

# ***Women's Right to Inheritance in District Lakki Marwat: A Statistical Analysis of Socioeconomic Factors***

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## **Abstract**

*This study analyzes the role of various demographic, economic and social factors like marriage practices, education and awareness that can affect the beliefs and practices regarding women's rights to inheritance and the ownership and management of property in Pakistan. Using a stratified random sample taken from Lakki Marwat, a backward northern district of Pakistan, the study finds that education level of the respondent, his understanding of the Quran and Islamic inheritance rules and awareness of law are the main factors shaping respondents' perceptions about women's right to inheritance, ownership and management of property. The other factors like economic status, number of children and marriage practices appear relatively less important.*

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### **Introduction**

Intergenerational savings in the form of inheritance constitute an important source of wealth for the young and middle-aged persons. Inheritance is often the only hope of owning a residence or agricultural land, which is considered to be a reliable means of old-age security in poor countries where social security networks are weak and capital markets are imperfect. Inheritance provides a potential source of investment in education for the children whose parents die early. Even if it is assumed that parents accumulate wealth only for their own old-age consumption, as the theory of life cycle claims, and have no particular desire to leave something to their children, the latter will probably, still receive an inheritance. This kind of bequest, termed accidental, is generally associated with the concept of precautionary savings and deferred consumption.

Different societies have evolved their own social norms and practices in transferring wealth from old to young generations. In certain societies inheritance is a simple matter of transferring legal possessions of deceased persons onto their descendants. According to the traditional tribal customs in Pakistan, sons tend to enjoy the right of possessing almost all the assets of their parents, while women generally do not receive or are pressed to surrender their legal share of inheritance. Being daughters, women are often also expected to forego their right to inheritance in favor of their brothers. Their claim to get their inherited property may invite desertion from their parental side. All this is mostly done and justified in the name of preserving inherited land, an important source of income and the symbol of power. Dowry is often treated as the share of inheritance for daughters, which obviously in most cases is not equivalent to legal inheritance, but women are bound by customary practices. Moreover, women are told that their brothers are going to take care of them and the gifts given to them on different occasions are considered their share from property.

All these practices are quite contrary to the prevalent law and clear guidelines given in Islam that prescribe well-defined shares for the male and female descendents of a deceased person. The Quran clearly states: "Men shall have a share in what parents and kinsfolk leave behind, and women shall have a share in what parents and kinsfolk leave behind."<sup>1</sup> Women in Pakistan do have the legal right to inherit family wealth, yet they rarely exercise this right. Although Islamic (*Shariah*) law and Pakistani state law both entitle women to inherit immovable and movable property, the practice has been to deny women's control over their inheritance, of land in particular and often their entire claim to it.<sup>2</sup> This is especially true in rural Pakistan, where the tribal nature of social organization undermines inheritance rights.

Based on Islamic law, the state law stipulates the share of women's inheritance to be one-half of that of men in similar relationships to them (e.g. a daughter would inherit one share for every two shares that a son inherits) due to the man's greater responsibility for supporting the family. Inheritance is governed by Islamic *Shariah* as codified in the Family Laws Ordinance 1961.<sup>3</sup> Due to the powerful force of customary practice in the country, however, the inheritance rules most often followed are those based on custom. Women in rural areas in particular rarely receive their shares in immovable property. When women do inherit property, it is typically controlled by their male heirs.<sup>4</sup>

The present study is carried out to analyze a number of potential factors that can be associated with the practices of inheritance, property ownership and property

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<sup>1</sup> The Quran, 4:7.

<sup>2</sup> Rubya Mehdi, *Gender and Property Law in Pakistan, Resources and Discourses* (Lahore: Vanguard Books, 2002).

<sup>3</sup> Khawar Mumtaz, "Gender and Poverty in Pakistan", In *Pakistan Poverty Assessment Update* (Islamabad: Background Paper Series, ADB, 2005).

<sup>4</sup> Mehdi, *Gender and Property Law in Pakistan*.

management by women in Lakki Marwat, one of the less developed districts of Pakistan located in the province of Khyber Pakhtoonkhawa (KP). The study is based on a field survey containing both quantitative and qualitative data, which explains the relationship among various socioeconomic variables with women's rights to inheritance and their control over property.

The study considers four variables representing society's attitude towards recognizing and accepting women's rights to inheritance, ownership and management of their properties. These are based on respondent's intentions to give daughters their legal shares in inheritance and their views on whether women should be given their legal shares in inheritance; whether women should keep their property in their own names; and whether women should have authority to manage their property.

The potential correlates of the attitudes towards women's rights to inheritance considered in this study are family size and its gender composition, registration of births, economic status of the family, marriage type, pre-marriage relationship with spouse, education, religious orientation, awareness about women's rights to inheritance and the source of awareness. These correlates are expected to have direct or indirect influence over the society's attitudes towards women's right to inheritance.

The study is organized as follows. Section 2 provides a brief review of literature on the status of women regarding ownership and management of property. Section 3 provides the analytical framework and construction of variables. Data and the results of data analysis are presented in the sections 4 and 5, respectively. Finally, section 6 concludes the study.

### **Review of Literature**

In Pakistan, livelihoods of rural men and women revolve around arable land. Land as an asset is one of the basic physical resources that provides food, space for livestock

and serves as home. It is also a source of security and power. Land ownership is considered as an important determinant of social status in rural and urban areas across the country. Besides being a source of food, income or employment, land provides cash in times of need. Less than half of rural households in Pakistan own any agricultural land and 40 percent of the land is owned by 2.5 percent of households. In rural Sindh, landlessness is most acute with two-thirds of rural households not owning any land and just 0.4 percent of households accounting for nearly 24 percent of the total area.<sup>5</sup>

Pakistan is a class and caste based society with caste and kinship relations having prime importance in rural areas. On one hand, there are the poor landless and sharecroppers and on the other, the occupational groups like potters, cobblers, etc. who are at the lower end of the social ladder. Other marginal groups are the gypsies who move around working on construction sites and begging, and brick kiln and mine workers. Obviously, these groups seldom own land and women within these are even less likely to do so. Women have little access or control over productive resources, even in situations where they may have the legal right to own and inherit property.

