



Women in Afghanistan: Caught in the Middle

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Abstract

The international human rights principles established after World War II guaranteed civil liberties and fundamental freedom for everyone, but women in Afghanistan have always remained an exception. The U.S. war to end the Taliban rule in Afghanistan only exacerbated the suffering of the Afghan women. This article focuses on the sociocultural dynamics that play a pivotal role in current affairs between American political ideology and Middle Eastern cultures. The article derives its theoretical framework from the concept of homo sacer, gender and development theory, and capability theory to explain the sociocultural context and need for social welfare intervention in Afghanistan.

Keywords: Women in Afghanistan, human rights, war, cultural competency, homo sacer.

Introduction

This article evaluates this international approach to the freedom of Afghan women from the perspective of their integrated development and tries to understand the caveats and legal constraints that paralyze any constructive development in their status. The case of the women in Afghanistan is more alarming because even after the official ouster of the Taliban militia and creation of space for international intervention, the women in Afghanistan are no better off than before¹. The article explores the reasons that led to this state through a strong theoretical understanding, using two existing theories, Women in Development (WID)² and Gender and Development (GAD)³. It further discusses capability theory and then finally draws a parallel between the status of the women and the concept of *homo sacer*⁴ in a concluding analysis.

Contextual Understanding: The discrimination against Afghan women did not appear with the advent of the Taliban regime and there is ample evidence to suggest that it is unlikely to end quickly when the regime has gone⁴. It is symptomatic of much longer-standing religious and cultural tensions between traditionalists and modernists in Afghan society. Since the advent of gender sensitivity across the world, a new trend of “template” solutions to gender-related problems has emerged that fails to adequately take into accounts the local, social, and cultural context⁵. Since the advent of the Taliban, much ink has flowed claiming to speak for Afghan women, sometimes at the expense of listening to them.

Research Methodology

Review of existing literature that addressed the issue of freedom for women in Afghanistan was conducted. Secondary archival data on this subject was thematically reviewed. The thematic inquiry on the subject was then triangulated with theoretical

perspectives to understand the concept of human rights for women in Afghanistan. The final argument was drawn based on a theoretical review of two feminist theories, a development theory and a legal theory.

Research on women carried out during the Taliban regime by Leander⁶ suggests that Afghan women are not a homogenous group. First, there are significant differences between urban/rural, educated/uneducated, rich/poor, and tribal/ethnic groups. Any sweeping generalization of these groups lumped together lacks validity. Second, there is a difference between the private and the public worlds within Afghan life⁷. While the formal representation of Afghan women in the political arena is limited, they hold a much greater role in the decision-making process at the family and community level⁸. Third, the experiences of war, displacement, and refugee life have led to changes in women’s roles, offering greater levels of responsibility on the one hand and exposing them to greater levels of vulnerability on the other⁵. And finally, there is a cultural difference between values advocated by many Westerners and values that Afghan women uphold. Most often, proposals for addressing gender equity are based on a “one-size-fits-all” blueprint without understanding the subtle differences mentioned above and even without harnessing the mechanisms that women have traditionally adopted to establish their leadership in the past.

The events following 9/11 catapulted Afghanistan into the cynosure of world attention. When the Taliban were ousted, a political vacuum ensued, and different regional powers like the Northern Alliance came into contention for control. But the powers that are ruling Afghanistan after the Taliban are not benevolent concerning women’s development, and when political purposes are served, the issue of development is usually sidelined. A comprehensive theoretical orientation takes this understanding further.

Theoretical Perspectives: The debates around development have perceived women mostly as a group that surfaces as a variable only under specific circumstances, particularly in the approaches related to women's development within UN agencies. This is evident in the 1949 Convention for the Suppression of Traffic in Persons and the Exploitation of Prostitution of Others; the 1951 Equal Remuneration for Men and Women Workers from Work of Equal Value; the 1952 Convention on Political Rights of Women, and so on. Moser⁹ called this attitude of international development agencies and particularly the World Bank as welfarist in nature. This approach was "premised on the assumption of women as others performing childbearing tasks and identifying women solely on their reproductive roles"¹⁰. As a result, the development measures pursued by the international agencies revolved around programs on birth control and nutrition projects for women and children and for pregnant and lactating mothers.

