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**SEEING THROUGH WOMEN'S EYES: A REVIEW ESSAY OF PRICE  
OF HONOR: MUSLIM WOMEN LIFT THE VEIL OF SILENCE ON THE  
ISLAMIC WORLD**

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*Seeing Through Women's Eyes: A Review Essay of PRICE OF HONOR: MUSLIM WOMEN LIFT THE VEIL OF SILENCE ON THE ISLAMIC WORLD.*

By Jan Goodwin.

Boston/New York/Toronto/London

Little, Brown and Company (1994).

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*Reviewed by Pamela Goldberg\**

In the summer of 1991, I went to the occupied territories of the West Bank and Gaza Strip. My friend and host, a United States citizen who had spent the last four years doing human rights work there, lived in Ramallah, a city forty miles from Jerusalem on the West Bank. Upon planning our travel to Gaza, she and I engaged in a long discussion about the appropriate manner of dress for a visitor. She explained to me that since the 1987 Palestinian uprising, the Intifada,<sup>1</sup> women in Gaza had returned to covering themselves with long sleeves, long skirts, and head scarves. While their faces are not necessarily veiled, their heads and hair remain unexposed whenever in public, as both a religious and a political gesture to demonstrate their support of the Intifada and a Palestinian free state. Any female visitor concerned about the welfare and advancement of the Gazan people would show her respect by also covering herself appropriately. Despite feeling tentative about it, my friend's arguments persuaded me to modify my dress in an effort to show respect to cultural and religious practices of the Gazan people.<sup>2</sup>

The drive from Ramallah to the border seemed longer than it was—the car was hot and crowded as the temperature hovered around 100 degrees. My friend and I sat in the back seat with an unknown male passenger, and a woman dressed in black, with her head

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<sup>1</sup> See Ann M. Lesch, *Prelude to the Uprising in the Gaza Strip*, 20 J. PALESTINE STUD. 1 (1990); PHYLLIS BENNIS, *FROM STONES TO STATEHOOD: THE PALESTINIAN UPRISING* (1990); JOOST R. HITLERMANN, *BEHIND THE INTIFADA* (1991).

<sup>2</sup> For the trip to Gaza, I borrowed a pair of mid-calf length culottes, and donned a long-sleeved shirt, modestly rolling the cuffs to just above my wrists.

covered, sat in the front beside the driver. As we pulled away from the Israeli check-point into Gaza, I gathered my hair off my face and tied a bandana over my head. For the next two days, I kept my head covered whenever I went out, and inartfully wore my "uniform" of long culottes and long sleeves. On the streets, in the shops, in all public places, women wore garbs of long skirts and long sleeves, and covered their heads with *hijabs* (head scarves) leaving no hair visible.<sup>3</sup>

Although I was discouraged from venturing out unescorted, I had occasion to go out with my host in Gaza. She is tall and large-boned, with a graceful and sturdy bearing—not someone who could easily go unnoticed in a crowd. Though not as striking as she is, I am accustomed to walking the streets of New York City, which requires a certain amount of wary alertness and bravado. Although we had our heads covered, our dress was unmistakably "western," and not at all similar to the "appropriate" dress of Gazan women.<sup>4</sup>

As we walked along the crowded streets, an angry male voice suddenly assailed us. My friend whispered gruffly and quickened her pace. Without knowing quite what was happening, I raced to keep up. The calls followed us down the street. Men were pointing at us. Women stared quickly and cast down their gaze. Shopkeepers looked up from their wares. "Let's get out of here," my host rasped in my ear as she pulled me along a narrow sidestreet. Alarmed and puzzled, I kept apace. We returned to her apartment, our shopping expedition called short. Apparently, we had been perceived as violating the code of proper behavior for women. Our dress indicated we might be Israelis or Israeli collaborators.<sup>5</sup> We were not

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<sup>3</sup> As one Gazan activist in the women's movement said, in an effort to explain how this practice overtook women in Gaza: "[W]e couldn't act earlier in Gaza, because the time was not right. The Intifada was at its height, and we didn't want to create internal differences while fighting the occupation." See Joost R. Hiltermann, *The Women's Movement During the Uprising*, 20 J. PALESTINE STUD. 48, 56 (1991) (citation omitted).

<sup>4</sup> I am almost certain that my hair showed around the front, sides and back of my scarf.

<sup>5</sup> Over the course of the Intifada, Palestinians believed to be collaborating or cooperating with the Israeli government were targeted, sometimes murdered, by members of extremist movements in the Gaza Strip and the West Bank. See JAN GOODWIN, PRICE OF HONOR: MUSLIM WOMEN LIFT THE VEIL OF SILENCE ON THE ISLAMIC WORLD 300 (1994).

to be trusted and, at least according to the men who yelled at us, not to be roaming the streets of Gaza unescorted. My resentment and uneasiness at having to cover myself now mingled with feelings of shame, anger, fear, and, absurdly, a stab of exhilaration as though I had bravely withstood a brush with "a dangerous and powerful force."<sup>6</sup>

My trip occurred at a time when the Intifada had been going on for more than three and one half years.<sup>7</sup> At that time, the Intifada was continuing more by obstinance and grit than by any far-reaching enthusiasm. After so much time, with no real gain to speak of, the Palestinians were becoming weary of the curfews, the murders, the arrests and detentions without charges, the demolitions of houses and boarding up of rooms, and the deportations without notice or due process. The situation for Palestinians had not improved during the Intifada, but rather had deteriorated sharply. Yet their pride had grown over the course of many long months of standing up to their oppressors and of actively refusing to be passive victims of Israeli repression and violence. A feeling of frustration and determination seemed to pervade the West Bank and East Jerusalem at the time. In Gaza, however, things were not the same.

