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The Male Intermediary Effect: Why Women's Disputes in Pakistan Need Male Mediators

Sarmad Ahmad Ghani[1]

[1] LLB, LLM (ADR) Advocate, High Court of Pakistan; Ghani Law Associates, Lahore, Pakistan
Correspondence: sarmadadv14@yahoo.com

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Abstract
In Pakistan, disputes where everyone involved is a woman rarely get solved unless a trusted man from the family steps in to negotiate for each side. This paper looks closely at one real case to test that idea. A man died and left behind two widows and six daughters, who fought for three years in a Lahore court over his property with no result. Much of that deadlock came from something the court could never fix: a personal rivalry between the two widows, each feeling she had loved and served their late husband more than the other, which hardened into mutual allegations and made a calm, direct conversation between them almost impossible. The dispute was then solved in just three months, after each widow asked a trusted male relative to negotiate on her behalf — men who, standing apart from that emotional history, were able to deal with the matter practically, as a business and property problem rather than a personal one. Using Islamic teachings about qiwamah and wilayah (a man's duty to guide and represent his family), along with ideas about social trust from Bourdieu and Coleman, and negotiation ideas from Fisher, Ury and Patton, this paper argues that these male relatives succeeded through a mix of social standing and plain practicality — telling their families the true cost of continuing to fight in court, in terms of money, time, and family reputation, while leaving old grievances aside. A short look at other kinds of disputes among women — over inheritance, marriage, business, neighbours, and child custody — shows the same pattern happening again and again. The paper ends by saying this pattern is not a fixed rule, but a result of how power, trust, and emotion are currently handled in Pakistani society, and it suggests some fixes: courts should be more honest about costs early on, mediation systems should officially recognise the role of trusted male relatives, and more should be done to build up women's own standing as mediators.

Keywords: male intermediary; wilayah; qiwamah; honest cost counselling; social trust; BATNA; inheritance disputes; Pakistan; Islamic ADR

1. Introduction

Under Pakistani law, women are fully allowed to sue, negotiate, and settle disputes in their own name. Islamic inheritance rules (fara'id) also give women fixed shares of property that no court can reduce. But in real life, disputes between women — over inherited land, property from marriage, business partnerships, disputes with neighbours, or child custody — often get stuck when handled only by women, or through officially "neutral" processes. These same disputes tend to get solved once a trusted male relative, accepted by both sides, joins the talks.

This paper studies that pattern through one case from Lahore. A man had two wives and, together, they had six daughters. When he died, his two widows and six daughters fought over a

family-owned factory. Three years of court fighting led nowhere. But three months after each widow chose a male relative — one chose her son-in-law, the other chose her brother — to negotiate for her, the dispute was fully settled. What changed was not the law itself, but who was allowed to speak for each side, and how honestly that person was willing to talk.

Three ideas together explain why this worked. First, Islamic teaching gives men the formal role of representing their family in public matters, through the concepts of wilayah and qiwamah. Second, research on social trust explains why a male relative's word tends to be taken seriously in a way a woman's word, in the same situation, often is not. Third, negotiation research shows that honestly explaining the true cost of continuing a court fight — what this paper calls "reality-counselling" — is what actually pushes stuck parties toward agreement.

2. Islamic Teachings Behind This Pattern

2.1 Qiwamah and Wilayah

The Quran, in Surah An-Nisa 4:34, is the main text used to explain men's duty to look after and guide women, known as qiwamah. It is usually translated as: "Men are the maintainers of women, because Allah has made some of them excel others, and because they spend out of their wealth." Early Islamic scholars read this as giving men the job of managing women's affairs, taking financial responsibility, and speaking for them in public and legal matters. Al-Tabari understood this verse as giving men the authority to manage women's affairs and represent them in legal dealings. Ibn Kathir treated qiwamah as both a duty and a right for men to look after and represent women in important public matters (Al-Tabari, 1954; Ibn Kathir, 1419 AH). None of this means women cannot make their own decisions, which Islamic law clearly allows — it simply means the public, binding, representative role is normally given to a male guardian.