According to Simi<sup>6</sup>, male relatives tend to have actual control of property even in cases where women own property following the constitutional and Islamic laws. Women can dispose of their property with family consent only and all buying and selling is done by the male members of the family. Statutory and Islamic laws, however, provide that a woman has the right to acquire, hold and dispose of property. The study mentions that another widespread practice is of forfeiture of the inheritance share by women in favor of their brothers or

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5 Mumtaz, "Gender and Poverty in Pakistan".

6 Kamal Simi, *Effects of the Interplay of Formal and Customary Laws on Women in Tribal Cultures*, (7th Interdisciplinary Congress on Women's Worlds, No. 99, 1999).

sons, generally through force or social pressures. In the absence of protective measures, women generally rely on the parental home and brothers in times of need (bad marriage, illness, economic pressure) and, therefore, forgo their share in property as insurance for the future.

Mehdi<sup>7</sup> reports several cases in which women's names are registered in the property transfer papers on inheritance, but in practice, they do not get the land. The understanding is that brothers would take the land, and the sisters would receive shares of the harvest or gifts. In rural Punjab, it is also not uncommon for brothers to enter into an understanding with the *patwari* (land revenue official) to not include the sisters' names under the pretext that they have surrendered their share. Otherwise, as soon as a woman's name has been entered in the transfer papers, a gift is made in favor of the brothers. The study also mentions the extreme practice of *haq-bakhshwana* [Urdu: explicit giving up of rights] whereby girls are either never married, or married to the Quran as in southern parts of Punjab (Multan and Bahawalpur) and Sindh in order to prevent property going out of the family. Similarly, cousin marriages and exchange marriage whereby one set of brother and sister are married to another set are designed to prevent break up of property as the size of land and property is associated with power and status.

One explanation for discriminatory practice often cited is the adherence to age-old traditions and cultures. Women are said to be lacking in information about legal, economic or political rights. They are considered vulnerable to violence due to absence or lack of access to protection and justice. They are also considered to have restricted mobility. An important barrier for women is their lack of knowledge about their property rights and limited understanding of land registration systems, transaction procedures and other legal matters involved in possession of land.

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7 Mehdi, *Gender and Property Law in Pakistan*.

According to Tirmazi<sup>8</sup>, women's mobility is a strong barrier that restricts their access to and control on property. The study points out that in irrigated area of South Punjab, it is claimed that women do not hold property because they cannot leave home without *purdah* [Urdu: seclusion] to physically get to the land. However, the same women are allowed to leave homes to bring water from wells without such restrictions. The study concludes that women are mostly given the role of service provider, while their role in owning and controlling of land and the related decision-making power is not acceptable. Bennett<sup>9</sup> reports that even though under international human rights law, women have the right to own and administer property without any discrimination, yet women own only 1-2 percent of all titled land worldwide. This lack of control over property is expected to translate into gender-based inequities in ownership of movable property, such as businesses, capital, equipment, personal items and household goods. These patterns place women at a disadvantage in securing a place in life and, in extreme cases, maintaining necessary means of survival.

Equality in the right to inheritance of property is one of the tools available to achieve economic equality and justice for women. According to Agarwal,<sup>10</sup> women's ownership of land in South Asia can be associated with their bargaining position within households and community because ownership of assets enhances women's fall-back position. In another study on property, land and economic security in rural India Agarwal<sup>11</sup> finds

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8 Miliha Khan Tirmazi, *Land, Water and Gendered Nobilities in Pakistan: Exploring the Contradictions*, (International Conference Organized by the Chinese University of Hong Kong, Mimeo, 1999).

9 Lissa Bennett, "Women, Law, and Property in the Developing World: An Overview", *Human Rights Quarterly*, Vol. 23, No. 2, May 1981, 88-95.

10 Bina Agarwal, *A Field of One's Own: Gender and Land Rights in South Asia* (Cambridge: Cambridge University Press, 1994).

11 Bina Agarwal, "Widows versus Daughters or Widows as Daughters? Property, Land, and Economic Security in Rural India", *Modern Asian Studies*, Vol. 32, No. 1, February 1998, 1-48.

that independent command over land tends to reduce rural women's economic and social vulnerability and increases their livelihood choices, both as widows and as daughters. Deere and Leon<sup>12</sup> point out that women are able to derive a number of additional benefits from their ownership of assets in their old age, both because of their potential economic autonomy and because they are more likely to be able to command the assistance of their children.

The situation in other developing regions of the world is not much different. Although in many cultures dowry is considered as an alternative to inheritance, the two modes of intergenerational transfers are fundamentally different. Women receiving inheritance have the same rights as enjoyed by men, while dowry is given as a favor rather than right. McCreery<sup>13</sup> observes that Chinese women receiving dowry had practically no property rights. They may legally own property but usually had no right to inherit property. In a similar study for West Bengal in India,<sup>14</sup> authors find that very few rural women have ownership over agricultural land or the houses they live in. Dowry is prevalent and has been rising in all of the villages surveyed.

Quisumbing *et al.*,<sup>15</sup> analyze changing patterns of land transfers by gender over three successive generations in customary land areas of Ghana's Western Region. They

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- 12 Carmen Diana Deere and Magdalena Leon, *Empowering Women: Land and Property Rights in Latin America* (Pittsburgh Pa: University of Pittsburgh Press, 2001).
- 13 John L. McCreery, "Women's Property Rights and Dowry in China and South Asia", *Ethnology*, Vol. 15, No. 2, (University of Pittsburgh of the Commonwealth System of Higher Education, April 1976), 163-74.
- 14 Jennifer Brown and Sujata Das Chowdhury, "Women's Land Rights in West Bengal: A Field Study" *RDI Reports on Foreign Aid and Development*, No.116, (Rural Development Institute, Washington, USA, November 2002).
- 15 Agnes R. Quisumbing, Ellen M. Payongayong and Keijiro Otsuka, "Are Wealth Transfers Biased Against Girls? Gender Differences in Land Inheritance and Schooling Investment in Ghana's Western Region" *FCND Discussion Paper No. 186* (International Food Policy Research Institute, Washington, USA, August 2004).

find that the increasing transfer of land to wives and daughters is consistent with the increasing demand for female labor as land use intensifies. Matashane and Marite<sup>16</sup> show that women's access to land and inheritance in Lesotho is surrounded by inequality, injustice and discriminatory practices, which tend to nullify rural development initiatives targeting women to improve their economic empowerment.