Muslim extremist political parties controlled Gaza.<sup>8</sup> One of the first and most evident things they did to assert their influence and control was to mandate that women return to the veil, keeping their heads and bodies covered.<sup>9</sup> Islamic dress for women had become, in

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<sup>6</sup> See *id.* An important point Goodwin makes is precisely that the Muslim extremist political movement is a dangerous and powerful force. *Id.* at 78-80. However, in the cold light of day, I hardly rank my peripheral contact with such forces as anything comparable to the realities of women living their lives under the influences of these groups.

<sup>7</sup> The Intifada began on December 8, 1987. See Lesch, *supra* note 1, at 1.

<sup>8</sup> *Id.* I use the term extremist rather than fundamentalist because of the controversy and debate that has surrounded that term. Nonetheless, I share the view expressed by Karima Beninoune, who opts for use of the term fundamentalist, concerning the use of the term "Islamist" in that I support the notion that these extremist or "fundamentalist" movements are not "particularly Islamic" or that they "capture some 'true' essence of the Muslim religion." See Karima Bennoune, *Algerian Women Confront Fundamentalism*, 46 MONTHLY REV. 26, 37 n.1 (1994).

<sup>9</sup> See Sara Roy, *The Political Economy of Despair: Changing Political and Economic Realities in the Gaza Strip*, 20 J. PALESTINE STUD. 58, 64-66 (1991); Hiltermann, *supra* note 3, at 56. Hiltermann, attributing this mandate to the Islamic Resistance Movement

Gaza, a symbol of support for the Intifada, and as common as business suits on Wall Street.<sup>10</sup> With great resentment and misgivings, I had agreed to cover my head, feeling that I owed it to my friend, whose insistence had alarmed me, almost as much as the Palestinians in Gaza.<sup>11</sup>

I strongly opposed the rampant human rights abuses committed by the Israelis against the Palestinian people in the

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known as Hamas, writes as follows:

In 1988 and 1989, women in the occupied territories came under growing pressure from the insurgent Islamic movement to wear a headscarf [*hijab*] in public. Many secular women, especially community activists, resisted such pressures. By the end of 1989, however, the campaign had succeeded in the Gaza Strip where women could no longer appear in public without a headscarf, and had made major inroads in the West Bank as well.

*Id.* Hamas is identified as the enforcers, if not the instigators, of the practice of keeping women veiled. As a Gazan activist said, "Hamas will throw stones at us [if we are not wearing the veil] and we will throw stones at them, and the army meanwhile can take a break." *Id.* (citation omitted); see Rema Hammami, *Women, the Hijab and the Intifada*, MIDDLE E. REP., May-Aug. 1990, at 24-25 (discussing the forced veiling of women in the Occupied Territories during the Intifada).

<sup>10</sup> See GOODWIN, *supra* note 5, at 293. Goodwin writes:

[I]n the first year of the Intifada, Hamas zealots, many mere teenage boys, forced women in Gaza, where the extremists then had more control, to wear the Islamic head covering again. Having achieved that goal, Hamas then insisted that women wear the full-length Islamic coat or *abaya*, and more recently women have been bullied into wearing face veils and gloves.

*Id.*

<sup>11</sup> In addition to this being a personal trip to increase my understanding of the situation of the Palestinians under Israeli rule, I was also there gathering evidence for a class action lawsuit to be brought against tear-gas manufacturers whose product was being used, with the full knowledge of the United States manufacturers, by the Israeli government in blatant violation of the lawful and appropriate manner of its use. In short, the tear-gas was being thrown into closed areas, including family living quarters, and was being aimed directly at the faces and bodies of individuals, even mothers holding infants and small children in their arms. Part of my mission in Gaza was to find and interview several individuals who had experienced the powerful abuse of the tear-gas by the Israeli soldiers. The lawsuit is still pending. See *Abu Zeineh v. Federal Lab., Inc. & Trans Tech. Corp.*, Civ. 91-2148 (W.D. Pa. Apr. 2, 1992).

Occupied Territories, which were reported daily in the newspapers,<sup>12</sup> and I did not want to be perceived as anything but supportive of the Palestinian people. I did not understand, at that time, the powerful political weapon extremists were making of Islam, not only in Gaza but throughout the Islamic world.<sup>13</sup> Nor did I comprehend the depth of the exploitation of women to fulfill their political mission.<sup>14</sup>

After reading Jan Goodwin's book, *The Price of Honor: Muslim Women Lift the Veil of Silence on the Islamic World*,<sup>15</sup> I reflected for the first time in several years on the significance of the pervasive ritualistic covering of the female body that I both witnessed and participated in while in Gaza. The practice seems to be prevalent

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<sup>12</sup> See, e.g., AL-HAQ, PROTECTION DENIED: CONTINUING ISRAELI HUMAN RIGHTS VIOLATIONS IN THE OCCUPIED PALESTINIAN TERRITORIES 1990 (1991); AL-HAQ, A NATION UNDER SEIGE: AL-HAQ ANNUAL REPORT ON HUMAN RIGHTS IN THE OCCUPIED PALESTINIAN TERRITORIES (1990); AL-HAQ, PUNISHING A NATION: HUMAN RIGHTS VIOLATIONS DURING THE PALESTINIAN UPRISING, DECEMBER 1987-DECEMBER 1988 (1989); *The Interrogation of Palestinians During the Intifada: Ill-treatment, "Moderate Physical Pressure" or Torture?*, REP. OF B'TSELEM (The Israeli Information Center for Human Rights in the Occupied Territories, Mar. 1991); *Limitations on the Right to Demonstrate and Protest in the Territories*, REP. OF B'TSELEM (The Israeli Information Center for Human Rights in the Occupied Territories, Jan. 1992) (examining some of the human rights abuses occurring in the occupied territories at that time). B'TSELEM was recently founded and is devoted exclusively to the defense of human rights in the Occupied Territories. David Foreman, *We Can't Afford to Take a Moral Vacation*, JERUSALEM POST, Apr. 1, 1992, available in LEXIS, News Library, JPost File (describing B'TSELEM as the premier "human rights watch group" in the Occupied Territories).

