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**RESEARCH PAPER**

## Convergence of Private and Public Patriarchy: Challenges of Safe Spaces and Places for Women Claimants of Inheritance in Punjab, Pakistan

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### ABSTRACT

Feminist theorists maintain patriarchy as the root cause of women's subordination. This study examines the convergence of private and public patriarchy in Punjab, Pakistan, with reference to challenges of safe spaces and places confronted by women claimants of inheritance. The study used qualitative methodologies to conduct forty semi-structured interviews of Muslim women inheritors from two cities in Punjab. Patriarchal theory guided the thematic data analysis of the study. The data showed that private patriarchy limits women's choices. The limited mobility, emotional blackmail from family, and control over citizenship documents cause women to surrender inheritance rights. Participants who overcame familial patriarchy and sought state support faced institutionalized patriarchy. These spaces were found to be patriarchal, both in a structural and infrastructural sense, making women often feel alienated. The study found that women claimants had few options despite legal protections. Pakistan's bureaucratic strongholds need safe spaces for women to exercise their fundamental rights, such as familial inheritance.

**KEYWORDS** Claimants, Inheritance, Muslim Women, Pakistan, Patriarchy

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### Introduction

Acquiring rightful inheritance poses significant challenges for Pakistani women due to the pervasive influence of various deeply entrenched social, legal, and cultural norms (Rubab et. al, 2023; Ahmad et. al., 2016; Kabeer, 1994). Diverse legal frameworks, patriarchal social norms, limited understanding, resistance from family members, complex inheritance legislation, and inadequate documentation are among the most significant obstacles (Zulfiqar, 2022). Moreover, cultural stigmatization and the fear of social consequences potentially act as additional obstacles for women in asserting their rightful claim to inheritance (Agarwal, 1994). The prevalence of customary practices and traditions over formal legal statutes has been observed to contribute to the persistence of gender-based discrimination in inheritance disputes.

In the patriarchal setup of Pakistan, women hardly own productive resources. According to a study by the Punjab Commission on the Status of Women (2016), women in Punjab own only 10.6% of landed property. It is pertinent to note that not all these women have control over their landed property, many do not even have full details of their ownership. In many cases, this ownership is only for the purposes of tax evasion (Rubab, 2019).

The present research argues that when patriarchal behaviors at home translate into broader institutionalized practices, they have hegemonic powers to exacerbate discrimination against women. In doing so, it explores how private and public patriarchy converge to achieve their vested interests regarding women's inheritance in Punjab. It is further aimed at understanding patriarchal tact, which stems from private spheres of family life and later emerges in the public sphere in a significantly complicated configuration, creating immense challenges of safe spaces and places for women claimants of inheritance. The study was also keen to unravel how varied forms of patriarchy exist, persist, and prevail to deprive women of their rightful shares of inheritance.

This study contributes to the ongoing efforts to achieve the United Nations' Sustainable Development Goals (SDGs). Through its examination of the enduring gender inequalities and prejudiced practices women encounter regarding property ownership and control, this study contributes to the realization of Goal 5, which is to achieve gender equality. The challenges faced by women seeking their rightful inheritance can lead to legal complications and conflict within families. Consequently, the absence of a safe environment and designated areas for these women highlights the significance of promoting peace, justice, and robust institutions, as specified in Sustainable Development Goal 16. Thus, addressing the issues in Punjab is crucial for the realization of the Sustainable Development Goals (SDGs), as it corresponds with the overarching aim of promoting community inclusion and equality.

### **Literature Review**

In the context of Pakistan, the principal method by which individuals obtain ownership of economic resources is through inheritance. Multiple factors may influence the entitlement to inherit, encompassing religious, cultural, ethnic, political, and legal dimensions (Kabeer, 1994). The right to inherit property from their parents or spouses is accorded to women. The infringement of the inheritance rights of women in Pakistan has become a significant social issue, specifically when daughters are denied the inheritance that their parents have designated for them (Ahmad et al., 2016; Das, 2016). Neglecting to recognize this entitlement that is legally given to a female may result in adverse effects on their social and economic functioning (Sheppard, 2006). It is not uncommon to observe women in developing countries, specifically in South Asia, being deprived of their legitimate inheritances (Ahmad et al., 2016). Furthermore, the regulatory processes concerning land transfer and management are primarily overseen by men and are frequently linked to environments associated with masculinity. Women face systemic marginalization and get excluded from engaging with state institutions (Mehdi, 2002; Holden & Chaudhary, 2013).