According to Deere and Leon<sup>17</sup> the gender asset gap in land in Latin America is significant and it is due to three factors: male preference in inheritance, male privilege in marriage and male bias in both community and state programs of land distribution. The study illustrates that the distribution of land ownership is extremely unequal with respect to gender, with women rarely representing more than one-quarter of the land owners. The same study shows that in parallel inheritance systems, sons inherit through male, and daughters through the female line. Within marriage, women land-owners play a greater role in both household and farm decision-making, including productive decisions as well as decisions governing the disposition of what is produced and how income so generated is used. Women's ownership of land has also been associated with lower rates of domestic violence. In a similar study Estudillo *et al.*<sup>18</sup> analyze the differential land bequests and investment in schooling between sons and daughters in two generations of households in the rural Philippines. The study uses data from inheritance surveys

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16 Keiso Matashane-Marite, "Women's rights and Participation-Including Women's access to Land and Inheritance, and the Role of Lobbying and Grassroots Organizations in Lesotho" (United Nations, Division for the Advancement of Women, Bangkok, Thailand, October 2005).

17 Carmen Diana Deere and Magdelana Leon, "The Gender Asset Gap: Land in Latin America", *World Development*, Vol. 31, No. 6, (Elsevier Publications, June 2003).

18 Jonna P. Estudillo & Jagnes R. Quisumbing & JoKeijiro Otsuka, "Gender Differences in Land Inheritance and Schooling Investments in the Rural Philippines", *Land Economics*, Vol. Issue: 1 (University of Wisconsin Press, 2001).

conducted in 1989 and 1997 on the same household in 5 rice-growing villages in the Philippines to analyze changes in intergenerational transfer pattern across generations. The study finds that there has been a declining trend in the amount of land inherited by children due to increasing scarcity of cultivated land. In the older generation, the 'same gender' principles hold with respect to parental transfers: better-educated fathers prefer to improve the education achievement of sons while land owning mothers preferentially bestow land to daughters. In the younger generation, sons continue to be preferred with respect to land inheritance, while daughters are now more favored as far as schooling investments are concerned.

### **Framework of Analysis**

The main objective of this study has been to analyze the factors that determine household heads' intentions and perceptions about women's rights to inheritance and management of property. Since the nature of the study is multi-dimensional, it demands that both quantitative and qualitative data be generated involving multiple variables covering a wide range of factors influencing women's rights to inheritance.

Four distinct aspects of beliefs and perceptions about women's rights on property are considered. The first dependent variable is the most crucial one and it indicates whether the respondents intend to give their daughter their rightful shares in property. Rather than asking the direct question in this respect, the respondents are given four options. These options are: a) intend to give exact legal share to daughters, for each daughter is specified as half of each son; b) intend to give dowry in lieu of the legal share; c) intend to give gifts in lieu of the legal share; and d) intend to compensate the daughters in other (unspecified) forms.

The second dependent variable asks the respondents about their general belief rather than intention. The two dependent variables are meant to capture different

aspects, one representing belief and the other representing intention. It is of interest to observe whether there is any diversion between beliefs and practices due to social norms, pressures, etc.

The third dependent variable asks the respondents about their general opinion on whether or not women should have property in their own names. The idea is to see if women are denied their share in inheritance only or they are also discouraged from keeping any property in their own names.

Finally, the fourth dependent variable considers respondents' opinions on whether or not women should be given authority to manage their own property. The answer to this question will indicate whether it is the practical difficulty in being manager of the property that bars women from getting their legal right in inheritance.

Thus, we analyze responses from the sampled respondents (household heads) regarding four aspects: a) intention to give legal share in inheritance to daughters, b) opinion regarding whether women should be given their legal share in inheritance, c) opinion regarding whether women should have property in their name, and d) opinion regarding whether women should be given authority to manage their property.

Coming now to other side of the equations, several independent variables are constructed that capture households' demography marriage practices, education, awareness and economic status of households. The justification of these variables is discussed as follows.

The size of inheritance wealth received by a descendent is inversely related to the number of family members unless parents' effort to accumulate assets is proportional to the expected number of heirs they would leave. The family size captures several potential factors. First, smaller families are likely to have narrow generation gap and this may encourage parents to give all the children their due share. Second, given the levels of family

income and assets, larger families would be poorer than the smaller families. If economic status has any relationship with parents' attitude towards the rights of their daughters then obviously family size would matter.

The gender composition of children can also affect parents' attitudes. If the number of sons is large, parents may favor them at the cost of their daughters, assuming that economic security of their daughters is responsibility of their husbands. Larger number of daughters may also induce the similar attitude, as more daughters would mean smaller share left for sons. It is observed that a few parents having just one daughter showed their intentions to give the daughter her legal share in inheritance because it would not cost much for the sons and parents tend to love a lone daughter if they have several sons. Another observation that came out of group discussions is that daughters are often refused their share in property on the ground that it will divide property of the family and thus reduce economic status. If this be the case then the same argument may be applied to division of property among sons. That is, on this particular basis gender discrimination can be explained only when there is just one son so that non-division of property implies giving all the property to the son. It follows from the above discussion that it is the absolute number of sons and daughters, rather than their relative numbers, that matters.

The next demographic variable considered is the percentage of births registered with the local births and registration office. Traditionally birth registration was considered as the main legal proof of identity of a child. If parents had any intention of discriminating against daughters, they would avoid registering births of their children. Thus, we expect some association between the percentage of births registered and attitudes toward daughters regarding ownership and management of property, etc.

The last demographic variable included in the analysis is age of the respondent. It is expected that with the passage of time people would have become more enlightened about the importance of giving women their rights and independence. Thus, younger respondents are more likely to recognize the rights of women and give them their due shares and authority in making their own economic decisions.

Regarding economic status of respondents, two variables are considered, income and assets. Income consists of wage earnings, rents, interest earnings and net transfer receipts. Assets are measured as the market value of all durables net of liabilities.

