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Research Article

Contextualization of Women's Right to Marriage in Masid Tribal Society

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Abstract

The United Nations has a long history of addressing women's human rights and much progress has been made in securing women's rights across the world in recent decades. However, important gaps remain and women's realities are constantly changing. Masid society is patriarchal in nature and the conventions related to matrimony also reflect this. This paper would provide insights into patriarchal marriage system and level of satisfaction of ego (Masid women) from this system. The sample consisted of 200 individuals from Masid community residing in Peshawar and D.I. Khan. This multisided study was conducted with the help of self-constructed questionnaire. Analysis of the descriptive results shows that right to choose spouse is with the parents and ego is satisfied with this role. It also shows that practices of forced marriages and honor killing are almost absent in contemporary masid community. The inferential analysis of the result shows that right to marriage and masid matrimonial cultural practices are inversely correlated, thus proving the hypothesis.

Introduction

The great Puritan poet represented the first parents of mankind as perfectly patriarchal:

For contemplation he and value formed

For softness she and sweet attractive grace,

He for God only, and she for God in him

Robert Briffault while describing the origin of patriarchal marriages argues that Roman tradition was, you know, strenuously patriarchal. 'Our fathers,' said the elder Cato, 'have willed that women should be in the power of their fathers, of their brothers, of their husbands. Our fathers have bound down women by law, and bent them to their power.' Sir Henry Main believed that patriarchal marriages are 'the primeval condition of the human race,' [1]. Similar elements can also be found in debates of prominent feminist Sherry Ortner's "Is female to male as nature to culture" (1974) inferring that women represent nature (private; reproducing of springs) while men represent culture (public) [2]. These practices were followed for longer time and resulted in women oppression which led call for woman right.

The United Nations has a long history of addressing women's human rights and much progress has been made in securing women's rights across the world in recent decades. However, important gaps remain and women's realities are constantly changing. Its initial goal (1945) was "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women" [3].

UDHR in article 16 clearly states that (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. (2) Marriage shall be entered into only with the free and full consent of the intending spouses. (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. The International Covenant on Economic, Social and Cultural Rights also guarantees these rights.

Proponents of cultural rights are very active in such states and call the contemporary women rights as western. They emphasize the understanding the customs and traditions in the light of cultural explanations. Clifford Geertz, a prominent anthropologist, believed that the, cultural behavior should not be explained within an over reaching, universal framework, but be interpreted within

the specific code of cultural meanings" [2,4]. Franz Boas cultural relativism approach on the other hand holds that one can only understand a specific society's practices within its specific cultural context" [5].

Since the adoption of the Universal Declaration, States have repeatedly 'emphasized the universality and indivisibility of human rights' [6]. Stereotypes and cultural norms which dictate prescriptive roles for women in society also have a negative impact on women's enjoyment of their human rights. The universality of human rights and their validity in a given local context have often been contested through relativist discourses that brand them as foreign ideas incompatible with local culture. However, the Special Rapporteur in the field of 'cultural rights have warned against discourses that disregard the fact that culture is not static and changes over time'. She also points to women's lack of influence in decision-making processes which define the culture of any given community'.

Women in provincial Pakistan are notably deprived. As gender stereotypes are embedded in patriarchal societies, changes can only happen gradually as a 'result of educating the population about gender equality and reforming local legislation for which nongovernmental organisations' work is essential'. Vercelli, 2013 [7] Governments of patriarchal societies explain the 'deprivation of women's rights as a consequence of respecting their countries' cultural beliefs and reject the interference from other states by claiming that human rights are a matter of state sovereignty [8] The work of Nongovernmental Organisations (NGOs) is essential to educate the population about how women can contribute to the economic, social and political development of the country, as well as to pressure governments for law reforms to reflect gender equality. By bringing local culture and state sovereignty into play, governments put 'a veil of protection over their decisions and laws' [9]. Argues that in Muslim countries state only comply with the provisions of articles which provided that they do not interfere with local laws.

