Veiled Voices of Justice

By Dennis Arp

After their year of graduate law study at Chapman, lawyers Munira Akhundzada, left, and Shamsi Maqsoudi plan to resume their work at the front lines of the struggle for women’s rights in Afghanistan.
For two Afghan champions of women’s rights, the transition to life at Chapman is nothing compared with the challenge of transforming a culture.

Shamsi Maqsoudi and Munira Akhundzada had met just once, but they were about to become nearly constant companions as they boarded a plane in Kabul for a journey to a place that was largely a mystery. Thirty hours and five stops later, they landed in Orange County to become graduate law students at Chapman University. It didn’t take long for the cultural sea change to become tangible.

When Munira got in the car outside baggage claim, she yanked the door closed with a slam so loud that it startled everyone. She quickly apologized, explaining that she was used to much heavier doors. In her job, she typically travels in an armored vehicle. Such is the life of a litigator who faces the daily threat of violence for helping to clear a path to reform in Afghanistan.

Days later, she and Shamsi were Skyping with their families back home when suddenly they heard explosions that seemed very close to their Chapman housing. Though familiar, the sounds were distressing — until they learned from a Chapman professor that what they heard was fireworks.

“This is the first impression that Disneyland made on us,” Shamsi said with a smile.

Both came of age during a time of terror, tribal violence, international warfare and state-sponsored oppression. Now they are agents of change in a society forged by centuries of resistance.

Tall and introspective, Shamsi is a Shia Muslim of the Hazara tribe who spent much of her childhood in Iran because of the fighting in her homeland. Munira, diminutive and more outgoing, is a Sunni Muslim of the Tajik clan who fled to Pakistan rather than live under Taliban rule before returning after the U.S.-led invasion. Both came of age during a time of terror, tribal violence, international warfare and state-sponsored oppression. Now they are agents of change in a society forged by centuries of resistance.

Several months after their arrival in Southern California, Shamsi and Munira smile often, reflecting their steady acclimation to life in the U.S. and the number of new friends they have made at Chapman.

“They’re very friendly, and very, very, very smart,” said Priscilla Shirkhanloo (J.D. ’12), who helps transition international Master’s of Law (LL.M.) students at Chapman and has become close with Shamsi and Munira. “I couldn’t imagine going to a new country, trying to learn a new culture at the same time that I was going to law school. I had enough trouble with the law school part, and English is my first language.”
ne of the courses Shamsi and Munira took in the
fall was on conflict resolution and human rights, filtered through the lens of peace studies. The main focus of their studies is international and comparative law, but they also have a chance to take electives to broaden their understanding. They hope to apply a multitude of new lessons when they return to the front lines of the fight for women’s rights in Afghanistan.

“We like learning about the lives of people here and the history of the U.S.,” Shamsi said. “It’s important to us to see the institutions and how the people were able to get rid of their miseries. Afghanistan is now in these miseries. To see how other societies try to get peace is very useful.”

Shamsi is building on experience gained working for USAID Afghanistan, and Munira for U.N. organizations addressing women’s rights issues. They were picked for the program that brought them to Chapman by the U.S. State Department’s Public Private Partnership for Justice Reform in Afghanistan, which promotes the development of the next generation of Afghan legal scholars and judges.

“The world is flat, and the principles of law are increasingly international,” he noted. “The more students can become familiar with practices from other cultures, the more of an advantage they’ll have.”

While Shamsi and Munira are gaining from their interactions with U.S. students, what really sets them apart is the courage they brought with them, Steiner said. “They’ve been willing to put themselves in many challenging situations,” including in providing judicial education to their male elders.

“Munira and Shamsi were 8 when the Taliban took control of Afghanistan in 1996 and started issuing edicts restricting just about every aspect of women’s lives. One of the first decrees blocked women and girls from attending school. Women were also forbidden to leave their homes without being accompanied by a male family member, and in public they had to be covered head to toe, with only a mesh opening through which to see and breathe. They couldn’t work outside the home, and any building in which they were present had to have the windows blacked out. Violators were often dealt with brutally by the “religious police,” which enforced the rules via public beatings, arrests and intimidation.

Munira remembers hearing the explosions and then seeing tanks roll through the streets as darkness fell the evening of the Taliban takeover. Her family left for Pakistan early the next morning and ended up selling property at half its value to start a new life. Shamsi’s family had already moved to Iran during previous unrest. Both returned to Afghanistan only after U.S. forces drove the Taliban from major cities in 2001 and a new government was installed in 2002.

