

Social and Cultural Challenges to Women's Property and Inheritance: A Study of District Dir Lower Khyber Pakhtunkhwa

¹Arab Naz, ²Gohar Saeed, ¹Waseem Khan, ³Qaisar Khan, ⁴Nasim Khan and ¹Umar Darz

¹Department of Sociology University of Malakand, Pakistan

²Director Pakistan Academy of Rural Development Peshawar, Pakistan

³Department of English University of Malakand, Pakistan

⁴Lecturer in Sociology, AIOU Islamabad, Pakistan

Abstract: The major emphasis of this research study is to know about various social and cultural challenges concerning women's property and inheritance among Pakhtuns of District Dir Lower Khyber Pakhtunkhwa province of Pakistan. Stratified random sampling method has been used and the overall population has been divided into two strata on the basis of age and education i.e. age of twenty (20) years and below forty (40) years while education was at least graduation. In this context, the actual population of the target community i.e. consists of 38222 (Census Report 1998) both males and females whereas 52 percent that makes a total of 19875 members were male while females constitute 48 percent (18346) of the whole population. The ratio of graduate male members is 4 percent while that of female members is 2 percent thus a total sample size i.e. 200 were selected for interview (120 from males and 80 females) in a face to face conversation in order to collect the in-depth information. All the respondents were thoroughly interviewed in face to face, well managed and organized atmosphere and suitable environment. The collected information has been passed through quantification i.e. tabulation, frequencies and percentages of different variables, explanation and have been tested and verified with the application of Chi-Square test. The data indicate that female has been deprived of their property rights due social, cultural and traditional reasons.

Key words: Constraints • Property • Patriarchy • Male dominancy • Subordination • Traditionalism

INTRODUCTION

Widespread exclusion of women exists in developing countries from owning or controlling property and inheritance as noted by Centre on Housing Rights and Evictions[1]. Research questions and intervention explore the relationship between property ownership and inheritance with women status and the importance of this relationship is clear in terms of social and economic development [2,3]. Data on the subject issue reveal that at the global level, women represent 50 percent of all adults living but most of them have the denial of their basic right of property [4]. However, female share of the total number of cases varies widely by region i.e. 25 percent of the adult population in East Asia and the Pacific and in many parts of Europe and Central Asia, but 60 percent in sub-Saharan Africa while in Sub-Saharan Africa, the percentage is seven or eight times the global average, the

highest ratio is found in countries of Eastern and Southern Africa, [4]. Literature indicates that women in sub-Saharan Africa are adversely affected by acute discrimination in matters of property and inheritance and from the effects of discriminatory and oppressive laws, customs and traditions, especially regarding access to and control of housing and land [1].

Worldwide, women remain a minority of owners of land and housing and often face discriminatory customs, laws and institutional practices that severely restrict their ability to gain and control property [5]. Among developing regions, Latin America, South Asia, Middle East and North Africa, as well as other regions has significant inequalities in property matters across diverse ethnic and religious divides, despite extensive mobilization for women's rights throughout the region [4]. Lee-Smith [5] argue that in sub-Saharan Africa, property matters are determined by a combination of

residual colonial law, current constitutional law and ongoing customary law, the complexities of which often allow for loopholes or legal gaps that undermine women's property and inheritance rights [4].

The data on women's property rights is however, sorely lacking i.e. gender disaggregated statistics on the World Bank web site provide data on a range of social, economic and political indicators related to women's status and include a box for the female share of land ownership as a percentage of total land owned in each country – a box that is empty for virtually every African country listed in the database [6]. Despite growing international recognition of the role of women's control of productive assets in efforts to eradicate poverty, the knowledge gap remains [3]. While some researchers estimate land ownership by women at less than ten percent worldwide (even as low as two percent), others argue that women may enjoy more direct use and management of land than men by way of lesser rights than ownership (FAO 2002). However, even where laws are favorable to women's concerns, there are many ways in which women's property and inheritance rights may come under threat i.e. widows who have lost their property in disputes with members of their deceased spouse's extended family [7-10]. This can occur even where women's property and inheritance rights are established by statutory law, suggesting how multiple factors, including social norms, local customs and institutionalized practices, can influence decisions concerning property transfers. Since many of these factors derive from or contribute to gender-based discrimination, they often lead to pervasive marginalization or denial of women's property rights that statutory law alone is unable to resolve [11].

The importance of women's access to and control over resources such as land has recently received attention in literature (Agarwall, 1998). In comparison to men, women are less likely to have ownership and control over resources (Dascalopoulos, 1990, Deer and Leon, 2003a). In many cases women do have some access to certain rights, but these often depend on male's mediation. The little control of women, especially poor women, have over resources (as compared to men) is widely held to be an important indicator of gender inequality as well as one of its main underlying causes (Agarwall 1998). Muslim women exercise independent legal, economic and spiritual identity and the Holy Qur'an stipulates that women shall be legally entitled to their share (Qur'an 4:7) and that to men is allotted what they earn and to women what they earn" (Qur'an 4:32). Only if women choose to transfer their property can men regard

it as awfully their (Quran 4:4). A part from the clear provision of rights in Islam, women appear to be marginalized in matters of inheritance, this reduced inheritance rights are compensated by other means of wealth generation [12]. The secondary information thus asserts that women are generally considered as weaker and deprived of independence, legal, economic, political and spiritual rights. Besides, they are excluded from the main stream decision making in most of the domestic relations and particular with regard to property and inheritance as well as economic decisions.

