their offices.

The data also found that the local union council and police stations resolved the issue of female inheritance through the Pushtun social code, the Jirga system, which stuck the whole legal process. If a woman filed a complaint for her inheritance in these units, then, male members of her family were called and asked to sort out a native median for settling the issue. It was extremely rare that these departments pursued such cases and sent them to civil court for proper proceedings and actions. Thus, a society which has no tradition to involve a due legal process in a particular issue is also the main cause of poor rule of law and red-tapism in that society and, subsequently, the citizens and the

institutions of that social order do not incline to think to have due process of law and positive rational regarding human rights.

Discussion and Recommendations

Socioeconomic Disparity Regimes, Gender Inequality in Society and Prospect for Change

The findings reveal that customary dogmatism, religious obscurantism, loopholes and red tape in the relevant departments have shaped a disorganized structure of gender in rural Pakistan. This three-dimensional structure of gender stereotypes has deeply influenced rural regions and, in turn, the too-great reliance on this popular mythology misleads the public about gender socioeconomic equality. Subsequently, they believe that the economic spheres are the prerogatives of men and that women have a major duty to perform the domestic chores, therefore, females are dependent on and controlled by males in accessing their legal economic rights, including property succession and inheritance.

Smet & Boros (2021) argue that such gender structure leads to a power distance model of society that denotes the amount or level to which communities, classes, and individuals concede a high disproportion of power as compulsory, valid or effective. This approval of disparity and discrimination in power and authority affects what way persons and a multitude interact and work together, which contours the perception of justice, the relationship between attitudes and behavior and leadership standards in a society. Subsequently, in such a social hierarchical structure the disempowered, ineffective, and vulnerable group (women) will be more lenient, tolerant, and respectful in their upward feedback to avoid threatening the social order and the power hierarchy. Given that if they challenge such an ordered system, they will be subjected to torture and violence (Smet & Boros, 2021). Gender roles in rural areas present a prime precedent of the power distance model that deprives women

of their property rights, economic liberty and social equality. This research makes recommendations to the broad on addressing this three-dimensional structure of gender stereotypes and contributing to the efforts on resolving the paradox of gender economic and social equality in society.

Culture is critical to gender identities and gender relations as it shapes gender and clarifies patterns of gender work. However, social orders and cultures are not stagnant as they transmute and modify based on the exigencies of the surroundings and status quo. This variation in the culture takes place as feedback to socioeconomic and political developments linked with globalization that impacts gender roles and relations by opening ways, and spaces for substantial improvements in their lives and professions. Subsequently, this process reshapes and interprets cultural values to take up these challenges that provide opportunities for women to have personal possessions and access to modern education, the workplace, governmental agencies, and legal forums. Static customary values towards women's marriage, accession and inheritance also shift through effective reforms in the law and government policy and their implementation in the letter and spirit in the affected zones. Therefore, the government and courts should transform culture by adopting tough measures against customary practices and declaring those values repugnant and unenforceable which violates women's property rights.

Legal pluralism is a serious impediment to the state's sanction law and its due process regarding family matters in rural regions of Pakistan. Because in these areas, the majority of matrimonial cases are settled through customary ways, which disregard women's views through a biased Jirga trial and empower men in family matters, including marriage, succession, and inheritance. The customary laws largely operate in the rural areas and the local feudal and Mullah, based on their feudal and patriarchal system, regulate their family

issues under this system that brings women to the lowest position in life. They chain up women's economic liberation and resist gender equality and, therefore, offer resistance to an organized gender structure in rural Pakistan. Until the legislative institutions do not pull down the foundation of legal pluralism, which develops an inegalitarian society, women will suffer discrimination in human rights, comprising marriage and inheritance rights.

