

## **Family Role in Settling Inheritance Feuds among Heirs**

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The current study deals with role of family 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. Frequency distribution of data was observed to have a comprehensive data layout. Moreover, Chi square ( $\chi^2$ ) statistics was used to determine the level of association between dependent variable (Feud Settlement) with the independent variables (Role of Family). The study depicted that family play an important role in division of property among the heirs with laid down propositions among the male and female and thus consider the transformation of inheritance and property obligatory to avoid feuds at family level but while the elder brother within the family had more rights in the division of property as compare to other members by virtue of occupying the place of leadership in terms of age while supposedly replacing the father. Moreover, incapability on part of the male gender regarding divisions of property in inheritance usually crops up in shape of tussles and feuds among the real heirs that in turn has brought instability to the family as an institution. In

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addition, such distributions of property is only practiced by the concerned family members with sole discretion on part of legal heirs only. As well as prohibiting all the discrimination, especially in respect of inherited property mainly on the basis of age, gender and custom could lead to the mitigation of inheritance related feuds at family level.

**Keywords.** Family, inheritance, feuds settlement

The mode of transformation with respect to property either movable or immovable 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 usually measure through ancestral hierarchy in the parameters of defined law. It justifies the transfer of property or otherwise the exclusion of the heirs from the property belongs to a line of decent in either means. The system of inheritance is primarily controlled and regulated by well-defined cultural norms in the shadow of specific roles of family bonds that are also dedicate the social differentials among the member of various societies within the preview of relative cultural explanation of inheritance i.e. the practice to transfer physical assets with association of family origin along with goods and other belonging within well-defined material assessment such as jewelry, cattle, cash etc. It is a phenomenon responsible for social cohesion within the generations 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 associations (Accurate Reliable dictionary, 2008; Awaz foundation, 2010; Halbawaches,1925; Kosman, 1988; and Derre and Doss, 2006).

Customary law enshrined with the provision of property in spite of the fact that women are denied to this very right. However it is often substituted with the provision of dowry as disclosed by Dascalpoulous (1990) that the 1804 civil rights in France explored the venue of enjoying civil rights and freedom to religious practices. Even by then the husbands

would have commanding role over their wives. But England witnessed in the area of inheritance with the right to female by ensuring their access to property. Contrary, in 1840 women were legally subordinated to their husbands and prevented from controlling their own property. The scenario got changed as the French women along with women of the United Kingdom got equal rights and authority to inherit property similar to men. The same was being done in the U.S.A and china. It has also promulgated the law of equality with reference to the right for both female and male inheritance (World Bank, 2010). Andikrah (1990) has explored the division of property among Swazi tribe being trickled down from senior members to the daughter and underage sons of the family. Denial of right to women led to the establishment of a phenomenon, where in sons who enjoyed the only inheritance from their parents as the moral obligation to take care of their sisters till their marriages. Widows with little stature were also the social and economic obligation to their brothers with the condition of the allocation of specific share for elder widow who has no chance to marry (Nicoletti, 2007) or on other hand statutory law had complications of exempting the widow from right to inheritance in matrimonial residence where man is dominant over the land and property (Asimwe, 2006; Deere and Doss, 2006; Kameri-Mbote, 2001; Wengi, 2001; Munalula, 1995; Matere-Lieb, 1995; Kanabahita, 2006; Narayan et al ; 2000; and Asimwe, 2005). The patriarchal practices had been one of the big disadvantages to women such as denial to access to the property for their inheritance (Narayan *et al.* 2000). Some other practices such as resistance to the division of property, has been referring the Malaysia but it is based on a common consensus between the offspring of the deceased (Strange And Heather 1980; and Massard, 1983). Banks (1976) has disclosed the division of property often composed of two stages soon after the death of owner i.e. one is informal which usually benefits children at household and spouse of deceased, while sons and daughters are getting equal rights to the property. The second stage deals with formal legal division of property which is often done under the shadow of Muslim law. The Afghanistan customary practice with reference to women inheritance is subjected to considerations on ethnics and regional background. Willy and Alden (2004) 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. 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 kin for the sake of securing security in the event of getting divorced or widowed. The Sudanese women have limited access to land as government directors and registering land to extension services, often considered as male activity with sole purpose of participation to male instead of female (See Badri, 1986).