The Study Rationale: Inheritance or property rights is a perpetual or continuing right which a man and his heirs have to an estate; an estate which a man has by descent as heir to another, or he may transmit to another as his heir; an estate derived from ancestor to a heir in course of law (Accurate and Reliable Dictionary, 2008). Inheritance transformation is globally practiced whereby the traditionally structured societies have different approach towards such practice that is mostly based on deprivation of women. The prevalence of mentioned deprivation is among the disparities that women confront throughout the course of their social, economic and psychological wellbeing [13]. In addition, researches in this sector reflect that the cultural patterns usually dominate the traditional societies that lead to patriarchy and dilapidation of women in matters concerning property and inheritance [14]. Relationally, the Marxist Perspective (basically known as Marxist Feminism) places women in the marginalized class and emphasizes their exploitation and subjugation because of their subordinated status and men's dominance [15]. In terms of property rights; the state owns the responsibility to distribute the inheritance in accordance to the prevalent law when a man fails to decide the matter by his own [16].

Women are also deprived of their fundamental rights as ordained in the constitution of Pakistan. According to article 25 (1) of the fundamental rights of the constitution of Pakistan, it proclaims that "all the citizens are equal before law and are entitled to equal protection of law" similarly according to article 25 (2) "there shall be no discrimination on the basis of sexes alone". Furthermore articles 32, 34 and 35 of the Principles of Policy proclaim as stated in article (32) "The State shall encourage local Government institutions composed of elected representatives of the areas concerned and in such institutions special representation will be given to peasants, workers and women". Article (34) Steps shall be taken to ensure full participation of women in all spheres of national life and article (35) "The State shall protect the

marriage, the family, the mother and the child.” But after lapse of about 36 years of the promulgation of the constitution, the law enforcing agencies do not seem in any way to ensure the practice of such rights in favor of women. Same is the case in the customary laws which consider women to be the property of men. Unfortunately, the non-implementation of the former and the practice of the latter are curbing the image, identity and dignity of the women folk. Though religion is a potent source in the society but even here, no recourse is made to it as far the rights of women are concerned, especially in marriage and mate selection and property allocation in comparison to male members. With particular emphasis on the current study with relation to Pakhtun society of the area, most of the economic and property related issues are male oriented and patriarchal. The mobility of female is restricted and mostly they live in the domestic domain where they remain busy in house-hold chores from morning till evening. Such activities are unpaid and are socially and culturally recognized as their legal and religious duties. Besides, property and other possessions are mostly decided under the patriarchic structure and female have no such role in the decision to take share. In this regard, the current study attempts to find out the various socio-cultural challenges that in one way or the other deprive women from their property and inheritance rights among Pakhtuns.

Major Objectives of the Study: The main objectives of the study are:

- To find out the role of patriarchy and male dominancy behind women’s deprivation in property and inheritance rights
- To know about the role of cultural tradition, norms and values as a cause of women’s deprivation in inheritance rights
- To identify how *Pakhtunwali* is dominantly influencing deprivation of women’s in property and inheritance rights

Research Hypotheses:

Hypothesis-1: *Patriarchy and male dominancy deprives women from property and inheritance rights*

Hypothesis-2: *Cultural norms, values and traditionalism (Pakhtunwali) are prominent factors that lead to deprived women of their property and inheritance*

Theoretical Dimensions: The researcher has used sociological perspective on cultural conditioning or

cultural and personality development perspective by illuminating it in the philosophy of Marxist and Engels (1843 and 1884). The basic philosophy of this perspective is to identify that to what extent do biological differences between sexes contribute to cultural and role differences associated with gender? Culture has influential impacts upon behavior of men and women while giving a direction to sexual practices and defines gender roles to maintain division of labor and provide rights of property and inheritance as well. Evolving from the philosophy of Karl Marx (1818-1883), conflict analysis has a large output to gender issues. Marxist feminism is based on the philosophy of dismantle capitalist structure and women’s liberation. Marxist feminism believes that private property leads to economic inequality, women dependency and political confusion with imbalance in social relations between men and women. These are major causes of women's oppression in any social structure including *Pakhtun* society where such factors are playing a role of mercenaries to deprive women from their property and inheritance. In this regard, Engels (1820-1895) placed Marx’s general approach in a feminist context as he claimed that, the root cause of patriarchy is private property and ownership [17]. Furthermore, he explained that, although capitalism did not create patriarchy, but it intensified this through concentrating on wealth and power in hands of a small number of men, which is ultimate source of power, authority and prestige, usually exercised by men in every society. Such is the case in research area, where the overall structure is patriarchic and male dominated and has caused encumbrance among women to be suppressed and subordinated.

Methodological Procedures: The major emphasis of this research study is to know about various social and cultural challenges concerning women’s property and inheritance among *Pakhtuns* of, District Dir Lower *Khyber Pakhtunkhwa* province of Pakistan. In this research study, stratified random sampling method has been used for the selection of samples from the target area which is a method for obtaining a greater degree of representativeness by decreasing the probable sampling error [18, 19]. The overall population was divided in two strata that included age and education. In addition, the age limits were confirmed for the samples as above the age of twenty (20) years and below forty (40) years. Furthermore, a defined criterion was also framed in the course of education where it was obligatory for both the educated males and females having at least graduation. In this context, the actual population of the target community i.e. consists of 38222 (Census Report 1998)

both males and females. Besides, the ratio of males (according to the census) is 52 percent that makes a total of 19875 members while females constitute 48 percent (18346) of the whole population. In addition, literacy rate of the area is 26 percent while out of the total literacy rate; the ratio of graduate male members is 4 percent while that of female members is 2 percent. In accordance to the calculation of the total population and then the target population on the basis of education and the required level of qualification; 4 percent graduate males constitute a population of 1146 while that of 2 percent graduate females make 764 members out of the total population. In this connection, the target population of male members was 1146 while that of females was 764. On the basis of such calculation, the total sample size i.e. 200 has been drawn that can be understood in the table given as below:

Table: Sample Frame and Sample Size

Gender	Total Population	Target Population (Graduate 20 years and above)	Sample Size	Sampling Technique
Male	19875	1146	120	Stratified
Female	18346	764	80	Random
Total	38222	1910	200	Sampling

Newman Formula: $\frac{\text{Population of the strata}}{\text{Total Population of strata}} * \text{Sample Size}$

Besides, interview schedule has been used as a tool of data collection where the researchers have conducted 200 interviews (120 from males and 80 females) in a face to face conversation in order to collect the in-depth information. All the respondents were thoroughly interviewed in face to face, well managed and organized atmosphere and suitable environment. The collected information has been passed through quantification i.e. tabulation, frequencies and percentages of different variables, explanation and have been tested and verified with the application of Chi-Square test.

Data Analysis and Results

Norms, Values and Women’s Property and Inheritance:

Norms in any society have central position to bring social control as they are the established rules of behavior or standards of conduct [20] while values are collective ideas about what is right or wrong, good or bad and desirable or undesirable in a particular culture [21]. Values do not dictate which behaviors are appropriate and which ones are not, but they provide the criteria by which objects, people and events are evaluated [22]. Both the norms and values create the codes for life that then becomes among the most inspiring and influential rules of conduct. In this study, the evaluation of norms and values is of high importance, as the current study is conducted in a

traditional community while norms and values are among the core objects of a society based on traditions.

The social structure of the research community is based on Pakhtun norms and values which are embed in centuries old traditions and practices. While analyzing the collected information, the norms and values are pivotal and central in the division society and roles in the target area. The role of social norms and values in prevalence of deprivation in property and inheritance and its related decision-making process between males and females is more dominant. In this regard, the field data has been stratified in three statements given in column one of table-8, while the responses of the participants have been enumerated in the form of percentage and frequencies. Besides, the average mean, mode and median are drawn to authenticate the data.

The empirical data and its analysis explicitly reveal that social norms and values are responsible for the discrimination found between male and female with respect to gendered setup in the target area. *Pakhtun* social organization and the cold of life are male dominated since its existence while the social norms are also always male oriented in this regard. The collected information assert that 60 (30.0%) of the respondents are of the opinion that male orientation of social norms lead to gendered setup in the course life and with particular reference to property and inheritance and its relevant decision-making process. Similarly, women have restricted mobility in *Pakhtun* settled areas where they are mostly kept inside the four walls of the houses which is considered as the norms and values of the culture. In this context, a majority of 88 (44.0%) respondents declare that the social norms and values declare women as queens of houses, which ultimately indicates that they should live inside the houses. Furthermore, 52 (26.0%) respondents express that the centuries old norms and values are prevalent in *Pakhtun* social organization, which restrict women’s mobility and control over property and inheritance in the area.

The mentioned information elucidates the preference of respondents in a very high ratio regarding the social norms of *Pakhtun* culture that declare woman as the queen of house who must live inside the four-walls. Besides, such information reveals the link among normative social order of the society as well as values that prevails among the local people which authenticates women’s position in the area (Table-1 below).

The given information and statistics have also been presented in the form diagram to shows the relationship of the norms and values with women’s deprivation in property and other related issues. The detail analysis is presented in Figure 1 below:

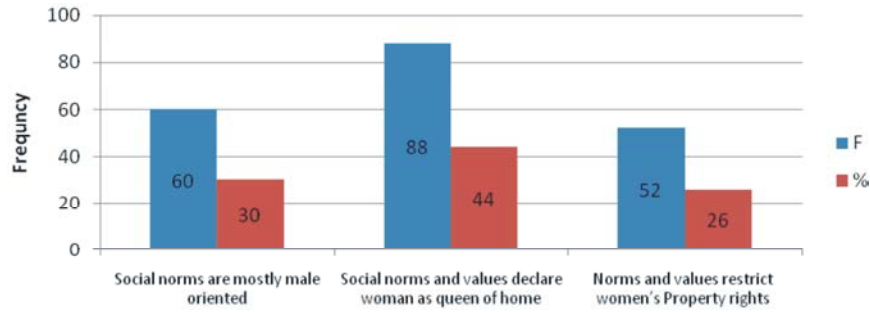


Fig. 1: Norms, Values and Women's Property and Inheritance

Table 1: Norms, Values and Women's Property and Inheritance

Statement	F	%	C.P	Mean	Median	Mode
Social norms are mostly male oriented	60	30.0	30.0	1.96	2.00	2
Social norms and values declare woman as queen of home	88	44.0	74.0			
Norms and values restrict women's Property rights	52	26.0	100.0			
Total	200	100.0				

The statistical analyses in this respect also express the mean of data as 1.96 and standard deviation as 0.749 which shows an association of the data with the given variables.

