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Commentary

Commentary on Sociocultural Beliefs and Systems Restricting Women's Access to their Marital Property Rights in Pakistan

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This paper examines the sociocultural beliefs and systems that restrict women's access to their marital property rights in Pakistan. Despite constitutional and legal provisions that allow women the absolute right to own, acquire, inherit, and control property, there is a stark contradiction between individual beliefs and communal practices. The paper explores the parallel states of cognitive dissonance and consonance that arise from this contradiction, where positive awareness and attitude towards women accessing marital property do not translate into action. The paper also discusses the enculturation of belief systems, the epistemological role of power, misogyny, and patriarchy, and lastly, the role of cognitive empathy in catalysing action. The findings of this study have important implications for understanding the systemic barriers to women's economic empowerment and security in Pakistan.

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Background

Pakistan's Constitution allows women the absolute right to own, acquire, inherit and control property through several articles (Government of Pakistan, 1973). A complex set of overlapping legislation also oversees land acquisition, including outright sale-purchase, exchange, State grants (including evacuee rights acquired till 1975), inheritance, will, gift, pre-emption, mortgage, leases, and licenses (UN Habitat, 2012). The federal and provincial governments have also initiated several programs to support women's ownership of land and property. This includes the Federal Ministry of Human Rights' 2018 helpline and awareness campaign on the rights of women to inheritance under Islamic jurisprudence and the Constitution (Dawn, 2018), and the Sindh Government's 2008 initiative to distribute available government land mainly among landless

women peasants (Salman, 2016). It is well established that a woman's right and ability to own, inherit and control property is a key factor in achieving economic opportunity and development, empowerment, security, shelter, and livelihood (Stand for her Land, 2019). It also increases women's power to make decisions in the household, exercise the option to leave toxic domestic environments, and build wealth and autonomy (Bishin & Cherif, 2017).

Parallel States of Cognitive Dissonance and Consonance

Despite their awareness and positive attitude towards women accessing marital property in Pakistan, there is a stark contradiction in individual beliefs and communal practices (Siddiqui et al., 2021). Positive awareness and attitude in the community do not translate into action as women were reported to be deprived of their marital property rights. Individual and

social belief in women's right to marital property rooted in religion and law represents a universal agreement (Siddiqui et al., 2021; Rubab and Usman, 2008). The near-universal absence of this belief in behaviour should theoretically cause mental discomfort for the individual and the society, thereby creating a state of cognitive dissonance (Harmon-Jones & Harmon-Jones, 2007). However, the lack of discomfort represents a state of cognitive consonance whereby there is social and individual-level comfort with the prevailing norm of women not receiving their due human and marital property rights (Dolgon, 2002). The result is a parallel and paradoxical existence of the cognitive states of dissonance and consonance.

Enculturation of Belief System

The Social Cognitive Theory (SCT) theory postulates that human beings, in society, learn vicariously through observed beliefs and practices (Bandura, 2005; Schunk, 2012). In Pakistan, societal beliefs and practices are believed to be deeply-rooted in religious ideology with these beliefs reflected in the formulated legislature as well. However, perceived knowledge of religious stance is formed axiomatically whereby knowledge is formed through axioms and anecdotal references as opposed to actual knowledge obtained from law or scripture (Milgrom, 1979; Zanetti, 2021). Axiomatic religious and legal knowledge is learned socially and is reflective of the collective sense of social morality (Boundless, 2013; Cohen, 2015). This phenomenon of enculturation, as opposed to socialization, whereby social beliefs form individual knowledge and attitude, as opposed to intellect and exposure, is unique to collectivist societies whereby conformity in belief is paramount for safety and belonging (Cohen, 2015; Weinreich, 2009).