Wilayah, meaning guardianship, works alongside qiwamah. In property matters specifically, it is called wilayat al-mal: the guardian's authority to manage, represent, and make commitments on someone else's behalf. Al-Kasani explains this authority as coming from a need to protect the person being represented, and from the guardian's greater ability to act in public legal matters. Ibn Qudamah explains it as a social arrangement about who represents the family publicly — not a judgment about women's intelligence (Al-Kasani, 1986; Ibn Qudamah, 1968). Quran 2:228 — "men have a degree over them" — has traditionally been read as a general rule about men taking the lead in shared decisions, which in dispute situations means settlements are expected to be carried and confirmed by a male representative (Al-Razi, 1420 AH).

2.2 Witness Rules, Prophetic Sayings, and Family Consultation

The Quran, in verse 2:282, sets a rule for financial witnesses: it asks for two women in place of one man in money matters, so that if one forgets, the other can remind her. Classical scholars such as Imam Malik, Imam al-Shafi'i, and Imam Ibn Hanbal applied this rule to contracts and money matters (Ibn Rushd, 2004). Whatever modern scholars think about how this rule should apply today, its social effect has lasted: many people still feel that property settlements need a man's approval to carry full weight. The sayings of the Prophet (peace be upon him) add to this by requiring a guardian (wali) for a valid marriage (Sunan Abu Dawud, Hadith 2085; al-Tirmidhi, Hadith 1101), along with other sayings about male guardianship in women's affairs. Together, these are understood as meaning that a woman's public legal decisions need a male relative's backing to be fully accepted by society.

None of this stops women from having a say. Shura, meaning mutual consultation, is commanded in Surah al-Shura 42:38 and is respected throughout Islamic teaching. The Prophet is recorded consulting his wives on important matters — most famously, taking the advice of his wife Umm Salamah at the Treaty of Hudaybiyyah (Ibn Hisham, 1987). The key difference is

between talking things over within the family, where a woman's opinion is valued and sought, and speaking on the family's behalf to outsiders, which classical teaching gives to the male guardian. In the Lahore case, the widows decided for themselves what terms they were willing to accept — but their male relatives were the ones who carried those terms to the other side, argued for them, and closed the deal in a way the other family would treat as final.

2.3 What Modern Scholars Say

Modern scholars such as al-Qaradawi (1994) and Kamali (2002) agree that women have full legal ability to make contracts and act on their own. What classical teaching limits is not a woman's ability, but her authority to make binding commitments for the whole family to outsiders, acting completely alone. Kamali (2002) also points out that in societies where these older norms still shape people's expectations, agreements made without a man's backing often lack the social acceptance that agreements with a man's backing have — which is exactly the pattern this paper is studying.

3. Property Law and Dispute Resolution in Pakistan

Women's Quranic shares are written into Pakistani law through the Muslim Personal Law (Shariat) Application Act 1937 and the similar 1962 West Pakistan law. Under this system, a widow gets one-eighth of the estate if her husband's children are alive, or one-quarter if they are not; daughters together get two-thirds of the estate if there are no sons. Court cases to divide property follow Order XX Rule 18 of the Code of Civil Procedure, in a court system where a contested property case usually takes three to seven years to reach a decision, before any appeal is even filed (National Judicial Policy Making Committee, 2009). Every stage adds more cost — court fees, lawyer's fees, other processing fees, costs of bringing witnesses, and the hidden cost of years spent attending hearings.

Pakistan does have official ways to settle disputes outside court — the Alternate Dispute Resolution Act 2017, Section 89-A of the Civil Procedure Code, Musalihat Anjumans (local reconciliation committees), and the Family Courts Act 1964. But these are not applied consistently in lower courts, and recent studies still describe them as underused (Bhatti & Rizwan, 2023; Usmani, Hassan, & Tahir, 2025). In practice, informal family and community mediation still does most of the work that these official systems are meant to do (Mehdi, 2013).

