

Islam, Muslim and Female Right of Inheritance in Pakhtun Society

Fariha Bibi

Ph.D. Scholar (Sociology),

Department of Rural Sociology Agriculture University, Peshawar

Email; umirayanbangash@gmail.com

Dr. Arshad Khan Bangash

Assistant Professor, Department of Sociology,

Gender Studies and Education Bacha Khan University Charsadda

Email; arshad.dwhh@gmail.com

DOI: 10.33195/journal.v4i02.340

Abstract:

The research paper aimed to investigate about various causative factors contributing in denial of the women right of inheritance in Pakhtun society under the shade of Islam and its teachings. The study carried out under the positivistic methodology and quantitative tools of data collection. The universe of the study was consisting upon three Union Councils of District Charsadda namely Shaikho, Nisatta and Dargai. A sample size of 120 respondents was randomly selected from those fathers who are having married daughters and married women. The data was analyzed and presented both at univariate level in the form of frequency and percentage distribution to layout a clear picture of the data. Moreover, to know about the association between dependent and independent variables, bivariate analyses were undertaken while using Chi-Square test statistics. The study concluded a significant association between denial of female right of inheritance with the statements i.e. unawareness about Islamic teachings, provision of female right of inheritance in Islam, dominance of cultural values over religious teachings, religious clerics does not speak about female rights of inheritance in sermon, alienation from religion, and non-payment of inheritance is misunderstood to be an Islamic practice. Moreover, a non-significant relationship was found between women disinheriting and the notions like religious clerics disinheriting women, religion has greater importance in people lives, and religious leaders favour men in distribution of property over female. Creation of awareness about female rights of inheritance in light of religious teachings, promotion of religious true knowledge by the clerics, and strict implementation of the state laws about female inheritance were presented some of the study recommendations.

Keywords: Islam, Cultural values, female inheritance, Religious clerics.

Introduction

A property or money received from ancestors as share in estate by heirs in due course of law is termed as inheritance (Accurate & Reliable Dictionary, 2008; and Lloyd & Derrett, 1965). However, in legal terminology inheritance is meant by a property which is received from ancestor or ancestors as bequest under inheritance laws (Black's Law Dictionary, 1999). While heir is person who inherits property from their parents or ancestors and it's have two type i.e. primary and secondary heirs (Hussain (2002). Primary heirs includes blood relatives such as parents, sons, daughters and spouses and they can never be excluded from inheritance while secondary heirs should be given share in an absence of the primary heirs like grandparents, brothers and sisters. Further, in case of the absence of both primary and secondary heirs the property will goes to the state (Schacht, 1991). The origin and history of inheritance in general and female inheritance in particular could be traced back to ancient civilizations and primitive era. Throughout the history, women due share in inheritance were neglected both in practice and in theory, as the same were little discussed and elaborated. However, in comparison to past, now the situation are slight improved as Agarwall (1994) stated that women control and access to resources recently received some focus in the existing literature. The available literature further suggests that in reality women right of inheritance has been neglected throughout the history in one way or other. Such negligence is not only confined to their right of inheritance but it could be observed in different spheres of life. In this respect, Dascalopoulos (1990) concluded that culturally women live with degraded status in all aspects of life including their right of inheritance. In the context of the local environment, women are discriminated on the basis of literacy, cultural restrictions, dowry as substitute of land and division of landholding

etc (Wisal & Inam, 2006; & Aisha, 2008). The issue of female right of inheritance and its widespread denial is not only limited to Pakistan but it's as well prevail across the globe and has somehow worldwide acceptance. Carole (1990) considered this phenomenon in the context of world nations and concluded that in Sopoto and Car pathos of Greece the indigenous practices about women rights over property opposed the existing customary laws. Likewise, in Swazi society culturally women are not entitled for share in inheritance (Andikrah, 1990).

On the other hand, different world religions have specific provisions about women right of inheritance with some variation from each other regarding its due shares (Mary, 2000). The religion of Islam also safeguarded women inheritance and firmly forbids discrimination on the basis of gender (Schacht, 1991; & Shaheen, 2006).

In this regard, the Holy Quran clearly stated that;

"لِلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ
أَوْ كَثُرَ نَصِيبًا مَّفْرُوضًا"

(Al-Quran, Surah Nisa, 4: 7)

"There is men's share and women's share from parents which they left and near relatives to those, whether, the assets they left be smaller or larger in size - a legal share".

