

GLOBALIZING AFGHANISTAN

Terrorism, War, and the Rhetoric of Nation Building

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Transnational Feminism and the Women's Rights Agenda in Afghanistan

Maliha Chishti & Cheshmak Farhoumand-Sims

Globalization has invariably contributed to reconfiguring the international political landscape by enabling international nonstate actors to exert greater influence and decision-making capacities within the domestic affairs of states. New methods and systems of governance have emerged to transcend borders, linking states and nonstate actors in complex and interdependent relationships, from the supranational to the local level.¹ In Afghanistan new patterns of authority and power are taking form, manifested by the unprecedented growth and entrenchment of international actors (donor governments, multinationals, the UN, the World Bank, and international NGOs) operating in the country to pick up where the state has ostensibly left off. These international networks are constructed as the long-awaited “corrective” to decades of conflict in Afghanistan and the former belligerent state practices of the Taliban government. Neoliberal marketization alongside immediate political democratization are the dominant blueprints for postconflict recovery in Afghanistan, entailing an externally directed reordering and restructuring of the Afghan state. Integrally part of this new international apparatus is the transnational feminist movement advocating for gender reform as a sociopolitical corrective to the history of exclusion and oppression endured by Afghan women. Although

women's organizations based in Europe and North America have persistently increased international attention to the plight of Afghan women since the 1990s, advancing the rights of Afghan women is by no account the original and exclusive domain of transnational feminist networks. In contrast, the vast and impressive Afghan women's movement is only recently receiving more scholarly attention. Although the Afghan women's movement in the post-Taliban era is still in its infancy, the Afghanistan context reveals a diverse and extensive network of Afghan women's resistance, organizing, public participation, and political activism.²

Since the fall of the Taliban many have sought to structurally improve the situation of women and girls across many parts of Afghanistan. Although not exhaustive and most certainly fraught with tension, many roads have nevertheless been made; there are new institutional instruments to facilitate and support women's rights, such as the Ministry of Women's Affairs, the Gender Advisory Group, and the Office of the State Minister for Women;³ increased attendance of girls in schools; improvements in formal-sector female employment; and a burgeoning of nonprofit women-centered organizations. Most significant perhaps are legal and governance reforms pertaining to women's rights as well as constitutional provisions to promote and protect their active political participation.⁴ For example, in the parliamentary elections of 2005, sixty-eight women won parliamentary seats; 25 percent of the seats were reserved for them under the new constitution. Afghan women represent roughly 27 percent of the National Assembly and hold 16 percent of the seats in the Upper House.⁵ These rather impressive developments require the caveat acutely observed by Valentine Azarbaijani-Moghaddam, reminding us of the history of both intermittent gains and losses of Afghan women's rights since the late nineteenth century under many different regimes. She warns that current celebrated successes should not occlude sustained strategies to ensure far-reaching transformations in gender relations that will inevitably require more time, commitment, and resources.⁶ Indeed the ongoing challenge remains translating the well-intentioned framework for gender equality into meaningful practice that is actualized each day by the lived experience of both urban and rural Afghan women. However, by all estimations the constraints and limitations for Afghan women remain tremendous (as seen after the elections in 2009), and Afghan women activists and parliamen-

tarians have publicly questioned the intentions and strategies of the Afghan government and foreign powers operating in the country, particularly their failed agenda to improve the lives and livelihoods of women.

The challenge for national and transnational feminist networks is to connect to the very material, complex, and multifaceted lives of women in Afghanistan, while at the same time ensuring that national and foreign interests hold true to their commitments on advancing women's rights. This essay examines the intersections between the transnational feminist apparatus and the Afghan women's movement in terms of political, socio-cultural, religious, and ideological contexts that inform gender politics in Afghanistan. We define *transnational feminism* as the spectrum of actors, instruments, policies, and programs that bring gender issues into the forefront of politics and society in Afghanistan that have either been formulated or supported by those located in the West, often within a Western liberal feminist discourse. We distinguish transnational feminism from the Afghan women's movement. Many Afghan women and Afghan women's organizations are, however, part of the transnational feminist apparatus, which consists of the gender policies and programs alongside individual consultants, advisors, international women's rights NGOs, international agencies such as the United Nations Development Fund for Women (UNIFEM), and international instruments such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), UN Security Council Resolution 1325 (SCR 1325), and the Beijing Platform for Action that have arrived more or less in Afghanistan after the fall of the Taliban government.

Examining the relations that exist between the transnational feminist apparatus and Afghan women's organizing is critical not only to assess the front lines of collaborative and supportive work practiced among women, but to help identify and overcome gaps in understanding and to promote women's rights in the country. This analysis is imperative given current discussions within the feminist community over what is increasingly considered a systemic failure of gender mainstreaming in international policy initiatives to secure women's full participation in conflict and postconflict states. Although aid interventions in Afghanistan may have shifted traditional gender roles to some degree, they do not necessarily indicate renegotiated gender relations. More research is needed to examine how aid

interventions have modified the specific roles of and relations between men and women.

Based on our own research and work with Afghan women's organizations, we argue that the presence of the transnational feminist apparatus is most certainly not separate or distinct from the larger international aid apparatus, nor is it disentangled from the active military campaign waged in the country as part of the global war on terror. Those working in the field of gender equality must reflect on the implications of the increased militarization of the international aid apparatus, in addition to the latter's unprecedented decision-making power within the politico-economic structures of the Afghan state and civil society. As Chandra Talpade Mohanty emphasizes, "Western feminist scholarship cannot avoid the challenge of situating itself and examining its role in such a global economic and political framework. To do any less would be to ignore the complex interconnections between First and Third World . . . and the profound effect of this on the lives of women in all countries."⁷ In this sense, we argue that the gender agenda in Afghanistan likewise does not escape the underpinnings typically associated with the interactions between the outsider "givers" and the insider "receivers" of aid. Focusing on gender reform and the aid regime, we argue that the types of relationships forged most often operate from unequal and neo-imperial power relations typically characterizing outsider-insider dynamics. In Afghanistan, however, we believe these relationships are premised on a tension between promoting the universal applicability of gender reform and the impulse to resist all forms of Western imperialism that seek to transform Afghan cultural, political, traditional, and religious paradigms. The politics of gender in Afghanistan once again thrusts Afghan women into the larger ideological, political, sociocultural, and religious battlefields unfolding in the post-September 11 environment, pitting the highly simplified binary of an "us" against "them," against the backdrop of a highly visible international presence in the country.