Pakistan being a Muslim state is subjugated both by the patriarchal family system along with religious injunction being strictly followed with a notion 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 sons while daughters are being denied from their prenatal property. The customary law under the strong platform of patriarchy is only meant for male to have dominance over the functional system of social life.. Moreover, the tribal feuds over the land have also led to the killing of women while libeling them as honor killing. Shah, (1997) has a deep study on honor killing and has reflected it to the ownership over money, property and inheritance. Land is important determinants of power and is considered a sacred element for the family honor (Eglar, 1960). Pakistani society, though religious in its ideology, also deny the smooth transmission of property to daughters. A non-functionality of societal dynamics with reference to division of property from common ancestor among its offspring's have led to the development of very famous concept TAR Borwali which means the division of property among paternal kin amongst Pakhtun.

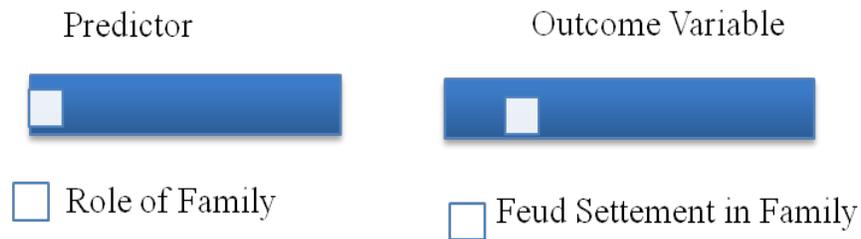
This study was an attempt to discover the role of family in respect of division of property along with feuds settlement.

### Method

The present study was carried out in District Mardan to find out the association between role of family in inheritance share with 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 land not less than Ten acre (10 acres) 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 framework was designed with the independent variable (customary and patriarchal practices of inheritance) and dependent variable (family feud settlement).

### Conceptual Frame Work



The dependent variable was indexed to get the desired degree of the responses and ascertaining the level of relationship at variables as well (Smith, 1981).A comprehensive interview schedule on Likert scale was designed while keeping into considerations objective of the study. Collected data was converted on to SPSS 20 version. The data was interpreted into frequency and percentages. Moreover, to measure the association between independent variable (Role of family) and dependent variable (Feud Settlement in family), the 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  $\chi^2$  = Chi-square for two categorical variable.

$$\sum_{j=1}^c O_{ij} = \text{Total of } i\text{th row}$$

$$\sum_{i=1}^r O_{ij} = \text{Total of } i\text{th Column}$$

$O_{ij}$  and  $e_{ij}$  = represent the observation and expected value shown by (Tai,1978)

## Results

Table1

Frequency Distribution of Responses Regarding Family Role in Inheritance Division

Attributes	Agree	Disagree	don't know	Total
Land and property is symbol of social and economic status in our society	173 (95.1%)	8 (4.4%)	1 (0.5%)	182 (100%)
Family plays a positive role in the transformation of inheritance to their members	123 (67.6%)	50 (27.5%)	9 (4.9%)	182 (100%)
Equal transformation of inheritance promotes we feeling among family member.	171 (94.0%)	10 (5.5%)	1 (0.5%)	182 (100%)
Problems usually resulted when the inheritance is not divided before death of ancestor	162 (89.0%)	18 (9.9%)	2 (1.1%)	182 (100%)

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Your Family had distributed actual share in inheritance	126 (69.2%)	47 (25.8%)	9 (4.9%)	182 (100%)
Women claim transfer to get share inheritance is against your family tradition	82 (45.1%)	99 (54.4%)	1 (0.5%)	182 (100%)
Parents favor sons over the daughters at the time of distribution of inheritance in your family	103 (56.6%)	77 (42.3%)	2 (1.1%)	182 (100%)
Women especially elders play dominate role in denying women share in inheritance	99 (54.4%)	69 (37.9%)	14 (7.7%)	182 (100%)
Usually elder brother exploit or get more beneficent from the share of inheritance	42 (23.1%)	135 (74.2%)	5 (2.7%)	182 (100%)

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Table 1 shows role of family in transformation of inheritance and family feud settlement. Family is one of the most important and biological unit and socially constructed. The myth of biological relations has been used in arguments with respect to property and inheritance but has little relation to the way people operate in terms of families. While at a purely biological level, a person is descended from both a father and mother. This fact may or may not be socially acknowledged for the purposes of determining his or her place in society or in rights of succession and inheritance (Uberoi, 1993).