An another place the Holy Quran further elaborate about women shares in inheritance by stating that;

"وَلِكُلِّ جَعَلْنَا مَوَالِي مِمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَالَّذِينَ عَقَدْتُمْ أَيْمَانَكُمْ فَأَتَوْهُمْ نَصِيبُهُمْ إِنَّ اللَّهَ كَانَ
عَلَىٰ كُلِّ شَيْءٍ شَهِيدًا"

(Al-Quran, Surah Nisa, 4: 33)

“And we have made heirs for all, to what is left by parents and relatives. And to those whom your oaths have bound [to you] – give them their share. Indeed Allah is ever, over all things, a Witness”.

These verses of Holy Quran clearly shows that Islam enable women to receive their due share in inheritance. However, various socio-cultural factors with their functional acceptance restrict women from obtaining due share in inheritance that has been granted by the religious teachings of Islam. Ahmad & Chaudhry (1980) were of the view that women are discriminated in respect of their access to fundamental rights including right of inheritance. In consonance to this, Dascalopoulos (1990) connected such discrimination with cultural environment that degraded women status in society. Further, Bunch (1995) concluded that women discrimination is the result of patriarchal social structure and political unfairness that battered women status in the existing social setup. As the existing customary laws and normative order of various societies has the provision of neglecting women right of inheritance and some time dowry is also considered as substitute of inheritance in different parts of the world including Pakistani society. Moreover, Marxist believed that women discrimination is the product of class structure which dominated by male and patriarchal principles as Abraham (1990) considered that women as separate class are more often vulnerable to various forms of exploitation, resulting due to men dominance. Similar to some other societies, women in *Pakhtun* society are also discriminated and has been neglected with respect their right of inheritance. Wisal & Inam (2006) and Aisha (2008) opined that women share of inheritance is avoided in *Pakhtun* society due to certain cultural restrictions and their illiterate background. They further disclosed that dowry is considered as substitute to their right of inheritance.

1.2 OBJECTIVE, METHODS AND PROCEDURES

This research study was carried out with the core objective to examine association between the denial of female right of inheritance in *Pakhtun* society and religious factors contributing in way of such denial. The study was based on positivistic methodology of social sciences as quantitative tools of research were used for collecting relevant primary data from the respondents. The universe of the data was district Charsadda of Khyber Pakhtunkhwa, Pakistan including three Union Councils namely Dargai, Nisatta and Shaikho. From the selected study universe, a sample size of 120 respondents were selected with observing equal ratio i.e. 40 respondents from each Union Councils through purposive sampling technique while considering married women or parents having married daughters. A closed-ended interviews schedule consisting upon three levels i.e. Yes, No and Uncertain was developed and the data was collected personally by the researchers according to their gender. The data was analyzed with the help of Statistical Package for Social Sciences (SPSS) both at univariate and bivariate levels of analysis. To draw a clear image of the data frequency and percentage distributions were used, while the relationship between dependent variable (denial of women right of inheritance) and independent variables (religious factors associated with denial of women right of inheritance) were determined with the help of using Chi-Square test statistics.

1.3 SOCIO-ECONOMIC CHARACTERISTICS OF THE RESPONDENTS

ATTRIBUTES	FREQUENCY	PERCENTAGE
RESPONDENTS AGE GROUPS		
Below 30 Years	14 (120)	11.7%
31-40	26 (120)	21.7%
41-50	40 (120)	33.3%

51 and above	40 (120)	33.3%
Total	120	100.00%
RESPONDENTS MARITAL STATUS		
Married	99 (120)	82.5%
Unmarried	5 (120)	4.2%
Divorced	2 (120)	1.7%
Widow	14 (120)	11.7%
Total	120	100.00%
RESPONDENTS QUALIFICATION		
Illiterate	40 (120)	33.3%
Primary	30 (120)	25%
Matric	20 (120)	16.7%
Intermediate	13 (120)	10.8%
Graduation	13 (120)	10.8%
Master	4 (120)	3.3%
Total	120	100.00%
RESPONDENTS MONTHLY INCOME		
Below Rs. 15000	2 (120)	1.7%
Rs. 15001- Rs. 30000	18 (120)	15.0%
Rs. 30001- Rs. 45000	55 (120)	45.8%
Above Rs. 45000	45 (120)	37.5%
Total	120	100.00%
RESPONDENTS MALE CHILDREN		
No children	17 (120)	14.2%
1-2	69 (120)	57.5%

