

Cultural Involment in Dispute Settlement Through Women as Compensation in District Swat Kohistan-Pakistan

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Abstract

The present study was aimed at discovering the hidden facts causing the women as compensation practices in pakhtoon culture through a study in Distt swat, Kohistan. The data was collected from the three Tehsil namely Kalam, Othrore and Matta respectively. Parents of Swara, brother or blood relatives of Swara and Swara (Women) were chosen as potential respondents for this study. A sample size of 205 respondents out of 369 Swara victims were randomly selected and proportionally allocated to the whole universe of the study. A conceptual frame work comprised of one independent i.e cultural endorsement and dependent variable women as compensation with education, family type and income as controlled variables was chalked out. The collected data was analyzed through simple frequency distribution, bi-variate and multi-variate to assess the layout, level of association and effects of extraneous variables while ascertaining the level of relationship between independent and dependent variables respectively. Moreover, reliability analysis was carried out and reliability coefficient was declared as 0.74. The study found that; Swara had cultural endorsement despite of no any feelings of honor rather getting ashamed of it were found instrumental factors in women as compensation practices. At Bi-variate level, association of Swara as cultural practice, ancestor did carry out Swara practice, feel shame on giving Swara, were found positive and significant with women as compensation. In addition, while indexing both independent and dependent variables, cultural endorsement was found positive and significant with women as compensation practices. Likewise, cultural endorsement and women as compensation for literate was non-spurious in relationship at bi-variate level. Moreover, A non-spurious association was further disclosed in high income group for cultural endorsement and women as compensation. The study explored that cultural traits, if properly explained under the preview of literacy and gender equity could serve as harbinger in mitigating the social distress of women as compensation practices. Equality in gender treatment, exploiting the feeling of shame over Swara practice and declaring Swara as cultural taboo were some of the policy recommendation in light of the study.

Keywords: Blood, Honor and property Cultural endorsement, Dispute Settlement, Women as Compensation

INTRODUCTION

According to Piggan (2006) future always has its roots in the past, yet for a reconciled and harmonious future of the conflicting parties it is inevitable to look back into the things that went wrong in the past and develop a consensus to pay and accept for a peaceful future. It may be a lengthy effort but once a consensus developed, the oppressors can acknowledge their wrong deeds express their regret and ask for forgiveness and the victims can accept and forgive. Usually such processes involve exchange of material goods as compensation to develop good will among the conflicting parties and transform reciprocity of enmity, into reciprocity of friendly relationship. These material goods may be an economic commodity or "blood money" usually women, according to the respective cultural values. Acceptance of the compensation is recognized as authority of the bereaved to accept or reject while it is considered an apology by the aggressor and so the order is restored to the community. Patriarchy refers to particular set of attitudes, mindset and way of thinking which value the male more than the female. In patriarchal societies men are thought of as controlling or ruling segment and women are presumed lacking the quality (Barlas, 2004).Kandiyoti (1987) describes North Africa, the Muslim Middle East (including Turkey, Pakistan and Iran), and south and East Asia (specially, India and China) as solid example of patriarchy culture. The Daily Dawn (2011) reported that class discrimination, oppression of marginalized groups including women and children and gender based violence i.e. honor killing etc, in Pakistan had their roots in the patriarchal culture of the country. Violence at cultural level proves relevance of Kazi (1990) theory about cultural violence reflects that cultural violence is used in structural form to give legitimacy to the violence. It legitimizes direct forms of physical violence and permits the structural violence within institutional framework of a society. According to Amnesty International, in Pakistan, structural violence is accepted by the marginalized groups as their fat destiny. A research by Punjab Government about violence in society revealed that in Pakistan 42% of women conceived violence as their fate, 13% felt helpless to withstand against it while only 19 % protested against the violence and

