

Serve your Husband and do not commit Immortal Acts

by [Sari Kouvo](#)

A woman has three duties under Islam, he said, “to pray, to serve her husband and not to commit immoral acts”. He also says that Afghan women have to choose whether they want freedom under Afghan custom and Islam or Western style. ‘He’ is the Chief Justice of the Supreme Court of Afghanistan and a prominent figure for the “reform” of the Afghan legal system and judiciary. When he says that women have to choose it sounds like a threat, and it is, because if a woman chooses, she will most probably have committed an immoral act, and for that she will suffer at the hands of her family and the Afghan legal system.

There is very little room for legal, philosophical or religious discussion and analysis when it comes to how judges like the Chief Justice understands Afghan custom or Islamic law. However, when it is time for questions and comments, an Afghan woman in the audience says : “The hand that holds the pen that drafts women’s rights declarations in Afghanistan is male. He knows what to write and what to ignore”. She gives examples of girls as young as four years given as payment for blood money, teenage girls given in marriage to men double their age and she tells the story about a woman she had met, who had had her fingers cut off and whose whole body was bruised after beatings by her husband, but she had nowhere to go. She notes dryly that the man that drafted the rights of Afghan women ignored these women. Another woman says, “We do not have to (or want to) choose between Afghan freedom, Islamic freedom or Western-style freedom, we just want FREEDOM”.



When the first session of the seminar on *The Role of the Judiciary for the Promotion of Women’s Rights in Afghanistan* is over, and people start moving towards the cafeteria, I tell my translator that “I love everything I have seen in this country, the mountains, the cities, the people, the culture and the food, but when it comes to men and women, we are just worlds apart”. My translator is silent and smiles.

A European woman who I meet during the break tells me about a workshop she has organised in Mazar-e Sharif, in the north of Afghanistan. The theme of the workshop was domestic violence and they had asked the participants to tell them when it was alright to hit a woman, and apparently the most prominent answer had been, when she has done something wrong, ergo, when she has done something immoral. What constituted “something bad” or “immoral” could not be defined, as it depended on the situation.

Much has happened in Afghanistan since the fall of the Taliban, and sure some women’s situation has become better, but when it is bad, it is really bad.

However, as women’s situation under the Taliban was one of the reasons given for the US’s intervention in Afghanistan, the West has been eager to declare women’s liberation in Afghanistan as a done deed or at least well on its way. It is not ! The situation for women during the Taliban was so horrendous that if “Taliban times” is used as a benchmark anything looks good !

What is most peculiar about being in Afghanistan is that you get so used to dealing with men, you do not even think about the fact that you do not meet women. Afghanistan is also a very seductive country ; it is an honour to be able to engage with Afghans – with Afghan men. Of course, as a (seduced) guest, it would be very impolite to question the customs of the host !

The international community in Afghanistan has accepted that Afghanistan is a patriarchal culture, and a culture in which you engage primarily with men. Afghanistan makes the men of the international community go conservative, or as somebody noted, men need little encouragement to become worse !

While so many women live secluded from public space, and many seem happy to stay in the protective sphere of the home, some, like those at the workshop, are very vocal. Women – and quite a few men – do challenge the conservative, patriarchal and fundamentalists forces in Afghanistan. However, with men like the Chief Justice being able to lead the so-called reform process in the Justice sector, and with the current so-called reform-minded President almost never showing his wife in public, and with almost no-one questioning and attempting to change men’s everyday behaviour - the road for “freedom” for Afghan women remains difficult and long.