

Transformation of Inheritance through Religious Practices Leads to Family Feud Settlement

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Abstract

This research study deals with Religious practices of inheritance transformation with relation to feud settlement at family level. A sample size of 182 respondents was randomly selected of those respondents who had at least 10 acres of land.

Frequencies distribution of data was conducted to know comprehensively about data layout. Moreover, Chi square (Z) statistics was used to determine the level of association between dependant variable i.e. Family Feud Settlements with the independent variables (Religious Practices of Inheritance).

Majority i.e.180 (98.9%)respondents had opined that Islam ensure inheritance rights of both male and females as well as Quran spell out the procedure of transformation of inheritance (97.8%) of the respondents had endorsement to it. While, two third i.e. 128(70.3%) respondents disclosed that people have lack of knowledge regarding the Islamic law pertaining to inheritance

. Furthermore, two third i.e.129(70.9%) of the respondents opined that Ulama in Pakhtun society usually play a good role in resolving disputes over the inheritance. At bi-variate level, Ulema in Pakhtun society usually have played role in resolving disputes over the inheritance (=0.009) with Family Feud Settlement. Likewise, inheritance right given by Islam are not followed in your area (I=0.002)was found significant with Family Feud Settlement. This study concluded that religious injections pertaining to property rights among Pakhtun were not truly followed.

Although the transformation of inheritance fulfilled religious and cultural obligations but had led to the dominance of male. The study recommended that Religious leader should highlight the true teachings of Islam regarding division of inheritance. Moreover they need to stress on the division of right by determine the allocation of the share at the time of marriage.

Introduction

The mode of transformation with respect to property either movable or immoveable in any particular heresy across global comes into the domain of inheritance. It is a consistent right of man to his legal heirs over the ownership of property

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usually measure through ancestors hierarchy either in the parameter of defined law. It justifies the transfer of property or otherwise the exclusion of the heirs from the property belongs to line of decent in either means.

The system of inheritance primarily controlled and regulated by well-defined cultural norms and the shadow of specific roles of families bonds. Which also dedicate the social differential among the member of various societies within the preview of relative culture explanation of inheritance means the practice to transfer physical assets with association it family origin along with goods and other belonging within well-defined martial assessment such as jewelry, cattle's, cash etc.

It is a phenomenon responsible for social cohesion within the generation at family level. This inherited bonds interpreted by the blood relationship is an indication to the degree of variations regarding the paternal affection. It is considered a permanent base of communication at micro level such an family with identification through birth along with income and other cultural association, (Accurate Reliable dictionary,2008; Awaz foundation, 2010; Allbawaches,1925; Kosman, 1988; and Derre& doss, 2006).

Islam is a religion enlightened with the concept of a right of inheritance for women. But with latter proposition to measure, female enjoys half of the share in inheritance as compare to male from a come ancestor (forefather's). In addition, a vivid mechanism of this division of property to the other segment in the form of offspring's is being distributed with certain approved prepositions. Male is found accountable to send inheritance the family court, while female is exempted from this obligation. Males are responsible in for paying dowry to women in marriage, while women are exempted to this effect.

This is clearly expressed in one of the verses from Holy Quran that "to everyone we have fixed the share and the heirs are empowered to enjoy the property left by their relative parents, (surah Nisa:33). It is a common belief that inheritance work an binding force which bring the member together for a longer period of time including many generations. However some study has indicated as pointed out by (Deree, 2006) that women

are one of the beneficiaries to accumulate wealth from inheritance.

However the bond of co-existence certainly (Beckert, 2007; 2008; de Haan, 1994; Finch & Mason, 2000; Kohli, 1995; Lettke, 2003; Lüscher, 2003; Lüscher & Schultheis, 1993; Rowlingson & McKay, 2006; and Segalen, 1993). The Afghanistan customary practice with reference to women inheritance is subjected to considerations on ethnics and regional background. Willy (2004) had explained in Faryab province (Afghanistan) the formal record for women inheritance among Tajiks. However this procedure is lacking among Arabs and Pashtun communities with explicit denial to female in Uzbeks as well. On the other hand, ownership to land for female is a common practice in Laghman (Wilson and Pain, 2003).