3-4	27 (120)	22.5%
5-6	5 (120)	4.2%
6 and above	2 (120)	1.7%
Total	120	100.00%
RESPONDENTS FEMALE CHILDREN		
No children	11 (120)	9.2%
1-2	64 (120)	53.3%
3-4	39 (120)	32.5%
5-6	3 (120)	2.5%
6 and above	3 (120)	2.5%
Total	120	100.00%
RESPONDENTS GENDER		
Male	63 (120)	52.5%
Female	57 (120)	47.5%
Total	120	100.00%

1.4 STUDY RESULTS AND DISCUSSION

The above table showed that majority of the respondents i.e. 40 (33.3%) ages range between 41-50 years and 40 (33.3%) of the respondents were from the age group of 51 years and above. Further, 26 (21.7%) of the total respondents fall between the age group of 31-40 years and the remaining 14 (11.7%) respondents belonged to the age group of below 30 years. These results could be reason that parents with married daughters were considered as study population through purposive sampling method, in turn the ages of the majority respondents were above 41 years. Further, the study result validates the representation of all age groups starting from below 30 years and ending on above 51 years. Such representation also

ensured the reliability of the respondent's responses which further ensure illustrative responses as well.

Further, frequency and percentage distributions in the table showed that most of the respondents 99 (82.5%) were married, 14 (11.7%) of the respondents were widowed, 05 (4.2%) were unmarried and the rest of respondents 02 (1.7%) were divorced respectively. This could be the reason that only married women and parents with married daughters were considered for this research study. The respondent's representation from different groups such as widowed, divorced, married, and unmarried highly ensured the diversity in responses which in turn gives reliable results.

Study results further showed that mostly respondents i.e. 40 (33.3%) were illiterate, 30 (25%) were primary qualified, 20 (16.7%) respondents were matriculate, 13 (10.8%) respondents were intermediate, likewise; 13 (10.8%) of the total respondents were graduate and the remaining respondents i.e. 04 (3.3%) had done master degree program. Education is considered and believed to be significant in determination of women rights in a given social order. It is very much helpful to women in obtaining their due basic rights such as their share in property, land and inheritance. In this respect, variations in respondents responses based on their educational status ensured diversity both in practices and viewpoints.

The table further showed monthly income of the respondents in Pakistani rupees (PRs) and study results contended that majority of the respondents 55 (45.8%) monthly income was between Rs. 30001-Rs. 45000 and 45 (37.5%) respondents monthly income were above Rs. 45000. Additionally, 18 (15%) of the respondents monthly income fall between Rs. 15001-Rs. 30000 and the remaining respondents i.e. 02 (1.7%) monthly income was below Rs.15000. Study results make it clear that most of the respondents were from upper middle and middle classes with monthly

income that hardly enough in supporting normal day to day needs and requirements. However, share in inheritance provides some extra cushion to hold up the unmet needs in relieving the financial burden of the family institution.

Moreover, study results disclosed that majority of the respondents i.e. 69 (57.5%) had 1-2 male children, 27 (22.5%) respondents male children were 3-4, 17 (14.2%) respondents were without male children, 05 (4.2%) respondents had 5-6 male children and the remaining respondents i.e. 02 (1.7%) had 6 and above 6 male children. The data was collected in the rural areas where traditional agricultural-based patriarchal family system is found. In such like societies, sons are considered as assets of the family due to the prevailing cultural support where male child are preferred over female. Further, son considered as the real heir in Pakhtun society as they will transmit property and family name. Resultantly, the supportive mindset for male children causes population growth in traditional rural Pakhtun societies.

Moreover, study results in the above table contended that majority of the respondents 64 (53.3%) had 1-2 female children in their family, 39 (32.5%) respondents had 3-4 female children, 11 (9.2%) of the parents were without female children, 03 (2.5%) of the total respondents had 5-6 female children and the rest of respondents i.e. 03 (2.5%) had 6 and above female children in their family. In comparison to sons, daughters are not preferred in traditional societies including Pakhtun society. Female children are considered as liability of family institution and return they are treated inferior as against to male. However, wishes of maximum number of male children indirectly provide basis for the growth of female population as abortion is almost rare in the rural areas of Pakhtun society.

