Migration from South Asia to the Gulf offers important insights into understanding the complex religious, political and economic worlds inhabited by Pakistanis. For the past five years Magnus Marsden has been visiting a group of men from Chitral, Pakistan’s northernmost district, who have now made the painful decision to become labourers in the Gulf. Marsden’s fascinating account reveals to us not only their motivations and experiences but also a snapshot of how men from contrasting socio-economic backgrounds are sharing their lives together in Dubai’s all-male ‘labour camps’.

Lords of a Dubai labour camp: Pakistani migrants in the Gulf

For years, Dubai’s labour camps, in contrast, Chitrali men live cheek by jowl with people from socio-economic backgrounds very different from their own. ‘What form, then, does everyday sociality take in these camps?’

Lords of labour in Dubai

Farid is a Sunni man in his early forties who is married and has five children. An evening with Farid at home in Chitral Town was always memorable: evenings as his guests almost always involved music, poetry and apricot schnapps, often with his many political friends. Farid, himself was a dyed in the wool Pakistan People’s Party (PPP) supporter, and he represented the Chitrali’s medical association union as its elected President. Farid’s life in Chitral, according to his brother-in-law, ‘appears as a self-contained microcosm in which people from many different places are held together yet stand apart, separated by class and ethnicity, and so absorbed by the work at hand that they become oblivious of the world around them’. (Osella and Osella 2008).

Under construction: the Barj Dubai, the world’s tallest building: the actual height is a closely guarded secret and won’t be revealed until construction is complete.

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Some of them are the sons of high status families who were once employed in respectable government jobs. They fell into serious debt due to rising costs, emerging especially from the expectation that their children should be educated in English-medium, fee paying schools, and their love of a ‘life of luxury’, an important way in which status, authority and ‘full humanity’ are displayed and embodied in this one-time princely kingdom. The option then was to migrate to the Gulf.

Chitrali workers in Dubai.

Chitrali labourers – including bearded Hajjis – gather to listen and dance to Chitrali music in Dubai’s beacheside parks. Most recently, the Doctor Sahib had ‘motivated’ the wealthier of Chitralis in Dubai to pool together sufficient funds, and pay for Chitral’s most famed singer to make a ‘tour of the UAE’. The concerts were a success. The singer, indeed, stayed in Dubai for six weeks, mostly sleeping in the Doctor’s room. Those days, according to Sohail, were “hectic” (khit-gin). Chitrali guests came from all around, even from distant Abu Dhabi. And on one night the Doctor and his friends staged the music proceedings on the veranda, a decision that saw Sohail binned by the Punjabi ‘camp superintendent’ for disturbing the peace.

I I A S  N E W S L E T T E R  # 4 9  A U T U M N  2 0 0 8
Pakistan's legal system has long been associated with human rights violations. In particular, the controversial Zina Ordinance, which made sexual intercourse outside marriage a criminal offence. The most pernicious result of this law has been the risk for 'double jeopardy' of rape victims. A woman pressing rape charges risked being convicted of adultery if the suspect was acquitted. The infamous case of Safia Bibi, is the most distressing example of this scenario. Yet, as Martin Lau reveals, there have been gradual improvements in the legal position of Pakistan's women in recent years.

**The quiet evolution: Islam and women's rights in Pakistan**

Safia Bibi was a blind, unmarried, girl, whose pregnancy was visible proof of sexual intercourse. She accused her employer, a landlord in rural Sindh, of having raped her. At the trial, her employer was acquitted, but the court proceeded to sentence her to imprisonment. On the basis of being pregnant and unmarried, and her charge of rape unproven, she was guilty of unlawful sexual intercourse. Following international protests, Safia Bibi was eventually acquitted by the court of appeal. However, the rule of evidence that the pregnancy of an unmarried woman was admissible evidence in an accusation of Zina, was left undisturbed. The Zina Ordinance also led to the imprisonment of large numbers of women who had been rejected by their husbands without having been validly divorced. On re-marriage, the former husbands brought accusations of adultery against them, claiming that there had been no divorce, and that therefore their 'wives' were committing adultery. In addition, the issue of so-called honour crimes - women murdered because for allegedly dishonouring their families through immoral conduct, and forced marriages - has further tarnished the reputation of Pakistan's legal system in relation to the rights of women. Mention must also be made of Muslim family law as applied by Pakistani courts, which discriminates against women in many areas, such as inheritance rights and divorce.

Perhaps surprisingly, the democracy which followed the lifting of martial law and the subsequent death of Zia ul Haq in 1988, increased, rather than decreased, the role of Islam in the legal system. In the decade preceding General Musharraf's regime - 1988 until 1998 - the two ruling parties, led by Benazir Bhutto and Nawaz Sharif, failed to improve the legal position of women. They lacked the will but also the parliamentary majorities required to reverse the current of Islamisation. This, however, tells only half of the story, it omits the important role Pakistan's courts have played in controlling the fate of Islamic law.

The Federal Shariat Court

Most important in determining the position of Islamic law in the legal system was the Federal Shariat Court (FSC). Created, in 1980, to act as the court of appeal in all cases involving the Hudood Ordinances, the court was given added jurisdiction, namely the power to invalidate laws deemed to be contrary to Islam, as laid down in the two main sources of Islamic law, namely the Qur'an and the Sunnah. Any member of the public could approach the FSC and lodge a complaint that a particular law violated Islam and should therefore be struck down. Moreover, the new court could also examine statutes 'au mot', meaning that it could move itself and review a statute. This new jurisdiction was unprecedented in the legal history of Pakistan, and no other country had given its courts such wide powers.

Until the creation of the FSC, only the four high courts and the Supreme Court of Pakistan had the power to invalidate laws, and then only on the grounds that they violated the constitutional guarantees of fundamental rights. Some restrictions were imposed on the types of laws which the FSC could examine, but overall the effects of the rulings were imposing. The FSC could examine, but overall the effects of the rulings of the Federal Shariat Court on the legal system have been profound.

Most visible is the court's impact in the area of criminal law, where the government was forced to pass the Criminal Law (Amendment) Act 1997 in order to bring the law on murder and assault in line with Islamic law. As a result, the heirs of a murder victim now have the right to demand that the murderer is punished; secondly, to agree that he pays a sum of money as compensation, in return for which he escapes punishment; and lastly, to pardon him. A recent PhD thesis concluded that on average eight out of ten convicted murderers avoided imprisonment, or indeed the death penalty, because they were able to pay monetary compensation to the victim's family. Whilst the

Dubai rather obscure: “here we are labouring and earning money to send home”, said one, “and Doctor Sahib is spending his money on attending meetings and cry over a woman who has done nothing for any of us”.

**Conclusion**

At one level, the Dubai which Farid and his fellow camp dwellers inhabit appears to be remarkably similar to what the Osvalda has described as a “self-contained microcosm”, where people from “many different places are held together yet stand apart, separated by class and ethnicity”. Yet Farid’s microcosm is richly shaped by creative personal initiatives on his part, apart, separated by class and ethnicity”.