In Bangladesh a woman does not claim over her share in the inheritance of father but uses it as a tool of continues relationship with paternal household (World Bank, 1990). It has also been observed that most women render their rights to male kins for the sake of securing security in the event of getting divorced or widowed. The Sudani women have limited access to land as government directors and registering land to extension servicing, often considered as male activity with sole purpose of participation to male instead of female (See Badri, 1986).

Pakistan being a Muslim state is governed on one side with the concept of patriarchy while other side religious injunction are strictly followed for the purpose of displaying some characteristics ought to be necessary for structural and functional integration of society. Pakistani society vividly displays a picture of inequality in property ownership with prenatal reference to inheritance for son, while daughter being denied from their prenatal property. The customary I wonder the strong platform of patriarchy is only meant for male to have dominance over the functional system of social life. Inheritance denied to women in a number of way i.e. culturally, symbolically married with Quran or traditionally being kept the women under the four walls of house and denying widely to keep the property of the family away from division (Rana, 2004).

Moreover the tribal feuds over the land have also led to the killing of women while libeling the mass honor killing. In Pakistan society, though supposed to be religious, but also denied the smooth

transformation of property to daughter. This study is an attempt to discover whether religious practices of inheritance transformation are one of the main causes of dispute settlement at family level. Moreover, conflict over the land and all other immoveable property are the main source of internal conflict as indicated by Barth (1959) that land is one of the major cause of feud between intra and inter tribal composition.

It is also explored the role of religious leaders in smooth transformation of inheritance in a workable methodology towards the resolution of conflict.

Materials and methods

The present study was carried out in District, Mardan to find out the association between customary along with patriarchal practices of inheritance and family feud settlement. The main reason for selecting Tehsil Mardan was the availability of big chunk of agriculture land with respect to ownership of local people. The population for the study was composed of those land lords who had not less than Ten acre(10 acres) of land and the owners must had at least one brother or sister .Thus making the criteria ideal for the process of inheritance at family level. A sample size of 181 Respondents with the above mentioned characteristics was randomly taken for data collection through the criteria set out by Sekaran (2003) from a Total population of 319. The conceptual frame work was designed with an independent variable (religious practices of inheritance, Table-1) and dependent Variable (family feud settlement).

Conceptual Frame Work

Independent variable	Dependent variable
Religious Practices of Inheritance	Family Feud Settlement

A comprehensive interview schedule on Likert scale was designed while keeping into considerations the objective of the study. Collected data was converted on to SPSS,20 versions. The data was interpreted into frequency and percentages. Moreover, to measure the association between independent variable (customary and patriarchal practices of inheritance, Table-1), and dependent Variable (family feud settlement) Chi-

Square test statistic was applied at bi-variate level. The formula for this application is as below:

$$\chi^2 = \sum_{i=1}^r \sum_{j=1}^c \frac{(O_{ij} - e_{ij})^2}{e_{ij}}$$

Where χ^2 =Chi-square for two categorical variable.

$$\sum_{i=1}^r \square = \text{Total of ith row}$$

$$\sum_{j=1}^c \square = \text{Total of ith Colum}$$

O_{ij} and e_{ij} =represent the observation and expected value shown by Chaudray and Kamal (1996)

Result and Discussion

Islamic Perspective of Inheritance Share

Table 2 summarizes the respondent's perception regarding Islamic perceptive pertaining to inheritance, out of 182(100%), 72(39.6%) respondents were on the view that according Islamic perceptive female had half of the share in inheritance as compare to male while one third I.e. 53(29.1%) of the sample size thought that Islamic law deals to give actual share to heirs. Furthermore, some of the respondents believe that Islamic fixed the women rights and says that give this due right to your women. As Husain, (2006) stated that Islam does not fever the distribution of inheritance to a single family or person or group of people. The rights of inheritance of the children stand. The male (son) gets twice the share of the female (daughter), besides it some of the respondents i.e. 36(19.8%) thought that in Islam define clear and complete law of inheritance

Table 2 Frequency distribution of respondent opinion words

Islamic perspective of inheritance

Islamic view of inheritance	Frequency	Percent
Islamic perceptive explain that female had half of the share in inheritance as compare to male	72	39.6
Islam says give actual share to hairs	53	29.1
Islam says that give share of inheritance	21	11.5

to your women		
in Islamic perspective there is clear and complete law of inheritance	36	19.8
Total	182	100.0

Religious Practices of Inheritance and Feud Settlement

Islam introduces number of right, among it inheritance is consider one of the basic right which spelled out in SurhNisa and established explicit rights for women. Its elaborate system of rules for then devolution of property has been clearly spelled out in Surah Al-Nisa and Surah Al-Baqarah of the Holy Quran.