4. Related Research

Grillo (1991), Astor (1994), and Rifkin (1984) were among the first to point out that informal dispute resolution often repeats existing power imbalances instead of fixing them. This paper looks at a narrower version of that question: what happens when both sides of a dispute are women, in a setting where women's own social standing is already limited, both by religious teaching and by custom?

Kandiyoti's (1988) idea of "patriarchal bargaining" is useful here — it describes women working within a male-led system, rather than against it, to get what they want. The widows' decision to appoint male relatives looks exactly like this kind of smart, deliberate choice, not simple submission. Mahmood (2005) and Abu-Lughod (1986) support this reading, showing through real examples that what looks like deference is often a careful way of working within a difficult system. Abu-Lughod's (1986) study of honour (izzat) among Bedouin women, and Pitt-Rivers's (1966) classic work on honour and shame in Mediterranean cultures, both help explain why women confronting each other directly can carry a social cost — a cost that is avoided by letting a male relative carry the dispute instead.

Bourdieu (1986), Coleman (1988), and Putnam (1993) describe social capital as the trust and authority built into relationships, which can be used to get things done. In Pakistani family networks, this kind of trust and authority sits mostly with men, which is why a male relative's word tends to be taken seriously and "stick." On the negotiation side, Fisher, Ury and Patton's (2011) idea of BATNA (the Best Alternative to a Negotiated Agreement), along with Mnookin and Kornhauser's (1979) idea of bargaining "in the shadow of the law," together explain how realistic information about likely court outcomes changes how people negotiate. Genn (1987) and Pleasence, Balmer, and Reimers (2004) found, through real evidence, that people fighting court cases usually underestimate what those cases will actually cost them. Newer Pakistani research backs this up: a study of land rights in Punjab found that legal reforms on paper have done little to change how women actually recover inherited property without an active male relative helping them (Rubab et al., 2023), and a 2024 review of women's inheritance rights found that cultural and practical barriers still outweigh the legal protections that exist on paper (Raza ul Habib et al., 2024). Similar research from Islamic courts in Indonesia reaches much the same conclusion about the role trusted go-betweens play in inheritance disputes, even in a system that reads Islamic teaching more flexibly (Tarmizi et al., 2024).

5. Case Study: The Lahore Estate Dispute

This section is based on one detailed real-life case (a method known as case study research; Yin, 2018), built from interviews and a review of documents. The author acted as the male relative negotiating for the first widow, which gave direct, first-hand knowledge of the process — but also required extra care and discipline to stay objective while writing about it. All other names and identities are kept anonymous.

Three years of paperwork, arguments, and evidence in court led to no agreement. Court cases are built to decide who is legally right, not to allow the kind of open, give-and-take conversation that actually leads to a settlement, and the court never used its power to refer the case to mediation under Section 89-A of the Civil Procedure Code. Each widow then chose a male relative — the author, her son-in-law, for the first widow, and her brother for the second widow — and gave him full authority to negotiate. In Islamic terms, this is called tawkil: properly appointing someone to act on your behalf. Each widow's chosen representative could make commitments for her, while she still had the final say on what she was willing to accept (Ibn Qudamah, 1968; Al-Kasani, 1986). Within three months, the two representatives had agreed on the factory's value, how to divide it, who would take possession, and how to pay for the years the first widow had been kept out of it.

What actually solved the dispute was honesty — the kind the court case had never produced. Both representatives sat down privately with their own family members and explained, plainly, how the case would probably end: more years of trial and appeal, and — more importantly — a likely court order to sell the factory, which would turn a working, profit-making business into a much smaller lump sum of cash. They laid out clearly what continuing to fight would cost — in legal fees, in time spent at court, in lost income — and what it would cost in other ways too: the daughters' marriage prospects being affected by a public family fight, and the second widow being unable to grow or invest in the business while it was tied up in court. And they raised something a judge never could: that a long legal fight between blood relatives goes against the Islamic duty to keep family ties strong (silat al-rahim), and that the Prophet's warning against family members refusing to speak to each other for more than three days (Sahih al-Bukhari, Hadith 6077) was relevant to how the dispute was being handled. It was this mix — money, time, and religious duty — that shifted both sides from arguing about who was right to talking about fair terms, something three years in court had failed to do.