Religious obscurantism has posed many challenges to women in Pakistan's society. Given that traditional and decontextualized exegesis of Islam has a lot of inspiration and control over the social order that makes negative impacts on women's rights. Women neither renounce and withdraw religion nor hold an enquiry into some stereotyped dimensions of Shariah as it observes as declining their identity, heritage and faith. Unfortunately, from the perspective of women, the codified laws have been drawn on traditional lines having contradictory to contemporary notions regarding women's legal rights and gender equality. Modern governments also don't meet the feminist demands due to the conservative religious culture in the country and enact retrogressive laws for women, particularly regarding marriage, succession, and inheritance rights. Therefore, McNeil (2003) points out that the women of Pakistan are facing many challenges such as ethnicity, religious interpretations and class structuralism in pursuing equality and justice. These variables are closely affiliated with each other in forming patriarchal social structures within which Pakistani women operate (McNeil, 2003).

The main reason behind these conservative and radical accounts and policies regarding women's rights is the traditional religio-political and feudal elite groups in Pakistan that put pressure on governments for enacting such laws and policies and, which mislead people about the pristine nature of religion to maintain their popularity and position in society.

Therefore, in this modern period, it is an important prerequisite that government relieves pressure and adopts a real democratic culture by bringing the terms of the Islamic discourse to an end and converging Islamists, modernists and secularist groups regarding Muslim family matters. And implement the reshape and renovate policies of women's inheritance rights in the nook and corner of the country with letter and spirit. On the other hand, Muslim women having modern ideas should engage with the traditional interpretations of gender issues and take up this challenge by bringing an end to their control and influence on society. The women's organizations ask the government of the time to not involve traditional religious authorities in women's law-making and enact policies in line with women's rights. Udoh, Folarin & Isumonah (2020) argue that spiritual doctrines are crucial factors in interpreting and shaping the social milieu and human rights of societies, yet, applying distorted religious standards to society affects women negatively and disproportionately. Therefore, it is crucial to revise the blend of customs and ideological values regarding women's rights to discard fixed ancient customs and build a pristine form of religion on women's inheritance rights to address an essential prerequisite of the modern world (Udoh, Folarin & Isumonah, 2020).

Rule of law and due process of law within their relevant dominions confirms and guarantees functional specialization of the state's institutions and mark peace, prosperity and full-fledged provision of services to citizens in a country. The Justice system is one of the crucial factors of the rule of law that certifies the due mechanism of law and uniform delivery of improved scale human rights and securities in a state irrespective of class, race and gender identities. The constitution of Pakistan enshrines the rule of law and due process of law regarding gender relations and roles and laws have been enacted to protect women and provide them with their rights, nevertheless, the execution of these laws has not been effectively demonstrated (Zaman, 2014). To execute the laws in this regard actually, there is a need to

check the effectiveness of the concerned departments. The relevant law units confront the customary stereotypes with the practical implementation of laws and policies in society. Therefore, to get rid of such gender stereotypes, government officers should bring the perpetrators of the crime to Justice. They do not cover the customary values as legal acts and never allow both perpetrators and victims to deal with women's inheritance rights issues with local customs and traditions. They are not a law unto themselves and act according to the law and do not be mediators in the negotiations.

This should be a part of police officers' training to impart knowledge to them related to family matters so that they know the variety of women's issues and handle them properly. Police stations should have the latest version of the legislation on women's rights. To avoid an error regarding recording women's cases, there should be a proper online system in police stations for receiving women's reports and a great number of women police officers to handle women's lawsuits. The courts should eliminate these cultural toxins from society by assuming egalitarian jurisprudence. To repudiate and lock customary practices of women's inheritance, the judicial academies should organize regular training for judges and other involved actors so that they could reform the system by declaring customary values as null and void and offensive to human rights. To achieve these objectives, there should be an integrated coordination system between the provincial law department and provincial and district bar councils. These constituent sections should apply the appropriate reforms to government local bodies, including village council and union council. Their relevant departments should launch social awareness drives in rural mass to highlight the negative implications of customary practices regarding women's inheritance rights and demystify women's heritage through appropriate programs.

Conclusion

Allocating women's right to property inheritance is a neglected issue in Pakistan. Rural women through gender and class structures are exploited and disapproved of to have land and position in the social order. The constitution and Shariah law determine the protection of women's rights to property inheritance and provide them with guidelines to realize these privileges, nevertheless, women owing to inequality regimes and patriarchal connectivity are still deprived of their property rights in the rural region. The findings from this study suggest that until the government does not take tough measures to combat patriarchal social structures within which rural women operate and legislative institutions do not pull down the very foundation of gender and class structures, women will suffer discrimination in property inheritance rights in the rural zone.