Certainly these tensions need not exist in all interactions between the Afghan women's movement and the transnational feminist apparatus, nor are they the only barrier to improving gender relations in the country. We do insist, however, that the tensions between insider and outsider, Afghan and non-Afghan, and indigenous and neo-imperial directly or indirectly contribute to gender politics in Afghanistan. We trace these tensions first

from the transnational feminist campaign to rescue and reform Afghan women leading up to the fall of the Taliban, to international aid in rebuilding Afghan society and efforts to promote gender equality within an Afghan context. Greater understanding of the broader relationships forged in the pre- and post-Taliban periods is a necessary starting point to address the potential impact, efficacy, and nature of the women's rights agenda. A new communicative and political practice must be forged among women across their diversities that works in principled solidarity and critically moves away from the traps of neo-imperialism.

The Politics of Representation: Reforming and Rescuing Afghan Women

The transnational women's movement has made significant inroads in prioritizing women's rights internationally. Over the past three decades the movement has realized several impressive accomplishments, which include codifying women's socioeconomic and political and civil rights in international conventions (CEDAW), gender reform in policies and programs at national and international levels (such as donor aid policies and the work of the United Nations and World Bank), and advocating for women's rights in international law (SCR 1325). Although the transnational women's movement has heightened gender sensitivity among many Western states and international institutions, very seldom do international women's organizing and advocacy directly impact interstate relations by exerting direct pressure on powerful states to formulate foreign policies and regulate their interactions with other states based on the violations of women's human rights. Certainly the rather persistent and high-profile advocacy campaign against the Taliban government waged by women's rights activists since the mid-1990s contributed to successfully persuading powerful governments, such as the United States, to officially *not* recognize the Taliban government and urged the UN to practice greater gender inclusion in peacemaking and humanitarian efforts in the country. The tragic events of 9/11 and the subsequent war on terror rapidly recentered the plight of Afghan women, culminating in the rather swift initial military defeat of the Taliban government by the United States in late 2001. Although the overthrow of the Taliban government was certainly not instigated by the concerns and

campaigns of Western feminist networks, the task of liberating Afghan women was nevertheless conveniently grafted onto the war agenda as a positive outcome. This moral impetus to “rescue and reform” Afghan women from what was constructed as a “backward and arcane” culture justified war, inevitably sparking debate within feminist academic and activist circles over what appeared as the temporary engagement of women’s rights discourse within the nexus of militarization, racism, and imperialism that characterized the content as well as the context of the new global security framework. The military defeat of the Taliban government by the United States brought to the forefront the racialized and gendered dimensions of the war on terror and the need to raise critical questions about how feminist rhetorical and political practices are taken up and implicated in broader geopolitical contexts. The Afghanistan context is important in the study of global women’s rights advocacy in examining not only the very high profile and rather sensationalist politics of representations of Afghan women leading up to the war, but also how subsequent international pressure to structurally “reform and rescue” Afghan women even in post-Taliban Afghanistan is fraught with complexities, particularly in the context of globalization.

Since the 1990s the relentless and sensationalist images of burqa-clad Afghan women and accounts of their struggles have symbolized oppression and served as demonstrable proof of the oppressive political rule of the Taliban. The pervasive images of the veiled, secluded, and oppressed Afghan women were politically mediated by feminist groups (including the Revolutionary Association of the Women of Afghanistan and the Feminist Majority) to bring international attention to the plight of Afghan women. (For a detailed analysis, please see Gwen Bergner’s essay in this book.) Operating with the best of intentions, these women’s rights activists dedicated tremendous resources to consistently revealing the brutal violations of basic rights endured by Afghan women, which arguably would not otherwise have registered on the radar of international concern. However, the campaigns invoked an archetypal image of the downtrodden, oppressed, and veiled Afghan woman that very problematically muted the historical, sociocultural, religious, and political complexities that shape the lived realities of the majority of Afghan women. The feminist gaze thereby obstructed not only the multiple forms of resistance and resilience that

informed the lives of many Afghan women, but displaced a more textured reading of their lives that would not have positioned gender as disassociated from the multiple locations they inhabit—across ethnicity, class, geography, and historical experience.

Furthermore, in assessing the politics of feminist representations of Afghan women we need to make salient the historical and political legacy of how racially minoritized women and Muslim women in particular have been represented in order to advance imperial relationships, particularly between the West and the Islamic world. Leila Ahmed’s historical analyses of Muslim women across the Middle East, for example, show how women were used as political pawns to warrant colonial intervention in the name of civilizing and emancipating other cultures.⁸ Colonial writings of Muslim women as oppressed and victimized reinscribed European dominance over the Orient by advancing colonial expansionist agendas that masqueraded as euphemistic expressions to civilize and tame barbaric societies. In this sense images of women were historically constructed as politicized sites of contestation, control, and conversion. As Jasmine Zine notes, the result of the 9/11 tragedy revived Orientalist images of Muslim societies, such that the liberation of Muslim women served to justify all forms of military action. She writes, “Once again, Muslim women’s bodies are being positioned upon the geopolitical stage not as actors in their own right, but as foils for modernity, civilization, and freedom.”⁹ The feminist campaign to liberate Afghan women colludes with Orientalist tropes by constructing a singular, monolithic Afghan Woman, whose agency and heterogeneity is appropriated and controlled to advance a neo-imperialist agenda as part of the war against terror.