This one-dimensional attitude to development is one of the contributing factors that led to the failure in the development models adopted in Afghanistan. This compels us further to question the integrity of such models. A theoretical evaluation of the development perspectives adopted by the international agencies in Afghanistan would help us gain further insight on this issue. For the limited scope of this article, I look at the issue only through the prism of the theoretical framework of Women in Development (WID), Gender and Development (GAD)¹¹, and capability theory¹². In our final analysis of the phenomenon I draw a parallel between the states of the women in Afghanistan with the concept of homo sacer put forward by Agamben⁴. All these theoretical perspectives emphasize the participation of women in the development discourse, and in order to facilitate that participation they also call for serious understanding of the cultural, social, and political circumstances.

Within the parameters of a liberal framework the Women in Development (WID) approach was first articulated during the 1970s¹¹. The main proponent of this model, Ester Boserup², challenged the initial pattern of development and added a serious political statement involving women's interests. This model draws a correlation between the participation of women in the economic production process (like agriculture) and their social and economic development. The model further cites examples from the agriculture sector, which had a wider participation of women before technological modernization. Women's participation fell with the modernization of agriculture and their social status also declined during the same time¹¹. It also argues that not only women benefit with participation in the development process but also the very development process itself improves overall and achieves its targets better through their participation. But this model has been criticized for not taking the class issues into consideration (Sen, 1999) and overlooking individual categories in its analysis¹⁴. As a result, in the 1980s the feminist theorists shifted their focus from women to gender relations as their major

concern for development and framed an alternative theoretical framework called Gender in Development (GAD)¹². GAD viewed the unequal social relations between men and women as the major problem instead of focusing only on women¹¹. Rather than dwelling on the exclusion of women from the development process, GAD focused on the unequal power relations that prevent equitable development and maximum participation of women in development and thus broadened the scope of the analysis³.

Despite these criticisms, the WID model draws a very important correlation between work and status, which can provide valuable insight in understanding the circumstances of women in Afghanistan. The rural/urban divide in Afghanistan is marked by women's participation in the production process. Afghanistan has primarily an agricultural economy. The modernization of agriculture is still lacking in most parts of the country¹⁵, and the agricultural production process is mostly driven by the participation of women. As a result, women have more social mobility and enjoy better status in the rural areas compared with the urban centers like Kabul and Mazar-e-sharif⁵. For example, in the rural areas the women are not required to be accompanied by a close male companion when they go outside, whereas in urban centers a male companion is mandatory¹⁶. Even during the notorious rule of the Taliban the rural women enjoyed much more freedom than their urban counterparts whose expertise the Taliban could ignore in the economic production processes⁵. On the other hand, the GAD perspective would help the development policy makers in Afghanistan understand the traditional gender relations in that society. To some extent the fundamentalist Islamic influences infringe on human rights and influence gender relations, but to ascribe every gender interaction process solely on that would be a truncated understanding. Had it been so then women would have immediately removed their veils after the Taliban collapse.

The capability theory takes this basic notion of participation further. Its principal proponents, Amartya Sen and Martha Nussbaum¹⁷, argue that development means the enhancement of human achievement and capabilities. In this view, every measure of underdevelopment is seen as a capability deprivation. Nussbaum¹⁷ argues that preferences are not always reliable indicators of life quality, and resources have no value in themselves apart from their role in promoting human functioning. The predominant measures of development like GNP or opulence do not provide a valid index of development in actual terms unless and until there is an enhancement of human capabilities. Along with focusing on increasing people's abilities to achieve, this theory also concentrates on the level of the freedom people have in pursuing valuable activities in their lives¹⁸.

Regarding women, capability theory says that in most societies women have special disadvantages in achieving particular functioning. The roots of these problems can be social as well as physical, and remedies have to take note of the nature of the

constraints involved and the extent to which they can be removed¹⁹. Thus, the capability approach drew attention to both economic and noneconomic aspects in determining human functioning and capability¹¹. While building on Sen's work, Nussbaum argues for a cross-cultural understanding of women and equality that will not be undermined by specific traditional norms¹⁷ and will be flexible enough to be translated into different cultural and social contexts. As a result, this theory poses a serious challenge to the conventional approach of development based on neo-liberal economics. This theory is marked by its sensitivity to gender and its emphasis on entitlements as an outcome for developing capabilities¹⁸. Thus, in the context of Afghanistan, as we have noted, this approach adds further insight to the approaches described above. It talks about an integrated participation beyond even gender relations to cultural, social, and systemic understanding. And beyond that understanding, it underscores the need for identifying the factors that preclude the absolute attainment of human capability and asks for their elimination. The unit of analysis in this approach transcends identifying women as a vulnerable group and attempts to understand the position of gender in the socio-political-cultural context of Afghanistan, bringing more subordinated groups into the scope of the analysis that includes not only women but also men who find themselves caught in the midst of extremist ideology. Before and after 9/11:

From this perspective, when we study the situation in Afghanistan we realize that the enthusiasm after the events of 9/11 was more cosmetic than meaningful. The historical perspective conspicuously underlines the fact that the extreme injuries to women and society at large had been carried out long before the arrival of the Taliban⁵. Even during the time of communist rule, when women were still better off in their social position than at any time before, the United States had worked with the *mujahedeen* against the communists⁵, showing that the motivation for development had been overtaken by political and ideological considerations. Even during the first 5 years of atrocities by the Taliban, the oppression carried out on women as well as Afghans at large did not attract any attention from the world leaders or even development agencies⁵. In 1998 a woman was shot publicly for adultery¹ and the event was clandestinely videotaped by the activists of Revolutionary Action for Women in Afghanistan (RAWA), the organization that has been banned and since is working with the women's development issues from underground. But there was no action taken by the international forums to enhance women's legitimized existence in Afghanistan. Most of the RAWA's work is located in the refugee area of Pakistan, where millions of Afghans took refuge after fleeing the Taliban. Even after the ouster of the Taliban, the political support that had been extended to the Northern Alliance and other erstwhile local groups had been vehemently opposed by RAWA¹, as these groups had been instrumental in numerous atrocities toward women in the history of Afghanistan. Thus, a renewed support to these pre-Taliban groups would reduce the alleged elimination of the Taliban into a farce from the women's

development perspective and would turn into an "old wine in new wineskins" kind of phenomenon¹.

The United States' war on the Taliban and its subsequent ouster created an alarming civil anarchy with freedom being forcibly introduced without the security and stability to sustain it¹⁹. The future of the new, transformed Afghanistan had been determined mostly with the understanding of outsiders and not its own civilians. Outsiders observing the Afghan culture have been quick to identify its highly patriarchal nature, without acknowledging that such patriarchy is inextricably linked to those coping mechanisms present in Afghan society that ensure some safety for women and children in times of crisis⁵. Before undoing the negative aspects of Afghan culture it is important to ensure that alternative strategies are in place, as otherwise all those good intentions go awry.

The Afghan societies have very little conception of the individual as distinct from his or her community. However, many humanitarian agencies, operating on a short-term basis and forced to conform to donor-imposed checklists, failed to penetrate the local culture sufficiently to understand how best to assist women in their own cultural milieu. Instead they sought to target women, devising strategies that singled them out for assistance in isolation from their families, thereby provoking suspicion and hostility among men while increasing vulnerability for some women.

Human Rights Law for Afghan women: According to Fisk¹⁹, the Afghan war is the successful model for America's interventions across the Middle East that continued with the war in Iraq. The speculation is furthered with the kind of new regimes that are being established with erstwhile *mujahedeen* forces in different territories in Afghanistan⁵.

This very fact of political necessity belies the intention of the international communities who actively intervened in the reform of Afghanistan and raises a disturbing question about the significance of women in the discourse of development in Afghanistan under the aegis of international assistance. This putative concern makes me wonder whether the current state of women in Afghanistan theoretically brings us near the concept of homo sacer propounded by Agamben. According to ancient Roman law, homo sacer states that a human being could not be ritually offered but one could kill without incurring the penalty of murder⁴. This theoretical underpinning is used in this article for fresh decoding of the treatment of women in Afghanistan, not only by the notorious mujahedeen and traditional Islamic forces but also by the benevolent politics of assistance spearheaded by international forums. This conceptual framework is usually used to explain the rise of totalitarianism with the Nazis at its apex. Giorgio Agamben⁴ sheds light on the paradoxical but inherent link between the rule of law (*etat de droit*) and the state of emergency (*etat d'exception*). But by applying this theoretical understanding in the context of women in Afghanistan I am trying to draw a continuum connecting

democracy to totalitarianism and describe the trap that Western democracies create in the name of human rights advocacy in the wake of extreme political anarchies across developing and underdeveloped nation states.

Agamben's work concerns the notion of sovereignty and human rights in the modernist paradigm of bio-political rule, within the political and judicial rather than social realm. In his narratives he explains the paradox of sovereignty that lies in the notion of *Ausnahme*, where he explains that a sovereign is he who decides on the state of exception⁴. According to this idea, exception is granted the highest status for the formulation of positive right, expressing at once the limit of sovereign power and its legitimization. Only insofar as the value of positive right can be suspended in a state of exception is it able to define normality as its realm of validity⁴.