Table 3 reveals the data regarding Islamic perceptive in connection with family inheritance share. Almost 180(98.9%) of the respondents believe that Islamic law give inheritance rights to both male and female as well as Quran spell out the procedure of inheritance transformation. Furthermore, most of the respondents 166(91.2%) were on the view that in Islam women share is laser as compeer to men. which is clearly expressed in one of the verses from Holy Quran that “to everyone we have fixed the share and the heirs are empowered to enjoy the property left by their relative parents, (surah Nisa:33).The table further explain that Half of the respondents i.e. 96(52.7%) were on the view that Islamic law of inheritance are not followed in our area as well as in pakhtoon society too due to unawareness of Islamic law pertaining to inheritance followed by two third I.e.128(70.3%) of the respondents .It can be supported by Wisal, (2006) that in pakhtoon society women are not entitled to inheritance because of customary practice even they have a close touch with religion.

Moreover, two third 129(70.9%) of sample size had opined the religious leader in study area often highlighted inheritance importance in their speech similarly, two third of the respondents believe Ulma played a vital role in vanishing feud’s over the land and property. As Barth,(1981) stated that In Afghanistan conflict regarding inheritance are settled down by Mullah and Malikes .

Table 3 Frequency Distribution of Responses about Religious Practices of Inheritance and Feud Settlement

s.n	Attribute	Agree	disagree	Don’t know	Total
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1	Islam ensure inheritance rights of both male and females	180(98.9%)	0.0(0.0%)	2(1.1%)	182(100)
2	Quran also spell out the procedure of transformation of inheritance	178(97.8%)	2(1.1%)	2(1.1%)	182(100)
3	In Islam women's share is lesser than men	166(91.2%)	12(6.6%)	4(2.2%)	182(100)
4	Inheritance right given by Islam are not followed in your area	96(52.7%)	75(41.2%)	11(6.0%)	182(100)
5	People generally lack Islamic knowledge about inheritance	128(70.3%)	44(24.2%)	10(5.5%)	182(100)
6	In pakhtoon society follow Islamic law regarding inheritance	81(44.5%)	86(47.3%)	15(8.2%)	182(100)
7	Religious leader in your area highlights the importance	129(70.9%)	48(26.4%)	5(2.7%)	182(100)

	of inheritance in their speeches				
8	Ulema in pakhtoon society usually have played role in resolving disputes over the inheritance	129(70.9 %)	46(25.3 %)	7(3.8%)	182(100)

Family dispute over the inheritance:

Land feuds in rural and urban Pakistan are common and conflict over the land and all other immoveable property are the main source of internal conflict as indicated by Barth, (1959) that land is one of the major causes of feud between intra and inter-tribal composition. In pakhtoon society even sons and cousins of the same family fight over the family inheritance, (Tribal analysis center, 2010).

Table 4 summarizes the respondent's attitude towards family feuds in relation with family inheritance share. Majority of the respondents i.e. 112(61.5%) expressed their view that there is no feud in our family over the inheritance and inheritance has been transferred peacefully while due to non-transformation of inheritance family land are stable followed by 125(68.7%) of the respondents as well as denial of inheritance instable family structure exist expressed by two third of sample size i.e. 134(73.6%).

Furthermore. almost all of the respondents had opined that the main cause of family feud are the non-transformation of family inheritance while majority of the respondents I.e. 100(54.9%) believe that often conflict arise after the distribution of family inheritance among family members. The same result also deducted by Nagata, (1976) that Most of disputes are the result or the cause of property division which leads further disputes.

Thus Division of property is an evil in that it implies disputes and separation.