Pakhtunwali and Women's Property and Inheritance Rights: *Pakhtunwali* is the basic code of life for *Pakhtuns* throughout their lives, which shapes and regulates all their matters including their personality development as well as daily life activities. Lindholm [23] (1996:96) and Naz [24] argue that *Pakhtunwali* revolves primarily around generosity, hospitality, courage, obligation to take revenge and to other warrior virtues. There is no written and defined record to *Pakhtun* code of life, however, they are in regular practice and are treated as normal routine activities. The local maxims, myths, proverbs, folklores and folkways give direction to boundaries of *Pakhtunwali*. Following such a strict set of rules, *Pakhtunwali* influences each and every segment of the life of its members including the process of inheritance and property decision-making as well as other issues.

In this connection, *Pakhtunwali* has been discussed as an impediment in five categories with respect to women's property and inheritance rights. Such categories are given in column one of table along-with the response of the respondents in percentage as well as mean, mode and median. *Pakhtunwali* is strengthened and defined through its norms and values among *Pakhtuns* where 66 (33.0%) of respondents are of the view that the traditional norms and values enumerate women's involvement in property and inheritance as against the basic code i.e. *Pakhtunwali*. In this regard, one can see that as complete code of life for *Pakhtuns*, *Pakhtunwali* includes the trait

of social stigma (*Tor*), which is one of the most abhorred and detested phenomenon and a severe dishonor among *Pakhtuns* [24]. Similarly, 39 (19.5%) of the respondents regard that women's inheritance and property is considered as a social stigma for family honor in *Pakhtunwali*, which restricts women's involvement and ownership in holding property and other such assets.

Besides, women's miserable condition may be highlighted in a *Pakhtun* society through their mobility, which has been restricted more often as well. Such a restricted mobility of women among *Pakhtuns* delimits their rights and choice in respect of their rights to hold property and inheritance and the same is attributed by 28 (14.0%) respondents in the statistical data. Under the umbrella of *Pakhtunwali*, everything in the life of individual who claims him/herself a *Pakhtun* is culturally and traditionally defined and propagated. In this context, the religious teachings and values (Islamic) are also culturally projected. Such a cultural propagation of the religious values also regard women's involvement and choice with respect to holding of property is negatively propagated by the people and is treated as against the social values i.e. *Pakhtunwali* supported by 41 '20.5%' of respondents. While the patriarchic structure of the *Pakhtun* social organization directs the social structure, which strengthens and validates men's authority and autonomy over female in respect of property, inheritance and many other economic gains. The specified notion has been favored by 26 (13.0%) respondents to support that the role of *Pakhtunwali* has a dominant status in women's deprivation concerning to their rights of inheritance and property. The empirical data mentioned in the table and explained above clearly denotes that

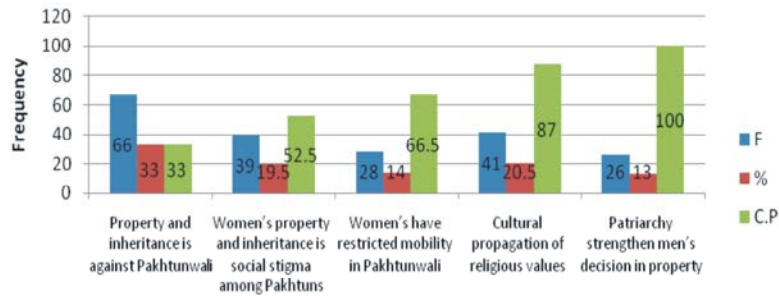


Fig. 2: Pakhtunwali and Women's Property and Inheritance Rights

Table 2: Pakhtunwali and Women's Property and Inheritance Rights

Statements	F	%	C.P	Mean	Median	Mode
Property and inheritance is against <i>Pakhtunwali</i>	66	33.0	33.0	2.61	2.00	1
Women's property and inheritance is social stigma among <i>Pakhtuns</i>	39	19.5	52.5			
Women's have restricted mobility in <i>Pakhtunwali</i>	28	14.0	66.5			
Cultural propagation of religious values	41	20.5	87.0			
Patriarchy strengthen men's decision in property	26	13.0	100.0			
Total	200	100.0				

Pakhtunwali is playing the role of a mercenary while discriminating its female members against males in the context of property and inheritance and many other decisions of life. The information in mathematical form has been given in Table-2 below:

The given statistics are also presented in the form of diagram which indicates the strength of various dimensions of *Pakhtunwali* (Figure-2 below).

The above mentioned information shows the mean of 2.61 and standard deviation of 1.449 in respect of the designed aspects *Pakhtunwali* dominating the live of women in many aspects of the community.

Male Dominancy in Property and Inheritance: Family's property or inheritance has been one of the commonly cited reasons for continuation of deprivation regarding women's involvement in decision-making among Muslims and particularly in *Pakhtun* society [25, 26]. Furthermore, under Islamic law women are entitled to inherit property, but, given their subordinate position, not only are women unlikely to inherit but, more importantly, very few women are inclined to assert their legal rights of inheritance [27]. Worldwide women have suffered tremendous exclusion mainly due to cultural beliefs that contribute to gender stereotypes [28]. Laws, traditions and social norms often prevent women from gaining equitable access to and control of assets. Such a problem is practically practiced in many countries where evidences have been found regarding the issue. In this regard the study of Kelkar (2009) inculcates that women never control any assets... Land is passed on from father to son.