The next set of explanatory variables relates to the state of respondent's marriage. A widespread perception regarding the reasons for denying women their inheritance rights is the practice of exchange marriage (the so-called '*wutta-sutta*'). This practice facilitates the implicit contract by which women of the two families are denied their inheritance rights so that the net inter-family transfers of assets become negligible if the two families have equal economic status. It is, therefore, expected that the probability of giving women their legal rights would be lower among the families in which exchange marriages are prevalent. Another factor that may facilitate such contractual arrangements is the practice of marrying within families. Here we consider three categories; cousin marriage, marriage with other relatives and marriage with non-relative.

Education level of respondent can affect attitudes towards women's rights. In this context we have classified education into five categories ranging from less than primary to higher education. Besides this, we also consider religious education as another factor that may influence attitudes towards women's property rights. It is expected that the respondents with higher levels of formal education and those with formal religious education would be more

fair in recognizing and accepting women's rights to inheritance, ownership and management of property.

Finally, we consider various variables to measure respondents' awareness about women's rights and its source. The respondents who understand contents of the Quran are more likely to accept and recognize women's rights to inheritance and the ownership and management of property. Thus, we include the awareness variables: understanding of the Quran and awareness about Islamic laws of inheritance. The third awareness variable is based on respondents' awareness about the country's laws of inheritance. Regarding the source of awareness we consider four categories, i.e., religion, formal education, parents/elders and media. It is expected that awareness obtained through religion, education and media is more effective than the one obtained through other sources.

To sum up, the independent variables are classified into five categories. These are: a) demographic variables, b) economic variables c) variables describing marriage practices, d) education related variables, and e) awareness variables. The complete lists of dependent and independent variables are presented in the Tables 1 and 2 respectively.

Keeping in view the general interest in the topic among social scientists and social activists and, hence, to keep the analysis as simple as possible, the entire analysis is conducted in terms of cross tabulation.

The study is carried out by using a mix of different techniques of information collection, field surveys and focus group discussions. These techniques provide a combination of qualitative as well as quantitative information complementing each other, thereby portraying the relationships of multiple variables with women's rights to inheritance from several dimensions.

**Table 1: DEPENDENT VARIABLES**

Description	Categories
Respondent's intention to give their daughters legal share in inheritance	Categorical: yes or no
Respondent's opinion on whether daughters should be given legal share in inheritance	Categorical: yes or no
Respondent's opinion on whether women should have property in their name	Categorical: yes or no
Respondent's opinion on whether women should have authority to manage property	Categorical: yes or no

**Table 2: INDEPENDENT VARIABLES**

Description	Categories/Measurement
<b>Family's Demography</b>	
Number of family members	Count
Number of sons	Count
Number of daughters	Count
Percentage of registered births in family	Percentage
Age of respondent	Years
<b>Family's Economic Status</b>	
Monthly family income	Thousand rupees
Net family assets	Million rupees
<b>Respondent's Marital Background</b>	
Respondent's state of exchange marriage (Sister married with wife's brother)	Categorical: yes or no
Respondent's state on cousin marriage	Categorical: yes or no

Respondent's state on other family marriage	Categorical: yes or no
<b>Respondent's Education</b>	
Education	<b>Categorical</b> Less than primary: 0-4 years of schooling Primary: 5-7 years of schooling Middle: 8-9 years of schooling College: 10-15 years of schooling Higher: 16 or more years of schooling Religious: Religious education certificate (Qari, Hafiz, Molana, Mufti)*
<b>Respondent's Awareness on Women's Rights</b>	
Understanding of Holy Quran's contents	Categorical: yes or no
Awareness of Islamic laws of inheritance	Categorical: yes or no
Awareness of country's laws of inheritance	Categorical: yes or no
Source of awareness on women's rights	Categorical: Religion, education, parents/elders, media

\* Qari is a person who can recite the Holy Quran with correct pronunciation. Hafiz is a person who has memorized the complete Holy Quran. *Munshi Fazal* is a formal certificate of education in religion, while *Alam Fazal* is a higher certificate in religious education.

### Data Source and Background

A survey is carried out in Lakki Marwat, a backward district with diverse sociological background in Khyber Pakhtoonkhawa (KP) province of Pakistan. The district is dominated by rural population, agrarian economy and low literacy of women. Most of the people in this region are Muslims. Boys and girls are not betrothed until they attain puberty. The girls in towns as well as in the villages start wearing veil (*burka*) at the age of 10-12 years.

Stratified sampling was used for this study. In the district, there are two tehsils, namely Lakki Marwat and

Sarai Naurang. In these tehsil there are 36 union councils, from which 10 union councils were randomly selected for the purpose of study. We interviewed 507 heads of households from rural and urban areas of the district. From each union council one village was selected randomly and from each village interviews were conducted from approximately 50 households. Out of 507 households heads interviewed 494 (97%) were male while 13 (3%) were female. Qualitative data would be quantified to assess the magnitude of the factors/variables explaining the gender issues, social customs and practices, norms and values that influence the women's rights to inheritance.

### **The Analysis**

Respondents' opinions about recognizing women's rights to inheritance are recorded and analyzed both qualitatively and quantitatively. The data and group discussions reveal that women's rights regarding access to and control over land, housing, and property are important in determining their overall living conditions, economic security and even physical safety. Recognition of women's rights to inheritance is also accepted as a serious social consideration. Table 3 provides the most basic statistics that are elaborated further on the basis of group discussions with respondents.

**Table 3: RESPONDENTS' ATTITUDES TOWARDS WOMEN'S PROPERTY RIGHTS**

Question	Recorded Responses		Total
	Yes	No	
Will you give your daughters their legal share in property?	66 (13.02%)	441 (86.98%)	507
Should women be given legal share in property?	313 (61.74%)	194 (38.26%)	507

Should women have property in their name?	239 (47.14%)	268 (52.86%)	507
Should women be given authority to manage their property?	34 (6.71%)	473 (93.29%)	507

The analysis further shows that a majority of respondents recognized the women's rights to inheritance, acknowledge the women's possession of property as their right granted to them by Islam and consider that ownership of property serves as a source of protection and security to women in times of emergency. However, it is generally accepted that women are incapable of managing and dealing with the matters related to property and legal issues as they lack sufficient understanding with respect to procedural issues of property. Based on this general perception related to land management by women, in actual practice respondents seem to be reluctant to give women their rights to inheritance on customary grounds. Thus, an overwhelming majority of the respondents believe that in practice it is difficult for women to manage property on their own.