Feminist theorists maintain patriarchy as the root cause of women's subordination (Sultana, 2012). Classical patriarchy and its dominant forces have always categorized women in subordinate and subservient positions by undermining their potential and rationality (Moghadam, 2002). This has resulted in placing women in positions of inferiority. Patriarchal control in a society can be easily assessed by analyzing women's control over productive resources and their presence in powerful positions (Farrelly, 2010). The patriarchal theory has been utilized to understand the various ways in which the patriarchal culture impinges upon the choices made by women. The usage of the term "patriarchy" has become almost commonplace. Its dictionary definition refers to the domination of older or senior men over younger or junior men and women, within a family, tribe, or nation. However, this definition and the emphasis on seniority have

been displaced over time, and patriarchy is now usually understood in a strictly male-female dichotomy (Uberoi, 1995). More importantly, concepts of ideology and hegemony have become central to understanding how patriarchy functions. According to Lerner (1986), patriarchy is a philosophy, a mindset, a political system, and a way of life used to undermine women's abilities. It is a tool that systematically discriminates against and disempowers women.

Women's deprivation from productive resources, which often finds its validation in the misogynistic interpretation of religion, is commonplace in many cultures including Pakistan (Esposito & DeLong-Bas, 2001). The religious forces, often led by conservative men, always have had an advantage in terms of interpretations that favor men. For example, the dominant societal conventions pertaining to the principle of purdah also contribute to the exclusion of women from spaces where inheritance transfer takes place (Zulfiqar, 2022). Furthermore, patrilocal modes of marriage and the overall social fabric of society hampers women from utilizing their ancestral assets attained through inheritance (Muzaffar, Yaseen, & Ahmad, 2018; Zaker & Wattoo, 2005). Hence, women's meaningful control over productive resources is rare in Punjab.

### **Material and Methods**

Pure qualitative methods were employed for this research. The research topic and subsequent questions centered on private and public manifestations of patriarchy in the challenges confronted by female claimants of inheritance in Punjab. The task could not be fulfilled by employing quantitative methods – measuring the complex social process of patriarchy or challenges confronted by women claimants mathematically or statistically would not have served much of a purpose even if it were possible to capture the phenomenon in its entirety (Nueman, 2000). In fact, multiple meetings with the study participants were needed to get an in-depth understanding of the challenges confronting them. To decode patriarchal tact and to find its reflection in cultural and institutional patriarchy through insights of women claimants, it was imperative to follow the ontological stance of the interpretive paradigm. The study was grounded epistemologically in the social constructionist paradigm (Crotty, 1998).

The study was conducted in two cities of Punjab (Rawalpindi and Bahawalpur), with site selection being guided by PCSW's (2016) study that had found Rawalpindi to be the most woman-friendly region in terms of landed inheritance while Bahawalpur was found to be most discriminatory. Forty women, twenty from each city, were recruited as study participants through respective Revenue Departments. In light of revenue records, only those women whose inheritance rights opened after 2011 were selected. This criterion for selection was made to capture and analyze changes in the status of women inheritors after 2011's criminal law amendment. Additionally, only those women were selected as study participants who had a first relationship with the deceased -- women of the residuary class were not recruited in this study. After accessing revenue records, women who gave their express consent were interviewed; they were sufficiently apprised of the study's aims and potential implications, and ethical guidelines were keenly followed to ensure participants' well-being.

To assess the challenges confronted by women claimants of inheritance an in-depth interview guide was used, which was made considering the pure research ethic (Masson, 2002). The first section of the guide was based on demographic information and some general questions about the study topic. It was helpful in rapport-building and ice-breaking. The second part of the interview guide was based on key questions regarding challenges faced by women in claiming inheritance and the role of patriarchy. The last

section was again based on generic questions to make the detachment process easier (Hennink, Hutter, & Bailey, 2015). The researcher tried her utmost to remove ambiguous and double-barrel questions from the interview guide (Nueman, 2000). Each interview took approximately two hours. In some cases, interviews were completed in more than two sittings. Audio recording of interviews was subject to participant consent; field notes were taken for those who did not allow recording. Data security and the overall well-being of participants were prioritized throughout the research process (Eide & Kahn, 2008). Later, data was thematically analyzed after proper organization and categorization (Braun & Clarke, 2014).