Last but not the least, frequency and percentage distributions about the respondents perceptions given in the aforementioned table showed that majority i.e. 63 (52.2%) of the respondents were male while the remaining respondents i.e. 57 (47.5%) were female. Variation of respondents responses based on gender entails validity, reliability and applicability of results to a broader range of groups in society.

1.5 STUDY RESULTS UNIVARIATE LEVEL OF ANALYSIS

Attributes	Yes	No	Uncertain	Total
Lack of awareness regarding Islamic teachings about female Inheritance	94 (78.3%)	26 (21.7%)	00 (00%)	120.00 (100.00%)
Islam as religion permit women right of inheritance	106 (88.3%)	09 (7.5%)	05 (4.2%)	120.00 (100.00%)
Pakhtun cultural values always dominate religious teachings about women inheritance	77 (64.2%)	35 (29.2%)	08 (6.7%)	120.00 (100.00%)
Religious clerics never talked about women inheritance rights in sermon	33 (27.5%)	79 (65.8%)	08 (6.7%)	120.00 (100.00%)
Religious clerics does not observed female right of inheritance	31 (25.8%)	80 (66.7%)	09 (7.5%)	120.00 (100.00%)

Religion occupied bigger significance in people lives in the area	53 (44.2%)	65 (54.2%)	02 (1.7%)	120.00 (100.00%)
People alienation from religion encourage denial of female right of inheritance	89 (74.2%)	25 (20.8%)	06 (5.0%)	120.00 (100.00%)
Denial of female inheritance is misunderstood as an Islamic practice	104 (86.7%)	06 (5.0%)	10 (8.3%)	120.00 (100.00%)
Religious leaders most often favoured male over female while distributing property and land	38 (31.7%)	78 (65.0%)	4 (3.3%)	120.00 (100.00%)

1.6 RESULTS AND DISCUSSION

Lack of awareness about the religion of Islam and misinterpretation about Islamic religious traditions by most of the community members regarding female right of inheritance generate a state of wrong decision and misjudgment. With special emphasis of Pakhtun society, religious clerics has been failed to obviously portray the image of women inheritance in proper way and they considered the female inheritance is less significant as it should be. Most of parents in Pakhtun society are reluctant and hesitant to consider women inheritance as a religious obligation due to their personal vested interest or misapprehension about the issue by some of the influential religious clerics of the area. Respondent's perceptions about those

contributing religious factors that deny female right of inheritance are discussed as below.

The aforementioned table showed that majority of the respondents i.e. 94 (78.3%) endorsed the statement that people in Pakhtun society are lacking enough awareness regarding Islamic teachings about female right of Inheritance and the remaining respondents i.e. 26 (21.7%) discarded the notion. These results might be the reason that either material about women inheritance rights is not included in the curriculum of formal educational institutions or people in-itself are less interest in getting proper religious knowledge about women rights in general and their right of inheritance in particular. Likewise, most of the respondents i.e. 106 (88.3%) acknowledged the notion that the religion of Islam permit women right of inheritance whereas, 9 (7.5%) respondents opposed the statement and the rest of respondents 5 (4.2%) were undecided about the notion that either it is permitted in Islam or not. Although, people are not well aware about female right of inheritance but still they believed that Islam as religion allow women right of inheritance.

In addition to the above, majority of the respondents 77 (64.2%) respondents considered that cultural values dominate religious teachings regarding female right of inheritance whereas, 35 (29.2%) negated it and 8 (6.7%) respondents were uncertain about the dominance of cultural values of inheritance over religious teachings. Islamic conjunctions are evident to support inheritance rights to women, however, culture plays a major role to denounce Islamic teachings and deny women's inheritance rights. These findings of the study are supported by the inferences of Muhammad (2011) who added that in most of the cases women are exploited in receiving share in parental property due to economic and socio-cultural reasons and misinterpretation of religious teachings by the religious clerics. Moreover,

Omar (2011) concluded that the religion of Islam gave women right to inherit both in movable and immovable property.