merely 4% decided to challenge it in the courts (Amnesty International, 2004). The Chinyangara (1996) links history of gender based violence to the history of women being regarded as a commodity and having a gender role to be always compliant to men. In remote areas of Pakistan Women are considered no more than life goods and *Panchayat* uses them as means of settling a dispute behind the shield of so called culture or religion (Ahsan, 2009). Ben (2010) article hints at social set up with political and economic prejudices that contributes to structural violence and is harmful both for individuals and the society. Accumulation of power in the few hands causes inequality in a society that instigates structural violence. The affected individuals and marginalized groups are always hampered to access social progress. Honor could be best understood in its social and cultural context. Honor (*izzat/ghairat*) and dishonor are the building units of Pakistani culture. When a family could not avenge in terms of injury or humiliation to the rival family, it loses its prestige in the eyes of the community (Lieven, 2011). According to Chinnian (2005) illicit intimacy, making choice in marriage, wishing for divorce, relations prior to the formal marriage, and being a victim of rape are considered the acts of dishonor. The female subduing to sustain the male honor is a common concept in the subcontinent and male honor is regarded as honor of a family. That is why; any discrepancy committed by woman seems to be against the cultural norms that lessen honor and dignity of the male. In rural communities of Pakistan, women are always expected to silently accept any decision made by male members of the families, tribe, clan or the community (Hassan, 1995). Women status before the *panchayat* forums has been an important issue that has been often highlighted by media and rights activists. Mondiale (2003) discloses that *Swara* has been considered a 'virtual death penalty' for the unfortunate woman who becomes subject of this notorious mechanism. In such cases girls who become victim of the tradition, physically lives but with a lot of troubles and disgrace for the rest of their lives, which is an awful punishment for no guilt. In Punjab, this custom is called *Vani*, In *Sindh* it is *Sangchatti and Swara* in *Khyber Pakhtunkhwa* Province. Unfortunately these practices are used against women under *panchayat* forum in order to violate and manipulate their basic rights, and to perpetuate control over women. Report of UNDP (2011) reveals that "customs and religious beliefs can be deliberately mixed with the law to consolidate political, economic and social power – to the detriment of less powerful women and men. Keeping into considerations the above mentioned findings this paper is an attempt to discover the hidden cultural traits of women as compensation practices in swat KP, Pakistan as the number of cases reported stood at 336 since 2002 till the accomplishment of this study i.e (2014) with the objectives assures the extent of cultural endorsement for women as compensation practices in pukhtoon culture.

MATERIAL AND METHODS

The study was limited to Swat District of *Khyber Pakhtunkhwa* Province. Where culture was the major driving force in molding behavior of the locals, therefore, women as compensation prevailed as a culturally endorsed practice for resolving blood, property, family and honor related disputes. A sample size of 205 as per mechanism of Sekeran (2003) was chosen from four selected Union Councils with relative sample size, determined on the total strength of the respondents from each strata. (See Appendix Table-1). The data were allocated through proportional allocation basis as outlined by Chaudhry and Kamal (1996). All those women who were the victims of compensation practice, Parent of Swara and brothers and blood relatives were chosen as respondents for this study. The study proceeded with conceptual framework in appendix table 2. The dependent variable was indexed to get the desired degree of the responses in accordance to the procedure outlined by (Smith, 1981 and Nachmias and Nachmias, 1987). Reliability analysis was carried out to ascertain the level of Cohesion amongst attributes of variable. A coefficient of 0.74 was found, which is acceptable in social sciences due to behavioral variations (Nachmias and nachmias, 1992). All relevant statistical tools i.e frequency and percentage distribution was carried out. Moreover, χ^2 test statistics was used to determine the level of relationship between dependent and independent variable at bi-variate level. Gamma statistics enabled to explain the strength and direction of relationship at Bi-variate level with the aforementioned variables (See Appendix Table-2). Chi-square (χ^2) test was used to test the hypothetical association between independent and dependent variables. As the data in the study was ordinal in nature Gamma was the most appropriate measure to find out association for contingency tables (Tai, 1978). The reasons for appropriateness of Gamma were outlined by Nachmias and Nachmias (1992) that helped in determining the strength and direction of relationships between dependent and independent variables. Multi-variate analysis was undertaken to determine the spuriousness or non-spuriousness of the relationship between independent and dependent variable. Basic variables namely, education, family type and income of the respondents were kept control while measuring the authenticity of relationship at bi-variate level.