<sup>13</sup> See, e.g., *infra* notes 17, 50 and accompanying text.

<sup>14</sup> See, e.g., *infra* notes 25-46 and accompanying text.

<sup>15</sup> The title of the book is based on the term "crime of honor," which is: [A] legal term covering the murder of women suspected of having had premarital sexual relations. The killers are usually male next-of-kin. The legislation is non-religious, but panders to some of the most backward male chauvinist sentiments that still exist in certain rural areas. The word 'honour' is used because Arab men relate their personal and family honour to the premarital sexual behavior of their nearest women kin.

BOUTHANIA SHAABAN, BOTH RIGHT AND LEFT HANDED: ARAB WOMEN TALK ABOUT THEIR LIVES 27 n.1 (1991); see FAWAZ TURKI, EXILE'S RETURN: THE MAKING OF A PALESTINIAN AMERICAN 57-60 (1994) (giving the male perspective of the crime of honor, and describing the poisoning of his sister by his older brother because she was considered to have breached the family honor by her sexual conduct).

in Gaza and increasingly common throughout the Islamic world.<sup>16</sup> In her ten country odyssey,<sup>17</sup> Goodwin discusses the growth of the Islamic extremist movement, its adverse effects on society in general, and its laser beam focus on the control of women.<sup>18</sup> The veiling of women has become virtually emblematic of Muslim extremism throughout the world. Goodwin returns again and again to the way in which the covering of the head and body of women and girls is being used by these extremist movements as a political tool to exercise control.<sup>19</sup> According to many of the women who Goodwin quotes, nowhere in the Koran is it written that a woman's head must be covered, her face veiled, or her body completely hidden.<sup>20</sup> Nadia Al Baz, a niece of Saudi Arabian Sheikh Bin Baz who issued the mandate that Saudi women not be allowed to drive, lives in Kuwait and struggled with the issue:

I haven't reached that level [of wearing the *hijab* or head-covering] yet. Maybe in five years I will wear it, but not now. I had to be completely covered in Saudi Arabia, even my face. I hated it. The Koran doesn't say we should cover our faces, but it also doesn't ban women from driving, as my uncle has. I guess if he saw me with my head uncovered, he

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<sup>16</sup> See GOODWIN, *supra* note 5, at 293. "In Gaza today it is rare to find a woman who does not dress like her counterpart in Saudi Arabia. In East Jerusalem and the West Bank, an estimated 50 percent of women are now veiled, and that number is steadily growing even in towns like Ramallah, where not so long ago Arab women could and did wear shorts." *Id.*

<sup>17</sup> In addition to the Israeli Occupied Territories of Gaza and the West Bank, Goodwin discusses conditions for women in Pakistan, Afghanistan, Iran, the United Arab Emirates, Kuwait, Saudi Arabia, Iraq, Jordan, and Egypt. See *id.* at 48-75 (Pakistan), 76-102 (Afghanistan), 103-29 (Iran), 130-53 (United Arab Emirates), 154-80 (Kuwait), 206-32 (Saudi Arabia), 233-59 (Iraq), 260-88 (Jordan), 321-51 (Egypt). She also addresses the issue of women from the U.S. who converted to Islam, and who are living in Muslim countries. *Id.* at 181-205.

<sup>18</sup> *Id.* at 8.

<sup>19</sup> See *infra* text accompanying notes 22-26; see also LEILA AHMED, *WOMEN AND GENDER IN ISLAM* (1992) (giving a fascinating discussion of the history and development of Islam from a woman's perspective).

<sup>20</sup> GOODWIN, *supra* note 5, at 8, 30, 81, 86, 89, 203-04, 215.

would kill me.<sup>21</sup>

Fatima Gailani, an official of the Afghan Resistance for over twelve years, the "sole female in the guerilla army" and the European representative of the National Islamic Front of Afghanistan, relies on the fact that women do not cover on the *Hajj*, the religious pilgrimage to Mecca, to support her refusal to veil her face.<sup>22</sup>

The voices of those who support Islamic dress are heard in the pages of the book as well. "If you want to be judged a good Muslim by God, you do everything you can, and as a woman, that means proper Islamic dress. I also think women are more respected when they cover."<sup>23</sup> Although a number of the women Goodwin interviews wear Islamic dress, many share the view that it is not compulsory, but rather political.<sup>24</sup> If the manipulation of religion to serve political ends manifested itself only in the forcible return to the *hijab* and *chador* for women and the harsh penalties imposed against women who will not comply, it would be enough to send chills down the spine and raise concerned eyebrows.<sup>25</sup> Unfortunately, the extremist exploits do not stop with the covering of the female body.<sup>26</sup>

Goodwin recounts, country by country, some of the more egregious abuses of women's human rights that occur under Islamic extremism. She tells of a Pakistani woman who was arrested out of her home without cause, falsely accused, and repeatedly raped and

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<sup>21</sup> *Id.* at 215.

<sup>22</sup> *Id.* at 76-77, 86.