Moreover, majority 79 (65.8%) of the respondents assured that religious clerics have talked about female right of inheritance, whereas, 33 (27.5%) of the respondents disagreed with the statement and 8 (6.7%) respondents were uncertain about the statement that religious clerics does not talked about female right of inheritance. The results contended that an important role is played by the religious clerics with regard to create awareness among the masses about female right of inheritance. Likewise, majority of 80 (66.7%) of the respondents disagreed with the statement that religious clerics in itself did not observe women right of inheritance while 31 (25.8%) of the respondents agreed with the statement that religious clerics did not observe the issue of immense important whereas, 9 (7.5%) of the respondents were not sure about the very statement. It could be the result that religious clerics have enough knowledge about the issue at hand that is why they observed female right of inheritance in true spirit. Furthermore, majority of 89 (74.2%) of the respondents agreed with the notion that alienation from religion promote women disinheriting while 25 (20.8%) of the respondents disagreed to it and 6 (5%) of the respondents were not sure about it. Religion of area (Islam) entails women right of inheritance and any negligence in this regards is the out of socio-cultural values. These results are also in consonance to the results of Bunch (1995), who stated that women discrimination with regard to their right of inheritance is the result of prevalent patriarchy and political inequalities. Moreover, role of religious clerics is very important for awareness raising and compelling community members to give inheritance to their female family members. They themselves can pose example of giving inheritance rights to their female members to motivate followers in a greater number.

These findings of the study are in contrast of the arguments given by Heffner (2011) who reported that religious clerics are not fulfilling their duties to address the issue of inheritance in their sermons and in different occasions and religious gathering of people. They themselves do not observe the issue of enormous importance. Distancing from religion make one to be aware of his/her obligations and religious orders.

In addition, majority of 65 (54.2%) of the respondents were agree with the statement that religion occupy greater importance in the lives of the people of the area while 53 (44.2%) respondents disagreed to this that religion is having greater importance in people lives and 2 (1.7%) respondents were not sure about it. It could be the reason that Pakhtun social structure is dominating by religious orientation. Similarly, majority 104 (86.7%) of respondents agreed that non-payment of inheritance is misunderstood to be an Islamic practice, whereas, 10 (8.3%) of respondents were uncertain about the statement and 6 (5%) of respondents negated the statement. It might be the reason of Pakhtun's greater orientation towards religion and the role played by the religious clerics in this regards. In addition, majority 78 (65%) of respondents negated the statement that religious leaders often favor male in distribution of property over female while 38 (31.7%) said that role of religious leader is sexist and 4 (3.3%) of respondents were uncertain about the role of religious leaders. In fact, religion plays vital role in understanding of important matters and ignorance of religious teachings is like living in a closed room with empty mind. When religious leaders become sexist for one gender is likely to deprive the other from all sphere of life. These findings of the study were opposed by Muhammad (2011) who reported that religious leaders did not play their best role in clarifying the issue and it is misunderstood due to lack of religious teachings. Because of belief in the inferiority of women and on the

basis of sex they favor men, he further suggested that religious scholar have to play their role in this regard and stress upon the people in religious sermons to ensure female right of inheritance.

It is concluded from the result that role of religious leaders is of paramount importance in inheritance related issues. Ignorance of religious teachings makes one more unaware of his duties. This may be a core reason that now inheritance seems more cultural than religious. Sexist role of some religious leaders and their biased decision empower one gender only and avoided the others.

1.7 BIVARIATE ANALYSIS RESULTS

Religious Factors associated with denial female rights of inheritance	Perception	Denial of Female right of Inheritance		Total	Chi-Square (P-Value)
		Yes	No		
Lack of awareness regarding Islamic teachings about female Inheritance	Yes	31(25.8%)	63(52.5%)	94(78.3%)	$\chi^2=25.33$ 2 p=(0.000)
	No	23(19.2%)	3(2.5%)	26(21.7%)	
	Uncertain	00(00%)	00(00%)	00(00%)	
Islam as religion permit women right of inheritance	Yes	40(33.3%)	66(55.0%)	106(88.3%)	$\chi^2=19.37$ 1 p= (0.000)
	No	9(7.5%)	00(00%)	9(7.5%)	
	Uncertain	5(4.2%)	00(00%)	5(4.2%)	
Pakhtun cultural values always dominate religious teachings about women inheritance	Yes	25(20.8%)	52(43.3%)	77(64.2%)	$\chi^2=17.84$ 6 p= (0.000)
	No	21(17.5%)	14(11.7%)	35(29.2%)	
	Uncertain	8(6.7%)	00(00%)	8(6.7%)	
Religious clerics never talked about	Yes	12(10.0%)	21(17.5%)	33(27.5%)	$\chi^2=6.848$
	No	35(29.2%)	44(36.7%)	79(65.8%)	