RESULTS AND DISCUSSIONS

Respondents Attitude Towards Cultural Endorsement

Attitude over cultural endorsement of the respondents was assessed through putting various statements. These were; Swara marriage is part of culture, ancestors did such practices, family norms, practiced in the study area, feel honors, exist in the study area, feel shame and sense of consolation is felt after Swara practice etc. As shown in Appendix Table 3. About (90.7%) respondents supported the idea that Swara marriage was a part of cultural

practices, (81.5%) accepted that ancestor did such practices, however, (85.4%) respondents rejected it as the idea of family norms. These findings were contrary to findings of Riaz (2013) who stated that in every society gender equality is considered a powerful tool for empowering women, but in some states, this powerful tool is challenged by cultural and traditional norms. These norms sometimes become hurdle to provide women basic rights in Pakistan which is among those states. Similarly, (92.2%) respondents said that Swara marriage was practiced in the study area while (89.8%) opposing the statement of feeling honors on giving girl as Swara. The data depicted that Swara custom remained a part of their cultural practices coming from their ancestors. However, no honor was found to be felt after Swara practice. Thus leading towards a possibility of recurrence but the practice was so much embedded that it was to be practiced at any cost. The above findings were similar to the findings of Boege (2006) who explored that traditional approaches cannot be compartmentalized into political, juridical or other form; rather they are holistic, comprising also social, economic, cultural and religious-spiritual dimensions. Also (95.6%) respondents indicated that Swara marriage existed in the community, (85.4%) feel shame on Swara practice while (75.1%) respondents were in favour of sense of consolation is felt after Swara practice. These positive responses could be due to embedment of it in of cultural practices, ancestors did such practices and its existence and practice in the area was totally similar to the findings of Qaiser (2004) who stated that the concept of treating women as property and honor is deeply entrenched in the social, cultural, political and economic fabrics of Pakistan. The stronger cultural endorsement in the study area could be due to the cultural setup of the society and restriction on most women for taking decision about their lives where practice of Swara marriage is usually preferred for disputes settlement. While rejecting the statement of family norms and feeling honors in the study area could be due to the sense of humanity and religious attitude of the people for women where in a complete protection to the honor of women is ensured. It could be detected from this information that culture overshadowed the religious norms even. Also findings of Sharrma (2003) stated that conditions of women belonged to rural areas of North West Frontier Province (NWFP), Baluchistan and interior Sindh were more vulnerable, as they encountered extreme restrictions owing to their conservative ethos and conventions. Strict Purdah is observed as an integral part of the tribal custom of these areas. According to an expert on women issues, the women of these areas were “sharply demarcated and divides public and private spheres of life for women in such a way that the economic and political powers were designed as male domains. Forced marriages of female in the name of religion, culture and traditions has mad women plight more miserable and vulnerable in the interior parts of Pakistan (Riaz, 2013).

Association Between Respondent’s Attitude Towards Cultural Endorsement and Women as Compensation

In most part of the world women have been recognized as commodity while treating them as subordinate members of the society due to cultural norms resulting in practicing harmful traditional practices against women in the shape of compensation practices such as Swara marriage for dispute settlement. Relationship between women as compensation and respondents attitude towards cultural endorsement in the present study are given and discussed in Appendix table 4. A positive ($\gamma= 0.520$) and significant ($p< 0.05$) association was found between women as compensation and Swara is a part of cultural practices. These findings vividly depict the existence of women compensation practices as cultural prerogative. Such prevalence could be due to a strong traditional hold over the social system and patriarchy. Findings of Revert (2001) also disclosed that Swara means a female rider, but in traditional terminology it refers to a girl given over to the aggrieved family as compensation for blood. In the majority cases, this type of “compensation” is awarded by an informal court and not determined by the relatives of the girls. Resistance by the relations or the judgment rejection by the girls from the “Jirga” (informal court) has dreadful consequences for family members. Any behavior considered to be ‘dishonorable’ or can include a woman wanting to marry a man of her choice; wishing to seek employment outside the home; publicly disobeying the family patriarch; being accused of having illicit relations or seeking a divorce (Yusufzai, 2006). The relationship between women as compensation and ancestor did such practice were also found positive ($\gamma= 0.630$) and significant ($p<0.05$). It could be due to the prevalence of male dominance in society, highly traditional social structure, and the deliverance in functional perspectives by the informal courts, constituted by the locals through customary traditional way for quick disposition of justice. Such like findings were also extended by Sadeqi, (2004) who stated that this custom is done at the time when there is quarrel or enmity between the two tribes or families due to kidnap, murder or unfair relations, which starts blood shedding between the two sides. So the member of Jirga decides blood instead of blood of fine in the form of money. In Swara the guilty person gives his sister, daughter or nephew girl to the other family. This girl can be an infant and the person who receives her can be of seventy or seventy five years old ancestral traditions are strictly followed and owned in the rural areas of Pakistan which constitutes 68% of the total population (GOP, 1998). Moreover, a positive ($\gamma= 0.677$) and significant ($p< 0.05$) association was explored between women as compensation and it is practiced in the table 4. It was perhaps the prevalence of such practices in the study area as pointed out by Piggini (2006) who found that most of the Pakistani women are ill-treated, denied them with access to basic and fundamental rights. All these were the outcomes of patriarchy etc. Women had no right to divorce, choice of marriage and still lagged behind even in education and health sectors. Women agonies like exchange them as commodity in dispute settlement is only outcome of the