## Results and Discussion

The study's results demonstrated that a variety of elements within the society construct consent of women regarding inheritance-related matters and consequently, their choices are not independent and fully informed. Decisions related to claiming inheritance from male family members among women respondents were the result of the life-long socialization of female respondents and coercion from hegemonic patriarchal forces. The patriarchal forces subjected these women to coercion at two levels: 1) Private patriarchy was prevalent at the micro-level especially embedded in the domains of household and closest kinship relations and 2) public patriarchy was deeply embedded in the state's institutional mechanisms. Private patriarchy created challenges related to mobility and emotional blackmailing while public patriarchy created challenges of safe spaces and places and accessibility in public domains.

The theory of patriarchy and the experiences of female participants were used as a guiding tool to design a patriarch's propaganda model. As illustrated by the model (See Figure-1), the reality for Punjabi women is constructed in such a way that surrendering their rightful inherited property seems not only a wise option but an honorable one too. Concurrently, when a woman claims her share it is often seen to be driven by patriarchal ambitions of male kin e.g., husband, in-laws, brothers, etc. The purpose of designing this model was to have a somewhat easily understandable structure to analyze how the politics of culture and religion are shaping women's choices and posing serious challenges to women in the assertion of their inheritance rights. It does not in any way indicate that exceptions to this model cannot exist; rather this generalization solely serves a functional purpose. The challenges identified are varied in nature, ranging from emotional blackmailing to misinformation about citizenship rights as well as issues of mobility, politics of interpretation, and challenges of boundary-making.

### Patriarchs' Propaganda Model

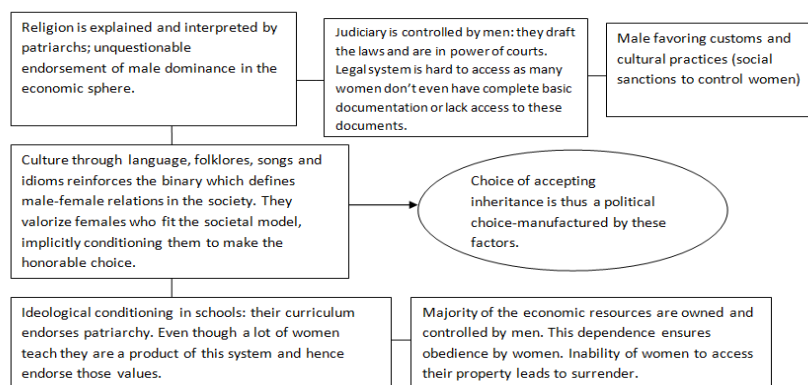


Figure 1: Private patriarchy and women's choices regarding inheritance

## Cultural Conceptions of Inheritance

Women's right to inheritance is an inalienable right allotted to them unconditionally by Shariah and the constitution of Pakistan. However, in this study, we found the prevalence of patriarchal practices among women with respect to claiming inheritance rights in both study sites. It was found out that the situation was a little better in Rawalpindi where, comparatively women respondents were allowed to assert this right to some extent. In Bahawalpur, it was observed that any conversation about women's inheritance rights even after the death of ancestors was rare and culturally discouraged. Cultural notions and customs of land acquisition and inheritance were found to shape these women's views regarding women's inheritance rights and consequently their choices regarding claiming this right.

The findings of our study revealed the prevalence of silence as a predominant response to claiming inheritance rights among women respondents. In cases where they pursued the claim to their inheritance rights, the act was framed apologetically implying a lack of complete endorsement of the right to their share in the family inheritance.

According to respondents of the study, claiming to share in family property was considered as deviant behavior. Common perception about inheritance was that familial property belonged only to male members of the family and resultantly only these male members qualified to the status of an inheritor. Such ideas stem directly from cultural notions of men's status as bearers of family names and bloodlines. As a result, in Punjab land and familial homes are closely associated with honor, and daughters' identities are constructed as "others". Giving inheritance to daughters is seen as a dishonorable practice because this leads to the shifting of ancestral land and the associated family honor from the original bloodline to another family's bloodline. Many female respondents in our study demonstrated internalization of these norms.

"When I asked for my share of inheritance from my brother, my *bhabi* (brother's wife) asked me not to claim my share. She said, 'I was married in a *ghair* family (out of family) and after my death, our familial land would solely be in possession of others. Would this not be disrespectful and dishonorable for our ancestors?' My sister-in-law had no apprehensions in talking about my death just to dissuade me from pursuing my case."