women inheritance rights in sermon	Uncertain	7(5.8%)	1(0.8%)	8(6.7%)	p= (0.003)
Religious clerics does not observed female right of inheritance	Yes	13(10.8%)	18(15.0%)	31(25.8%)	$\chi^2=0.523$
	No	36(30.0%)	44(36.7%)	80(66.7%)	p= (0.770)
	Uncertain	5(4.2%)	4(3.3%)	9(7.5%)	
Religion occupied bigger significance in people lives in the area	Yes	21(17.5%)	32(26.7%)	53(44.2%)	$\chi^2=3.254$
	No	31(25.8%)	34(28.3%)	65(54.2%)	p= (0.197)
	Uncertain	2(1.7%)	00(00%)	2(1.7%)	
People alienation from religion encourage denial of female right of inheritance	Yes	44(36.7%)	45(37.5%)	89(74.2%)	$\chi^2=16.53$
	No	4(3.3%)	21(17.5%)	25(20.8%)	7
	Uncertain	6(5.0%)	00(00%)	6(5.0%)	p= (0.000)
Denial of female inheritance is misunderstood as an Islamic practice	Yes	39(32.5%)	65(54.2%)	104(86.7%)	$\chi^2=18.14$
	No	5(4.2%)	1(0.8%)	6(5.0%)	8
	Uncertain	10(8.3%)	00(00%)	10(8.3%)	p= (0.000)
Religious leaders most often favoured male over female while distributing property and land	Yes	17(14.2%)	21(17.5%)	38(31.7%)	$\chi^2=1.518$
	No	34(28.3%)	44(36.7%)	78(65.0%)	p= (0.468)
	Uncertain	3(2.5%)	1(0.8%)	4(3.3%)	

1.8 TABLE EXPLANATION THROUGH DRAWING ASSOCIATION BETWEEN RELIGIOUS FACTORS AND DENIAL OF FEMALE RIGHT OF INHERITANCE

Religions like Islam are based on universal ethics of humanity that promote protection of human basic rights. However, disinformation through religious misinterpretation and gap of religious information pave the way

for providing a religious cover to self-persuaded interests. Perception of the respondents regarding religious factors and its association with denial to women's inheritance rights is given in the above table and explained below.

A highly significant association ($P=0.000$) was found between denial of female right of inheritance and unawareness about Islamic teachings regarding female right of inheritance. It could be the result that people are not fully aware about religious teaching regarding this basic right of women. It could also be inferred that if such awareness is created among the masses, obviously the results will be different.

Similarly, a highly significant association ($P=0.000$) was found between denial of female right of inheritance and Islam permit female right of female inheritance. The results highlighted that Islam equally treated both the gender and does not discriminate women just because of their gender with regards rights of inheritance. In consonance to the results, NCSW (2004) report stated that although Islam explicitly provides women rights of inheritance but its conservative interpretation strengthen patriarchy which further restricts women share in inheritance. Similarly, Omar (2011) stated that Islam gave right of inheritance to woman both in movable and immovable property.

In addition, a highly significant association ($P=0.000$) was found between denial of female inheritance rights and cultural values dominate religious teachings regarding female right of inheritance. It is evident that denials female inheritance rights are made more on cultural than religious basis. In fact, Islam permits share of inheritance irrespective of gender. Similarly, Elphinstone (1842) concluded that in '*Pakhtun*' tribal setup, in case of a conflict between Islamic teaching and customary codes, it is the customary codes which always prevail. Moreover, due to lack of Islamic

teachings about female inheritance people are ambiguous about these rights and make decisions in this ambiguity. These findings of the study are further supported by the inferences of Muhammad (2011) who added that in most of the cases women are exploited in receiving share in parental property due to economic and socio-cultural reasons and some time misinterpretation of religious teachings by the religious clerics.