Extensive discussions with respondents reveal that many of them do not intend to act on their beliefs due to social pressure or other considerations. In particular, quite a few respondents believe that women should be given their due share in property but they do not intend to act on this belief due to perceived difficulties in management of the property that women are expected to face in the so-called 'male dominant society' and pressure of other family members, especially elders of the family and wives. However, a common observation is that men are reluctant to put their economic power at stake by giving women their due right to inheritance. Considering views on the reasons for not giving the due right to women in inheritance, it is found that 58 percent of the respondents believe that if women are given property in their name, it would lead to disputes in the family. Another 30 percent argue that women do not need property in their name and about 12

percent respondents blame women's mental capability of handling property.

It is also observed that a majority of the respondents recognized women's rights to inheritance and almost half of the respondents also agree that women could be given legal possession of the inherited property, but only 7 percent believe that women should be given authority to manage the property. Majority of the respondents argue that it is the socio-cultural value system prevailing in society that makes it difficult for women to approach and interact with male officials for settling the matters of their inherited property and consider this difficulty a hurdle for the women in managing their property. Here it can be concluded that the data endorse somewhat the recognition of women's right to inheritance and possession of property but these do not endorse their right to exercise control over the property.

We now turn our attention to the observed relationship between the respondents' attitude toward the women's rights to inheritance and the selected independent variables.

### **Demography and Attitudes toward Women's Property Rights**

Although in theory family size might affect an individual's decision regarding women's right to inheritance, yet our analysis of data presented in Table 4 shows that family size does not have much correlation with the behavior of respondents in giving daughters their inheritance rights. The table shows that family size does not have a substantial systematic relationship with either the intention to give or the opinion in favor of giving daughters their legal share in property. However, the proportion of respondents who believe that women can have property in their names is higher among very large families as compared to smaller families and this association is statistically significant at 5 percent level. Finally, the size of family does not have any significant relationship with

the opinion regarding whether women can be given authority to manage their property.

Coming now to the relationship of attitudes with the number of sons and the number of daughters, the Tables 5 and 6 do not show much association of attitudes either with the number of sons or with the number of daughter, except for two interesting results worth mentioning. First, the respondents with more than three sons are more likely to believe that women could be given authority to manage their property, while the respondents with more than three daughters are less likely to give the daughters their due share in property. In other words, there appears a slight hint that the respondents with too many sons may favor daughters, while those with too many daughters may not favour them.

Registration of births is crucial to protect rights to inheritance. The Table 7 shows that a large majority of the sampled respondents do not register most of the births of their children. Most of them are either unaware of the responsibility or are of the view that registration should not be the immediate concern at the time of birth because of legal hassle. In case of non-school going children, birth registration had greater chances of delay. In most of such cases, they get their birth registered for getting their National Identity Cards by attaining the age of 18 years. The table shows significant relationship of the proportion of births not registered with the attitudes regarding whether women should be given legal share in property, whether women should have property in their names and whether women should be given authority to manage their property. In all the three cases the respondents who do not register births of their children tend to have significantly adverse inclination towards women.

Finally, the Table 8 shows that among all the demographic variables, age of the respondent appears to be the most significant factor shaping the society's

attitudes. In particular, younger respondents are much more likely to be fair in their intentions regarding the distribution of wealth. For example, none of the respondents aged 66 or above plans to give his daughters their due share in the property, while the younger respondents have significantly better intentions. Similar patterns also hold regarding the relationships of age with the attitudes regarding whether women should be given legal share in property and whether women should have property in their names. In both these cases the relationship is highly significant. Although, the proportion of respondents who accept that women can be given authority to manage their property is also higher among the younger respondents, yet the relationship is statistically insignificant.

The conclusion so far is that the size of family and the gender composition of children do not substantially affect attitudes towards women's property rights, while the practice of non-registration of births is adversely related to the attitudes towards women's property rights. An encouraging finding is that the younger generation tends to be relatively less unfair towards women regarding possession, ownership and management of property.

**Table 4: FAMILY SIZE AND ATTITUDES TOWARDS WOMEN'S PROPERTY RIGHTS**  
 (All yes/no responses are percentages of the numbers of respondents)

Family size	No. of respondents	Will you give your daughters legal share in property?		Should women be given legal share in property?		Should women have property in their names?		Should women be given authority to manage property?	
		Yes	No	Yes	No	Yes	No	Yes	No
up to 5	173	10.40	89.60	59.54	40.46	49.71	50.29	5.78	94.22

6 to 8	267	15.36	84.64	64.42	35.58	48.69	51.31	6.74	93.26
9 or above	67	10.45	89.55	56.72	43.28	34.33	65.67	8.96	91.04
Total	507	13.02	86.98	61.74	38.26	47.14	52.86	6.71	93.29
Chi-square statistics	2.72		1.88		5.13**		0.78		

Notes: The first question was answered by the respondents who had at least one daughter.

The chi-square statistics significant at 5% level are indicated by \*\*.

**Table 5: NUMBER OF SONS AND ATTITUDES TOWARDS WOMEN'S PROPERTY RIGHTS**  
(All yes/no responses are percentages of the numbers of respondents)

No of sons	No. of respondents	Will you give your daughters legal share in property?		Should women be given legal share in property?		Should women have property in their names?		Should women be given authority to manage property?	
		Yes	No	Yes	No	Yes	No	Yes	No
1	134	12.69	87.31	57.46	42.54	49.25	50.75	2.99	97.01
2	144	11.81	88.19	59.72	40.28	41.67	58.33	6.94	93.06
3	108	13.89	86.11	65.74	34.26	50.00	50.00	5.56	94.44
more than 3	72	13.89	86.11	63.89	36.11	45.83	54.17	12.50	87.50
Total	458	12.88	87.12	61.14	38.86	46.51	53.49	6.33	93.67
Chi-square statistics	0.32		2.08		2.31		7.35**		

Notes: The first question was answered by the respondents who had at least one daughter.

The chi-square statistics significant at 5% level are indicated by \*\*.