It was observed in the study that women who had claimed their rights were not assuming it as their absolute right. It was justified only in cases of extreme financial need and still frowned upon. The women respondents who shared experiences of claiming inheritance from male family members said that in such instances the natal family called them greedy or mocked their in-laws for their inability to meet the financial needs of their daughter. One of the respondents shared her experience in this regard:

"I wanted to claim my rightful share in my deceased father's property, but my fear of detachment from my natal family stopped me from doing so. Seven years passed and then suddenly my husband fell ill. His condition was getting worse day by day and doctors suggested a heart bypass surgery. I was in severe need of money. My kids forced me to claim my share in my natal inheritance. I registered my concern with my brothers. They paid me a little amount on the name of my share and asked me to sign a stamp paper that stated I had received my share in the form of cash on my own demand."

It was evident from her words and tone that she claimed her right in extreme financial need. She had remained silent about her share for seven years and would not

have claimed if her circumstances remained unchanged. In addition, some respondents revealed that women who claimed inheritance were stigmatized and framed as perpetrators of conflict and disruption within family relations. This was found to deter most of the women from claiming their inheritance rights. Similarly, another woman shared her experience that she claimed her right when she was in extreme need of money for her son's education. On her demand for inheritance, conflict started in her family, and after a long struggle, she concluded that she received little of what was owed to her.

"In our society, brothers are usually reluctant to give due shares of inheritance to their sisters. In rare cases when they agree to give their share, they prefer to give them a little portion instead of the actual one and make sure that even that is of low market value. As in my case, my brothers allotted me a barren piece of land."

In conclusion, the internalization of cultural conceptions regarding women's inheritance rights shaped the responses of respondents to this study. The conceptualization of claiming inheritance shares as a sign of greed, deviance, and dishonor and the consequent stigmatization of these women deterred them from making successful claims for their inherited properties.

### **Religious Conceptions of Inheritance**

Data collected from the field as well as earlier literature highlighted the politics of interpretation of Islamic scripture and teachings as a great challenge for women in asserting their right to inherit. During fieldwork, it was observed that male-dominated interpretations of divine verses created barriers to women's access to their share in inheritance. Data revealed that patriarchs used the politics of interpretation of Islamic scripture to negotiate their personal interests, establish their control over material resources, and maintain their supremacy over female family members in every sphere of life.

It was also noted that women-friendly verses and orders were rarely discussed or disseminated during the Friday sermons, a concern that was registered by many participants of the study. It was interesting to note that patriarchs were so successful in disseminating patriarchal versions of interpretations that many women uttered that interpretation as real directives of the Quran. It was shared by women at different times "*Women are ordered by the lord to remain at home*", "*Men are made to handle affairs outside the home by Allah*" and beliefs like "*affairs of land and related decision-making are the domain of men*" Similarly many women believed, even educated ones, that Allah has made them to obey their male counterparts. In this regard, a participant shared:

"Allah has given a higher rank to men (over women) and it is mentioned in the Quran as well. According to Islam, men are guardians of women and pious women obey Allah's orders. The divine order of purdah commands us not to take part in property-related affairs." his comment effectively puts the strength of patriarchal forces in creating subjects into perspective. In a society like Pakistan, religion serves as a strong force for perpetuating ideological control.

### **External Coercion**

Another striking issue the respondents of the study faced was emotional blackmail. At first hand it is expected that women will not claim their right to inherit due to dictates of culture; similar expectations are internalized through primary socialization. In rare cases, the respondents who decided to claim their rights had to deal with

opposition from their own family members. Agarwal (1994) has rightly pointed out that assertion of this right would cause contestation within the 'family's courtyard'. In our study findings, such contestations sometimes resulted in severe backlash and forced cooperation. Some respondents shared that they were threatened with social boycotts and losing their blood relations. For instance, one respondent shared her views,

"If we will claim our inheritance rights, the doors of the natal family will be closed on us forever."