Moreover all most all the respondent had opined that timely distributions of inheritance is suitable way of avoiding inheritance share similarly most of the respondent believe that smooth transformation help in making good relation among family members. As it indicated by Finch & Mason, (1990) that if parents equally give share of inheritance in well it will help to vanishing conflict on family inheritance

The table further show that one third of the respondents in study area had opined that Local cultural has no remedy to settle dispute over land while half of the respondents i.e 92(50.5%) were disagree with this statement however most of the respondent answered that Judiciary laws need to be amended for just provision of remedy, the same result also dedicated by Business Anti-Corruption Portal (2009) that in Pakistan formal judicial system is known as being corrupt and for serving the interests of the wealthy and powerful only, rural people reportedly prefer to settle land disputes through informal compromises as well as through local cultural system.

Table 4 Frequency distribution of responses towards Family dispute over the inheritance.

S.no	Attribute	Agree	Disagree	Don't know	Total
1	There is no feud in the family	112(61.5%)	70(39.5%)	0(0.0%)	182(100%)
2	Inheritance has been transferred very peacefully	129(70.9%)	47(25.8%)	6(3.3%)	182(100%)
3	Inheritance is divide unequally in your family	47(28.8%)	129(70.9%)	6(3.3%)	182(100%)

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4	Family lands are always at stable due to non-practices of inheritance	125(68.7%)	44(24.2%)	13(7.1%)	182(100%)
5	Denial to inheritance, instable family structure co-exist together	134(73.6%)	35(19.2%)	13(7.1%)	182(100%)
6	Non transformati on of property right are the main cause of conflict	169(92.9%)	11(6.0%)	2(1.1%)	182(100%)
7	Strong conflict refaced within the family after distribution after inheritance	100(54.9%)	74(40.7%)	8(4.4%)	182(100%)
8	Timely distribution of inheritance is the suitable way of avoiding inheritance	175(96.2%)	6(3.3%)	1(0.5%)	182(100%)
	Smooth	168(92.3%)	12(6.6%)	2(1.1%)	182(100%)

9	transformati on of inheritance brought good relation among family member	%)			%)
10	Local cultural has no remedy to settle dispute over land	57(31.3%)	92(50.5%)	33(18.1 %)	182(100 %)
11	Judiciary laws need to be amended for just provision of remedy	165(90.7 %)	14(7.7%)	3(1.6%)	182(100 %)

Relationship between Religious practice of inheritance & family feud settlement

Family Feud over the inheritance distribution is closely related with proper function of Islamic law (sheria). If Islamic law followed it will help to prevent feud over the inheritance. Generally, there are two aspects of phenomena where the first deal with the role of religious leader in transformation of inheritance and resolving family feud settlement while second deals with the application of the Quran law regarding inheritance and local people knowledge about Islamic law, The table 5 while describing role of religious leader and application of Islamic law of inheritance in connection with family feud settlement. Family feudal settlement is found significant associate with, Quran also spell out the procedure of transformation of inheritance($P = 0.012$), As it explain in Surah An Nisa , the Principles for the smooth running of family life

have been laid down and ways of settling family disputes have been taught. Rules have been prescribed for marriage and rights of wife and husband have been apportioned fairly and equitably, The status of women in the society has been determined and the declaration of the rights of orphans has been made laws and regulations have been laid down for the division of inheritance, and Inheritance right given by Islam are not followed in your area($P = 0.002$), and Ulema in pakhtoon society usually have played role in resolving disputes over the inheritance($P = 0.009$), it can be supported by Barth,(1981) that in afganstan mostly conflict occur due to family land and money, Typically, these feud are vanished or resolve through local elites such as mullahs and maliks. The table further show a non-significant association with family feud settlement, it include that Islam ensure inheritance rights of both male and females ($P = 0.746$) had non-significant association with family feud settlement, similarly In Islam women's share is lesser than men($P = 0.132$) is also found non-significant with dependent variable (family feud settlement), at the same time people generally lack Islamic knowledge about inheritance($P = 0.386$).