Data regarding role of family in transformation of inheritance share are displayed in table 1. Almost i.e. 173 (95.1%) of the respondents were of the view that property is considered a symbol of socio-economic status in our society. The current findings were supported by Barth (1959) that in Pakhtoon society possession of land was one of the most critical prerequisites for establishing oneself as a community leader or to gain power in society. Moreover, two third i.e. 123 (67.6%)

of the sample size were of the view that family played a positive role in transformation of inheritance and equal transformation of inheritance promoted we-feeling among the family members, this statement was further supported by Rindfuss et al, (1992) concluding that transformation of inheritance made the social bounds stronger. Similarly, most of the respondents i.e. 162 (89.0%) believed that feuds over the inheritance occur when the elders don't divide before death. The same result being detected by ismail (unknown) that making will could help on vanishing family feud over the inheritance and support the family member to utilize family inheritance.

The study further revealed that two third i.e. 126 (69.2%) of the respondents expressed their views that their family distributed actual share of inheritance while on the other side large number i.e. 82 (45.1%) of the respondents believed that demanding inheritance by women was against their family tradition. However, half of the respondents i.e. 99 (54.4%) were disagreed with the above mentioned statement. Majority of the respondents believed that usually parents favor sons in time of distribution of inheritance. Notwithstanding, a large number of respondents i.e. 77 (42.3%) negated this idea. Similarly, majority of the respondent opined that elder women played a dominant role in denying women inheritance. The same result was depicted by Awaz Foundation, (2010) that even mothers didn't support their daughters as they uttered that they didn't get the inheritance share. While some of the respondents were of the view that usually elder brother got more share of inheritance than other brothers though, two third of the respondents were opposed of it. Mudasir's (2012) results were congruent with the current findings as according to him, in Pakhtoon society, elder brother got more share because they considered the he will upkeep guest house (hujra). The same was observed by Estudillo et al, (2001) that in Philippines, the eldest son was most favored in land inheritance and sons generally inherited larger shares of land than their counterpart.

Table 2

Frequency Distribution of Responses towards Family Dispute over the Inheritance

Attributes	Agree	Disagree	Don't know	Total
There is no feud in the family	112 (61.5%)	70 (39.5%)	0 (0.0%)	182 (100%)
Inheritance has been transferred very peacefully	129 (70.9%)	47 (25.8%)	6 (3.3%)	182 (100%)
Inheritance is divide unequally in your family	47 (28.8%)	129 (70.9%)	6 (3.3%)	182 (100%)
Family lands are always at stable due to non-practices of inheritance	125 (68.7%)	44 (24.2%)	13 (7.1%)	182 (100%)
Denial to inheritance, instable family structure co-exist together	134 (73.6%)	35 (19.2%)	13 (7.1%)	182 (100%)
Non transformation of property right are the main cause of conflict	169 (92.9%)	11 (6.0%)	2 (1.1%)	182 (100%)
Strong conflict refaced within the family after distribution after inheritance	100 (54.9%)	74 (40.7%)	8 (4.4%)	182 (100%)
Timely distribution of inheritance is the suitable way of avoiding inheritance	175 (96.2%)	6 (3.3%)	1 (0.5%)	182 (100%)

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Smooth transformation of inheritance brought good relation among family member	168 (92.3%)	12 (6.6%)	2 (1.1%)	182 (100%)
Local cultural has no remedy to settle dispute over land	57 (31.3%)	92 (50.5%)	33 (18.1%) )	182 (100%)
Judiciary laws need to be amended for just provision of remedy	165 (90.7%)	14 (7.7%)	3 (1.6%)	182 (100%)