<sup>23</sup> *Id.* at 217 (quoting Dr. Fatima Naseef, who is also addressed as "Sheikha" because of her religious authority in Saudi Arabia).

<sup>24</sup> See *infra* text accompanying note 51.

<sup>25</sup> It is only the compulsory aspect I criticize. I do not mean to suggest that any woman should be denied the right to choose her manner of dress. Goodwin discusses the dress restrictions imposed on women as well as the penalties they may face for refusing to comply with them, which includes, among others, "one to twelve months in prison and/or flogging." GOODWIN, *supra* note 5, at 109. A *chador* is a large sheet-like scarf that covers a women's head and chest that women are required, by religion, to wear, in some Islamic countries once they reach puberty. *Id.* at 5.

<sup>26</sup> See Donna J. Sullivan, *Gender Equality and Religious Freedom: Toward a Framework for Conflict Resolution*, 24 N.Y.U. J. INT'L L. & POL. 795, 829 (1992) (discussing the human rights dangers for women, under restrictive, discriminatory, or dangerous Islamic practices).

abused by the authorities.<sup>27</sup> Goodwin describes the crime of "[z]ina, sex outside of wedlock, [which] encompasses adultery, fornication, and rape."<sup>28</sup> Under this law, women must prove, through the testimony of four reputable adult Muslim males, that rape has occurred.<sup>29</sup> Such an impossible burden often results in the woman who has alleged rape being charged herself with, and convicted of, *zina*.<sup>30</sup> For unmarried women, the penalty for *zina* is up to 100 lashes and ten years imprisonment;<sup>31</sup> for married women, the penalty for *zina*<sup>32</sup> and marital infidelity<sup>33</sup> is stoning to death.

Goodwin mentions the practice of marriage to the Koran whereby a young woman is forced to actually marry the Koran, the Islamic holy book, in a formal ceremony.<sup>34</sup> Once done, she is banished to the home of her parents and can never lay her eyes on an adult male, "even on television, for the rest of her life."<sup>35</sup> She tells about *pardah*, the separation of women from all men besides her closest male relatives.<sup>36</sup> This separation may be carried to such extremes as living in homes with no windows facing the street and high walls surrounding the living quarters.<sup>37</sup> Such living conditions are known to cause poor health and disease from, among other things, lack of exposure to the sun.<sup>38</sup> She mentions that the practice of covering a woman's entire face, leaving mere slits for the eyes,<sup>39</sup> is enforced despite evidence that this extreme form of veiling may

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<sup>27</sup> GOODWIN, *supra* note 5, at 49-52.

<sup>28</sup> *Id.* at 51.

<sup>29</sup> *Id.*; see Sullivan, *supra* note 26, at 829-32.

<sup>30</sup> GOODWIN, *supra* note 5, at 51. For instance, in Palestine 75% of all women in jail are charged with *zina*. *Id.* at 52.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Id.* at 218-19, 275.

<sup>34</sup> *Id.* at 71.

<sup>35</sup> GOODWIN, *supra* note 5, at 71.

<sup>36</sup> *Id.* at 56-57, 95-96, 341.

<sup>37</sup> *Id.* at 56-57.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.* at 56.

cause damage to the eyes and permanent loss of vision.<sup>40</sup>

In addition to these extreme examples, Goodwin tells of the daily humiliation and control of women. One of the most poignant examples is the situation of a taxi driver's wife whom Goodwin befriended in Egypt.<sup>41</sup> At the end of her stay there, after serving as her driver over her entire trip, Said, the taxi driver, invited Goodwin to meet his wife and family. Goodwin arrived to find Said's college-educated wife, Wafa, confined to their tiny four room apartment, which they share with their four year old daughter, thirty month old son, his blind mother, and elderly father.<sup>42</sup> Wafa is forbidden to leave the house for any reason. She is not even permitted to visit other women living in their apartment building.<sup>43</sup> Further, Said does not even permit her to go out to pray at a mosque, even during Ramadan: "She can pray at home. It is better."<sup>44</sup> When they were first married, Said insisted that Wafa discontinue her studies.<sup>45</sup> He was "helpful and honest" in his dealings with Goodwin. Upon her visit to his home, he told her: "I want to control [my wife] and my daughter wherever they go. She cannot meet other people. She has no permission to go anywhere without me . . . . [When I go out] I never take my wife. I go with my friends, all men, many times. Why should I take her?"<sup>46</sup>

An essential premise of Goodwin's book is that Islam, the religion, is far different from the politically motivated Muslim extremist movement occurring throughout the world today.<sup>47</sup> Nilofar

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<sup>40</sup> GOODWIN, *supra* note, 5 at 161. A Kuwaiti ophthalmologist, who disputes this view and who herself is veiled, states that, "[t]here is no proof that it affects the vision at all . . . . [a]nd if women see less well at night, well, no good Muslim women should be out at night unaccompanied." *Id.*

<sup>41</sup> *Id.* at 340-42.

<sup>42</sup> *Id.* at 340.

<sup>43</sup> *Id.* at 341.

<sup>44</sup> *Id.*

<sup>45</sup> GOODWIN, *supra* note 5, at 341.

<sup>46</sup> *Id.* at 340. Goodwin asked the couple what they would change in their lives if they could. Said unhesitantly replied that he would like to have a new car. *Id.* When he was out of hearing distance, Wafa replied that she would like to, "at least," be allowed to go to weddings. *Id.* She went on to say, "[h]e is a good man, but if I had known his character before, I would not have married him." *Id.* at 341-42.

<sup>47</sup> *Id.* at 358.