Noor (2004) [10] observes that state of Pakistan, due to 'many socio-cultural and economic reasons, couldn't successfully protect women rights. The endorsement of women's right to empowerment has been considered as contrary to the 'cultural norms and general Islamic teachings in Pakistani society' [11]. More specifically some of the cultural norms in Pakistani society are considered to be impediment in the way of women empowerment. In one of the study [12] showed how 'socio-cultural aspects of Pakhtoon culture are hindering the way of women empowerment and even violating their basic women rights'.

It is a common conception that women belonging to South Waziristan (FATA), particularly from Masid tribe are marginalized and deprived of their basic human rights. The patriarchal system, special status of FATA and 'customary practices are considered to be the potential impendent of the crisis' [13] Among these, 'patriarchal system and customary practices' are thought to be the cardinal forces hindering the process of women empowerment. [14] It is generally believed that patriarchal system and customary

practices takes its fuel from Pakhtoon-Wali. Pakhtoon-wali is the code of honor that is strictly adhered to by the tribal community. Its 'patriarchal nature gives dominance of men over women folks, thus limiting them from enjoying basic women rights', enjoyed by women around the world [15] The cultural turn in second wave of feminism also addressed such issues, where particular 'attention was given ethnicity and experiential differences' [16] At its one extreme Relativists believed that 'experience' of a woman in one culture can't be that of compared to another [17].

Gender refers to socially constructed identities, attributes and roles for women and men. The term gender is not interchangeable with women. 'Society's social and cultural meaning for these biological differences results in hierarchical relationships between women and men', and in the distribution of power and rights favoring men and disadvantaging women. This social positioning of women and men is affected by political, economic, cultural, social, religious, ideological and environmental factors, and can be changed by culture, society and community. Gender constructions are dynamic and fluid; they change over time and can be different in different cultures. In most societies, these traditional perceptions of women's and men's roles have changed and are constantly evolving. However, 'Gender mainstreaming or integration helps assess the impact of different laws, policies and programmes on groups of men and women' [7].

Psychoanalysis and Feminism [18], reads it as a symbol of the powerful position occupied by men under patriarchy. While the unconscious and the precarious nature of subjectivity were to become central to most feminist appropriations of psychoanalysis, American feminism produced 'theories of subjectivity based on the development of the ego within the patriarchal nuclear family' [19-22]. Assuming the identification of girls with their mothers, [20] argues that daughters develop a stronger bond with the mother than sons. As a result, girls experience a lesser degree of individuation than boys and thus develop more flexible ego boundaries which create the psychological preconditions for the reproduction of women's subordination to men. In the socialization of boys, mothers encourage them to differentiate themselves from their mother enabling them to develop a masculine identity based on their father or father substitute. In the difficult process of differentiation from his mother, the boy both represses his feminine dimensions and learns to devalue femininity. Chodorow's theory places the acquisition of 'gendered subjectivity firmly within the realm of the social, opening up the possibility, at least in theory, of changing gender norms through the transformation' of the social organization of family life. Men's greater personal involvement in child care could, for example, transform the psycho-sexual structures governing masculinity and femininity and create the preconditions for the abolition of the sexual division of labor.

Whereas, [23] theory posits a 'symbolic order which is patriarchal and which, from a feminist perspective, represses or marginalizes' anything other than a male-defined feminine. They are placed both symbolically and socially in relation to men and denied access to what [24] calls the 'maternal feminine', a feminine which would allow women to realize their difference from men in positive terms. Post-Lacanian feminists have identified the

unconscious as the site of the repressed feminine which has its roots in the pre-Oedipal relationship with the mother.

Methods and Material

It was descriptive research and it employed ethnographic research methods, such as observational method, and interviewing. Sampling frame consisted of 200, including male and female belonging to the Masid tribe and unit of analysis will be Masid individual. Both probability and Non probability sampling techniques were used for drawing sample, including simple random sampling and convenient sampling. It was a multisited study and data was sampled from D.I. Khan and Peshawar. Base-line survey was conducted and specialized questionnaire was used for sampling information. It was a self-constructed standardized questionnaire specially designed to tape perception about contextualization of contemporary women rights in tribal perspectives.