References

1. Abdulla, M. R. (2018). Culture, religion, and freedom of religion or belief. *The Review of Faith & International Affairs*, 16(4), 102-115.
2. Acker, J. R. (1990). Hierarchies, jobs, bodies: A theory of gendered organizations. *Gender & Society*, 4(2), 139-158.
3. Agarwal, B. (1994). Gender and command over property: A critical gap in economic analysis and policy in South Asia. *World development*, 22(10), 1455-1478.
4. Ahmad, M., Batool, M., & Dziegielewski, S. F. (2016). State of inheritance rights: Women in a rural district in Pakistan. *Journal of Social Service Research*, 42(5), 622-629.
5. Ahmad, N. (2012). Modern Debate on the Socio-Political Rights of Muslim Women. *Asia-Pacific Journal on Human Rights and the Law*, 13(1), 42-64.
6. Alesina, A., & Giuliano, P. (2015). Culture and institutions. *Journal of economic literature*, 53(4), 898-944.

7. Anderson, S. (2004). Dowry and property rights. University of British Columbia.
8. Anderson, S. (2007). The Economics of Dowry and Brideprice. *Journal of Economic Perspectives*, 21 (4), 151-174.
9. Bhalotra, S., Brulé, R., & Roy, S. (2020). Women's inheritance rights reform and the preference for sons in India. *Journal of Development Economics*, 146, 102275.
10. Chaudhry, L. (2009). Flowers, queens, and goons: Unruly women in rural Pakistan. *Journal of International Women's Studies*, 11(1), 246-267.
11. Chigbu, U. E. (Ed.). (2022). *Land Governance and Gender: The Tenure-gender Nexus in Land Management and Land Policy*. CABI.
12. De Smet, S., & Boroş, S. (2021). Revisiting women empowerment through a cultural lens an in-depth analysis of empowerment methodologies in horticulture in rural Ethiopia. *Frontiers in Psychology*, 12, 536656.
13. Fletschner, D., & Kenney, L. (2011). Rural women's access to financial services: credit, savings and insurance. ESA Working Paper No. 11-07. Food and Agriculture Organization of the United Nations.
14. Guiso, L., Sapienza, P., & Zingales, L. (2006). Does culture affect economic outcomes? *Journal of Economic Perspectives*, 20(2), 23-48.
15. Hanmer, L., & Klugman, J. (2016). Exploring women's agency and empowerment in developing countries: Where do we stand?. *Feminist Economics*, 22(1), 237-263.
16. Hunt, L. (2007). *Inventing human rights: A history*. WW Norton & Company.
17. Hussain, A. (1987). *Status of women in Islam*. Lahore: Law Publishing Company.
18. Joseph, S. (1997). The public/private—The imagined boundary in the imagined nation/state/community: The Lebanese case. *Feminist review*, 57(1), 73-92.
19. Kakar, P. (2004). Tribal law of Pashtunwali and women's legislative authority. Afghan Legal History Project, Islamic Legal Studies Program, Harvard Law School, dátum nem ismert.
20. Khan, H. H., Khan, A., & Zahir, H. (2020). Women's inheritance Rights: Procedures, Loopholes & Obstacles.
21. Kiye, M. E. (2015). Conflict between customary law and human rights in Cameroon: the role of the courts in fostering an equitably gendered society. *African Study Monographs*, 36(2), 75-100.
22. Lauren, P. G. (1998). *The evolution of international human rights: Visions seen*. University of Pennsylvania Press.
23. Maududi, S. A. (1987) *Tafeheem-ul-Quran*. 6th ed. Lahore: Adara Turjuman-nul-Quran.
24. McNeil, K. (2003). *Towards a Depolarization of the Pakistani Women's Movement*. In Charles (ed.) *Pakistan at the Millennium*. Karachi: Oxford University.
25. Mills, G. E., & Gay, L. R. (2019). *Educational Research: Competencies for Analysis and Applications*. Pearson. One Lake Street, Upper Saddle River, New Jersey 07458.
26. Murphy, C., & Fogelman, C. (2022). Gender, Structural Inequality and Just Governance. In *Land Governance and Gender: The Tenure-Gender Nexus in Land Management and Land Policy*.
27. Newbiggin, E. (2010). A post-colonial patriarchy? Representing family in the Indian nation-state. *Modern Asian Studies*, 44(1), 121-144.
28. Niaz A. S. (2006). *Women, the Quran and International Human Rights Law*:

- The Experience of Pakistan. Leiden: Brill.
29. Nunn, N. (2012). Culture and the historical process. *Economic History of Developing Regions*, 27(S1), 108-126.
 30. Okin, S. M. (1999). *Is multiculturalism bad for women?*. Princeton University Press.
 31. Qutb, M. (1964). *Islam the Misunderstood Religion*. Kuwait: Darul Bayan Bookshop.
 32. Rehman, S. (2010). *Denial of women's rights of inheritance: Enhancing their vulnerability and domestic & societal violence*. Awaz Foundation Pakistan: Centre for Development Services.
 33. Rieffer, B. A. (2006). Religion, politics and human rights: understanding the role of Christianity in the promotion of human rights. *Human Rights & Human Welfare*, 6(1), 15.
 34. Roy, A. B. (2009). *The Socio-Cultural Issues in Afghan Nation-Building*. *Dialogue*, 11(1).
 35. Safdar, M. R., Akram, M., Sher, F., & Rehman, A. (2021). Socioeconomic Determinants of Caste-based Endogamy: A Qualitative Study. *Journal of Ethnic and Cultural Studies*, 8(2), 39-54.
 36. Sait, S., & Lim, H. (2006). *Land, law and Islam: Property and human rights in the Muslim world*. Zed books.
 37. See https://www.cerp.org.pk/updata/files/files/46_20200521210833.pdf
 38. Sen, A. (1985). Well-being, agency and freedom: The Dewey lectures 1984. *The journal of philosophy*, 82(4), 169-221.
 39. Stickland, R. T. (2007). The way of the Pashtun: Pashtunwali. *Canadian Army Journal*, 10, 44-55.
 40. Syed, N. T., Tabassum, H., & Afzal, T. (2013). Women's political participation and the laws to protect women in Pakistan. *Pakistan Journal of Women's Studies*, Alam-e-Niswan, 20(2), 99-115.
 41. Udoh, O. D., Folarin, S. F., & Isumonah, V. A. (2020). The influence of religion and culture on women's rights to property in Nigeria. *Cogent Arts & Humanities*, 7(1), 1750244.
 42. United Nations Office of the High Commissioner on Human Rights. (2016). *Women's rights in Africa*. Retrieved September 15, 2022, from https://www.ohchr.org/Documents/Issues/Women/WRGS/WomensRightsinAfrica_single_pages.pdf.
 43. Joyce, M., & Possamai, A. (2011). Legal Pluralism, Family Personal Laws, and the Rejection of Shari'a in Australia: A Case of Multiple or "Clashing" Modernities?. *Democracy and Security*, 7(4), 338-353.
 44. Wadud, A. (1999). *Quran and Woman: Rereading the Sacred Text from the Woman Perspective*. New York: Oxford University Press.
 45. Zaman, M. (2014). Exchange Marriages in a community of Pakistan: Adequate social exchange. *The Family Journal*, 22(1), 69-77.
 46. Zaman, S. (2014). Forced Marriages and Inheritance Deprivation in Pakistan: A Research Study Exploring Substantive and Structural Gaps in the Implementation of Prevention of Anti-Women Practices Act, 2011, in Six Select Districts of Pakistan. Aurat Foundation.
 47. Zulfacar, M. (2006). The pendulum of gender politics in Afghanistan. *Central Asian Review*, 25, 27-59.
 48. Zulfiqar, G. M. (2022). Inequality Regimes, Patriarchal Connectivity, and the Elusive Right to Own Land for Women in Pakistan. *Journal of Business Ethics*, 177(4), 799-811.