Ahmad, the founder and director of Daughters of Islam in Karachi, Pakistan, tells us: "Islam is a religion that liberated women, and that same religion is being used to oppress them. The backward position of Muslim women today is due to the misinterpretations—intentional or unintentional—of the primary sources of Islam."<sup>48</sup> Even some of the most conservative Muslims that Goodwin interviewed agree that the inherent pro-woman stance of the Koran is being exploited.<sup>49</sup> Zuleikha Abu Risha, a founding member of the Muslim Brotherhood's<sup>50</sup> Islamic Women's Society declares:

I am not against Islam. It is part of my identity, but it is also time that educated women read the Koran for themselves and make their own interpretations of it, not live with the misinterpretations of Islam that go against their rights, which is happening so much now.<sup>51</sup>

Furthermore, according to Goodwin, and to many of those she interviews in the book, Islam ironically is, at root, protective of women's rights and inherently pro-woman.<sup>52</sup> "Islam gave women all sorts of rights . . . . [W]omen should take their full rights . . . ."<sup>53</sup>

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<sup>48</sup> *Id.* at 74.

<sup>49</sup> *Id.* at 272-73, 276-79.

<sup>50</sup> GOODWIN, *supra* note 5, at 11-12. According to Goodwin, the Muslim Brotherhood "is the largest Islamic fundamentalist organization in the world, and now claims a presence in most major countries, including the United States and countries throughout Europe." *Id.*

<sup>51</sup> *Id.* at 279. A Jordanian psychology professor at the University of Jordan in Amman states it perhaps most bluntly, if slightly ambivalently, when she says:

Sometimes I feel the fundamentalists are abusing Islam. The religion is not oppressive. There was no greater man than the Prophet Mohammad. To trivialize the religion he brought to the world is a great pity. If Muslim fundamentalism continues in the direction it is heading, they will govern here. They will come to power and the impact for women will be very negative.

*Id.* at 272-73.

<sup>52</sup> *See id.* at 29-47.

<sup>53</sup> *Id.* at 169 (quoting Sheikha Dr. Souad M. Al-Sabah). Sheikha Dr. Souad M. Al-Sabah is a renowned poet, an economist, human rights, and women's rights activist and writer, whose writings have been banned in Kuwait. *Id.* at 165. She is the widow of

While Goodwin ably brings out the politically motivated repressive uses of Islam to keep women down and to exert greater social and political control over them,<sup>54</sup> she is not always so adept at revealing the line between the religion itself and the modern-day political corruptions of it. Virtually everyone she interviews is a Muslim and a believer in Islam, and, while many criticize the corruption of Islam by the extremists, Goodwin does not draw out from them where the required Koranic religious practices end, and the repressive politically motivated requirements imposed in the Koran's name begin. The voices of the women are, nonetheless, clear in their belief in the true tenets of Islam. Yet the words of one Muslim and student of Islam convey the sentiment expressed by many:

Women have to remember that the Prophet said, 'Men and women are equal as two teeth on a comb' . . . Muslim women . . . must study their religion for themselves, learn what it really says, not accept someone else's idea. Only then will they be able to fight for their rights with the very weapon currently used against them—the Koran.<sup>55</sup>

Goodwin is a journalist and her book is written in reportage style. She does not offer much in the way of opinion or analysis. She fills the pages of her book with quotes from the women and the handful of men she interviewed during her four year sojourn, mixing in background and contextual facts. Her book reads like a detailed,

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the son of the founder of modern-day Kuwait and is herself a founding member of the Arab Organization for Human Rights. *Id.* at 165-66. "[F]undamentalist violence against women is part of political repression, rather than cultural repression which can be explained inherently by 'Islam' itself." Bennoune, *supra* note 8, at 33 (citing a prominent woman activist and President of the Independent Association for the Triumph of Women's Rights). Bennoune concludes that "the conflict is not between 'the religious' and 'the secular,' but is rather a *political struggle among Muslims over the political uses and interpretations of their religion, and over power.*" *Id.* at 34 (emphasis added).

<sup>54</sup> GOODWIN, *supra* note 5, at 7-9.

<sup>55</sup> *Id.* at 75 (quoting Nilofar Ahmad, Founder of Daughters of Islam in Karachi, Pakistan).

yet concise, survey of the treatment of women in the ten countries she visited. Unfortunately, she does not give her sources, aside from her interview subjects, nor does she supply a bibliography. While many readers will be curious, if not anxious for the authority supporting her information, her use of the unadorned facts is no less stunning for this failing. As an outsider looking in at very close range, she provides a perspective that is unmistakably western, yet reflects a keen understanding of her topic.

Goodwin does not tell us anything new or profound that cannot be found elsewhere.<sup>56</sup> However, what sets her work apart is her direct, unblinking, yet highly accessible approach in addressing the treatment of women in these countries. She does not provide in-depth analysis of the facts she lays out. This is not a scholar's book, complete with footnotes, and sub-texts. Rather, this is a book that attempts, above all else, to demystify. It is a book for first time seekers of a greater understanding of the treatment of women in this segment of the Islamic world or for those in search of a clear, concise, and readable rendition of it. Although there could certainly be a more nuanced, complex presentation of what she describes, Goodwin's talent lies in her ability to cut through the complexity, and give a straightforward, succinct, and interesting view of the impact on women of the politicized appropriation of a powerful religion by powerful fundamentalist movements within the Islamic world.