**Table 6: NUMBER OF DAUGHTERS AND ATTITUDES TOWARDS WOMEN'S PROPERTY RIGHTS**  
(All yes/no responses are percentages of the numbers of respondents)

No of daughters	No. of respondents	Will you give your daughters legal share in property?		Should women be given legal share in property?		Should women have property in their names?		Should women be given authority to manage property?	
		Yes	No	Yes	No	Yes	No	Yes	No
1	104	14.42	85.58	59.62	40.38	40.38	59.62	6.73	93.27
2	132	14.39	85.61	59.85	40.15	49.24	50.76	8.33	91.67
3	62	22.58	77.42	61.29	38.71	45.16	54.84	8.06	91.94
more than 3	55	5.45	94.55	70.91	29.09	43.64	56.36	3.64	96.36
Total	353	14.45	85.55	61.76	38.24	45.04	54.96	7.08	92.92
Chi-square statistics		6.92**		2.36		1.90		1.42	

Notes: The first question was answered by the respondents who had at least one daughter.  
The chi-square statistics significant at 5% level are indicated by \*\*.

**Table 7: NUMBER OF BIRTHS REGISTERED AND ATTITUDES TOWARDS WOMEN'S PROPERTY RIGHTS**  
(All yes/no responses are percentages of the numbers of respondents)

Number of births not registered	No. of respondents	Will you give your daughters legal share in property?		Should women be given legal share in property?		Should women have property in their names?		Should women be given authority to manage property?	
		Yes	No	Yes	No	Yes	No	Yes	No
Nil	17	17.65	82.35	94.12	5.88	88.24	11.76	17.65	82.35

1 to 25%	29	3.45	96.55	79.31	20.69	48.28	51.72	6.90	93.10
26% to 50%	142	13.38	86.62	69.01	30.99	53.52	46.48	10.56	89.44
51% to 75%	109	14.68	85.32	72.48	27.52	54.13	45.87	6.42	93.58
76% to 100%	210	12.86	87.14	46.19	53.81	35.71	64.29	3.33	96.67
Total	507	13.02	86.98	61.74	38.26	47.14	52.86	6.71	93.29
Chi-square statistics	2.95		41.33*		27.00*		10.46*		

Notes: The first question was answered by the respondents who had at least one daughter.

The chi-square statistics significant at 1% level are indicated by \*.

**Table 8: AGE AND ATTITUDES TOWARDS WOMEN'S PROPERTY RIGHTS**  
(All yes/no responses are percentages of the numbers of respondents)

Age	No. of respondents	Will you give your daughters legal share in property?		Should women be given legal share in property?		Should women have property in their names?		Should women be given authority to manage property?	
		Yes	No	Yes	No	Yes	No	Yes	No
Up to 35 years	95	16.84	83.16	66.32	33.68	58.95	41.05	9.47	90.53
36 to 45 years	159	21.38	78.62	67.30	32.70	54.09	45.91	8.18	91.82
46 to 55 years	147	10.20	89.80	63.27	36.73	40.14	59.86	6.12	93.88
56 to 65 years	76	2.63	97.37	50.00	50.00	40.79	59.21	3.95	96.05
66 years or above	30	0.00	100.00	40.00	60.00	23.33	76.67	0.00	100.00
Total	507	14.60	85.40	61.74	38.26	47.14	52.86	6.71	93.29
Chi-square statistics	23.49*		13.5*		19.34*		4.87		

Notes: The first question was answered by the respondents who had at least one daughter.

The chi-square statistics significant at 1% level are indicated by \*.

**Economic Status and Attitudes toward Women's Property Rights**

Economic status of the respondents is represented by income as measured by current earnings of the respondent and the reported value of net assets of the family. The results presented in the Table 9 show significant relationship of income with attitudes towards women's rights, though the direction of relationships is neither consistent across the four categories of attitudes, nor always monotonic within any given category. For example, while the highest income respondents do not believe that women should be given legal share in property but they are relatively more inclined to give their own daughters their legal share in property. The only consistent and unidirectional relationship is that the respondents with higher income are more likely to believe that women can be given authority to manage their property.

The right to inheritance of women has link with the net assets owned by father. Assets carry more value than income because it could generate further income, though in most cases, it is viewed as savings rather than means of living.

Coming to the next economic variable, that is net assets, the Table 10 shows that relatively wealthier respondents are more likely to give their daughters legal share in property and the relationship is highly significant. This is quite a discouraging result because it means that women born in poor families are significantly more vulnerable to economic injustice at the hands of their very own parents. However, the value of assets does not form a clear relationship with the other categories of attitudes towards women's property rights.

**Table 9: INCOME AND ATTITUDES TOWARDS WOMEN'S PROPERTY RIGHTS****(All yes/no responses are percentages of the numbers of respondents)**

Monthly earnings	No. of respondents	Will you give your daughters legal share in property?		Should women be given legal share in property?		Should women have property in their names?		Should women be given authority to manage property?	
		Yes	No	Yes	No	Yes	No	Yes	No
Up to 10000	171	15.79	84.21	63.74	36.26	50.29	49.71	1.17	98.83
10001 to 20000	185	10.27	89.73	61.08	38.92	45.95	54.05	5.95	94.05
20001 to 40000	113	7.96	92.04	70.80	29.20	50.44	49.56	8.85	91.15
Above 40000	38	28.95	71.05	28.95	71.05	28.95	71.05	28.95	71.05
Total	507	13.02	86.98	61.74	38.26	47.14	52.86	6.71	93.29
Chi-square statistics		13.46*		21.55*		6.33**		39.42*	

Notes: The first question was answered by the respondents who had at least one daughter.

The chi-square statistics significant at 1% and 5% levels are indicated by \* and \*\* respectively.

**Table 10: ASSETS AND ATTITUDES TOWARDS WOMEN'S PROPERTY RIGHTS****(All yes/no responses are percentages of the numbers of respondents)**

Assets (million rupees)	No. of respondents	Will you give your daughters legal share in property?		Should women be given legal share in property?		Should women have property in their names?		Should women be given authority to manage property?	
		Yes	No	Yes	No	Yes	No	Yes	No
Up to 1.000	71	7.04	92.96	74.65	25.35	47.89	52.11	7.04	92.96
1.001 to 2.000	116	6.90	93.10	58.62	41.38	41.38	58.62	4.31	95.69

2.001 to 3.000	157	14.65	85.35	63.69	36.31	52.23	47.77	6.37	93.63
3.001 to 5.000	125	12.00	88.00	50.40	49.60	41.60	58.40	6.40	93.60
Above 5.000	38	39.47	60.53	76.32	23.68	60.53	39.47	15.79	84.21
Total	507	13.02	86.98	61.74	38.26	47.14	52.86	6.71	93.29
Chi-square statistics		30.05*		15.96*		7.46		6.14	

Notes: The first question was answered by the respondents who had at least one daughter.