In the absence of a nuanced political analysis the U.S. and other outside agents positioned culture and religion as the key culprits fueling the oppressive nature of the Taliban regime. The representations of Afghan women were thereby conveniently packaged in a dichotomized simplicity of equality versus inequality, freedom versus oppression, and civilization versus barbarism.¹⁰ The events of 9/11 and the immediate war-mongering brewing in the United States and in Europe widely appropriated these existing images to legitimize a war that would pit the civilized world against the uncivilized. Images of the oppressed and downtrodden Afghan women that were long part of the dossier of feminist advocacy against the Taliban

regime merged into the jingoism and patriotism fueling the U.S. government's efforts to gain support for the war on grounds of promoting liberty, freedom, and an end to evil and terror. As Gwen Bergner examines in this book, the Bush administration, and Laura Bush in particular, promulgated an American rescue of Afghan women in such a way as to infantilize them, thereby masking the true motivations for the war. This merging of women's rights discourse into the agenda of militarization, racialization, and imperialism was self-evident and rightly resisted by a vast number of feminist academics and organizations around the world.¹¹ While many Western feminist groups debated the issues, the images of Afghan women nevertheless were reinscribed to pursue a more aggressive foreign policy that did not question the racist and imperialist motivations of the war or elucidate the historical and political complexities that informed the conflict. Instead the fall of the Taliban regime was situated in an "us" versus "them" binary, placing Afghan women at the center of the mission to reform Afghanistan under the supervision and watchful eye of the West.

This framing of Afghan women to legitimize the war requires more scholarly attention, particularly in terms of how this (mis)information influenced and determined the women's rights agenda in the country and the types of relationships fostered between the transnational feminist apparatus and Afghan women in the postwar period of reconstruction and rebuilding. Inevitably the sensationalized stories of Afghan women leading up to the war precipitated particular kinds of interventions. The stereotypical images created misleading, simplistic, and superficial understandings of gender relations and Afghan women. In many ways the archetypal image succeeded in dislocating Afghan women's agency and was hence re-inscribed into many of the post-Taliban gender policies and programs. For instance, gender programs assume that culturally and religiously conservative women are less likely to advance women's rights compared to more educated, nonreligious women (or, for example, rural women compared to urban women, or women who wear the burqa compared to those who do not). As Azarbaijani-Moghaddam notes, international feminists were set on working with women who shared their values, who could converse and engage in written English communication, and who were less outwardly religious. In doing so the transnational feminist apparatus initially focused on a small group of Afghan women who mirrored their own politics,

thereby compromising Afghan women's agency and access to the women's rights agenda. Azarbaijani-Moghaddam is convinced that gender issues have been oversimplified by advisors who lack a general understanding of the complexities of religion, culture, and history. She argues that weak analyses, oversights, and oversimplifications can make interventions very disruptive: "Badly conceived and facile analyses based on the assumption that Afghan women are vulnerable individuals living in a vacuum may eventually isolate rather than reintegrate women."¹² Elahesh Rostami-Povey's study of Afghan women provides a much needed corrective to the history of women's organizing. In her research she "writes back" by repositioning Afghan women's agency and ownership of their struggle and by highlighting the history of women's secret organizations and solidarity networks under the Taliban regime. Her study counters the dominant sensationalist images of Afghan women and hence implores the transnational feminist apparatus to build on existing capacities and work with all Afghan women—conservative and moderate, urban and rural, literate and illiterate.¹³ Clearly an accurate reading and engagement of the complex lives of Afghan women across their diverse locations will ensure social and political gender reform that acknowledges their struggle and inculcates more nuanced approaches required to advance women's rights across Afghanistan.

The Women's Rights Agenda and International Aid Apparatus in Afghanistan after 9/11

Afghan women quickly became the trophies of liberation, their images paraded around the world as proof of a just and moral victory over the Taliban regime. While the media presented stories of women's clothing stores and beauty salons reopening in Kabul, the swift military defeat of the Taliban regime was accompanied by the unprecedented arrival of international agencies setting up shop, many for the first time, in a country now witnessing an unprecedented influx of foreign expatriates and substantial donor funds. During the Taliban period Afghanistan received on average U.S.\$250 million annually in aid, with only a couple of hundred international expatriates working in the country. In contrast, since the fall of the Taliban aid money pledged in the billions at large donor conferences is

transforming the country into an expatriate haven for seasoned postwar expert agencies, consultants, and organizations. It was anticipated that the "liberators" would prioritize the needs of ordinary Afghans, yet after six years of foreign intervention many Afghans are frustrated and disenfranchised due to the lack of sustained and visible impact, particularly in the rural areas. The hopefulness we observed in 2003 has transformed into the impression that outsiders are politically ambivalent toward the needs of local people. The Asia Foundation's national survey in 2006 revealed growing skepticism and animosity among Afghans toward the international presence and the Afghan government. The key issues raised in the survey include concerns over security, the lack of reconstruction, the weak economy, and high levels of unemployment.¹⁴ Both the illicit economy and the informal economy continue to account for 80 to 90 percent of the total economy, and according to the World Bank, among others, the deteriorating economic condition threatens government legitimacy and stability and in many regions helps to increase the power of the warlords.¹⁵

Transnational feminist networks are not isolated from the messy terrain of real and perceived failures of aid interventions in the country. Frustrations about the national interests of foreign powers are looming, specifically against the outright political bargaining with warlords, which significantly undermines any efforts to advance women's rights. Despite aid flowing into the country women's formal rights are not translated into lived experience, particularly since forced marriages, domestic violence,¹⁶ threats and intimidations, kidnappings, honor killings, and daily harassments are all major obstacles to the safety and security of women across the country. The lack of security has been identified as a significant problem for the majority of Afghans, but women and girls bear the brunt of it as it impairs their active participation in the reconstruction and development process, clearly corroborated by the events after the second presidential elections.

In 2006–7 the security situation deteriorated significantly, with an increased number of explosions, suicide bombings, and armed attacks. In Kandahar the assassination in September 2006 of Safye Amajan, the head of the Department for Women's Affairs, illustrated the dangers facing women, especially those active in human rights organizing. It has been repeatedly stressed that in public spaces all women and girls are potential

targets of resurgent opposition forces, local warlords, and powerful criminal groups, who threaten, intimidate, and enact physical and sexual violence. In this fraught environment gender programming will have only a superficial impact if the majority of women continue to be constrained and the underlying political changes are not made. The foreign agenda in the country, and the transnational feminist engagement with it, must take greater responsibility for what Azarbaijani-Moghadam describes as a situation in which women's rights are being "transacted" by foreign powers to pursue their multiple and contradictory agendas in the country.¹⁷ Efforts to support Afghan women become trapped inside the complex web of political and military objectives, priorities, and criminalizing partnerships.