It is fitting that Goodwin's book be reviewed in this symposium issue on immigration law issues. While questions of human rights and civil liberties are not for immigration or asylum laws to determine or redress, society has long recognized that there must be a place in these laws for recognition of those fleeing

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<sup>56</sup> There are a number of books written about women and Islam. *See, e.g.*, WOMEN AND ISLAM (Azizah al-Hibri ed., 1982); WOMEN, ISLAM AND THE STATE (Deniz Kandiyoti ed., 1991); JAMAL J. NASIR, THE STATUS OF WOMEN UNDER ISLAMIC LAW AND UNDER MODERN ISLAMIC LEGISLATION (1994); F. MERNISSI, BEYOND THE VEIL: MALE-FEMALE DYNAMIC IN MODERN MUSLIM SOCIETY (1985); SHAABAN, *supra* note 15. Additionally, there are many books on the rise of Islamic extremism as a political force. *See, e.g.*, MINOU REEVES, FEMALE WARRIORS OF ALLAH: WOMEN AND THE ISLAMIC REVOLUTION (1989).

persecution.<sup>57</sup> Asylum law is about the protection of individuals against violations of their human rights.<sup>58</sup>

Reading Goodwin's book, one is acutely aware that many practices carried out in the name of Islam are profoundly persecutory—restrictions on movement, speech, dress, association, and all manners of violence. Violations of basic human rights, such as those faced by many of the women whose tales are told in the book, under other circumstances, would clearly be considered violations of fundamental rights warranting a grant of refugee or asylum protection.<sup>59</sup> But because the abuses are perpetrated against women, these severely restrictive practices, and the extreme repercussions that may be incurred for violating them—stoning, execution, forced marriage to a rapist, murder by a family member

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<sup>57</sup> See Convention Relating to the Status of Refugees, July 28, 1951, 189 U.N.T.S. 137; Protocol Relating to the Status of Refugees, Jan. 31, 1967, 19 U.S.T. 6223, 606 U.N.T.S. 268; The Refugee Act of 1980, Pub. L. No. 96-212, 94 Stat. 102 (1980) (codified at 8 U.S.C. § 1521 (1988)).

[The Refugee Act of 1980] was enacted to bring U.S. immigration law into compliance with international obligations under the 1967 Protocol relating to the Status of Refugees . . . which the United States acceded [to] in 1968 . . . and which incorporates by reference all the provisions of the 1951 Refugee Convention with the exception of removing the temporal and geographic limitations in the definition of refugee under the 1951 Convention.

Pamela Goldberg, *Anyplace but Home: Asylum in the United States for Women Fleeing Intimate Violence*, 26 CORNELL INT'L L.J. 565, 577 n.45 (1993).

<sup>58</sup> The Attorney General has discretion to grant asylum to an individual who is found to be a refugee as statutorily defined. 8 U.S.C. § 1158(a) (1988). A refugee is defined as a person who is outside her country of nationality or last habitual residence and "is unable or unwilling to return to . . . [or] avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. *Id.* § 1101(a)(42).

<sup>59</sup> See United Nations World Conference on Human Rights: Vienna Declaration and Programme of Action, June 25, 1993, 32 I.L.M. 1661; 1678-80 (recognizing the human rights of women as an inalienable, integral, and indivisible part of universal human rights, and specifically condemning gender-based violence and all forms of sexual harassment and exploitation). See also Ellen Goodman, *Another Step Toward Redefining Abuse of Women*, BOSTON GLOBE, Mar. 27, 1994, at 75 (stating that "[a]t the United Nations Conference on Human Rights last summer, women's groups from every culture signed the same petition saying: 'We demand gender violence be recognized as a violation of human rights.'").

for not being a virgin at first marriage—are not regarded as heinous practices and persecutory acts, but rather are considered business as usual, if they are considered at all.<sup>60</sup>

Goodwin mentions in her book the pivotal Canadian refugee case of "Nada," which catapulted the issue of gender-based persecution into the public eye in 1991.<sup>61</sup> "Nada" is a Saudi woman who sought refugee status in Canada.<sup>62</sup> Although she was subsequently granted permission to remain in Canada on humanitarian and compassionate grounds, her claim for recognition as a refugee was denied.<sup>63</sup>

In the recent case of *Fatin v. INS*,<sup>64</sup> the Third Circuit Court of Appeals, while rejecting an asylum claim for failure to establish its factual basis at the hearing below, ruled for the first time in the United States that women constitute a social group for purposes of establishing eligibility for asylum.<sup>65</sup> The asylum applicant was also an Iranian woman who feared persecution under the Muslim extremist

<sup>60</sup> An Iranian woman's claim for asylum that was based on her membership in the social group of "Iranian women by virtue of their innate characteristic (their sex) and the harsh restrictions placed upon them" was denied. *See Safaie v. INS*, 25 F.3d 636, 640 (8th Cir. 1994) (citation omitted) (stating further that "[the Court] believe[s] this category is overbroad, because no fact-finder could reasonable conclude that all Iranian women had a well-founded fear of persecution based solely on their gender."). *But see Fisher v. INS*, 37 F.3d 1371 (9th Cir. 1994) (finding that an Iranian woman who finds it counter to religious beliefs to, inter alia, be forced to veil herself, may be able to establish a well-founded fear of persecution on account of religion); *infra* notes 64-68 and accompanying text (discussing a landmark Third Circuit case reaching the opposite conclusion, *Fatin v. INS*, 12 F.3d 1233 (3d Cir. 1993)).

<sup>61</sup> GOODWIN, *supra* note 5, at 206-07.

<sup>62</sup> *Id.* at 206.