The chi-square statistics significant at 1% level are indicated by \*.

### **Marital Background and Attitudes toward Women's Property Rights**

Exchange marriages, marriages with cousins and marriages with other close relatives are quite common all over Pakistan. Although the purpose is often to strengthen relations within extended family and occasionally to dispel long-term disputes, yet such types of marriages may also serve as convenient devices to deny women's property rights at wide scale. This proposition, however, does not find much support from our data. The Tables 11 and 12 show that out of the four variables representing attitudes towards women's property rights, only one could be related significantly with marriage practice. According to the Table 11, a significantly smaller proportion of the respondents who had exchange marriage intend to give daughters their legal share in property. On the other hand according to the Table 12, the respondents who had married with relatives other than cousins have significantly more favorable attitude towards women's right to ownership as compared to those married with cousins or outside family. Thus, by-and-large the results do not provide much evidence to suggest that marriage practices could have any association with the society's attitudes towards women's property rights.

**Table 11: MARRIAGE TYPE AND ATTITUDES TOWARDS WOMEN'S PROPERTY RIGHTS**  
(All yes/no responses are percentages of the numbers of respondents)

Marriage type	No. of respondents	Will you give your daughters legal share in property?		Should women be given legal share in property?		Should women have property in their names?		Should women be given authority to manage property?	
		Yes	No	Yes	No	Yes	No	Yes	No
No exchange marriage	450	14.00	86.00	60.67	39.33	48.00	52.00	6.44	93.56
Exchange marriage	57	5.26	94.74	70.18	29.82	40.35	59.65	8.77	91.23
Total	507	13.02	86.98	61.74	38.26	47.14	52.86	6.71	93.29
Chi-square statistics		3.41**		1.94		1.19		0.44	

Notes: The first question was answered by the respondents who had at least one daughter.

The chi-square statistics significant at 5% level are indicated by \*\*.

**Table 12: PRE-MARRIAGE RELATIONSHIP WITH SPOUSE AND ATTITUDES TOWARDS WOMEN'S PROPERTY RIGHTS**  
(All yes/no responses are percentages of the numbers of respondents)

Pre-marriage relationship with spouse	No. of respondents	Will you give your daughters legal share in property?		Should women be given legal share in property?		Should women have property in their names?		Should women be given authority to manage property?	
		Yes	No	Yes	No	Yes	No	Yes	No
Non-relative	138	10.87	89.13	56.52	43.48	50.00	50.00	6.52	93.48
Relative other than cousin	176	15.34	84.66	71.02	28.98	48.30	51.70	7.39	92.61

Cousin	193	12.44	87.56	56.99	43.01	44.04	55.96	6.22	93.78
Total	507	13.02	86.98	61.74	38.26	47.14	52.86	6.71	93.29
Chi-square statistics		1.46		9.85*		1.29		0.21	

Notes: The first question was answered by the respondents who had at least one daughter.

The chi-square statistics significant at 1 percent level are indicated by \*.

**Education and Attitudes toward Women's Property Rights**

We now turn our attention to the most powerful results that our statistical analysis reveals. We consider religious as well as regular education as the two potential correlated of the society's attitude towards women. The Table 13 shows consistent and highly significant relationships between the level of education of respondents and the four indicators of their attitudes towards women's property rights. For example, while only six percent of less than primary educated respondents intend to give their daughters their legal share in property, this proportion increases to 58% among the respondents with higher (beyond college level) education. Likewise, only one percent of less than primary educated respondents believe that women can be given authority to manage their property and the proportion increases to as high as 63 percent among the respondents with higher education. The relationships of education with the other two indicators of attitudes are similarly strong and monotonic, that is, the respondents' inclination towards women's property rights improves with successively higher levels of education.

The Table 14 shows that formal religious education is as important as regular education in shaping the society's attitudes towards women's property rights. The

respondents with formal religious education are found to be significantly more likely to have positive inclination towards women's property rights. For example, while only 12 percent of the respondents with no formal religious education intend to give their daughters their due share in property, the proportion increases to 50% among the respondents who have acquired formal religious education in the form of a certificate.

**Table 13: EDUCATION AND ATTITUDES TOWARDS WOMEN'S PROPERTY RIGHTS**

**(All yes/no responses are percentages of the numbers of respondents)**

Education	No. of respondents	Will you give your daughters legal share in property?		Should women be given legal share in property?		Should women have property in their names?		Should women be given authority to manage property?	
		Yes	No	Yes	No	Yes	No	Yes	No
Less than primary	234	6.41	93.59	44.02	55.98	32.48	67.52	0.85	99.15
Primary	28	17.86	82.14	75.00	25.00	39.29	60.71	3.57	96.43
Middle	60	21.67	78.33	75.00	25.00	55.00	45.00	1.67	98.33
College	166	13.25	86.75	77.11	22.89	62.05	37.95	10.84	89.16
Higher	19	57.89	42.11	84.21	15.79	84.21	15.79	63.16	36.84
Total	507	13.02	86.98	61.74	38.26	47.14	52.86	6.71	93.29
Chi-square statistics		47.37*		58.32*		47.65*		117.00*	

Notes: The first question was answered by the respondents who had at least one daughter.

The chi-square statistics significant at 1% level are indicated by \*.

**Table 14: RELIGIOUS EDUCATION AND ATTITUDES TOWARDS WOMEN'S PROPERTY RIGHTS (All yes/no responses are percentages of the numbers of respondents)**

Religious education	No. of respondents	Will you give your daughters legal share in property?		Should women be given legal share in property?		Should women have property in their names?		Should women be given authority to manage property?	
		Yes	No	Yes	No	Yes	No	Yes	No
Nil	493	11.97	88.03	60.85	39.15	46.04	53.96	6.29	93.71
Religious education certificate	14	50.00	50.00	92.86	7.14	85.71	14.29	21.43	78.57
Total	507	13.02	86.98	61.74	38.26	47.14	52.86	6.71	93.29
Chi-square statistics		17.39*		5.90*		8.60*		4.99*	

Notes: The first question was answered by the respondents who had at least one daughter.