Transnational feminist advocacy needs to reveal the dangerous implications of imperial play in Afghanistan and the role of internationalists that, on the one hand, engage the rhetoric of gender equality and promote safety and security for all women, but on the other simultaneously undermine state legitimacy and the rule of law through their continued direct and indirect support of warlordism. In this sense the end of the first Taliban regime ushered in a new and different era of challenges for women. The situation, as Deniz Kandiyoti acutely observes, is one in which "women continue to be wards of their communities and households and have little recourse to protection or justice outside these domains."¹⁸

Provincial Reconstruction Teams and the Militarization of Aid

The militarization of aid found expression in Afghanistan in 2003, when the United States established the first provincial reconstruction teams (PRTs) in the three provinces of Gardez, Kunduz, and Bamyan.¹⁹ This was followed shortly by Britain's establishing PRTs in Mazar-e-Sharif in the north and Canada's establishing PRTs in Kandahar in the south. Over the past several years more than fourteen countries have established PRTs across Afghanistan, emblematic of the new security face of postconflict development operations. Among the aid community in Afghanistan, the purpose of the PRTs remains unclear even though their official and stated objective is to "advance the central government's presence throughout Afghanistan and to provide direct support to the reconstruction efforts."²⁰

Observers argue that the PRTs were primarily created to engage soldiers in aid, development, and reconstruction in order to “win the hearts and minds” of the people and promote the success of the military campaign. Feminists too have had mixed responses to the growing politicization and securitization of aid in Afghanistan that very quickly blurred distinctions between strictly political, military, and humanitarian motivations. The multiple and arguably contradictory motivations of PRTs have created frustration and concern among aid workers and recipients. Aid and development NGOs, researchers and activists alike, argue that the militarization of aid is not conducive to sustainable peace or development and threatens the integrity of this important work for decades. They argue that the militarization of aid has greatly diminished humanitarian space, and aid agencies are finding it increasingly difficult to distance themselves from the war on terror’s active combative campaigns in the country. Any efforts on the part of aid actors to interact and establish trust and good relations with communities on exclusively humanitarian terms is met with suspicion or ambivalence. The blurring of lines between military and humanitarian work has consequently compromised the safety and security of aid workers, as demonstrated by a noticeable and disturbing increase in violent attacks against foreign aid workers and their Afghan colleagues, who are accused of collaborating with the foreigners. As a result many NGOs with a long history of working in the harshest and most challenging of times in Afghanistan have suspended their operations.

Feminist scholars and practitioners must pay closer attention to the authoritative presence of internationals, particularly in terms of the implications of the war on terror’s varied geopolitical and military interests that not only frame the postconflict agenda, but implicate (by extension) gender programs in Afghanistan. Across the country the current foreign (military as well as civilian) presence has evoked concern and a desire to “protect” Afghan women from the “foreign gaze,” thereby not only hindering women’s participation in aid projects, but further restricting their access to public space. The PRTs in particular reinforce working primarily with Afghan men as the key development partners, since women are largely prohibited from engaging with men who are not directly related to them by blood or marriage (such as soldiers). Although the militarization of aid is posited as creating more peace and security for communities, these

goals are highly suspect given the premise that the use and threat of violence are the means to conflict resolution. Unless these fundamental contradictions are all taken into account and addressed, the militarization of aid will hinder rather than serve the cause of peace in Afghanistan and negatively impact the local populations, particularly the women.

International Aid and the Politics of Women’s Organizing

The lack of accountability not only of the multiple political mandates in the country but also the billions of dollars entering the country is a key concern, especially in terms of how this money is being distributed and who benefits. The failure of the international community to maintain a consistent course of aid further exacerbates the weariness and suspicion among Afghans, already troubled by the lavish and revolving presence of the expatriate community. In our own work in Afghanistan in the spring of 2003, we observed that Afghan women from both rural and urban areas recognized the scattered international agenda and criticized aid agencies particularly for their distance from the lives of the majority of Afghans. Indeed the international aid apparatus has set its own subculture and infrastructure, operating in what Antonio Donini calls the “Kabul Bubble.”²¹ They work within a hierarchical, donor-driven structure of policies and practices, dispensing aid money unevenly across Afghanistan. The practices and politics of women’s rights are most often defined by the international aid apparatus in terms of its relationship to transnational feminism networks. We have observed that in the context of Afghan women’s organizations, transnational feminism, consistent with the international aid apparatus, promotes the institutionalization of women’s organizing to encourage an urban-based humanitarian aid framework in the country. Women’s organizing is specifically directed to create “functional and efficient” NGOs that are structured like their international counterparts. The transnational feminist apparatus needs to recognize that tensions arise when policies and practices re-create demarcations made by the international aid community between the secular and religious, the formal and informal, the urban and rural, and so on. This agenda often disempowers the illiterate, rural-based Afghan networks of women organizers and puts them in competition with the more urban-based, educated, and

professional Afghan women's organizations. More often than not, the informal networks of women are perceived as inexperienced, hindered by their own cultural and religious conservatism, and are assumed to lack the skills to properly manage their financial resources. These perceptions can further exacerbate the disparities among women's groups and inevitably challenge national and transnational feminist hopes for building a politics of solidarity across the diversity of women's locations and experiences. This can lead to a divisive fragmentation of the women's movement if, for example, English literacy and donor history are the key determinants to receiving support.

Transnational feminists operating within the postconflict aid apparatus in the country need to be diligent against donor-driven agendas, which can nurture a rigid and privileged hierarchy of Afghan women's organizing. The protracted exclusion of these women not only dislocates their agency as co-constructors of a women's rights agenda, but will have a detrimental impact on Afghanistan's overall capacity to instigate long-term changes in attitudes and perceptions. To work against the normative structures of the international aid community, the transnational feminist apparatus must implement flexible and creative approaches that depart from normative donor practices that all too often facilitate the entry of women into institutionalized civil society at the expense of building alliances and pooling resources (financial and human) in order to work toward mutually agreed upon goals and objectives.