The current argumentation enumerates one of the basic segments of this study, which is linked with economy while mentioned as women's participation in decisions regarding property and inheritance. Property or inheritance is measured for convenience in five categories given in column one of the table. The results of empirical data show the response of respondents in various aspects in 38 (19.0%) of the respondents are of the opinion that as 'male dominancy and patriarchic structure of *Pakhtun* social organization are responsible for deprivation of women from the decisions of property and inheritance. The collected information includes a high deal of data expressed by respondents about the active role of male members in familial and public affairs. In this regard, 62 (31.0%) respondents elucidate that in *Pakhtun* social organization, 'males are considered as bread winners who deserve more rights to enjoy the property and inheritance and make decisions in this context on their own will which is causing no value for female in decision regarding property and inheritance.

Similarly, from the given information, it is a palpable fact that men control almost the overall power structure in *Pakhtun* society, therefore female in this context have no such value to hold or decide matters. In the context of property and inheritance, the male hold over power structure has been marked by 18 (9.0%) respondents as a source of deprivation of women from matters concerning property and inheritance. Male members in a *Pakhtun* settled area enjoy most of the privileges specifically in familial matters. The collected information clearly shows that 32 (16.0%) respondents are the view that in *Pakhtun*

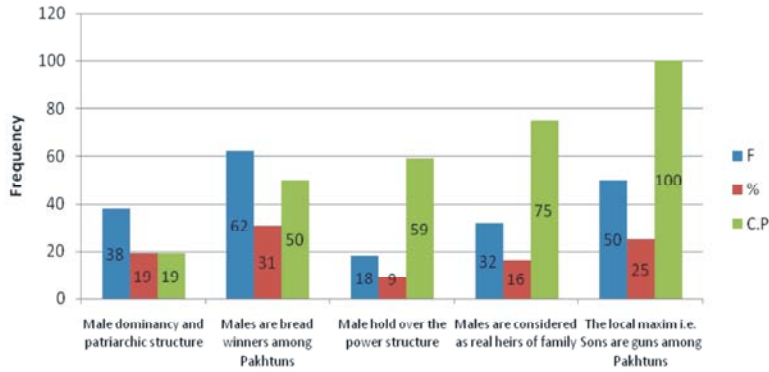


Fig. 3: Male Dominancy in Property and Inheritance

Table 3: Male Dominancy in Property and Inheritance

Statements	F	%	C.P	Mean	Median	Mode
Male dominancy and patriarchic structure	38	19.0	19.0	2.97	2.50	2
Males are bread winners among <i>Pakhtuns</i>	62	31.0	50.0			
Male hold over the power structure	18	9.0	59.0			
Males are considered as real heirs of family	32	16.0	75.0			
The local maxim i.e. Sons are guns among <i>Pakhtuns</i>	50	25.0	100.0			
Total	200	100.0				

social organization, males are considered as the real heirs of family and thus the controller of the property as well which determine the fate of women in many aspects. In addition, preference to sons or male members in *Pakhtun* social organization is a validated fact. Concerning to this statement, 50 (25.0%) respondents favor the statement that is based on local maxim i.e. ‘sons are guns, which becomes an active hurdle in the way of women’s participation in decisions regarding property and inheritance. Women bear scarce opportunities of familial property among *Pakhtuns* has been validated by the information mentioned in the table under discussion. The empirical analysis focus on males’ importance in *Pakhtun* social organization in the shape of their bread winning or earning capacity and their support and security to family members and its property from the external forces. The statistical information is also given in Table-3 below:

The empirical data thus patently reflects the disparity between male and female in a traditional *Pakhtun* society under study. The collected information signifies that males are considered as the real bread winners among *Pakhtuns*, which assign them more powers of making decisions pertaining to property and inheritance. The same information is also presented in the form of charts or diagram which describes the various aspects of the community under study in relation to female property decision making (Figure-3 below):

The above mentioned information indicates that mean of the data is 2.97 while standard deviation is 1.497 and most of the data is in support of the variables as mentioned in the table with reference to *Pakhtun* social organization.

Customary Laws and Discrimination of Women in Property and Inheritance: Customary law is a recognized source of law within jurisdictions of the civil law tradition, inferior to both statutes and regulations [29]. In addition, customary law has a constitutional foundation in some societies due to which it has increasing influence [30]. In traditional societies, the role and influence of the customary law is far beyond the other structures. The area under study has a traditional and customary structure in shape of *Pakhtun* code of life i.e. *Pakhtunwali*, which directs and regulates all the communal activities. Such code includes numerous patterns, which are declared as obligatory for all members of the society including the *Riwaj* or *Riwajuna* (traditions) *Purdah* (sex segregation), *Ghairat* (steadfastness) etc. that are run under the defined rules of *Pakhtunwali* [31-35].

The forthcoming discussion analyzes the customary laws of *Pakhtun* social organization as responsible for women’s deprivation in property rights and gender biasness with respect to other areas of women among *Pakhtuns*. Customary law(s) as variable has been evaluated in four statements in the concern table i.e. in the

