

Review of: "[Commentary] Commentary on Sociocultural Beliefs and Systems Restricting Women's Access to their Marital Property Rights in Pakistan"

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Potential competing interests: No potential competing interests to declare.

This commentary focuses on the role of cultural and religious norms in restricting women's right to inherit land in Pakistan. It further provides important suggestions for destabilizing patriarchal norms and attitudes. Nevertheless, I have some queries regarding the author's perspective that pique my curiosity.

1. The author emphasises that land inheritance laws and regulations are gender equal, therefore there is no discrimination against women in inheriting land in Pakistan. The inheritance of Muslims in Pakistan (96% of the population) is governed by Islamic Shariah as codified in the 1961 Muslim Family Laws Ordinance and the 1962 West Pakistan Muslim Personal Law Shariat Application Act. Based on my understanding, both these acts are gender discriminatory (see below).

The 1961 Muslim Family Laws Ordinance (still in force) follows the Sunni Hanafi school of Islamic law (Shariat), therefore female children are entitled to half the inheritance of male children; wives inherit one-eighth of their husband's estate: (a) the wife or wives gets 1/4 of the share if there is no child or child of a son, otherwise she gets 1/8 of the property; (b) the mother gets 1/3 if there is no child or child of a son, otherwise 1/6; (c) a daughter gets half the share of the son; (d) in the absence of a son, the daughter gets 1/2 of the inheritance and if there are more than one daughter, they collectively get 2/3 of the share.

The 1962 West Pakistan Muslim Personal Law Shariat Application Act (still in force) was introduced in order to consolidate and amend the provision for the application of Muslim Personal Law (Shariat) in the Province of West Pakistan. It is therefore only in 1962 that the Shariat personal law applied to the whole of West Pakistan, except tribal areas in the North West Frontier Province. The 1962 Act entitled Muslim women to inherit all property, including agricultural property, with shares prescribed according to the Shariat, as well as terminating the idea that women have limited estates, meaning that any property inherited by women will be theirs as full owners.

Therefore, I am not sure if we can neglect the legal discrimination against women in inheriting agricultural land. This does not mean that cultural and religious values are not important, but under the conditions of gender discriminatory legal framework, patriarchal values are more likely to remain strong.

1. Patriarchal norms and attitudes are significant in preventing women's access to property, especially land, in many

other countries (almost all countries). However, Agarwal et al demonstrate that gender equal inheritance laws have increased female landownership despite cultural and religious values.