The Convention on the Elimination of All Forms of Discrimination against Women and the Afghan Women's Rights Agenda

In an effort to ensure that women's rights are firmly entrenched in the critical early stages of nation building in Afghanistan, the transnational feminist apparatus actively sought to advance two important international United Nations documents that ostensibly would protect and promote women's rights and participation in peace building and reconstruction: the United Nations International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the United Nations Security Council Resolution 1325 on Women, Peace, and Security (SCR 1325).²² Although not perfect and certainly fraught with limitations and

controversy, these documents are nevertheless considered instrumental in advancing and guaranteeing women's rights, particularly in the formative period of social, political, and economic state building in Afghanistan. The advocacy efforts of transnational feminist networks and of Afghan women themselves enabled both CEDAW and SCR 1325 to bear some influence over the drafting of Afghanistan's new constitution and in ensuring that Afghan women's rights were prioritized under the Bonn Agreement.²³

The first of these two documents, CEDAW, was adopted on 18 December 1979 by the UN General Assembly and came into force on 3 September 1981 after twenty countries ratified it. Despite debates about and criticisms of CEDAW and its applicability in a diverse international community, 185 states were party to the Convention. The Convention was the "culmination of more than thirty years of work by the Commission on the Status of Women," whose work was "instrumental in bringing to light all the areas in which women are denied equality with men."²⁴ Of all the UN declarations and conventions CEDAW in particular is the most critical and comprehensive document created to address the advancement of women and the fulfillment of their human rights. It not only defines equality, but also addresses a wide range of human rights issues relating to women. It also provides an agenda for action for those states who are party to the Convention, often referred to as the Women's Convention and International Bill of Rights for Women. The Convention's preamble and thirty articles address civil rights and the legal status of women; it is the first treaty in history to consider issues relating to human reproduction and the impact of culture on gender relations.²⁵ The Convention discusses such varied topics as freedom of religion; freedom of movement, opinion, and association; nationality; sexual and reproductive rights;²⁶ and rights to education, health care, and the political arena. It defines discrimination against women as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."²⁷

By ratifying CEDAW states commit to incorporating the principle of the equality of men and women in their legal system, abolishing and revising all discriminatory laws, establishing tribunals and other public institutions to ensure the effective protection of women against discrimination, and

eliminating all acts of discrimination against women by persons, organizations, and enterprises. Although the UN does not have enforcement mechanisms, the strength of the Convention is rooted in the requirement that state parties who have acceded to the Convention are legally bound to put its provisions into practice.

As with other treaty bodies the implementation of the Convention is monitored by a committee composed of "independent experts." The CEDAW committee is composed of twenty-three experts who are nominated by their governments and elected by the Economic and Social Council to serve four-year terms. Experts are chosen based on their "high moral standing and competence in the field covered by the Convention."²⁸ The committee meets three times a year with a designated number of state delegations who have submitted their reports. States are expected to submit reports to the treaty body once every four years. In their reports countries are expected to outline measures they have adopted to bring their country's laws and practices more in line with their obligations under the Convention. At the reporting sessions the delegations from each country provide a summary of their written report, including statistical information and updates, which allows the committee to then question the delegation on its progress in implementing CEDAW and to provide general recommendations concerning the elimination of discrimination against women. The committee reports to the Economic and Social Council and the General Assembly with a list of its activities and recommendations based on its examination of reports and information received from state parties and NGOs. States parties to CEDAW present their first report to the committee one year after ratification, and every two years thereafter.

Afghanistan's history of engagement with CEDAW began on 14 August 1980, when the country signed onto the Convention. By signing, Afghanistan made a salutary endorsement whereby it agreed not to undermine the spirit of the Convention while it carried out an internal review to determine whether or not to ratify.²⁹ Over the years of conflict and unrest, however, the Convention was forgotten; it regained attention only after the fall of the Taliban and the arrival of the international aid apparatus in the country. Grassroots women's organizations and UNIFEM immediately began to provide training workshops on CEDAW, and there was a growing interest in the Afghan women's movement to learn about the Convention

and consider ways it could be used as an advocacy tool for women's rights in Afghanistan. In addition to this growing interest within civil society, the interim Afghan government wanted to demonstrate its commitment to gender equality in the face of intense international pressure to improve the situation of women. It was in this climate that the interim government unexpectedly undertook measures to formally ratify the Convention on 5 March 2003.³⁰ Afghanistan's ratification of CEDAW was an important milestone for women's rights, not only in that country but also across the Muslim world. Afghanistan made history by becoming the first Muslim state to ratify CEDAW without reservations.³¹

The timing of Afghanistan's ratification of CEDAW was extremely significant given that it preceded the drafting and adoption of the new Afghan constitution in January 2004. The transnational feminist movement along with national actors within the Afghan women's movement quickly mobilized to lend support and help embed CEDAW commitments within the new constitution. In the months leading up to the constitutional *loya jirga* much of their advocacy centered on demanding that international human rights principles pertaining to women, such as equality before the law and advances in political rights, be included in the constitution. Adoption of CEDAW did have opponents, however; there was a clear campaign to discredit the Convention as Western, un-Islamic, and incompatible with Afghan culture and religion. Despite great resistance by conservative elements before and during the constitutional *loya jirga*, however, international and local feminists achieved some successes that were celebrated by women in Afghanistan and their supporters around the world. The chairperson of CEDAW, Ferida Acar, noted:

The newly approved Constitution explicitly guarantees that men and women have equal rights and duties before the law. This is a significant victory for women and girls in Afghanistan who barely three years ago were completely excluded from all spheres of life and faced systematic violations of their human rights on a daily basis. Gender equality is a crucial factor not only in achieving sustainable peace but also in ensuring respect for human rights, democracy and the rule of law in all societies. Enshrining the principle of gender equality within the Constitution is a vital starting point for the transformation and reconstruction of Afghanistan. It legitimizes the important role played by women and girls in Afghanistan in reshaping their future and in rebuilding their country.³²

Still, Afghan women were only guardedly optimistic. While they celebrated the explicit inclusion of gender equality and other positive developments in the constitution, according to Lauryn Oates and Isabelle Solon-Helal, "they remain[ed] cautious due to other constitutional provisions that proclaim[ed] Afghanistan an 'Islamic Republic' and declar[e] that 'the beliefs and provisions of the sacred religion of Islam [had] precedence over any law in Afghanistan.'"³³ This apparent conflict will pose an obstacle to the advancement of women if extremist interpretations of Shari'a are used to determine women's rights and responsibilities in Afghanistan. Their concerns are well placed; the vast majority of the reservations to CEDAW are entered by Muslim governments who argue that Islamic Shari'a law supersedes international law and therefore prevents them from fully complying with CEDAW.³⁴ By attaching a reservation to a particular article a state party articulates its decision not to be held accountable to that article.