horrible aspect of Pakistan traditional traits probably tracing back to the medieval age. Amnesty International (2006) has also stated that men usually go unpunished for their misdeeds like going illicit in relation to other women being abetted through women exchange in compensation practices. Furthermore, a positive ($\gamma = 0.633$) and significant ($p < 0.05$) relationship was found between women as compensation and feel shame on giving Swara. Thus, although a shameful act, but cultural endorsement made it practicable in the prevalent social phenomena as reported by Iqbal (2012) who stated that Swara is practiced in most of the pakhtoon belt in Pakistan and across Afghanistan. The vivid reason was the settlement of blood feud and bringing social harmony. Although highly derogatory and a sheer violation to basic human rights, but given a shape as the need of the day to avoid bloodshed, while compensating the aggrieved family in case of murder, abduction etc. Likewise, unlike the above a positive ($\gamma = 0.048$) but non-significant relationship was discovered between women as compensation and feel honors on giving Swara. It is almost inconsonance to the above findings that although a shameful act, but being practiced as being culturally in nature. Similarly, a positive ($\gamma = 0.669$) and non-significant relationship was found between women as compensation and it is your family norms. As a social norm, high prescribed but sticking to it for the purpose avoiding blood feuds is a cultural obligation. These obligations were usually devoid of freedom of expression and sometime even going into wedlock in the aggrieved family. These findings were alike the findings of Balchin and Cassandra (1996) who stated that Nikah, going into a marital bond is essential in Islam. However, in some cases of Swara practices, even this essential aspect is denied to the Swara girl. While Yusufzai (2006) who declared the practice of Swara, where a woman is made sacrificial goat for the purpose of delivering to familial harmony. Conversely, a high negative ($\gamma = -1.000$) and non-significant relationship was found between women as compensation and it exists in your area as a religious act. Along with a high negative (-1.000) and non-significant relationship was found between a sense of consolation is felt after Swara practice. These findings were in support to the above mentioned results. This practice of Swara, although, unethical but even then in exercise due to its existence as cultural norms. Munir (2013) has stated Vani (a Swara) practice although in prevalence, but had little freedom for a Vani girl to enjoy a life at par to married women in the in laws home. Swara girl has limited and restricted life even, devoid of entering into marital bonds in some cases, while satisfying sexual desires of male of aggrieved family. Mariso, (2007) had also similar findings that some unwanted acts accompanied the process of Swara practice for Swara girl along with paying in cash or kind.

A significant ($p < 0.05$) and positive relationship ($\gamma = 0.65$) was found between respondents attitude towards cultural endorsement and women as compensation in Appendix table 5. Cultural practices although social and legal taboo, but endorsement through their continuous enactment had made them indispensable in the lives of local people. These practices involved high magnitude of prejudice amongst the male against female as denoted by Ziadi (1971) that traditional and conventional families prefer strongly the educated women to sit inside home and not encouraged to join job market due to the prevalence of business both within the household and inside job market as well. Women as compensation in practices usually reformed through informal courts with no involvement from the girls relatives. Rejection to such verdict is met with dreadful consequences by the relatives from the local social setup. Choice marriage seeking, seeking employment, disobeying patriarchal norms, being entered into illicit relationship and divorce are some of the dishonorable behavior for a woman in patrilineal society (Marjorie, 2001 and Yusufzai, 2006).

Association Between Respondent's Attitude Towards Cultural Endorsement and Women as Compensation (Controlling Literacy).