Moreover, significant association (0.003) was found between denial of female inheritance and religious clerics do not talk about female right of inheritance. In contrast of uni-variate data, the results at bi-variate level are significant. It could be inferred that denial of women right of inheritance is a heinous crime, and it does not provide any space for itself in religion of Islam but silence on part of religious clerics provides space for strong emphasis on cultural values. Such values are based on structural and functional traits of the society and it had a strict and rigid control over people which resist the inclusion of new values to its operational social setup. In consonance to the results Pitt-Rivers (1977) stated that opposition to cultural values means as cultural taboos, which is avoided in Asian societies by religious scholars. Similarly, highly significant association ($P=0.000$) was found between denial of female inheritance and alienation from religion promote women disinheriting. Muslims have strong relations with their religious leaders and are obliged to follow their instructions. Role of religious clerics, therefore, is very important for making men more oblige to give inheritance to their daughters. Similarly, attachment with religion makes one to understand the teaching of religion and give inheritance rights to female members. These findings of the study are supported by the arguments of Heffner (2011) who reported that religious clerics are not fulfilling their duties to address the issue of inheritance in their sermons on

different occasions and religious gathering of people. Distance from religion makes one to be aware of his/her obligations and religious orders.

A highly significant association ($P=0.000$) was found between denial of female right of inheritance and non-payment of inheritance is misunderstood to be an Islamic practice. Religion is used to present a skewed image about facts. Religious misinterpretation by ignorant masses, especially the women, makes them believe it as a divine message to follow or taste the curse. These procedures help the powerful to protect their motives under the cover of religion. In this regard, Muhammad (2011) reported that religious leaders did not play their best role in clarifying the issue and it is misunderstood due to sculptured and engineered religious teachings for self-gain.

Conversely to the above results, a non-significant association (0.770) was found between denial of female right of inheritance and religious clerics in itself does not observed women right of inheritance. The results suggested that religious cleric's gives share in inheritance to their female. It could be inferred from the results that having knowledge about religion changed people perception about women share in inheritance. It could also be inferred that religious clerics have enough knowledge about female right of inheritance that is why they did not neglect their mother, sisters and daughters while distributing parental property or other objects. Similarly, a non-significant association ($P=0.197$) was found between denial of female inheritance and religion occupy greater importance in the lives of the people in the area. In contrast to uni-variate data, the results at bi-variate level are non-significant. It could be the reason that either the religious clerics may not give that much importance to the issue of women inheritance or the people in itself having less interest in this regards even though if it is explained by the religious clerics. Similar to the results,

Heffner (2011) stressed that religious scholars did not observe the issue of inheritances as important. If it is properly addressed then people may not get confuse about religious aspect of inheritance right. Moreover, a non-significant association ($P=0.468$) was found between denial of female right of inheritance and religious leaders often favor men in distribution of property over women. These results suggested that religious scholar's gives proper share in inheritance to their women. In contrast to the results, Mohammad (2011) concluded that because of belief in the inferiority of women and on the basis of sex religious clergies favors men and their role is sexist.

It is clear from the results that true religions of Islam protect basic rights of all segments of society, however, misinterpretation of religious injunction by the powerful groups for self-gain distort the true message and lead to discrimination of weak segments in cover of religion. Low religious awareness of the masses, their poor contacts with religious leaders and inability of religious leaders to disseminate the true knowledge of religion leads to create ambiguities and distorted messages that promote denial of women's inheritance rights.

1.9 CONCLUSION AND RECOMMENDATIONS

The study concluded that Islam permit women right of inheritance and does not discriminate any one on the basis of sex. However, the local people were not fully aware about religious injunctions regarding female right of inheritance. Moreover, Pakhtun cultural values dominate religious teachings regarding female inheritance and local people are alienated from religion with regard female inheritance. Religious clerics does not talked about women right of inheritance in sermons that is why non-payment of women inheritance is misunderstood to be an Islamic practice by most of the people in the study universe. Furthermore, the results concluded that

religious cleric's gives proper share in inheritance to their female both in cash and property and they did not favor men segment of the society over women in distribution of property. The study further concluded that religion does not occupy greater importance in the lives of the local people with regard to female right of inheritance. Creating awareness about women rights of inheritance, promoting religious teachings of Islam, discouraging customary ways of convincing women to forgo their right of inheritance in lieu of cash or dowry as a substitute, strict implementation of the state laws with regard female inheritance were forwarded some of the policy recommendations in light of the study findings.