Given the potential for women's rights to be undermined, the transnational feminist network's agenda in Afghanistan sought to strengthen the women's movement there by creating awareness and generating widespread grassroots support for CEDAW and SCR 1325 in public and legal discourses. It was assumed that once Afghan women's organizations became familiar with these international instruments they would be able to contextualize their own struggles and activism from within these political frames and diligently monitor government accountability and compliance.

While training Afghan women on CEDAW in Afghanistan in May 2003, we were inspired by their intense interest in and serious consideration of the applicability and relevance of the Convention to Afghanistan. In working with formal (urban-based) and nonformal (rural-based) Afghan women's organizations and networks from across the country, we found that in many cases introducing the contents of these international documents generated an overall positive response by many women, who felt these documents were useful tools for advocating women's rights. In training sessions on CEDAW we noticed that some of the participants were confused about or opposed to it because of anti-CEDAW propaganda they had heard on the radio or read in local newspapers. Upon a closer reading and examination of the Convention, however, many of these women were able to have some of their misconceptions and concerns addressed.³⁵ Nevertheless the suitability and applicability of the Convention in helping to trans-

form gender inequities in the country produced intense discussions. This is not surprising, as various other Muslim states have raised concerns or opposed CEDAW specifically around women's rights to free movement and nationality (article 9) and other rights related to marriage and family life (article 16). Traditionally the desire to limit a woman's role to that of wife and mother has prevented her from entering public life and being an active member of society through social and political participation. While working in Afghanistan we saw some of the same concerns raised by those apprehensive about CEDAW's impact on that country. While a great majority of women were eager to learn about these instruments and use them to their advantage, a very small group of equally passionate traditionalists (men and women) harbored suspicion of CEDAW as part of a "Western imperialist agenda." As in other Muslim states, the forces of opposition led by conservative clergy and their supporters invoked religious grounds for noncompliance. Ariane Brunet and Isabelle Solon-Helal of the organization Rights and Democracy, who have worked extensively in Afghanistan, suggest:

In Afghanistan, women's rights are viewed as part of a Western agenda; they are used as a propaganda tool by all sides and linked to cultural and religious values. Every possible roadblock to the realization of women's rights and to the participation of women in decision-making processes has been installed: the perpetuation of warlordism, the lack of security, and the lack of effective gender policy coordination.³⁶

One of the difficult tasks we encountered was how to promote CEDAW across the country without disavowing Afghan culture and religion while simultaneously not supporting patriarchal attitudes and structures that undermine the rights of women. Although discussions of CEDAW are a platform for dialogue and critical engagement among women, as one Afghan women's rights activist recently noted, the task is not easy:

Despite years of CEDAW related activities in Afghanistan, most women's political activists were not really aware of what CEDAW is exactly about, but when we began our activities and campaigns for women's political rights, it became the discourse among political activists. But due to the sensitivity of the topic, we were always arguing based on all international human rights conventions signed by Afghanistan, and tried not to focus on CEDAW.³⁷

A critical challenge is to address the suspicions Afghan men and women have about CEDAW, primarily as a Western imperialist imposition that will abruptly modernize and secularize Afghanistan's cultural and religious traditions. Clearly, using international provisions to change and challenge women's and girls' realities in Afghanistan must therefore be predicated on the ownership of these instruments by Afghans themselves. This entails a multifaceted approach whereby national and international actors must collaboratively work through the messy terrain of dialogue and action to engage CEDAW from within a negotiated cultural and religious framework. This is not to say that Afghan women must concede to misogynist and extremist perspectives, but if women—and men—believe that international tools do not respect their religious and cultural traditions, they will not support their application in domestic practice. What we found in Afghanistan was a split between those who thought these tools did not go far enough in protecting and promoting women's human rights, and those who were concerned about the impact of their application on the status quo. The former group challenged CEDAW for not implicitly discussing violence against women in the private sphere as a human rights violation; they believed the Convention should demand that states make domestic abuse a criminal offense. One woman commented, "All the rights in the world are meaningless if I have to suffer abuse at the hands of my husband and his family on a regular basis. Why does this Convention not protect me from this?" The other group believed that private sphere rights should not be codified in international law in order to preserve Afghan and Islamic cultural and religious practices pertaining to women's familial and social roles. These women seemed to be resisting women's rights in order to protect their own social status. As Rostami-Povey argues, "The responsibility for the injustice and violence lies not only with the immediate family but also with individual communities, religious organizations, health and education institutions, professionals and law enforcers."³⁸

To dispel fears and concerns about CEDAW local women's NGOs in Afghanistan have been engaged in educational campaigns that serve two important purposes: familiarizing women with these international provisions and allowing them to develop independent opinions about their content and relevance, and encouraging locally based plans of action to implement these provisions and ensure that CEDAW and SCR 1325 directly

relate to the needs of Afghan women and not be perceived as externally imposed. These efforts have resulted in increased dialogue, particularly about Afghanistan's responsibilities as a signatory to CEDAW, but the security situation and other barriers to women's participation in public life have made it only marginally possible for women to demand changes to the status quo. Lack of security is preventing women from enjoying freedom of movement and demanding their rights without being threatened. This was clearly demonstrated in *loya jirgas* where women delegates suffered verbal abuse and threats to their physical safety because of their outspoken demands for rights and their criticism of the status quo. Public discourse clearly impacted the Constitutional Drafting Commission whose mandate called for "broad participation of women in the constitution-making process" and the inclusion of nine women members serving on the Commission.³⁹ The mandate also made a commitment to work with the Women's Ministry and UNIFEM to hold public education programs about the constitutional rights of women throughout the country in order to reach out to women and to increase public awareness. Without a doubt, the development of a national women's movement is critical to promoting change. Brunet and Solon-Helal reflect on their extensive work in Afghanistan:

The elusive gains made with Afghanistan's ratification of CEDAW, the very new concept of a Ministry of Women's Affairs, the weak coordination among donor countries regarding women's rights, the varied and contradictory gender policies proposed in a variety of U.N./ATA [Afghanistan Transitional Authority] documents, and the lack of gender-focused staff appointments at the United Nations Assistance Mission to Afghanistan (UNAMA), indicate that women's human rights also need to be protected by civil society organizations and by the building of a women's movement that is educated and capable of being a valuable interlocutor to a State that should be governed by the rule of law. This cannot happen over a few years, let alone over a few months.⁴⁰

In our work we found women expressing a desire to connect with women and women's groups outside Afghanistan to share experiences and lessons, particularly in addressing the issue of Islam and law. Case studies of women's activism in other Muslim countries and in the rest of the developing world provide these organizations with encouragement, support, and valuable ideas about how to meet the challenges they face as

Muslim women struggling to realize their rights within an Islamic framework. Our references to the work of women's movements in Iran, Pakistan, Egypt, and other Muslim states were met with great enthusiasm and pride by the Afghan women we worked with, who felt that they shared similar challenges and would benefit from meeting with other Muslim women on such issues. Despite this need for regional cooperation and networking among women's groups, the transnational women's movement has made little effort to facilitate this process. A small number of NGOs are spearheading this effort,⁴¹ but without international financial support these efforts will prove arduous.

The engagement of Afghan women is absolutely critical to creating frameworks that implement CEDAW and other international instruments that speak to women's lived realities in Afghanistan. Universal human rights norms come to life only when they find relevance to those they serve. Attempting to apply only one model will not only fail, but will give impetus to opponents of these valuable tools. Efforts to promote CEDAW and SCR 1325 must not only educate women but also sharpen their analytical abilities so that they may interpret CEDAW within the framework of Islamic legal and cultural discourses.

Challenges to the Convention

Although misunderstandings of CEDAW abound, the following discussion of key articles illustrates that international human rights need not be incompatible with Islamic customary and legal discourse, and that dialogue and education would serve to bridge the gap and benefit women in Afghanistan. The most challenged CEDAW articles include article 4, on special measures; article 5, on sex-role stereotyping and prejudice; article 6, on prostitution; article 9, on nationality; article 15, on law; and article 16, on marriage and family life. In our training programs we were met with extensive questions about the meaning and intent of articles 6 and 16, which had received negative press in the media and had been challenged by critics, including various local and national Islamic scholars. Article 5 addresses the universality of women's human rights and encourages state parties to the Convention to modify social and cultural patterns of conduct to eliminate the idea of one sex as superior and stereotypical roles for men and

women. This is a particularly challenging article in the Muslim world because of the debate around women's roles and responsibilities in Muslim society and the need to preserve cultural norms.⁴² Some Muslim scholars who have debated this issue argue that the question is not one of the universality of human rights but rather the application of universal norms to protect and preserve "legitimate" cultural traditions that do not promote the suffering of groups based on ethnicity, sex, nationality, religion, or any other category. Clearly the solution to this dilemma lies within the Muslim world itself.

Another revealing discussion about CEDAW dealt with article 6, which requires states to take all appropriate measures, including legislation, to suppress the trafficking of women and the exploitation of prostitutes. Media discussions of this article gave the impression that it "promotes" prostitution. When we began to discuss this article in detail, its relevance became increasingly clear to our female participants, who discussed the plight of widowed women who had to turn to prostitution to earn a living, and the increasing number of trafficked women who have worked in Afghanistan since the arrival of foreign troops. Article 9, on the right of women to hold nationality independent of their husband, is particularly problematic in Afghanistan and the Muslim world, where a woman's—and her children's—nationality and freedom of movement are tied to the husband or father. Article 16 allows women to decide whether to get married and to choose their spouse. It allows a woman the power to decide the number of children she would like to have and their spacing and gives her an equal say in their custody and guardianship. She would also have equal rights to ownership, acquisition, management, and administration of property. Despite opposition to the rights articulated in this article, Afghan women noted that Sharia law already provides Muslim women with many of these rights. Some women noted that only extreme interpretations of Sharia law and women's ignorance of their Islamic rights lead to disagreements about the roles and responsibilities of Muslim women in the family.

The Muslim world is not a homogeneous entity, and religious precepts are clearly influenced by historical, regional, and cultural factors, which in turn impact the interpretation and the practice of religion. As Abdullahi An-Na'im argues, "It is not difficult to establish the responsibility of many Islamic states to change aspects of religious law in accordance with their

obligations under international law. The question is how to effect such change in practice."⁴³

We would argue that a good way to start effecting change is for transnational feminists working in Afghanistan to build solidarity by creating more spaces for the exchange of ideas, critical reflection, and mutual learning. By engaging, not disavowing, traditional religious sources of the Quran and Sunnah, in addition to centering the nuances of culture, our discussions with Afghan women were able to move into those difficult spaces where a closer reading of each article helped to clarify and contextualize its varied meanings and purposes. Our collective assessment that these principles could be applied in a culturally and religiously appropriate manner served to overcome many of the initial concerns and skepticism.⁴⁴

Conclusion

Women's organizing is not a new phenomenon in Afghanistan. Afghan women have a long tradition of activism and resistance in the face of insecurity and grave human rights abuses. Their activities have continued throughout twenty-three years of protracted conflict and have led to a burgeoning women's rights movement that is committed to the advancement of Afghan women and their full enjoyment of their most basic rights, including access to education, healthcare, and economic opportunity and important civil and political rights. According to the Beijing Declaration and Platform for Action, "Equality between women and men is a matter of human rights and a condition for social justice and is also a necessary and fundamental prerequisite for equality, development and peace."⁴⁵ In Afghanistan "the low social status of women, and the consequent power imbalances between women and men that it generates, are the underlying reasons for harmful and discriminatory practices and physical and sexual abuse against girls and women."⁴⁶ The international feminist movement has a strategic role to play in supporting and building solidarity networks with the existing women's movement in Afghanistan. However, it is critical to note that the global and local complexities and contradictions that underpin the rights agenda in Afghanistan can also backfire, with the very real possibility of a backlash against Afghan women seen as betraying Afghan culture and traditions by participating in foreign aid projects. At the