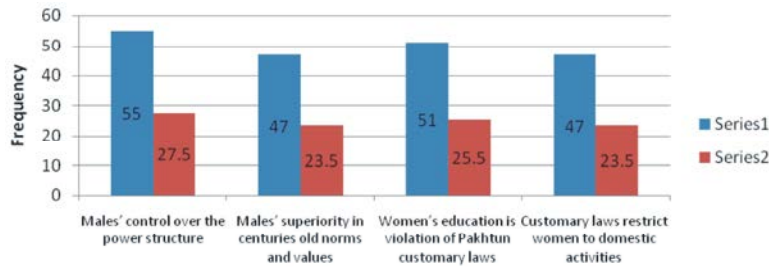


Fig. 4: Customary Laws and Discrimination of Women in Property

Table 4: Customary Laws and Discrimination of Women in Property

Statement	F	%	C.P	Mean	Median	Mode
Males' control over the power structure	55	27.5	27.5	2.45	2.00	1
Males' superiority in centuries old norms and values	47	23.5	51.0			
Women's education is violation of <i>Pakhtun</i> customary laws	51	25.5	76.5			
Customary laws restrict women to domestic activities	47	23.5	100.0			
Total	200	100.0				

first column and the responses have been categorically obtained in the form of frequencies and percentages. In this context, a high number of respondents i.e. 55 (27.2%) argue that male control over the power structure in *Pakhtun* society is a key role player in deprivation of women in property and its related issues. Besides, *Pakhtun* culture has its own unique set of norms and values that regulate the societal network and contribute to the social circle. Such types of normative order divide the role of both male and female into various pre-determined categories. In this context, 47 (23.5%) of the respondents express that the men are regarded as superior among *Pakhtuns* by the centuries old norms and values, which ultimately affect the process of division of property and other assets between men and women among *Pakhtuns*.

Similarly, the information in the table highlights that the strict and straight forward social structure of *Pakhtun* culture has no space for violation of its cultural and traditional limits. In addition, deviation from the expected path and customary rules is dealt harshly where negative consequences are prophesized. In this regard, 51 (25.5%) respondents reveal that customary laws do not allow women's education and it is considered as violation of such laws among *Pakhtuns* while such deprivation further disempowered women in terms of property and other such holdings. Further, 47 (23.5%) are of the view that the best place in a *Pakhtun* society for a woman is the four wall of house. Women's position is best suited for domestic activities and she has to perform the domestic tasks. The mentioned statements marked by respondents; state that the customary laws are responsible for disparity between both the sexes in the field of property and

inheritance while males' control over the power structure which is mainly responsible for gender biased customary laws, which has been favored by majority of the respondents. The information and its interpretation have thus been given in Table-4 below:

The stated information has also been presented in the form of chart and diagram which further shows that women's position has been confined to few of the activities by customary and traditional practices. The mentioned statements thus state that the customary laws are responsible for disparity between male and female in the research community. The information has also been put in Figure-4 below:

Besides, the application of the statistical analyses shows the mean of data as 2.45 and standard deviation as 1.129 which describes the association of the prevailing customary laws with male dominance and women's deprivation as well [36].

RESULTS AND DISCUSSION

The proposed hypothesis-1 for the current study reflects a general overview of the cultural hurdles that are supposed to be primarily the influential figures in women's lack of empowerment with respect to share in property and inheritance. The foremost cultural impediment in the hypothesis is marked as patriarchy and male dominance that has been found prevalent in accordance to analysis of data pertaining to the research community. The social structure of the area reflects the centuries old customs and traditions that are also represented as the hindering values in obtaining share in property and inheritance in the locality. Furthermore, the

hypothesis also comprises of the customary aspects in the area that has been adopted as a culturally monopolized version of the *Pakhtun* society under study and their approach towards interpreting and understanding property and inheritance. Hypothesis-1 predominantly explores the various aspects concerning the social dimensions including norms and *Pakhtunwali* as well as traditionalism. Variable like male dominance, centuries old traditions and misinterpretation of the religion have also being taken into consideration for analysis in various tables [37].

Male dominance in regard of women's property and inheritance has been analyzed in various tables, which show the basic role of such dominance in women's deprivation from their due rights. In addition, male dominance has been evaluated in support of different variables, which authenticates and ensures the presence of male dominated structure in the research community. In this regard, in table-----4, support the given hypothesis in terms male hold over women in various aspects of life. Additionally, table---- blatantly expresses patriarchy as a hindering agent in women's access and hold over property and inheritance that is also an indicator for male dominance in the area. Besides, table-----, also expresses that males are superior in the centuries old customs, which is supported by field data as well as other aspects. Resultantly, the statistical analysis of the data also reflects the authenticity of the mentioned variables in the shape mean's value i.e.----- 2.7 along-with the standard deviation of 1.527 (Figure-6). In evidence of the above mentioned empirical data, it is authentically proved that *Pakhtun* social structure and organization is extensively male dominated and such dominance of males adversely influences women's inheritance and property related decision in the context of education. The results of the applied test palpably shows that the independent variables are in a strong connection and association with dependant variable that are persevering to influence each other in the mentioned settings that patriarchy and male dominance in accordance to the property rights and inheritance process that is linked with the social and cultural conditions. The value of chi-square test is $P=.000^{**}<.05$, with the Chi-square value $\chi^2 = 38.083$ and the degree of freedom value D.f. =4, shows highly significant association among the independent and dependant variables [38].