<sup>63</sup> P.(F.V.)(Re) Convention Refugee Determination Decision C.R.D.D. No. 1096, No. M91-04822(t) (1991) (Immigration & Refugee Board of Canada). According to Catherine Parker of the Immigration and Refugee Board of Canada, the decision granting Nada status to remain in Canada on humanitarian and compassionate grounds is not a published, written decision. Telephone Interview with Catherine Parker, Immigration and Refugee Board of Canada (Aug. 30, 1994). At about that same time, in one of the first of its kind, a law review article was published that used issues concerning Iranian women under Islam to exemplify the concept of women facing gender-based persecution as members in a particular social group. *See* David L. Neal, *Women as a Social Group: Recognizing Sex-Based Persecution as Grounds for Asylum*, 20 COLUM. HUM. RTS. L. REV. 203, 210-22 (1988).

<sup>64</sup> 12 F.3d 1233 (3d Cir. 1993).

<sup>65</sup> *Id.* at 1240.

government if she were forced to return.<sup>66</sup> The principle of law established by the *Fatin* case<sup>67</sup> opens the door to allow the focus of women's asylum claims to shift towards a greater emphasis on the facts of women's lives—the individual story a refugee women has to tell about how her human rights have been or will be violated.<sup>68</sup>

At its essence, any meaningful understanding of human rights begins with the stories of the individuals who have suffered these abuses. It is the human dimension that gives shape and weight to the legal concepts. Goodwin makes good use of this axiomatic principle. She draws the reader into her book by beginning with the compelling story of young Maria, a ten year old girl she befriended while living in Pakistan.<sup>69</sup> Having taken Maria under her wing, she managed to obtain Maria's father's permission to let Maria enroll in school.<sup>70</sup> She took Maria out with her and encouraged her studies and her enjoyment of life.<sup>71</sup> Gradually, Maria's life began to change. Maria's father began beating her.<sup>72</sup> She was no longer allowed to attend school.<sup>73</sup> Her outings with Goodwin came to a halt.<sup>74</sup> Ultimately, Maria was traded by her father to an elderly man who

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<sup>66</sup> *Id.*

<sup>67</sup> *Id.* at 1242. The previously mentioned *Safaie* case, while problematic, does not necessarily refute the principle that gender can constitute a particular social group. See Goldberg, *supra* note 57, at 572. What the Eighth Circuit, and others, seem to be missing is that no one contends that for a woman to gain asylum status she must merely allege her gender and her country of origin. *Id.* She must, as must all asylum-seekers, show the basis of her well-founded fear of, or actual, persecution on account of one of the five enumerated grounds, in this example, membership in a particular social group. *Id.*

<sup>68</sup> There is a growing body of scholarly literature on establishing the asylum claims of women using a traditional asylum law approach. See, e.g., Goldberg, *supra* note 57; Neal, *supra* note 63; Nancy Kelly, *Gender-Related Persecution: Assessing the Asylum Claims of Women*, 26 CORNELL INT'L L.J. 625 (1993); Felicite Stairs & Lori Pope, *No Place Like Home: Assaulted Migrant Women's Claims to Refugee Status and Landings on Humanitarian and Compassionate Grounds*, 6 J.L. & SOC. POL'Y 148 (1990).

<sup>69</sup> GOODWIN, *supra* note 5, at 3-6. Ms. Goodwin lived in Islamic countries, including Pakistan and Afghanistan, for several years. *Id.* at 7.

<sup>70</sup> *Id.* at 4.

<sup>71</sup> *Id.*

<sup>72</sup> *Id.* at 5.

<sup>73</sup> *Id.*

<sup>74</sup> GOODWIN, *supra* note 5, at 6.

had a daughter Maria's father wanted to take for his wife.<sup>75</sup> The last we hear of her, Maria, at age eleven, is pregnant, confined by her elderly husband in *purdah*, and her exact whereabouts unknown to Goodwin.<sup>76</sup> Maria was gone and not to be found.<sup>77</sup>

Goodwin does not return to Maria or her fate after laying out the tragic story at the book's beginning. The reader is left wondering what will become of this innocent, brave and intelligent girl. How will her life unfold? Will she ever escape *purdah*? Will she ever taste freedom again, or even an ice cream sundae?<sup>78</sup> How will she fill her days?<sup>79</sup>

These concerns haunted me as I read with horrified fascination the almost daily accounts of the Abequa murder throughout the mid-summer of 1994. Mohammed Ismail Abequa, a Jordanian and naturalized United States citizen, confessed to the brutal murder of his wife, Nihal Abequa, in Parsippany-Troy Hills, New Jersey on July 8, 1994.<sup>80</sup> He immediately took his six year old daughter, Lisa, and three year old son, Sami, fled the United States, and returned to his native Jordan.<sup>81</sup> Once there, he visited his family with his children before his capture by the Jordanian authorities.<sup>82</sup> As Abequa battled his murdered wife's sister for custody of the children, whose mother died violently at his hands, I was filled with rage and

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<sup>75</sup> *Id.*

<sup>76</sup> *Id.*

<sup>77</sup> *Id.* at 3-6.

<sup>78</sup> Goodwin was chastised by Afghan friends for taking Maria for an ice cream sundae at a luxury hotel, the only place where ice cream sundaes were sold. *Id.* at 4-5.

<sup>79</sup> Goodwin ends this passage of the book as follows: "Her physical confinement I knew she could cope with as have other women in her culture; it was the imprisonment of her mind that would be . . . painful to her . . ." GOODWIN, *supra* note 5, at 6.

<sup>80</sup> See Jan Hoffman, *Court in Jordan: A Fugitive's Prospect*, N.Y. TIMES, Aug. 1, 1994, at B5.

<sup>81</sup> See Michael Georgy, *Slain Woman's Sister Meets U.S. Ambassador in Jordan*, N.Y. TIMES, Aug. 3, 1994, at B5.