The response of illiterate respondents towards cultural endorsement and women as compensation was positive ($\gamma = 0.55$) and significant ($p < 0.05$) (Appendix Table-6). Among literate respondents, the relationship was positive ($\gamma = 0.63$) but non-significant. The respective values of gamma showed that relationship worked out between the aforementioned variables was spurious for the respondents lying in illiterate group and non-spurious for respondents in literate group when literacy was used as control variable. It could easily be attributed to the persons from literate group of understanding the gravity of situation or with issue at hand. Moreover, they had the knowledge of government effort. Legislative framework and the un-Islamic interpretation of surrendering women in response to ugly deeds of women. However, their inability to subjugate to the system was only attributable to the prevalence of cultural norms enduring such cultural practices, an addition social endorsement had another important effect which could not be ruled out. Pakhtoon cultural incapability/lack of dynamism to cope with the process modernization and globalization due to the striker sense of internalization of own values had led to the perpetuation of such acts. Young girls and ladies are taught with the concepts of ghayrat and nang (chivalry) to stand by it at all costs. This practice seldom allow for a women to exercise and enjoying freedom to a strong patriarchal system. In addition, the existence of strong prejudice far working women in the workplace had further restricted the plight of women towards their social and economic emancipation (Martin, 1993; Kaarsholm, 2005; and Zaidi, 1971).

Association Between respondent's Attitude Towards Cultural Endorsement and Women as Compensation (Controlling Family Type).

Association ($\gamma = 0.68$) between the response of respondents residing in joint families towards cultural endorsement and women as compensation was positive and significant ($p < 0.05$; in Appendix Table 7. On the other hand relationship between the fore mentioned variables in the nuclear family setup was positive but non-significant ($\gamma = 0.59$). The respected gamma values showed spurious relationship for both nuclear and joint family setup. Poverty, illiteracy and the existence of patriarchy could be other attributed factors of women as compensation as reflected from these results. Most of the social institutions had the norms and traditions based on patriarchy, which allow the gender variations with conspicuous standing for female (Hassan, 1995). Women are bartered as commodity/property to resolve their long standing disputes in most parts of rural KP, Sindh and Baluchistan. Practice of "Swara" i-e settling blood dispute while surrendering a young girl to the aggrieved family as compensation in most parts of pakhtoon populated areas (Ebrahim, 2007).

Association Between Respondent's Attitudes Towards Cultural Endorsement and Women as Compensation (Controlling income).

A positive relationship ($\gamma = 0.51$) was found between respondents attitude (lying in the low-income group) towards cultural endorsement and women as compensation in Appendix Table 8. The association between these variables was also significant ($p < 0.05$). In the medium income group the relationship between the aforementioned variables was positive ($\gamma = 0.48$) and significant ($p < 0.05$). Contrary to the above two groups, in the high income group the relationship was positive ($\gamma = 0.52$) but non-significant. The results of the low and medium income group indicated a spurious relationship between respondent's attitude towards cultural endorsement and women as compensation, while it was non-spurious for higher level income. Results from the low and medium income groups indicated their submission to Swara practices as cultural phenomena. Their fallacy of Swara practice is perhaps the outcome of extreme poverty, low literacy and wide spread ignorance Barlas, (2004) had found that besides offering a young girl in compensation to male deeds. In some case money even paid to settle the issue. Pardon and forgiveness have also been some of the characteristics of pakhtoon culture. Forced marriage, had led to opening of the window of Swara practices in Afghanistan. It has been reported that 70 to 80% Afghanistan marriages are forced in nature (UNIFEM, 2008).

CONCLUSION AND RECOMMENDATIONS

The study found that Swara was practiced in the study area with an ancestral activity transmitted. People had feeling of getting ashamed of doing certain acts of in human nature. Religion had no endorsement despite cultural ownness to it. Poverty, illiteracy and patriarchal structure at family level were some attributing factors to the prevalence of such practices in the study area. Moreover, families with low and medium income were found with high compliance to this cultural practices, due to their inability to pay for the acts and deeds committed on parts of their male and abundance of human capital as large family size, while taking revenge for their family honor, land dispute settlement etc. However, people with high income had little inclinations to adopting such practices, rather preferred paying in monetary terms with respect to settling disputes in the area. This study recommended a package "literacy for all" with a consistent follow up for the government and NGOs working in the education sectors declining human being at part with no consideration on the basis of gender, having local Jirga (Court) by replacing them with formal judicial courts with the sole objective of disposing off justice in quick and transparent path.