While elaborating on this he cites Schmitt²⁰, according to whom the sovereign does not establish what is legal and illegal, but rather the original implication of the living within the sphere of right which the law needs. In the context of this theoretical orientation, can we call the women in Afghanistan sovereign? Do they have any role to play in the right to choose the prolonged exception that has been imposed on them without understanding their psychosocial existence? The simple answer to these questions would be no; if the requirement of law demands living within the sphere of right then the barbaric sanction on the access to basic human rights for the women in Afghanistan can simply be termed illegal, as they meet with systemic indifference from both international rescuers and national traditionalists as they find themselves fiercely located in that "paradoxical threshold" of neither factual situation nor situation of right.

From Schmitt, Agamben⁴ moves on to cite Benjamin²¹ and his critique on violence. Agamben criticised the tendency to see constituent power as that which is granted with the task of defending the constitution. In this move, the revolutionary moment that brings about a constitution and makes constituent power irreducible and external to constituted power and juridical order is relegated to a pre-judicial and merely factual status. Agamben then cites Benjamin's idea of the relation of constituent to constitutive power as that of a violence that brings about right to a violence that preserves it. In this sense, the constitution presupposes itself as constituent power and in this form it expresses the paradox of sovereignty. "Just as sovereign power is presupposed as state of nature, that is then maintained in a relation of exclusion with respect to the state of right, so does it separate itself into constituent and constitutive power and still relates to both by placing itself in their point of indifference"⁴. Violence, according to Benjamin, occurs when exception and rule become indistinguishable. He calls the link between violence and right "naked life" (*blos Leben*). Naked life is the element which, in a state of exception, holds the most intimate relation to sovereignty⁴.

The similarity of this dilemma of state of right that surrenders to indifference by separating constituent and constitutive powers very well explains the helpless situation of woman in Afghanistan, where the constitutive power is always driven by certain religious traditions and its explanations by vested groups. On the other hand, the same dilemma also paralyses the international perspective when it comes to striking a balance between political interests and human rights issues; subsequently, a void of indifference to the core issues takes over and to fill that void mere cosmetic measures are resorted to. That is the simple reason why the Revolutionary Action of Women of Afghanistan, a nonprofit initiative that has been fighting for the basic rights for women in Afghanistan for over 25 years, has been kept out of every political and legal negotiation and is forced to operate underground even after the fall of the Taliban and the introduction of significant international control. This complicity with political stabilization in the Western democracies prevents the international groups from delving deep and addressing the issues of rights of the marginal groups, and this indifference in the international political intentions reduces the international laws into a mere factual document. As a result, it is the vulnerable groups like women who inevitably suffer. By questioning this "secret complicity" between democracy and its opposite, says Giorgio Agamben, we might possibly achieve a situation in which Nazism and fascism are no longer clear and present dangers⁴.

Conclusion

As we can see through these several theoretical perspectives, there are serious political and ideological hurdles to bringing the judicial right to exercise freedom for the Afghan women. I would call it a very complicated and unfortunate case of stagnancy in political power that fails to protect the rights of civilians. With the end of the war in Iraq and a possible war with Iran looming, the political significance of Afghanistan has faded, complicating the situation further. With the impending withdrawal of U.S. troops from the country, some disturbing news of the Taliban's regrouping after the death of bin Laden, and political fragmentation of the region raise a critical question of whether the promise of international initiatives to fight for Afghan women's lost rights is still in the world's consciousness.

Moreover, the international courts of justice are in place to give justice to victims of violence during the war, and the dangers of neo-liberalism, capitalism, and in turn neo-colonialism are not to be overlooked. The war on Afghanistan and subsequent intervention possibilities attained some political democracy in the country, but the issues related to Afghan women's rights were raised but never gained required attention. The extremist culture has certainly been somewhat mitigated in urban parts of the country; however, episodes of mixing poison in school girls' lunches and throwing acid on women are still common incidences reported in the country²².

Women are far from being a part of this newly formed democracy. With little cultural understanding, the foreign troops in Afghanistan have faced rejection and are preparing to withdraw. However, the extremist groups' power has been weakened but not eliminated and freedom for Afghan women still remains a future goal. To establish a rights-based democracy in Afghanistan and to ensure freedom for women and children, the international community, civil society, the international court of justice, and most importantly Afghan women will have to build a culturally competent political system for democratic reforms, using an empowerment approach for the women in Afghanistan instead of attempting to foster freedom through war.

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