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Table 2 shows family feuds settlement. Land feuds in rural and urban Pakistan are common and covering all other immovable property as 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 Pakhtun society evesons and cousins of the same family fight over the family inheritance (Tribal Analysis Center, 2010). Table-2 summarizes the respondent's attitude towards family feuds in relation to family inheritance share. Majority of the respondents (61.5%) expressed their views that there was no feud in our family over the inheritance and that inheritance has been transferred peacefully while due to non-transformation of inheritance family land was stable as disclosed by (68.7%) of the respondents. Denial of inheritance destabilizes family structure as expressed by two third of sampled population (73.6%). Furthermore, almost all of the respondents opined that the main cause of family feud was the non transformation of family inheritance while majority of the respondents (54.9%) believed that conflict often aroused after the distribution of family inheritance among family members. Thus the malpractice in smooth transformation of inheritance was the main cause of conflict. Nagata (1976) also disclosed that most of disputes are the result or the cause of property division which lead to furtherance of disputes. Thus, division of property is an evil in that it implies litigations and separation. Moreover, almost all the respondents (96.2%) disclosed

that timely distribution of inheritance was a suitable way of avoiding inheritance share complications. Similarly, majority (92.3%) of the respondents believed that smooth transformation helped in making good relation among family members. Parents equally distributed inheritance helped vanishing conflicts in family inheritance practices (Finch and Mason, 1990). Moreover, respondents in the study area had the opinion that local culture had no remedy to settle disputes over land while half of the respondents (50.5%) did not show any agreement to it. However, most of the respondents (90.7%) agreed that judicial laws needed to be amended for just provision of remedy. It could be attributed to the fallacy oriented judiciary system which could not contribute to the early decision over inheritance related cases. Business Anti-Corruption Portal (2009) also found that in Pakistan formal judicial system was known as being corrupt and for serving the interests of the wealthy and powerful only. Rural people reportedly prefer settling land disputes through informal compromises as well as through local cultural practices.

**Table 3**

**Relationship Role of family in transformation of inheritance & family feud settlement**

Attributes	Response	Family feud settlement		Total	Statistic
		Agree	Disagree		
Land and property is symbol of social and economic status in our society	Agree	165 (95.4%)	8 (88.9%)	173 (95.1%)	$\chi^2 = 1.06$ 1
	Disagree	7 (4.0%)	1(11.1%)	8(4.4%)	$p =$ 0.588

	Don't know	1 (0.6%)	0 (0.0%)	1 (0.5%)	
Family plays a positive role in the transformation of inheritance to their members	Agree	119 (68.8%)	4 (44.4%)	123 (67.6%)	$\chi^2 = 16.27$ 5 $P = 0.001$
	Disagree	48 (27.7%)	2 (22.2%)	50 (27.5%)	
	Don't know	6 (3.5%)	3 (33.3%)	9 (4.9%)	
Equal transformation of inheritance promotes we feeling among family member.	Agree	163 (94.2%)	8 (88.9%)	171 (94.0%)	$\chi^2 = 19.39$ 5 $P = 0.001$
	Disagree	9(5.2%)	1(11.1%)	10(5.5%)	
	Don't know	1 (0.6%)	0 (0.0%)	1 (0.5%)	
Problems usually resulted when the inheritance is not divided before death of ancestor	Agree	154 (89.0%)	8 (88.9%)	162 (89.0%)	$\chi^2 = 9.574$ $P = 0.008$
	Disagree	18 (10.4%)	0 (0.0%)	18 (9.9%)	
	Don't know	1 (0.6%)	1 (11.1%)	2 (1.1%)	
Your Family had distributed actual share in inheritance	Agree	124 (71.7%)	2(22.2%)	126 (69.2%)	$\chi^2 = 33.10$ 2 $P = 0.001$
	Disagree	44 (25.4%)	3 (33.3%)	47 (25.8%)	
	Don't know	5 (2.9%)	4 (44.4%)	9 (4.9%)	