The Afghan Constitution ratified in 2004 guarantees women the right to vote and gives them greater access to education as well as roles in government and professional life.

“You have to imagine, here’s a bunch of judges in Afghanistan, some with long white beards and in many cases with very little formal education in the principles of law—not in international law, not in Afghan law, and in some cases not even in Sharia law,” Steiner explained. “Essentially they are tribal elders with a reputation for resolving conflict, and that makes them judges. So these two women are sent out to try to help them understand what the law requires. That’s not an easy conversation to have. It’s not easy for a young woman to even be present for such a conversation. It takes a pretty special person to put yourself in that situation.”

The two say they draw resolve in part from seeing the commitment made by international aid and education workers stationed in Afghanistan.

“When I see them I say, ‘They are foreigners and they have motivation for helping, so what about me? I have more reasons to work loyally here, to overcome obstacles,’” Shamsi said.

Then she paused. And the answer to the courage question suddenly became distilled and simple and pure.

“Afghanistan is in my soul,” she said.
Munira’s father is a lawyer and her grandfather a judge, but it was deficiencies in the rule of law and women’s lack of access to justice that inspired her to pursue her own legal career. Likewise, Shamsi saw “very oppressed human beings — especially women. That really motivated me.”

As both Shamsi and Munira started working with U.N. and government agencies to try to protect the rights of women, they saw every day that constitutional protections can be paper thin in the face of misguided beliefs and violent realities.

One case they recall involved three girls whose parents had died. Tribal elders ruled that the three would essentially pass as an inheritance to their uncle, and one of them was being forced to marry a cousin. Thanks to a little education, the ruling was reversed.

Another case Munira recounted was even more shocking. A 15-year-old had sought a divorce from her husband, and the case revealed some unpleasant family truths. Feeling that the family had been shamed, the husband tracked down his wife and shaved her head while his brother injured her leg. Then their mother took her revenge by cutting off the girl’s nose.

After what Munira called “serious follow-up work,” the three were arrested, tried and convicted, so the case qualifies as progress in Afghanistan, where previously such acts often went unpunished. The rigorous case concluded, she went to visit the mother in her prison cell.

“I sat with her, very close,” Munira related. “She was a simple woman, from a small village. I asked her, ‘Sister, why did you do this to your daughter-in-law?’ She was quiet, then she said, ‘I did this because it says in Islam that if a wife is not accepting of a husband, you should shave her head and cut off her nose.’

“I told her, ‘This is not Islam.’ She was just going by what others had told her.”

The first time Professor Steiner heard the story, he was struck not just by the successful prosecution but by the extra step Munira took.

“I could imagine many people, maybe even me, ending the story with the conviction and the sense of triumph,” Steiner said.

“But Munira sat down with the mother-in-law, and an entirely different aspect of the story opens up. She finds out that the woman isn’t this horrible monster. She’s not literate, not sophisticated — she just picked up these tribal customs and cues.

“It’s really telling that Munira is the kind of person who helps make sure that the abused girl gets some measure of justice, but then she goes to another level and tries to understand how this happens, because that’s where there’s hope for change.

“That’s why these students are special. They think bigger and broader thoughts than the average lawyer.”

Shamsi and Munira see the statistics and read the news. A report issued in March by the U.N. Entity for Gender Equality and the Empowerment of Women calls Afghanistan “one of the most extreme cases of gender inequality in the world,” ranking it 139th out of 145 nations on an equality index. They know that the violence is real, and that the misinformation behind it may take generations to reverse. They also worry about what might happen to tenuous levels of societal and governmental stability once U.S. troops depart sometime in 2014.

But none of that overshadows the optimism they exude.

They’re buoyed by a 2009 law banning violence against women and setting new penalties for forced marriage and rape. They’ve visited newly opened shelters that give refuge to women escaping abuse. They’ve seen their own work change lives for the better.

“We should expect to face problems,” Shamsi said. “If you are not willing to accept these challenges, you cannot make a difference. This is the time for Afghans to try to solve problems, not to run away from them. This is the time to sacrifice to have a better life — a better life for the next generation.”

Recently, Professor Steiner had an experience that triggered his own sense of reflection. He accompanied Shamsi and Munira for a lunchtime visit with Judge David O. Carter in his chambers at the federal courthouse in Santa Ana. It was the day of the space shuttle fly-by, so the four of them ambled onto the balcony for a look.

“I was thinking, here I am talking with people who just a few weeks ago were working in Nangarhar Women’s Prison,” he said.

“That’s where they were, and now they’re here, and a space ship just flew by.

“Maybe anything is possible.”