The chi-square statistics significant at 1% level are indicated by \*.

### **Awareness on Women's Rights and Attitudes toward Women's Property Rights**

This brings us to the last ladder of the analysis, that is, about the relationship of attitudes with three indicators of awareness and the source of information about women's property rights. The first indicator is the understanding of the Holy Quran. The question posed to respondents clearly inquires whether they have read the Holy Quran with understanding of its contents, which is different from just reading in Arabic language. The Table 15 shows that the respondents who understand contents of the Holy Quran have more favorable attitudes towards women's property rights in all the four aspects and this relationship is statistically significant. For example, 33 percent of the respondents who understand contents of the Quran intend to give their daughters legal share in property as opposed



No	467	11.35	88.65	60.39	39.61	45.61	54.39	4.71	95.29
Yes	40	32.50	67.50	77.50	22.50	65.00	35.00	30.00	70.00
Total	507	13.02	86.98	61.74	38.26	47.14	52.86	6.71	93.29
Chi-square statistics	14.56*		4.57*		5.56*		37.66*		

Notes: The first question was answered by the respondents who had at least one daughter.  
The chi-square statistics significant at 1% level are indicated by \*.

**Table 16: AWARENESS OF ISLAMIC INHERITANCE LAWS AND ATTITUDES TOWARDS WOMEN'S PROPERTY RIGHTS**  
(All yes/no responses are percentages of the numbers of respondents)

Awareness of Islamic Inheritance laws	No. of respondents	Will you give your daughters legal share in property?		Should women be given legal share in property?		Should women have property in their names?		Should women be given authority to manage property?	
		Yes	No	Yes	No	Yes	No	Yes	No
Poorly	128	5.47	94.53	50.00	50.00	39.06	60.94	2.34	97.66
Somewhat	346	13.29	86.71	63.58	36.42	47.40	52.60	6.65	93.35
Thoroughly	33	39.39	60.61	87.88	12.12	75.76	24.24	24.24	75.76
Total	507	13.02	86.98	61.74	38.26	47.14	52.86	6.71	93.29
Chi-square statistics	26.74*		17.51*		14.21*		20.12*		

Notes: The first question was answered by the respondents who had at least one daughter.  
The chi-square statistics significant at 1% level are indicated by \*.

**Table 17: FAMILIARITY WITH INHERITANCE LAWS IN PAKISTAN AND ATTITUDES TOWARDS WOMEN'S PROPERTY RIGHTS**

(All yes/no responses are percentages of the numbers of respondents)

Familiarity with inheritance laws in Pakistan	No. of respondents	Will you give your daughters legal share in property?		Should women be given legal share in property?		Should women have property in their names?		Should women be given authority to manage property?	
		Yes	No	Yes	No	Yes	No	Yes	No
No	418	9.81	90.19	57.42	42.58	42.34	57.66	3.11	96.89
Yes	89	28.09	71.91	82.02	17.98	69.66	30.34	23.60	76.40
Total	507	13.02	86.98	61.74	38.26	47.14	52.86	6.71	93.29
Chi-square statistics		21.66*		18.81*		21.98*		49.22*	

Notes: The first question was answered by the respondents who had at least one daughter.

The chi-square statistics significant at 1% level are indicated by \*.

**Table 18: SOURCE OF AWARENESS AND ATTITUDES TOWARDS WOMEN'S PROPERTY RIGHTS**

(All yes/no responses are percentages of the numbers of respondents)

Prime source of awareness about inheritance rights	No. of respondents	Will you give your daughters legal share in property?		Should women be given legal share in property?		Should women have property in their names?		Should women be given authority to manage property?	
		Yes	No	Yes	No	Yes	No	Yes	No
Parents/elders	143	4.90	95.10	30.77	69.23	27.27	72.73	2.10	97.90
Media	20	5.00	95.00	65.00	35.00	60.00	40.00	10.00	90.00

Religion	309	15.86	84.14	73.79	26.21	52.75	47.25	6.15	93.85
Education	35	25.71	74.29	80.00	20.00	71.43	28.57	28.57	71.43
Total	507	13.02	86.98	61.74	38.26	47.14	52.86	6.71	93.29
Chi-square statistics		16.65*		82.08*		36.17*		32.10*	

Notes: The first question was answered by the respondents who had at least one daughter.

The chi-square statistics significant at 1% level are indicated by \*.

### Conclusion

This study has been carried out to estimate and analyze the contribution of various demographic, economic and social factors that can potentially affect the beliefs and practices prevailing in society regarding the women's rights to inheritance, ownership and management of their property. The study is based on a sample of 507 families collected through a field survey in District Lakki Marwat, a backward district dominated by rural population, agrarian economy and low literacy of women. The district is located in the province of Khyber Pakhtoonkhawa (KP) in Pakistan. The sample is selected through a stratified random sampling procedure covering various locations as well as rural urban divide of the district. The study uses both quantitative and qualitative data involving multiple variables, which explain the relationship among various socioeconomic variables with attitudes towards women's rights to inheritance and their control over property.

The study arrives at various interesting results. It is observed that a clear gap exists between verbal recognition of women's rights to inheritance and practice. It appears that the rights of women are being recognized but in actual practice they are deprived of their rights to inheritance. Regardless of whether or not women get their legal share in inherited property, customarily women are not expected to exercise their exclusive control over their property. Indirectly, male members of family ultimately exercise control over the property of women.

The most striking conclusion of the study is that education can play instrumental role in eradicating discriminatory beliefs and practices regarding women's property rights. This conclusion is equally valid for religious as well as regular education. It is observed that religious education and awareness in terms of formal courses, understanding of the contents of the Quran and awareness of the specific Islamic laws of inheritance all have significant bearing on how the society views and weighs women's rights to possession, ownership and control over their property. The same holds for the awareness of decision makers regarding the country's laws on inheritance. The study further concludes that the source of knowledge/awareness is important. In particular, the formal source of awareness like proper education appears more instrumental in promoting positive attitudes towards women's rights to inheritance than the sources like religion and media, which in turn appear more effective than the informal sources parents, elders, etc.

Demographic structure and economic status of families also do not appear to be much relevant in determining how society recognizes and protects women's property rights.