Beyond the slow pace of the court itself, a more personal problem was also standing in the way of a settlement. Both widows carried real emotional history from having shared the same husband. Each felt, in her own way, that she had loved him more, and had given more of her life to him, than the other had. Over the years this quiet rivalry turned into open blame — each widow making allegations against the other about their conduct, their motives, and their claim to the factory. This kind of tension between co-wives is common in many South Asian and Muslim families, and it is rarely just about property; it is about pride, memory, and unresolved grief. As long as the two widows dealt with each other directly, these feelings kept resurfacing, and every conversation about the factory became tangled up with old hurt and mutual suspicion. That emotional weight is a major reason three years in court changed nothing — the dispute was never only about who owned what.

The matter only started moving once the two male relatives took over the actual negotiating. Because they did not carry the same personal history with each other, they were able to set the emotional side of the dispute aside and deal with it as a practical problem with a practical solution. They spoke in terms of valuation, timelines, shares, and cost — not in terms of who had loved the husband more or who owed whom an apology. This shift, from an emotionally charged conversation between the two widows to a calm, business-like conversation between their representatives, mattered just as much to the final settlement as the religious and social standing the men carried. It was not only that men were heard where women were not; it was that the men were able to negotiate the way a business dispute is normally negotiated, without the old grievances that had kept the widows themselves from ever reaching that point.

6. The Same Pattern in Other Kinds of Disputes

A quick look at Pakistani research shows this same pattern showing up again and again, in very different kinds of disputes:

- Inheritance and property: When female heirs try to negotiate directly among themselves, it often fails or the agreement falls apart later. Settlements backed by a male family elder tend to last (Hussain, 2011; Rubab et al., 2023).
- Marriage and divorce disputes: These get solved far more often when senior male relatives are actively involved (Vatuk, 2013; Basu, 2012).
- Business partnerships: Disputes between women running a business together are much more likely to reach a deadlock without a male go-between (Roomi & Parrott, 2008; IFC, 2019).
- Neighbourhood disputes: Disputes between women in a neighbourhood tend to get worse, not better, until a male head of household steps in (Mehdi, 2013; Chaudhary, 2014).
- Child custody disputes: These drag on longer than almost any other type of family court case, and when they are settled, it is almost always because a senior male relative brokered the deal (Bhatt, 2018; Aurat Foundation, 2020).

The fact that this same pattern shows up across so many unrelated kinds of disputes is what makes the Lahore case more than just one unusual story.

7. Why This Pattern Happens: Putting It Together

Three ideas explain this, and they all point the same way. Islamic teaching, through qiwamah and wilayah, sets the expectation that speaking for the family in public and legal matters is a man's role — which is why a settlement backed by a man tends to carry more social weight than one negotiated by a woman alone. Research on social trust explains the mechanism: the trust and standing needed to make a settlement stick is mostly held by men in Pakistani family networks,

built up over generations of this same pattern repeating itself (Bourdieu, 1986; Coleman, 1988). And negotiation research explains what actually triggers the change: male relatives correct people's unrealistic expectations about what a court case will actually deliver — what Fisher, Ury and Patton (2011) would call fixing an inflated BATNA — in a way that professional mediators and lawyers, stuck in their formal roles, usually cannot. Having a male relative on both sides matters, because a settlement pushed by one side's authorised representative against a woman negotiating alone is unbalanced; both sides need someone of equal standing before either side can treat the deal as final.