Results and Discussion

UDHR in article 16 clearly states that (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. (2) Marriage shall be entered into only with the free and full consent of the intending spouses. (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. The International Covenant on Economic, Social and Cultural Rights also guarantees these rights. Proponents of cultural rights are very active in such states and call the contemporary women rights as western. They emphasize the understanding the customs and traditions in the light of cultural explanations. Clifford Geertz, a prominent anthropologist, believed that the, cultural behavior should not be explained within an over reaching, universal framework, but be interpreted within the specific code of cultural meanings" [2,4]. Franz Boas cultural relativism approach on the other hand holds that one can only understand a specific society's practices within its specific cultural context" [5].

Choosing Spouse

The right to choose one's spouse is very crucial for developing a healthy family. It is internationally recognized and included in important documents of human rights. The Table 1 reflects the status of this right in masid culture.

Giving right to choose spouse to parents is considered culturally appropriate in masid society, the table no 1 shows that 88% of the sample believed that giving the right to parents is culturally accepted, whereas 12% denied the fact. In masid society the practices of marriage are similar to those in patriarchal marriages [1]. It's the parent mainly man who has the authority of making final decision.

Table shows that interestingly both majority of both male and female believed that the right to choose spouse for their children should rest with parents. The international standards demand that it

should be a matter of concern but the statistics reveals that right is willfully given to parents, which confirm the relativist stance that cultural practices should be under stood in cultural context [5].

Right to marriage-		Percentages
Role of family		
Right to choose spouse with parents	Culturally accepted	88%
	Culturally not accepted	12%
Satisfaction with the parent's role	Satisfied	90%
	Not satisfied	10%

Table 1: Role of family in matrimonial matters.

Role of Family in Matrimonial Affairs

It can be seen in table 1 that 88% of the respondents believed that in an average masid family it's culturally acceptable to let the parents choose the spouse, and interestingly it applies to both genders. We will now examine the satisfaction of the individual with dominant role of family in this matter.

Satisfaction with the Parent's Role

Since practice of marriage in masid society is categorized as patriarchal marriage so highlighting the role of parents is very important [1]. As shown in the Table 2.

Right to marriage-Role of Masid Society		Percentages
Sanctions: practices of honor killing, forced marriages &child marriage	Present	87%
	Absent	13%
Prevalence of these practices	Peshawar	14%
	DI Khan	12%

Table 2: Role of masid society in extending women's right to matrimony.

Above, an average masid daughter believes that right to choose spouse should rest with parents, the following table analyses her satisfaction with this decision. When asked whether Masid female is satisfied with dominant role of the family in marital affairs, 90% reported that they are satisfied with this patriarchal bargain, whereas 10% were not satisfied with parent's dominant role in marital affairs. This bargain takes us to the psychoanalytic stance on "ego development it stresses that on the development of the ego within the patriarchal nuclear family" [19-22] the females are satisfied with their passive role in such affairs because they have been raised this way [17,25].

Role of Masid Society in Extending Women's Right to Matrimony

Masid society is patriarchal in nature and here practice of marriage is patriarchal in nature, all decisions about the matrimonial

affairs are taken by men and concept of marriage rights is a very sensitive issue. In such societies solidarity of customs and traditions is above all, Redcliff Brown beautifully advocate that "continuity of structures is maintained by the process of social life, which consists of activities and interactions of individual human beings…." [5]. The results also support this notion. The social structure not only gives matrimonial rights of individual to parents/ society (at large) but also gives sanctions deviant cases. The table 4.20 shows it clearly.