Women faced extreme forms of coercion in cases where they continued to pursue claims for their share in inheritance. Some of the coercive methods that emerged in our research findings included forced marriages. Marital practices were used as a strategic tool to manage inheritance-related matters within families by male family members. These included cousin marriages, swap marriages, forced marriages, and in severe cases marriages with the Quran or custom of *Haq bakhshwana* in Punjab. In such situations, women framed choices of forgoing as honorable options due to their failure to resist patriarchal propaganda. Mostly women in Bahawalpur faced greater familial conflicts as compared to respondents in Rawalpindi. However, instances of emotional blackmailing were present in both study sites with minute differences. Another participant elucidated:

"When I pursued my inherited land share, my natal family declared it to be dishonorable and insulting to the family. My natal family discontinued all social relations with me. It has been three years since my last visit to my ancestral home. Similarly, no one from my natal family attended my daughter's wedding."

All these experiences of women reflect the overall value system of society. It further highlights how cultural norms and values are developing popular narratives and how family honor is attached to material resources to strengthen the patriarchal intent. The problematic conceptions about women's inheritance rights were so strong that even women personally perceived that they should not claim inheritance except in extreme financial crises. A similar kind of influence of culture and value systems on women's overall lives has been discussed and questioned by Simone (1949) in her famous text *The Second Sex*. In the book, her major argument revolves around the statement "One is not born, but rather becomes, a woman". Simone argues that the social construction of women is subject to cultural influence and social acceptance of norms and value systems. She contests that over the period of history, such influential forces have shaped the present-day woman, who is segregated, marginalized, and economically disempowered. She is the one who is always defined in comparison to men and hence, treated occupies a subordinate position.

### **Institutionalized patriarchy and Administrative Burden for women claimants of inherited property**

Another factor that discouraged our respondents from choosing to claim their inherited property was the administrative burden associated with dealing with state institutions. According to women, there were high psychological, learning, and compliance costs related to obtaining inherited property from family members legally in Pakistan. These themes have been expanded upon below.

### **Issues of Mobility and Psychological Costs**

According to the findings of this study, respondents who were able to overcome the issues of patriarchy in the family system continued to face barriers in public spaces.



Pakistan is a highly patriarchal society and the male-dominated institutions and public spaces have been found to penalize women who deviate from standard social norms. This finding resonates with the findings of Mehdi (2002) and Holden & Chaudhary (2013). Our study found that women who claimed their inherited property legally faced several challenges in accessing relevant state institutions. To claim inheritance, women must visit many state institutions like Union Councils, NADRA, and Revenue Departments. In case of litigation, they needed several visits to police stations and courts (Rubab, 2019). Then mobility plays a key role in terms of access. Respondents of the study shared that in availability of safe public transport and experiences of harassment within the premises of state institutions made these interactions terrifying, to say the least. For instance, one of the respondents shared her experience:

“I needed permission from family elders before visiting NADRA and other government offices for my claim. I took my husband along to avoid facing bad treatment at government offices; otherwise even getting there on their own is a hassle for women.”

Moreover, many respondents felt that the state institutions did not provide a female-friendly environment. These places were experienced as highly masculine in infrastructure and facilities. For instance, most of the legal procedures required repeated visits to the courts or offices. The respondents argued that courts and offices were rarely visited by women alone in Pakistan. The absence of women at these venues created feelings of discomfort and fear and many respondents resultantly found state institutions to be threatening. This discouraged some women from pursuing inheritance claims legally. Respondents shared her experience as follows:

“Once I visited the court with my brother, it was overcrowded with male visitors. I waited for a long time there and the hearing for my inheritance claim was postponed due to the absence of the other party’s lawyer. Now I am afraid of going to court again, as everyone in the village blames me already and the system does not seem to be working either.”

### **High Compliance and Economic Costs**

An important finding of this study is that the patriarchal legal system in Pakistan is not only inaccessible to women but also aids in the generation of women’s dependencies on male members of their families. According to our study findings, since women’s claiming of inherited property from male family members is considered deviant and dishonorable, the administrative burden increases disproportionately for women who are perceived as violating cultural norms related to inheritance. A quick gateway in this regard for some female respondents was seeking help from male family members including husbands, cousins, uncles, and brothers. However, seeking help from other male family members came with its own social and economic costs. These include compromises in personal life as well as potential benefits from the said inheritance shares. Many times, the said compromises, and hurdles lead women to withdraw their claims of inheritance and accept deprivation from inherited shares as ‘fate’. In this regard, a respondent shared:

“I was interested in filing a case against my paternal uncle who deceitfully deprived me of my landed inheritance. Being an only girl, with no brothers, it was very difficult for me to contact a lawyer. With the help of my friend’s husband, I contacted a lawyer, but his charges were so high that I postponed the plan to pursue the case. The delayed justice system also discouraged me from filing a case. How could I fight my case for this long without having any male family member on my back?”