Women claim transfer to get share inheritance is against your family tradition	Agree	78 (45.1%)	4 (44.4%)	82 (45.1%)	$\chi^2=0.622$ $P=0.733$
	Disagree	95 (54.9%)	4 (44.4%)	99 (54.4%)	
	Don't know	0 (0.0%)	1 (11.1%)	1 (0.5%)	
Parents favor sons over the daughters at the time of distribution of inheritance in your family	Agree	99 (57.2%)	4 (44.4%)	103 (56.6%)	$\chi^2=38.87$ $P=0.001$
	Disagree	74 (42.8%)	3 (33.3%)	77 (42.3%)	
	Don't know	0 (0.0%)	2 (22.2%)	2 (1.1%)	
Women especially elders play dominate role in denying women share in inheritance	Agree	93 (53.8%)	6 (66.7%)	99 (54.4%)	$\chi^2=4.655$ $P=0.098$
	Disagree	68 (39.3%)	1 (11.1%)	69 (37.9%)	
	Don't know	12 (6.9%)	2 (22.2%)	14 (7.7%)	
Usually elder brother exploit or get more beneficent from the share of inheritance	Agree	42 (24.3%)	0 (0.0%)	42 (23.1%)	$\chi^2=34.49$ $P=0.001$
	Disagree	129 (74.6%)	6 (66.7%)	135 (74.2%)	
	Don't know	2 (1.2%)	3 (33.3%)	5 (2.7%)	

Table 3 shows Association between role of family in transformation of inheritance & family feud settlement. The system of inheritance primarily controlled and regulated by well-defined cultural norms and the shadow of specific roles of family bonds. However, it is a phenomenon responsible for social cohesion within the generation at family level. Furthermore, family plays a vital role in resolving feuds over the inheritance issue.

Data displayed in Table 3 reveal the role of family in transformation of inheritance in connection with family feud Settlement. Family feud settlement being a dependent variable found significant associate with family role and distribution of actual share ( $P=0.000$ ). The current findings were in line with Rindfusset al. (1992) as according to him, practices of transformation inheritance made the social bounds stronger. Data further revealed that problems usually resulted when the inheritance was not divided before death of ancestor ( $P=0.008$ ). The same result was detected by Ismail (unknown) uttering that making will could help vanishing family feud over the inheritance and support the family members to utilize family inheritance. The table further explains that family discriminative attitude towards inheritance share was also found significant with family feud settlement that included Parents favor sons over the daughters at the time of distribution of inheritance in your family ( $P=0.000$ ). The same result was also discovered by Livia and Azam(2014) in their case study that in Punjabi society daughters are often disinherited and mostly the inheritance is divided among sons. They further explained that feud over the inheritance were resolved easily among male members but at the same time daughter/sister inheritance could not be resolved and often their share in cash offered to sister. And usually elder brother exploited or got more benefit from the share of inheritance ( $P=0.000$ ). As Mudasir (2012) concluded that inheritance divided only among male heirs but the eldest brother is generally given an extra share to be used for the upkeep of the family guest house (hujra). Likewise, Equal transformation of inheritance promotes we feeling among family member ( $P=0.00$ ) found highly significant with dependent variable. These findings are closely in line to. But at the same time Finch & Mason, (1990) urging that if parents treat their children equally in inheritance they will help to prevent feuds over

the inheritance. The table further indicates non-significant association between dependent variable and independent variable. It includes, Women claim transfer to get share inheritance is against your family tradition ( $P=0.733$ ), Likewise, family feud settlement observed non significant with Land and property is symbol of social and economic status in our society ( $P = 0.588$ ), and Women especially elders play dominate role in denying women share in inheritance ( $P =0.098$ ).

### **Conclusion and Recommendation**

This study concluded that family fulfilled the legal, religious, and cultural obligations in transformation of inheritance and laid down propositions among the male and female and thus considered the transformation of inheritance and property obligatory to avoid feuds at family level but displayed male dominance in its practice. However, the allocation of the inheritance share at the time of marriage or divided before death of ancestor was found significant with feud settlement. The study further explored incapability on part of the male gender regarding divisions of property in inheritance usually crops up in shape of tussles and feuds among the real heirs that in turn has brought instability to the family as an institution. It is also evident from study that male members were preferred over females in distribution of inheritance while the elder brother within the family had more rights in division of property as compare to other members by virtue of occupying the place of leadership in term of age while supposedly replacing the father. Allocation of the extra share to the elder brother was to be declared as cultural practice with no endorsement from the religion. In addition, such distribution of property is only practiced by the concerned family members with sole discretion on part of legal heirs only as well as prohibiting all the discrimination especially in distribution of inherited property, markedly on the basis of age, gender and custom. It can be suggested on the basis of current findings that this menace could be eradicated from the society by taking support from the local media where such practices are being observed and visible to be noticed.

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