<sup>82</sup> The extradition of Mr. Abequa is still uncertain, although it appears that he will not be returned for criminal prosecution in the United States. *Id.* There is no extradition agreement between the U.S. and Jordan. *Id.* Jordanian authorities have given assurances that he will be tried for murder in Jordan. *Id.* However, in Jordan, Mr. Abequa will have available to him the defense of 'honor'—"If he is defending his honor, it's like self-defense." *Id.* (quoting Mansour Kloub, Attorney General of Jordan).

fear. What will he do to their daughter? No. Not what will he do, but, more precisely, what will she now be forbidden to do? Will she be kept locked away in the house, with no access to friends, no opportunity for education, face and head veiled, to punish her for the "sins" of her mother? To make sure that she never defies her father, her brother, or any man? To keep her in her place? It was only after I had read this that custody was granted to the deceased mother's family, and the children returned to the United States, after the case had burned in the courts and negotiation rooms of Jordan for several weeks that the tension lifted,<sup>83</sup> and I felt a deep sense of relief.

In *Price of Honor*, Goodwin does not answer all the questions about women and Islam, although she does raise many of them. Perhaps there is no clear demarcation between Islam the sacred religion and Islam the extremist political movement. As countries around the world increasingly unite religion and politics,<sup>84</sup> through the state itself or through the extremist factions that are taking stronger and stronger hold, perhaps the lesson is that the line is nothing if not blurred. How then can we in the west, particularly those from a Judeo-Christian background, learn to accord proper respect to the religion while maintaining a position against the extremist political movements carried out in the name of Islam. And how can western feminists find a way to reconcile instinctive, as well as reasoned, aversion to religious practices that appear far from pro-woman with the voices of many of the women in this book who, while declaring their independence, strength and individuality, embrace the tenets of a religion surrounded by confusion,

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<sup>83</sup> James Baron, *Jordan Lets 2 New Jersey Children Leave*, N.Y. TIMES, Aug. 18, 1994, at B1. Even still, Abequa's family promises to challenge the decision and regain custody. *Id.* Interestingly, a Jordanian official is quoted in the *New York Times* as saying "Custody in courts in Jordan goes almost automatically to maternal relatives. Priority is to the maternal grandmother." *Id.* (quoting Ayman Aamiry, Second Secretary at Jordanian Embassy in Washington). Goodwin's chapter on Jordan, while not specifically addressing custody issues, paints a much different picture of what the common practice in Jordan might be, as do some Jordanian lawyers and Islamic experts. See GOODWIN, *supra* note 5, at 260-88. According to the *New York Times*, the decision granting custody to Ms. Abequa's sister was made by a "Sharia court, a religious court that regularly interprets Islamic law." Hoffman, *supra* note 80, at B5.

<sup>84</sup> See *supra* text accompanying note 51.

manipulation and distortion? A way to reconcile these conflicts must be found because it appears from the views of many of those Goodwin interviewed that the encroaching "Islamization" of the world, through extremist political practices, will not easily be swayed, thwarted, or defeated.<sup>85</sup> In her book, Goodwin makes clear that no understanding of the Islamic world or of Muslim extremism is complete without an examination of the impact that these practices have had on women. In the words of one Afghan woman:

I have taken up this struggle [to fight the extremists through the use of their own weapon, Islam itself] not just because I am a woman, but because this is an injustice in the name of my religion. And this misuse of Islam is a major factor in making my religion completely misunderstood by the West, something that need not happen.<sup>86</sup>

Reflecting back on my trip to Gaza, head and body covered in the summer heat, I question the conclusions I allowed myself to draw. At the time, I believed (or at least convinced myself), that I was showing due deference to the cultural and political climate of the people I was visiting. With some ambivalence, I thought it better for all concerned for me to make some effort to comply with the standards that were imposed on the rest of the women in the community. In the wake of reading Goodwin's book, I am more uncertain than ever that I agree with this notion. I believe if I had it to do again, I might not be so willing to cover my head, even as half-heartedly as I did. But it would be easy for someone in my position

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<sup>85</sup> Egypt's High Court Justice, Sa'id al-Asnmawy, stated that:

I am afraid of the future for Egypt: the Islamists could destroy the country through sectarian strife. Their movement is out of control, and it could also devastate, do tremendous damage to, many other Islamic countries. The Islamists will soon be causing a lot of problems for the West, as well. In fact, it has already started there.

GOODWIN, *supra* note 5, at 351. Sa'id al-Ashmawy has lived the life of a recluse for the last 12 years, venturing out only to go to and from his courtroom, because of the death threats against him. *Id.*

<sup>86</sup> *Id.* at 80.

to take a stand.<sup>87</sup> Goodwin writes about, and speaks with, women for whom taking a stand poses great risk and pain. Women who, despite peril and hardship, each in her own way, choose to find the path to unite their religious faith with their political beliefs and their personal aspirations. The rest of us can learn from their courage and from the message Goodwin imparts, that religion may be more than it appears, politics is seldom what it seems, but some of us are brave.<sup>88</sup>

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<sup>87</sup> I do not mean to suggest that refusing to comply with Islamic dress, at least in some countries, would not be dangerous, even to a westerner. Goodwin reports repeatedly how she herself was forced to abide by many of the practices imposed on women in the countries she visited. *See, e.g., id.* at 93-96, 103-04, 209-10. But most likely, as a western woman, non-compliance would lead to being denied entry to the country in the first place, or to being ordered out of the country. *Id.* at 103-04, 209.

<sup>88</sup> ALL THE WOMEN ARE WHITE, ALL THE BLACKS ARE MEN, BUT SOME OF US ARE BRAVE: BLACK WOMEN'S STUDIES (Gloria T. Hull et al. eds., 1982).