Historically, in literature, religiosity has been explored through four dimensions i.e., associational, communal, doctrinal, and devotional (El-Menouar, 2014; Thompson, 1969). Religiosity, different from religiousness, is the expression of how one is religious (Cardwell, 1980). The collectivist nature of society in Pakistan dictates social inheritance of religious identity, rituals, and axiomatic knowledge, that govern individuals' communal, devotional, and associational expression (El-Menouar, 2014; Weinreich, 2009). This collectivist model of axiomatic learning is at the root of the belief-action gap that can occur when individuals process information heuristically, through association or without conscious effort, as opposed to systematic learning through conscious and logical effort (Chaiken & Trope, 1999; Zanetti, 2021). While both forms of learning result in attitudinal change and adoption of

rituals, systematic learning is required for behavioural change that is sustainable and reflective of your adopted beliefs (Chaiken & Trope, 1999; Gawronski & Creighton, 2013; Milgrom, 1979). Automatic learning of axiomatic knowledge instils a sense of religious knowledge within individuals (heuristic processing), and promotes the culture of ritualistic reading of the Quran as opposed to learning through translation in native languages (systematic processing). Over the passage of time, this has resulted in a high degree of incongruence between perceived knowledge and actual knowledge vis-à-vis perceived knowledge and behaviour.

Epistemological Role of Power, Misogyny, and Patriarchy

The epistemological flow in society is governed by those in power, hence, in a patriarchal society like Pakistan, where individual knowledge is rooted in social beliefs and observed practices as opposed to objective sources, religion is used selectively and often misinterpreted to benefit men (Bustamante-Gavino et al., 2011). Furthermore, popular and historical belief upheld in the country dictates that in Pakistan, as a society, women are given equal rights as men and are not subjected to mistreatment perceived to be prevailing in non-Islamic nations. This creates the façade of a gender-friendly society to mask the misogyny that exists underneath (Rizvi et al., 2014). For instance, mothers are highly-respected in Pakistan, is a popular belief and a point of pride for people, yet the nation yields one of the highest maternal mortality and anaemia rates in the world, reflective of the low priority placed on the healthcare and wellbeing of the mother (Adinma & Adinma, 2011; Rizvi et al., 2014). Akin to this, the belief that women should be given marital property rights with provision under both law and religion, contradicts the reality of the matter. This emanates from an unconsciously adopted religious identity which is further superseded by the power and gender dynamics in the country resulting in men using their power to deprive women of their marital property rights. Furthermore, this contradictory to belief action has formed the social norm with collective silence on the subject as positive beliefs and provisions under law and scripture are inconsequential when benefitting women, who are systematically deprived of their "theoretical" rights resulting in their continued lack of access to basic educational, healthcare, and legal resources (Baumeister & Mendoza, 2011; Rizvi et al., 2014).

Role of Empathy in Catalysing Action

To catalyse the positive beliefs into action, cognitive empathy is required (Preston, 2007; Preston & Hofelich, 2012). The critical role of empathy in invoking action is narrated through the excerpt and Figure below from Preston (2007).

"According to a Perception-Action Model (PAM), empathy is defined as a shared emotional experience occurring when one person (the subject) comes to feel a similar emotion to another (the object) as a result of perceiving the other's state. This process results from the fact that the subject's representations of the emotional state are automatically activated when the subject pays attention to the emotional state of the object."

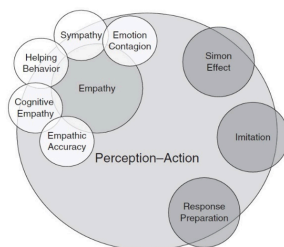


Figure 1. Perception-Action Model (Preston, 2007)

Programmers should employ this by focusing on pre-marital awareness through home-based and community-based awareness amongst women to emphasize upon importance of property leading to increased autonomy over their marital contracts, s knowledge of the legal and Islamic provisions that grant them their due rights. Women, with experience, can be positioned as community-leaders on the issue and specifically focus upon young men to invoke empathy and a sense of responsibility before their marriages as well. In communities with feudal systems, programmes should intervene with a broader gender lens to instill gender sensitization amongst communities on economic and educational empowerment of women. Since property rights are a far-reaching issue there, emphatic awareness of the aforementioned is required to promote an enabling environment for girls and women to be educated, autonomous, and property-owners. Moreover, legal accessibility and resources need to be specifically focused upon amongst women as despite the knowledge, the struggle to get their rights from an uncooperative system without support is unimaginable. Therefore, these aspects of support need to be built into community-based messaging, and fieldworkers must imperatively track women in need of support, connect them with relevant legal resources, and then track their cases to ensure that they are able to attain the marital property, they are entitled to.

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