REFERENCES

- Abraham, M.F. (1990). *A modern sociological theory: An introduction*. New York: Oxford University Press.
- *Accurate and Reliable Dictionary*. (2008). London: Oxford Printing Press.
- Agarwal, B. (1994). *A field of one own: gender and land rights in South Asia*. New York: Cambridge University Press.
- Aisha, M. (2008). *An investigation into women inheritance*.(Master's Thesis). Peshawar (Pakistan): Khyber Pakhtunkhwa Agriculture University of Peshawar.
- Adinkrah, K.O. (1990). Folk law is the Culprit: Women's non-rights in Swaziland. *J. Legal Plural & Unofficial Law*, 4(3):130-131.
- Ahmed, R., and Chaudhury, H. (1980). *Female Status in Bangladesh*: Bangladesh Institute of Development Studies: Dhaka, Bangladesh.
- *Black's Law Dictionary* .(1999). 7th ed., edited by Brayan A. Garner, West Group.

- Bunch, C. (1995). *Transforming Human Rights from a Feminist Perspective in Women's Rights, Human Rights: International Feminist Perspectives*, eds. J.S. Peters and Andrea Wolper, New York: Routledge.
- Carole, V. (1990). The value of sons in an India village: How widows see it. *Population Studies*, 44(1):5-20.
- Dascalopoulos, C. S. (1990). The notion of female property: A comparative study of property. *J. Legal Plural & Unofficial Law. Delhi, India. Economic and Political Weekly*, 39 (19): 1911-1920.
- Elphinstone. M. (1842). *An account of the kingdom of Caubul, and its dependencies in Persia, Tartary and India*. Lincoln: University of Nebraska.
- Hussain, A. (2002). *Islamic Law of inheritance*. Retrieved on January 12, 2015 From: http://en.wikipedia.org/wiki/Islamic_inheritance_jurisprudence.
- Hefner, R. (2011). *Sharia politics "Islamic law and society in modern world"*. Delhi: Indiana University Press.
- Lloyd, P.C., and Derrett, J. D. M. (1965). *Yoruba Inheritance and Succession, in Studies in the Laws of Succession in Nigeria*. Oxford University Press.
- Mary, F. R. (2000). The Inheritance Rights of Women under Jewish and Islamic Law. *Boston College International & Comparative Law Review*, 23 (2): 135-184
- Muhammad, N. (2011). Inheritance in property: A gender based discriminatory practice in rural areas of Tangi, District Charsadda". *Sarhad J. Agric*, 27 (1): 143-146.

-
- National Commission on the Status of Women (NCSW). (2005). *Policy Research: Women's Right to Inheritance and its Implementation*. Islamabad: NCSW.
 - Omar, S. (2011). "Women's Right to Inheritance: Shariah and Pakistan's Law". Retrieved on September 17, 2013 From: URL: [http:// http://www.slideshare.net/shaguftaomar/womens-right-to-inheritance-shariah-and-pakistans-laws](http://http://www.slideshare.net/shaguftaomar/womens-right-to-inheritance-shariah-and-pakistans-laws).
 - Pitt-Rivers, J. (1974). Honor and social status. In J. G. Peristiany (Ed.), *Honor and shame: The values of Mediterranean society* (pp. 19-77). Chicago: University of Chicago Press. *Politics and the Life Science*, 21(2).
 - Al-Quran, Surah Nisa, 4(7).
 - Al-Quran, Surah Nisa, 4(33).
 - Schacht, J. (1991). *Mirāth Encyclopedia of Islam*, 7 (2nd Ed). *Leiden*: Brill Academic Publishers.
 - Wisal, K., and Inam, M. (2006). *Gender based socio-cultural constraints in inheritance in Pukhtun society*. (Master Thesis). Peshawar (Pakistan): University of Peshawar.
-



© 2017 by the author, Licensee University of Chitral, Journal of Religious Studies. This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY) (<http://creativecommons.org/licenses/by/4.0/>).