Similarly, court cases require multiple visits, which demands a lot of money to pay legal fees and commute expenses. This along with prevalent instances of harassment during commute and in court premises discouraged women from seeing their cases to completion. One of the study participants shared her experience:

“There’s no space for women at courts. When we visit, men stare and catcall. Moreover, there is no proper place to sit and wait for our turn; there is no availability of clean drinking water and clean bathrooms. I had to take my children along to hearings and it was very hard.”

Apart from amplified struggles of access, women often lack the social capital to engage in battles for inheritance with patriarchs. This was often observed to discourage study participants from seeking any help in the first place. The theory of patriarchy frames similar arguments about women’s mobility in male-dominated societies. It can be very well argued that these problems of immediate access directly translate into poor social mobility of women with repercussions for their economic well-being.

## **Discussion**

The study was conducted to analyze the convergence of private and public patriarchy in Punjab and its role in the decision-making of women claimants of inheritance. Despite differing social organization in terms of urbanization, both study sites were generally found to be discriminatory towards women; this highlights the need to investigate the problem qualitatively rather than simply understanding it in terms of the net transfer of land on the names of women. The study also found that despite legal protections women claimants often had to content themselves with a little or no portion of their rightful shares.

This phenomenon represents a convergence of patriarchy in public and private spheres, where women are subjugated by their immediate families, and state institutions offer little in terms of practical protections. The patriarchs’ propagandist model illustrated the findings with respect to the private sphere of family, with an emphasis on culture, religion, and social organization. In the public sphere institutionalization of patriarchy at the state and judicial level was seen to be prominent, with an overall absence of so-called bureaucratic neutrality and rationality. This highlights the need for safe spaces for women in bureaucratic strongholds of Pakistan to ensure their fundamental rights, including that to inherit familial wealth.

The findings revealed that private patriarchy often left women with few choices regarding inheritance. Women have restricted mobility; emotional blackmailing from family and little control over citizenship documents lead to the surrender of inheritance rights. Participants who braved these challenges of patriarchy within the family, and did seek help from state institutions, had to encounter various forms of institutionalized patriarchy; these institutions often pushed women to reconcile with family members. Furthermore, these spaces are patriarchal both in structural and infrastructural sense; women venturing into such spaces often feel alienated, and their fear of harassment as well as assault is well warranted.

## **Conclusion**

The 2011 criminal law amendment has offered little in terms of meaningful relief to women. Law cannot function without taking social realities into account, and with reference to women’s inheritance rights in Pakistan, it is imperative to understand the

convergence of private and public patriarchy instead of simply framing the issue in terms of patriarchy in the domestic sphere – the challenges encountered by women in interacting with state institutions need to be understood in terms of broader patriarchal norms of Pakistan. Unless these religious and cultural forces are accounted for, and alternative women-friendly narratives and measures are popularized meaningful change will not occur. It is hoped that this study encourages more gender-specific research in the bureaucratic make-up of Pakistan in conjunction with its social organization as well as further policymaking and reforms to mitigate the issues at hand.

### **Recommendations**

Based on the results of the study, it is recommended that a comprehensive strategy is necessary to tackle the challenges encountered by women in obtaining their rightful inheritance. This strategy should encompass legal reforms, awareness campaigns, and cultural changes. The adoption of a diversified strategy is of utmost importance in advancing gender equality and the protection of women's rights in relation to inheritance within the specific context of Pakistan. The study demonstrates the complex ways in which private and public patriarchy function and the ways in which they reify each other, making it an important categorization. This leads us to the need for policymaking that is cognizant of these differences; lawmaking in isolation can have a limited utility at best as illustrated through the case of forty women claimants from Punjab, Pakistan.

Additionally, the need for safe spaces for women within the bureaucratic strongholds of Pakistan is pertinent, with particular emphasis on ease of access through varied transport options, visibility of women in public spaces at large, and cooperative attitudes of state functionaries; especially when women reach these spaces after bearing the brunt of various forms of patriarchal subjugation at home and are seeking help and allyship. The 2011 criminal law amendment has clearly shown the state as taking responsibility for what is often socially deemed as private matters. The ambit of this responsibility must then extend to the institutions executing the state's imperative. Only then will sustained cultural change be a possibility on the horizon.

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