Sanctions

CEDAW condemns all kind of discrimination against women, practices of honor killing, forced marriage and child marriage are particularly focused. Robert Briffault believed that in patriarchal marriages such practices are often carried on in the name of custom [1]. Radical tendencies within second-wave feminism sought to, reclaim and revalue the female body and to instate a liberated female subjectivity, undistorted by patriarchy. They often looked to ideas of essential femaleness grounded in women's capacity for motherhood, in female sexuality and in women's experience as the victims of patriarchal power relations. The table highlights status of these practices in masid society.

The table no 2 reveals that 87% of the sample believed that Sanctions (honor killing) and practices of child or forced marriage are not presently practiced in masid society, whereas 13% believed that it still exists. [14] in his book analyze the components of masid culture and sanctions for breaching the code of conduct, honor killing is also one of those. The data reveals that honor killing is practiced by very little fraction of the society and forced. Child marriages are almost absent. The results also show that these practices are equally absent in residents of both cities.

Hypothesis Testing

Hypothesis

- Cultural rights are inversely correlated Right to Marriage in Masid society.

H₁			
Independent variable		**Dependent variable**	
Sub variables/ indicators	Cultural practices	Sub variables/ indicators	Right to marriage
	Matrimonial decision, sanctions for evince, individual's satisfaction		Choices and control over marriage related decisions
Statistical test Correlation			

Correlation

Cultural practices			
	1	2	3
Right to marriage	-0.173	-0.070	-0.033
Note: 1=Decision making power with Parents, 2=Sanctions for deviants and 3= Ego's satisfaction with family's dominant role. **P<0.01			

Table 3: Correlation between right to marriage and cultural practices.

Table shows an inter relationship b/w two variables i.e. cultural practices and right to marriage. The results indicate that all three components of cultural practices are negatively correlated with women's right to marriage in Masid society.

Analysis

If the meaning of marriage differ from country to country, then there must be cultural practices attached to the notion of marriage. Pakistan is a state where culture politics and religion are intertwined, in such states enforcing women rights agenda is a bit difficult [11]. Masid cultural practices are no different from patriarchal marriages, as described by the Robert Briffault and Malinowski in their efforts to unfold the concepts of family and marriage [1]. The cultural practices are as such that it gives dominance to the parent in making matrimonial decisions, inherent in it is the concept of shame attached with matrimony. It also includes a very interesting fact that the 'Ego' is satisfies with its passive role. Finally, the cultural practices also include the sanctions such as honor killing; etc for those who try to breach the code. On the contrary the right to marriage demands handing over control over matrimonial affairs to the individual, so the two variable (cultural practices and right to marriage) are at opposite tangent [26]. It was hypothesized that.

- H₁: Cultural rights are inversely correlated with Right to Marriage in Masid society.

The results prove the hypothesis; all three sub variables of the cultural rights are inversely correlated with women's right to marriage. Tribal/community leaders plays an important role in defining the role of women and in successfully resisting any modernization that would challenge their patriarchal authority. These results are in alignment with our descriptive analyses. Whereas the UDHR demands that right to choose spouse and all the rights related with matrimony should rest with individual the cultural practices are going in opposite direction [25]. The results show that 88%of the respondents reported that dominance of family (over individual) in making matrimonial decisions is

culturally accepted, 52% reported that consent is not taken from the individual before marriage and 90% reported that they are satisfied with their passive role in this matter [1]. The bright side of the analysis is that the ratio of woman oppressive cultural practices, i.e., child marriage, domestic violence and honor killing, are diminishing over time, as we can see that 87% of the respondents denied the existence of these practices in present times, although the hypothesis is proved but the changing trends in adherence to oppressive cultural norms may make the situation better.

Conclusion

Masid culture or any culture or society is relative not absolute, everything said or done had a reason behind it, which suited the need of the society at that time. Many practices were shaped according to the geography, socio-economic and political needs of community at that time. The things have completely changed now, today's masid is faced with different set of problems, so the system is also evolving, it's not static, "we are excluding what is not needed and including what's best for us in order to survive as a community". The process is slow but it's going on. A masid scholar very beautifully summarized it by saying that "we have inherited patriarchal perceptions about women that we need to unlearn. Women have to be given their rightful place in the society as a person. They have to have their own agency, not only in terms of rights, they have to be restored their position as human beings, but we also need to change our language, terminology, system of values and beliefs which is based on misogynist conceptions of women" [17].