very least the feminist international apparatus needs to be aware of perceptions on the part of *both* Afghan women and men that equate women-centered and gender-targeted programs as a direct challenge to traditional culture and religion. The expansive internationally directed rights agenda across Afghanistan is perhaps already fueling and further legitimizing rigid interpretations of sacred texts in order to "rescue" Afghan women from the tyranny of Western neocolonial quests to reconfigure Afghan womanhood. Both local and international actors must therefore be attentive to the messy terrain of advancing and improving the lives of Afghan women and girls in the current postconflict dynamics of outsider-insider politics. As Zine acutely observes, we must be aware of "the way bodies and identities are scripted in service of neo-imperialist goals and from within fundamentalist worldviews. Both ideological views limit [women's] agency, autonomy, and freedom and seriously circumscribe their lived conditions, choices, and experiences."⁴⁷ Moving beyond this ideological battlefield is perhaps an impossibility, but principled solidarity based on collaborative efforts and genuine dialogue can help facilitate mutually defined goals to further promote the overall well-being of Afghan women in postconflict Afghanistan.

Notes

- 1 The coauthors of this essay are listed alphabetically.
- 2 For an extensive discussion, see Mark Duffield's *Global Governance and the New Wars*.
- 3 See Elahesh Rostami Povey's study "Women in Afghanistan."
- 4 We recognize that these institutions are still in their infancy and have yet to meet their full potential. For example, see International Crisis Group, "Afghanistan: Women and Reconstruction."
- 5 For a concrete analysis of Afghan women's participation in the constitutional process, see Oates and Solon-Helal, *At the Cross-Roads of Conflict and Democracy*.
- 6 Afghan Research Education Unit, *A House Divided*, 15.
- 7 Azarbaijani-Moghaddam, "Afghan Women on the Margins of the Twenty-first Century."
- 8 Mohanty, *Feminism without Borders*, 20.
- 9 L. Ahmed, *Women and Gender in Islam*.
- 10 Zine, "Muslim Women and the Politics of Representation," 2.
- 11 Chishti, "The International Women's Movement and the Politics of Participation for Muslim Women," 86.
- 12 Interview with Lauryn Oates by Cheshmak Farhounmand-Sims, 25 October 2007.

- 12 Azarbaijani-Moghaddam, "Afghan Women on the Margins of the Twenty-First Century," 103.
- 13 Rostami-Povey, "Women in Afghanistan."
- 14 Asia Foundation, "Afghanistan in 2006."
- 15 World Bank, "Afghanistan." See also Senlis Council, "Afghanistan Five Years Later" and "Losing Hearts and Minds in Afghanistan."
- 16 Oates, *National Report on Domestic Violence against Women: Afghanistan*.
- 17 Azarbaijani-Moghaddam, "On Living with Negative Peace and a Half-Built State."
- 18 Kandiyoti, *The Politics of Gender and Reconstruction in Afghanistan*, 32.
- 19 For a more thorough discussion and analysis of PRTs, gender issues, and Afghanistan, see Farhoumand-Sims, "The Three Block War."
- 20 Peace Operations Working Group of the Canadian Peace Coordinating Committee, "NGO / Government Dialogue on Provincial Reconstruction Teams (PRTs) in Afghanistan and the Militarization of Humanitarian Assistance."
- 21 Donini, *Nation Building Unraveled*, 2004.
- 22 For a more complete discussion of CEDAW, see Cheshmak Farhoumand-Sims's dissertation, currently in progress, "Implementing CEDAW in Afghanistan."
- 23 For the United Nations Division for the Advancement of Women, see the UN website.
- 24 Ibid.
- 25 Ibid.
- 26 The Convention is very careful in addressing this issue and refers only to women's right "to decide freely and responsibly on the number and spacing of their children and to have access to information, education and means to enable them to exercise these rights" (CEDAW, article 16:1e).
- 27 CEDAW, article 1.
- 28 Their mandate is outlined in articles 17–30 of the Convention.
- 29 Medica Mondiale Basic German Women's Group, "Information about CEDAW and CEDAW in Afghanistan."
- 30 Farhoumand-Sims's interviews with Afghan women activists and workers in the Ministry of Women's Affairs and the Ministry of Foreign Affairs reveal that no one seemed to have known that the Ministry of Foreign Affairs was pursuing CEDAW ratification until it was announced in March 2003.
- 31 Turkey is the only Muslim country that has removed all reservations to the Convention.
- 32 Women's International League for Peace and Freedom, "CEDAW Chairperson Applauds New Afghan Constitution."
- 33 Oates and Solon-Helal, *At the Cross-Roads of Conflict and Democracy*.
- 34 Farhoumand-Sims, "Implementing CEDAW in Afghanistan."
- 35 One of the major weaknesses of CEDAW that the women highlighted was the absence of any discussion about domestic violence. We explained that this was due to resistance and opposition, largely by Muslim states, against any inclusion

in the Convention of women's private sphere rights. Articles dealing with other "private" rights, such as marriage, are highly contested by Muslim states and continue to elicit reservations. The feeling was that if such an article about violence against women were added to CEDAW fewer parties would sign it. It would be better to have countries sign on and work toward full compliance rather than alienate them.

- 36 Brunet and Solon-Helal, "Seizing the Opportunity," 20.
- 37 Email communication with an Afghan women's rights activist who wishes to remain anonymous, 16 November 2007.
- 38 Rostam-Povey, "Women in Afghanistan," 175.
- 39 Brunet and Solon-Helal, "Seizing the Opportunity," 12.
- 40 Ibid., 7.
- 41 See website for Women Living under Muslim Laws, <http://www.wluml.org/>.
- 42 For a fuller discussion of the challenge of women's human rights and cultural relativism, see the works by An-Na'im, Afshar (co-editor of *Development, Women and War: A Feminist Perspective*), and Azarbaijani-Moghaddam cited in this essay as well as Mayer, *Islam and Human Rights*.
- 43 An-Na'im, *Human Rights in Cross Cultural Perspectives*, 182.
- 44 Women Living under Muslim Laws is an excellent organization doing work in this area.
- 45 See Beijing Declaration and Platform for Action.
- 46 Rostam-Povey, "Women in Afghanistan," 175.
- 47 Zine, "Between Orientalism and Fundamentalism," 11.