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Gender economics and Islam: Case of Marital Law in Pakistan

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Abstract. The paper discusses the evolution of Muslim identity in subcontinent India to provide guidelines for dealing with this identity in streamlining such national and international governance strategies that accommodate and facilitate local anthropology for building up a tolerant global society.

Keywords. Islamic Anthropology, Islamic Identity.

JEL. D72, K00, K10.

1. Introduction: Politics versus economics of identity

On December 2017, the religious parties in Pakistan staged a protest in Faizabad area that is the main artery that connects the capital city Islamabad with rest of Pakistan. The blocking of Faizabad meant that the dwellers of Islamabad including local residents, government officials comprised of top bureaucracy, and judiciary and parliamentarians, and foreign dignitaries working for embassies and international NGOs have been house arrested. The protests of the religious parties continued unabated for nearly a month despite Islamabad court's early judgement to seek a swift resolution to protesters' demand who wanted to bring to justice the law makers that have earlier deleted the reference of Prophet Muhammad (PBUH) from oath taking document for parliamentarians. According to the government the omission was not an outcome of design but an error overlooked. Earlier, when the error was notified within the parliament by certain law makers within the opposition, the error was swiftly rectified. Religious parties have often mobilized the masses to establish street power and have often tried to exploit their street power for political gains. History of Pakistan is witness to many such events when protests were started on religious grounds and lead to topple of governments. (for details please see Haqqani, 2010)

Nevertheless, since the independence of Islamic republic of Pakistan 70 years ago religious parties have remained in the fringes of Pakistani politics though with a strong voice among the masses when ever religion is invigorated especially when it is about the perceived sanctity of Prophet Muhammad (PBUH). This aspect of religious tolerance is where historically Pakistani masses with a strong voice given by clergy have shown inflexibility. On the contrary, interest bearing conventional banking that is considered illegal in Islamic jurisprudence also supported by highest court ruling is functioning unabated in Pakistan (see for detailed technical debate; Mamoon, 2017).

A clear understanding of why there is general level of sensitivity among masses within Pakistan regarding their relationship between them and their prophet (PBUH) is missing in international debate that derives its logic from contemporary liberalism popular among the secular West engulfed with news of conflict and under development coming out of countries that have majority muslim population. Instead of invoking indigenous religious anthropology of Indian subcontinent, behavior of Muslims is seen to be uniform in time and space.

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Journal of Economics Library

It is a historic fact that Islam came to subcontinent India by armed Muslim conquests but it was not facilitated by Muslim rulers to make up a dominant religion. Instead an enlightened message of Sufism was the real cause of emergence of Islamic identity in the subcontinent that was tainted with class struggle and gender, economic, and racial discrimination. Sufi Islam had a very evolved understanding of the relationship between God and man/woman by taking into account the behavioral teachings of prophet Muhammad (PBUH) and his companions.

Prophet Muhammad (PBUH) and his companions by following through his message are the ones who for the first time in human history introduced a comprehensive governance structure that empowered humanity above creed, race, color or gender and promoted equity among economic and social classes. The same governance structure gave women marital identity by giving them rights over property. The practice of girl infanticide that is still an issue to be tackled in 21st century India was abolished some fifteen hundred years ago in Arab lands all due to the political appeal of the prophet's message.

Not to mention the scientific conquest of Islam that put the foundations of non linear mathematics that eventually lead to the discovery of a scientific mind within humanity. The ambassadors of Islam known as the Sufi saints came with Muslim conquests and created a generic appeal for Islam to empower class ridden Hindu identity. (please see [Trimingham, 1998](#)) Unlike ethnic cleansing and forced conversion of Muslim identity into Christianity in Spanish conquest, Hindu religion is still the majority religion of India substantiating the advent of Islam not by force but by choice.

So it is justified indigenous behavior by Muslim populations to preserve the sanctity of prophet Muhammad (PBUH) and his companions who gave humanity a significant social, economic and scientific identity. It is also no surprise that rebirth of extremist brand of Islam out of the ashes of cold war has become the dominant identity of Muslims in the West these days despite the fact that predominant Muslims understand and preach including the mainstream clergy that Islam is the message of peace.

Regarding modern social practices, Muslims and mainstream clergy have no qualms implementing them as part of modern day Islamic jurisprudence to facilitate contemporary economic requirements. For example, according to marital law of Pakistan, girls are only allowed to be married after reaching 18 years of age instead of reaching puberty that happens at around 13 years. The mainstream clergy do not see such modern injunctions any threat to their religious identity but understand the requirement of modern world where women not only need to be sexually empowered but economically too. The age restriction in the Marital law allows women in Pakistan to seek education and then enter the job market with skills to contribute monetarily to their household thus giving them better negotiation power for their welfare in the society. The mainstream society considers an empowered woman in no conflict with Islam. For example, in 1988 Pakistani nation elected Benazir Bhutto as first woman prime minister of the country and it is an irony that loss of Hillary Clinton to Donald Trump in 2016 presidential elections of US is partly attributed to her gender by suggesting that US is still not ready to elect a first woman president 17 years down the 21st century. On the other hand and recently Kingdom of Saud-i-Arab has not only officially celebrated the birth of prophet Muhammad(PBUH) but also timed it with increased women participation of women in Saudi economic and social sphere confirming to the progressive role of women in Islam.

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