Hypothesis-2 in the current study predominantly explores the various factors related to cultural norms, values and *Pakhtunwali* regarding women's deprivation,

particularly in the matters related to property, inheritance in the locality. The hypothesis comprises of both the dependant and independent variables. In this regard, the independent variables include the *Pakhtun* cultural values that were proposed as the hindering factors in women's empowerment in property and inheritance as well as the traditional social structure. The mentioned hypothesis primarily emphasizes over the dependant variable like women's role pertaining to the property/inheritance and employment matters and both the dependant and independent variables have been discussed and analyzed in separate tables. The analysis and secondary data regarding *Pakhtun* culture is believed as one of those cultures that strictly adhere to its values, while the deviance in this regard is an un-tolerated felony (Naz, 2011). In this context, these cultural values have been adopted as the independent agents in the context of women's property and inheritance rights. The collected information exemplifies such values from different dimension in support with different indicators. Pertaining to the empirical data mentioned above conclusively elucidates that the *Pakhtun* cultural values have a strong connection with the adverse influence on women's property and inheritance in the area. The proposed hypothetical statement in the current study reflects and declares the patriarchic familial structure in *Pakhtun* social organization as an independent variable as a strong associate of the constraints, which impede women's property and inheritance. In this regard, culturally, habitually and obligatorily practiced values of the *Pakhtun* culture have been taken as the independent variable in the current study that are enumerated by different indicators to find out their relevance and association with the proposed hypothetical statement. In addition, the active role of these values has been analyzed on the basis of empirical data collected in the field survey during this research. The statistical interpretation of the collected information show the values of mean standard deviation as mean=3 and 2.74 while S.D=1.222 and 1.427, which significantly links the variable and validates the hypothesis. The above mentioned empirical analysis and information patently reveals that the *Pakhtun* cultural values have a strong hold in the research community that restricts and influences women's participation in the process employment[39].

The collected information and analyses of the revealed data from the respondents patently elaborate that the connection of dependant and independent variable is quite explicit. In addition, the empirical data

best exemplifies and authenticates the proposed statement i.e. hypothesis-2 as valid and accurate on the basis of its strong association with the prevalent cultural hurdles in the shape of cultural values, patriarchic structure and negative communal response. The independent variables congregationally conspire to restrict women's pertaining to property/inheritance and employment. Furthermore, the statistical analysis in the form of chi-square test express as ($P=.000^{**}<.05$, with the Chi-square value $\chi^2 = 29.063$ and the degree of freedom value D.f. =4), the relationship of dependant and independent variables is highly significant that validates the proposed hypothesis [40].

CONCLUSIONS

Among the various social evils; gender issues and women's deprivation have been regarded as one of the major concern in the current situation. The current study primarily aimed to highlight the various challenges to inheritance rights of women in Pakhtuns society of District Dir Lower, *Khyber Pakhtunkhwa*, Pakistan. The empirical data of the present study evaluates the various challenges of the research community that is traditionally cultured and customarily observable. The *Pakhtun* social structure of the area is dominantly control by the code of *Pakhtunwali* that includes the centuries old customary laws and traditions which is considered as a source of deprivation for women both at familial and public sector. The research details further reflect that the prevalent *Pakhtun* values and has been intensively influenced by the patriarchic structure and male dominancy. Such a male oriented structure predominantly favors male members almost in all spheres of life including inheritance and property decisions as well as distribution. In accordance to these patriarchic and gender biased traits of the research community, this research study is highly compatible and has significant grounds for conduction.

In the area under study, women are crossing through the pathetic stage of their lives while living under the strict rules of *Pakhtun* code of life. In this context, results and analysis of the current research show that women have a secondary status in the area under study and are scarcely available with the privileges and luxuries of life that are available for men. The current study basically deals with the issues and challenges to women's inheritance and property rights which deprives women in various aspect of life. Results of the study and review details of the research area evidently reveals that the

inheritance and property distribution is highly gendered in nature, where only one segment i.e. male is preferred and privileged. This gendered setup is thoroughly dependant over the cultural norms and traditional values of the *Pakhtun* social structure and organization, which regard women as irrational to decide. The issue of inheritance and its distribution, lies in the hands of men and is frequently been influenced by the patriarchic and male dominated structure of *Pakhtun* social organization. In addition, the research study explicitly expresses that traditionalism and the normative social structure and has been transferred to a mercenary rather than a mediator.

The study and the overall discussion conclude that culture plays a pivotal role in regulating the activities of its members in the research community. Culture has a dominant role in almost all aspects of life. Besides, the code of life of *Pakhtuns* and the social organization of *Pakhtunwali* reflects the rules that are considered as gender biased in the issues of inheritance, property and property aspects, which predominantly includes the patriarchic structure, the socially constructed customs, traditions norms and values in *Pakhtun* social organization towards women's inheritance and property rights.

REFERENCES

1. Centre on Housing Rights and Evictions (COHRE), 2003. Placing Women's Inheritance Rights on the Agenda in Sub-Saharan Africa, COHRE Newsletter, 1(1): 6.
2. Deere, Carmen Diana and Magdalena León, 2001. Empowering Women: Land and Property Rights in Latin America. Pittsburgh: University of Pittsburgh Press.
3. Deere, Carmen Diana and Magdalena León, 2003. The Gender Asset Gap: Land in Latin America, World Development, 31(6): 925-947.
4. UNAIDS, 2004. Epidemiological data from UNAIDS web site at <http://www.unaids.org>.
5. Lee-Smith, Diana, 1997. My House is My Husband, A Kenyan Study of Women's Access to Land and Housing. Lund: Lund University.
1. World Bank, 2004. Gender Country Profiles available on- line at <http://www.worldbank.org/afr/gender/countryprofile2.htm>. Washington: World Bank.
2. Human Rights Watch, 2003. Double Standards: Women's Property Rights Violations in Kenya. New York: Human Rights Watch.