Result are supported by Afroza (2013) that majority of the population in Bangladesh are Muslim and most of law is build up in Islamic law but in real it is not practiced because often local people are not aware or due to lack of education. He further examined in his study that feud over the inheritance can be resolve if the Islamic law implement in society. However family feud settlement found non-significant association with the Islamic practice regarding inheritance followed by pakhtoon society ($P = 0.750$).

It can be supported by Mudasir(2012), that in pakhoon society inheritance divide only among son equally, having Islamic injection, women can't inherit property. Furthermore table show a non-significant relations between Religious leader in study area highlights the importance of inheritance in their speeches ($P = 0.105$) with family feud settlement. As it explained by Wisal, (2006) that in pakhtoon society women are not entitled to inheritance because of customary practice even they have a close touch with religion.

Table 5 Relationship between Religious practice of inheritance & family feud settlement

s.n o	attribute	respon se	Family feud settlement		Total	Statisti c
			Agree	disagre e		
1	Islam ensure inheritance rights of both male and females	agree	171(98.8 %)	9(1000.0 %)	180(98.9 %)	\bar{x} =0.10 5 P =0.74 6
		disagree	0 (0.0%)	0(0.0%)	0(0.0%)	
		Don't know	2(1.2%)	0(0.0%)	2(1.1%)	
2	Quran also spell out the procedure of transformat ion of inheritance	agree	170(98.3 %)	8(88.9%)	178(97.8 %)	\bar{x} =8.81 8 P =0.01 2
		disagree	2(1.2%)	0(0.0%)	2(1.1%)	
		Don't know	1(0.6%)	1(11.1%)	2(1.1%)	
3	In Islam women's share is lesser than men	agree	158(91.3 %)	8(88.9%)	166(912 %)	\bar{x} =4.05 2 P =0.13 2
		disagree	12(6.6%)	0(0.0%)	12(6.6%)	
		Don't know	3(1.7%)	1(11.1%)	4(2.2%)	
4	Inheritance right given by Islam are not followed in your area	agree	93(53.8 %)	3(33.3%)	96(52.7 %)	\bar{x} =12.4 85 P =0.00 2
		disagree	72(41.6 %)	3(33.3%)	75(41.2 %)	
		Don't know	8(4.6%)	3(33.3%)	11(6.0%)	
5	People generally lack Islamic knowledge about inheritance	agree	122(70.5 %)	6(66.7%)	128(70.3 %)	\bar{x} =0.57 7 P =0.75 0
		disagree	42(24.3 %)	2(22.2%)	44(24.2 %)	
		Don't know	9(5.2%)	1(11.1%)	10(5.5%)	
6	In pakhtoon society follow Islamic law regarding inheritance	agree	79(45.7 %)	2(22.2%)	81(44.5 %)	\bar{x} =1.90 6 P =0.38 6
		disagree	80(46.2 %)	6(66.7%)	86(47.3 %)	
		Don't know	14(8.1%)	1(11.1%)	15(8.2%)	

7	Religious leader in your area highlights the importance of inheritance in their speeches	agree	125(72.2%)	4(44.4%)	129(70.9%)	\bar{x} =4.51 7 P =0.10 5
		disagree	44(25.4%)	4(44.4%)	48(26.4%)	
		Don't know	4(2.3%)	1(11.1%)	5(2.7%)	
8	Ulema in pakhtoon society usually have played role in resolving disputes over the inheritance	agree	125(72.3%)	4(44.4%)	129(70.9%)	\bar{x} =9.49 0 P =0.00 9
		disagree	43(24.9%)	3(33.3%)	46(5.3%)	
		Don't know	5(2.9%)	2(22.2%)	7(3.8%)	

Conclusions And Recommendations

Study concluded that transformation of inheritance fulfilled Religious and cultural obligations but had led to the dominance of male. That's why women of the area were found ill-treated in terms of their access to inheritance and property rights. Furthermore, study disclosed the religious injections pertaining to property rights among Pakhtun were not truly followed but Ulema in Pakhtun society play an important role in dispute settlement regarding inheritance. Religious leader should highlight the true teachings of Islam regarding division of inheritance. Moreover they need to stress on the division of right by determine the allocation of the share at the time of marriage are some of the recommendation avoiding feuds over the family inheritanceshare.

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