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Appendix

Table-1 Sample Size Distribution into Various Strata of Study Population

S. No	Union Council	Population Size	Sample Size
A	Tehsil Kalam, Union Council Kalam		
Total		156	88
B	Union Council Othore	193	106
C	Tehsil Matta, Union Council Chupreyal	05	02
D	Union Council Bartana	15	09
Grand Total		369	205

Table-2 Conceptual Framework of the Study

Background variables	Independent Variables	Dependent Variables
Education	Cultural Endorsement	Women As Compensation (Swara Practices)
Family Type		
Income		

Table 3 Frequency Distribution and Proportion Showing Respondents Responses Towards Cultural Endorsement

Cultural Endorsement	Yes	No	Don't know
Swara is part of your cultural practices	186 (90.7)	12 (5.9)	7 (3.4)
Your ancestors did such practices	167 (81.5)	27 (13.2)	11 (5.4)
Swara is your family norms	19 (9.3)	175 (85.4)	11 (5.4)
Such practiced is practiced in your area	189 (92.2)	12 (5.9)	4 (2.0)
People feel honors on giving Swara	11 (5.4)	184 (89.8)	10 (4.9)
Swara practice exist in your area	196 (95.6)	5 (2.4)	4 (2.0)
People feel shame on giving Swara	175 (85.4)	23 (11.2)	7 (3.4)
Sense of consolation is felt after Swara practice	154 (75.1)	28 (13.7)	23 (11.2)

Table 4 Relationship Between Cultural Endorsement and Women as Compensation

Independent variables	Dependent variables	Statistics
Attitude towards cultural endorsement		
Swara is a part of your cultural practices	Women as compensation	$\chi^2= 6.773, (0.031), \gamma=0.520$
Your ancestor did Swara practices	Women as compensation	$\chi^2= 5.981, (0.05), \gamma=0.630$
Swara is your family norms	Women as compensation	$\chi^2= 1.746, (0.418), \gamma=0.669$
Swara is practiced in your area	Women as compensation	$\chi^2= 6.870, (0.032), \gamma=0.677$
Feel honors on giving Swara	Women as compensation	$\chi^2= 0.827, (0.661), \gamma=0.048$
Swara exist in your area as religious practice	Women as compensation	$\chi^2= 0.333, (0.847), \gamma=-1.000$
Feel shame on giving Swara	Women as compensation	$\chi^2= 5.930, (0.050), \gamma=0.633$
A sense of consolation is felt after Swara practice	Women as compensation	$\chi^2= 2.400, (0.301), \gamma=-1.000$

Table No 5 Association Between Respondent's Attitudes Towards Cultural Endorsement and Women as Compensation

Independent variables	Dependent variable	Statistics
Cultural endorsement	Women as compensation	$\chi^2= 6.61, (0.04), \gamma = 0.65$

Table 6 Association between respondent's attitude towards cultural endorsement and women as compensation (Controlling Literacy).

Control variable (Literacy level)	Independent variable	Dependent variable	Chi Square and Gamma value
Illiterate	Cultural endorsement	Women as compensation	$\chi^2=6.75, (0.037), \gamma= 0.55$
Literate	Cultural endorsement	Women as compensation	$\chi^2=2.5, (0.296), \gamma= 0.63$

Table 7 Association between respondent's attitudes towards cultural endorsement and women as compensation (Controlling Family Type).

Control variable (Family type)	Independent variable	Dependent variable	Statistics
Nuclear	Cultural endorsement	Women as compensation	$\chi^2=3.1, (0.18), \gamma=0.59$
Joint	Cultural endorsement	Women as compensation	$\chi^2=7.1,(0.029),\gamma=0.68$

Table 8 Association between respondent's attitudes towards cultural endorsement and women as compensation (Controlling income).

Control variable (Level of income)	Independent variable	Dependent variable	Statistics
Low	Cultural endorsement	Women as compensation	$\chi^2=6.91, (0.029), \gamma=0.51$
Medium	Cultural endorsement	Women as compensation	$\chi^2=6.71, (0.043), \gamma=0.48$
High	Cultural endorsement	Women as compensation	$\chi^2=3.18, (0.065), \gamma=0.52$