References

1. Montagu MFA (1956) Marriage: Past And Present A Debate Between Robert Briffault And Bronislaw Maunowski. Porter Sargent Publisher Boston 20-54.

2. Moore H (2000) Anthropological Theory Today. Journal of Royal Anthropological Institute 6: 736-737.

3. Morsink J (1991) Women's rights in the Universal Declaration. Human Rights Quarterly 13: 229-256.

4. Neely CT (1988) Constructing the subject: feminist practice and the new Renaissance discourses. English Literary Renaissance 18: 5-18.

5. Moore JD (2009) Visions of Culture: An Introduction to Anthropological Theories and Theorists. 3rded, Altamira Press New York 71-272.

6. Dauer S (2001) "Indivisible or invisible: women's human rights in the public and private sphere", in Women, Gender, and Human Rights: A Global Perspective. Rutgers University Press. Rutgers 15-40.

7. Vercelli C (2013) Women's Rights versus Cultural Rights in Pakistan. The University of Auckland 1-8.

8. Mullally S (2006) Gender, Culture and Human Rights: Reclaiming Universalism. Hart Publishing Portland 114.

9. Holtmaat R, Naber J (2011) Women's Human Rights and Culture: From Deadlock to Dialogue. Intersentia Cambridge 50-70.

10. Noor, Jehanzeb M (2004) Daughter of Eve: Violence against Women. (Unpublished) thesis, Massachusetts Institute of Technology. Massachusetts 41-80.

11. Anita MW (2004) Islamic Influences On Socio-legal Conditions of Pakistani Women. Islam in south Asia 23: 307-328.

12. Naz A, Rehman H and Alam A (2011) Gender and Development: Socio-Cultural, Economic, Religious and Political Impediments in Women's Empowerment and Gender Development. Peshawar University Teachers Association Journal 18: 45-50.

13. Walby S (1990) Theorizing Patriarchy. Blackwell Oxford 30-55.

14. Khan S, Saima (2008) Patriarchal Social and Administrative Practices in the Federally Administered Tribal Areas (FATA), Pakistan: A Case for Gender Inclusive Reforms. Central Asia Journal, Peshawar 63: 2-40.

15. Richard J (2010) Women in Northern Pakistan- Protected by Tribe, Territory or Taliban. UCL Institute of Human Rights Publication 3: 210-236.

16. Bush B (1990) Slave Women in Caribbean Society 1650-1838. IN: Indiana University Press. Bloomington: 45-65.

17. Eagleton M (2003) A Concise Companion to Feminist Theory. Blackwell Publishing Ltd. Berlin, Germany: 10-111.

18. Mitchell J (1975) Psychoanalysis and Feminism. Penguin, Harmondsworth 119-140.

19. Dinnerstein D (1976) The Mermaid and the Minotaur: Sexual Arrangements and Human Malaise. Harper Row New York 27.

20. Chodorow N (1978) The Reproduction of Mothering: Psychoanalysis and the Sociology of Gender. University of California Press Berkeley: 251-276.

21. Flax J (1980) Mother-daughter relationships: psychodynamics, politics, and Philosophy. Rutgers University Press NJ: 20-40.

22. Benjamin J (1988) The Bonds of Love: Psychoanalysis, Feminism and Problems of Domination. Pantheon New York :169-190.

23. Lacanian J (1977) The mirror phase as formative of the function of the society. Tavistock London: 115-125.

24. Irigaray L (1985) This Sex which is Not One. Cornell University Press New York: 39-61.

25. Stead GB (2001) Culture and Career Psychology: A Social Constructionist Perspective. Journal of Vocational Behavior 64: 389-406.

26. Aggarwal A (2005) Book Review : Critical Chatter . Journal of Women and Human Rights in South East Asia 7: 118-122.