3. Ngwira, Naomi, Asiyati Chiweza, Ngeyi Kanyongolo and Edrinne Kayambazinthu, 2002. Upholding Women's Property and Inheritance Rights in Malawi: Changes Required to Meet the Challenges, Paper presented to the 8th Women's World Congress, Kampala, Uganda.
4. Steinzor, N., 2003. Women's Property and Inheritance Rights: Improving Lives in a Changing Time. Development Alternatives, Inc. USAID. Contract number FAO-0100-C-00-6005-00, 7.
5. Mphale, Matšelis M., Emmanuel G. Rwambali and Mokhantšo G. Makoae, 2002. HIV/AIDS and its Impacts on Land Tenure and Livelihoods in Lesotho, Background Paper for FAO/SARPN workshop on HIV/AIDS and Land Tenure, 24-25 June 2002, Pretoria, South Africa.
6. Human Rights Watch, 2003. Policy Paralysis: A Call for Action on HIV/AIDS Related Human Rights Abuses Against Women and Girls in Africa. New York: Human Rights Watch.
7. Elson, Diane, 2002. Gender and Access to Land, FAO Land Tenure Studies 4. Rome: Food and Agriculture Organization.
8. Stockard, J. and M.M. Johnson, 1980. Sex Roles, Sex Inequality and Sex Role Development. Prentice-Hall, Inc., Englewood Cliffs, New Jersey 07632, 4.
9. Seidler, V., 2006. Transforming Masculinities: Men, cultures, bodies, power, sex and love. London and New York: Routledge.
15. Engels, F., 1970. Origin of the family, private property and the state, International Publishers, New York, NY, USA.
16. Entorf, H. and N. Minoiu, 2004. What a Difference Immigration Law makes: PISA Results, Migration Background and Social Mobility in Europe and Traditional Countries of Immigration. Discussion Paper No 04-17, Centre for European Economic Research.
17. Maxine Molyneux and Shahra Razavi, Gender Justice, Development and Rights. Oxford: Oxford University Press.
18. Babbie, E., 2004. The Practice of Social Research (tenth ed.), Elements of Social Theory. Thomson Wadsworth, USA.
19. Babbie, E., 2005. The Basics of Social Research (Third ed), Thomson Wadsworth, USA, pp: 413.
20. Kendall, D., 2008. Sociology in Our Times (Seventh ed). Thomson Wadsworth, USA, 348: 486-489.
21. Williams, R.M., 1970. American Society: A Sociological Interpretation (3rd ed). New York: Knopf.
22. Stockard, J. and M.M. Johnson, 1980. Sex Roles, Sex Inequality and Sex Role Development. Prentice-Hall, Inc., Englewood Cliffs, New Jersey 07632, 4.
23. Lindholm, C., 1996. Frontier Perspective: Essay in Comparative Anthropology. Karachi: Oxford University Press, pp: 196.
24. Naz, A., 2011. Socio-Cultural and Political Constraints to Gender Development in Pakhtun Society. Unpublished PhD Dissertation, submitted to the Department of Anthropology, Quaid-i-Azam University, Islamabad Pakistan.
25. Moors, A., 1995. Women, Property and Islam: Palestinian Experiences, Cambridge University Press, Cambridge, pp: 1920-1990.
26. Khuri, F.I., 1970. Parallel Cousin Marriage Reconsidered: A Middle Eastern Practice that nullifies the Effects of Marriage on the Intensity of Family Relations. *Man*, 5: 597-618.
27. Hussain, I., 2005. Some Major Pukhtoon Tribes Along with the Pak-Afghan Border. Area Study Center University, Peshawar.p.v.
28. Mategeko, B., 2011. Educational Research (ISSN: 2141-5161), 2(2): 818-823.
29. Merryman, J.H., 1985. The Civil Law Tradition (2nd ed). Stanford University Press, pp: 23.
30. Slattery, B., 2008. Let Right Be Done: Aboriginal title, the Calder Case and the Future of Indigenous Right. 18 No. 7. Vancouver: UBC Press, pp: 574.
31. Africa Institutional Management Systems (AIMS), 2003. The Impacts of HIV/AIDS on the Agricultural Sector and Rural Livelihoods in Northern Namibia. Baseline Survey Report, Integrated Support to Sustainable Development and Food Security Programme (IP), Rome: Food and Agriculture Organization.
32. Constitution of Pakistan, 1973. Articles, 25(1), 25 (2), 32, 34, 35. www.na.gov.pk/en/downloads.php. Retrieved at 17-08-2014.
33. Elson Diane, 2002. Gender Justice, Human Rights and Neo-liberal Economic Policies.
34. Human Rights Watch, 2003. Policy Paralysis: A Call for Action on HIV/AIDS Related Human Rights Abuses Against Women and Girls in Africa. New York: Human Rights Watch.
35. Kelkar, G., 2009. Gender and Productive Assets: Implications of national rural employment guarantee for women's agency and productivity. UNIFEM consultant (India).

36. Khan, W. and A. Naz, 2012. The Ignominy of Evenness among *Pakhtuns* of Pakistan: *Pakhtun* social organization and gendered decision making process in Malakand division, Khyber *Pakhtun* khwa Pakistan, Lambert academic publishing, Germany.
37. Kluckhohn, C., 1961. The Study of Values. In Donald N. Barrett (ed), Values in America. South bend, IN: University of Notre Dame Press, pp: 17-46.
38. Population Census Report of Pakistan, 1998.
39. Steinzor Nadia, 2003. Women's Property and Inheritance Rights: Improving Lives in Changing Times, Final Synthesis and Conference Proceedings Paper. Washington: WIDTECH and Development Alternatives, Inc.
40. UNAIDS 2002. Report on the Global HIV/AIDS Epidemic, 2002. Geneva: UNAIDS.