A fourth, more personal factor sits alongside these three and deserves to be named directly: emotional entanglement between the female parties themselves can be as big an obstacle as any legal or social barrier. In the Lahore case, the widows' rivalry over the late husband's affection, and the allegations each made against the other, kept the dispute personal long after it should have become practical. This is not unique to this case; it is a familiar pattern in Pakistani households wherever co-wives, sisters, or other close female relatives contest an estate. Male relatives, standing one step removed from that emotional history, were able to convert a dispute about grief, pride, and blame into a dispute about numbers and terms — and it was that conversion, quite apart from any question of religious or social authority, that made a workable agreement possible. Practical, business-minded negotiation succeeded where emotionally charged negotiation had not, and the male intermediaries were simply better positioned to supply it.

8. Limits of This Argument

This pattern is common and usually reliable in today's Pakistani society — but it is not a fixed, universal rule, and should not be treated as one (Menski, 2006). Modern scholars such as Wadud (1999), Mernissi (1991), and Mir-Hosseini (1993) have long argued that these same religious texts should be re-read through the lens of fairness and equality, which they say are just as central to the Quran's message. This paper does not try to settle that debate. It simply observes that, whatever the right answer to that debate is, the older way of reading these texts is still what shapes real settlements in Pakistan today. The pattern described here comes from how trust and authority happen to be shared in society right now — it is not fixed forever, and it could change with the right effort.

9. What Could Be Done

- Bring honest, realistic cost discussions into court-ordered mediation early on: real timelines, full cost estimates, and a clear explanation of the gap between what the law technically allows and what a court is actually likely to order — raised before both sides dig in.
- Officially recognise the role of trusted male relatives within Musalihat Anjumans and family court mediation units, with safeguards to prevent pressure or bad-faith dealing, using the Islamic idea of tawkil (proper appointment) as the basis.
- Invest in building up women's own standing as mediators — training female mediators who are respected in their communities, and trying out female-led mediation models that still fit within shura (consultation) and sulh (amicable settlement) — so that, over time, more kinds of people can play this role.
- Pair this with programmes to teach both female heirs and the male relatives who influence these decisions about women's Islamic inheritance rights, based on the Prophet's instruction to give the fara'id (fixed shares) to those who are entitled to them (Sahih al-Bukhari, Hadith 6732).

10. Conclusion

This paper has explained why disputes among women in Pakistan tend to get solved only once trusted male relatives negotiate on both sides, by pointing to factors working together: Islamic teaching, the way trust and authority are shared in society, and the honest, cost-focused conversations these male relatives are able to have. It has also pointed to something more personal that is easy to overlook: the dispute between the two widows was never only a legal disagreement over a factory. It was tangled up with pride, competing claims of devotion to their late husband, and the kind of mutual allegations that are common between co-wives in Pakistani households. That emotional weight, as much as the slow pace of the courts, is why three years of litigation went nowhere. What finally broke the deadlock was not just that men were involved, but that these men were free of that emotional history and could therefore negotiate practically — treating the dispute as a matter of numbers, terms, and timelines rather than of hurt and blame. Its main contribution, then, is naming two roles the male intermediaries played together: a frank, family-based explanation of what continuing to fight in court would really cost, and a calm, practical style of negotiation that the widows' own emotional history had made impossible between themselves. In the Lahore case, that combination solved in three months what three years of court fighting could not touch. The conditions that keep this pattern in place — religious, social, cultural, and emotional — are not permanent. Investing in women's own standing as mediators, building honest cost-discussions into court processes, and spreading wider knowledge of Islamic inheritance rights can, over time, open up other ways to reach the same result, including ways that do not depend on a man being the one to set emotion aside. Until then, courts and mediation bodies in Pakistan have good reason to see the two-sided male-relative model as a method that, right now, reliably brings disputes among women to a close.

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Author Note

Sarmad Ahmad Ghani is the sole author. He acted as one of the two male intermediaries in the anchor case and declares this as the paper's principal conflict of interest; the dual role was managed through systematic documentation and reflexive analysis consistent with participant-observation research ethics.