

GENDERING CIVIL LIBERTIES UNDER TALIBAN THEOCRACY: A CASE OF POST- 2021 AFGHANISTAN

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Abstract

In the aftermath of the US military withdrawal, Afghanistan turned into an Islamic Emirate, installed by the Taliban through harsh interpretation of Sharia laws. Within the framework of the Emirate, this paper intends to ask how the Taliban theocracy excludes women from exercising civil liberties in Afghanistan. Given the context of the gender dimension, the withdrawal of the US military and the re-emergence of the Taliban at the political helm converted Afghanistan into a Theocratic state. They supplied power from the depth of religious sources. Considering the Taliban theocracy as a method of governance, it has been crucial to identify the gender disparities perpetuated through multiple civic restrictions upon women. Unlike modern constitutional democracies, the Islamic Emirates have a distinct interpretation of gender equality, locating the position of women in the political set-up as secondary. With the usage of qualitative and descriptive

research methods, this paper examines, along with the question and the emerging grounds, the internal contradictions between the Taliban theocracy and civil liberties in Afghanistan through the perspective of women. Moreover, the paper focuses on assessing the validity of a deep state to legitimise the governance of the Taliban and the exclusion of women from civic life. Having been convinced of the significance of inclusive governance in Afghanistan, this paper also attempts to address the possible political bargain available before the Taliban by allowing women to exercise civil liberty; in return, the Taliban government would produce confidence globally to be recognised as a sovereign state. The findings of this paper encircle the question and the grounds identified and maintain the authenticity by showing the data extracted from both primary and secondary sources with sound analysis.

Keywords: Afghanistan, Gender, Civil Liberties, Taliban, Women.

INTRODUCTION

Since the Ancient period, Afghanistan has been a multi-faced entity in the Asian landmass. The political instabilities, social disintegration and deliberate foreign interventions made Afghanistan unfit to evolve as a coercive modern state, enshrined in the Treaty of Westphalia. Moreover, the most lucrative and widely accepted Weberian state system, claiming the legitimisation of physical force in the given territory, could not be applied to Afghanistan. Compared to the state, the social-ethnic divisions are the sources of legitimacy, coming from the codes outlined by the localities and nurtured through strict adherence.

Similarly, the national identity of Afghans seems to be secondary, as they are comfortable with ethnic identity, which often dilutes with ethnic violence and culminates in superior-inferior complexities. Despite the lack of political consensus to unify the statehood, Afghanistan was and has been protected during the troublesome time, especially during the foreign intervention; the whole of Afghanistan was united to oust their hegemony through brute physical force. However, the unification of Afghanistan against foreign intervention produced unprecedented calamities for the Afghans, radicalising the groups and insurgents against fellow citizens. During the Soviet intervention, the radical mujaheddin formed and operated against the Afghan Communists, resulting in the civil war and paving the roadmap towards the Emirate of Afghanistan. Aftermath of the Emirate, the Constitution of Afghanistan was de-operationalised, and the civil government enforced Sharia laws, transforming Afghanistan into a theocratic state (Powell & Paldino, 2025).

A breakthrough of the theocratic statehood occurred after the attack of Al-Qaeda against the United States, forcing the US to enter Afghanistan to eliminate the Al-Qaeda harboured by the Taliban, and eventually, the US's War against terrorism was declared against the Taliban (Cuevas, 2021). After twenty years of active involvement, the US military left Afghanistan and made a settlement with the Taliban (BBC, 2020), popularly known as the Doha Agreement (Nissenbaum & Amiri, 2020). Immediately, the Taliban again revised the Emirate through strict adherence to Sharia Laws (Murtazashvili, 2022); Furthermore, the Taliban converted Afghanistan

into a theocratic state, supplying legitimacy from the Sharia laws (Lombardi & March, 2022). The conversion of Afghanistan into a theocratic state made the Afghans politically apathetic and withdrew their liberties (HRW, 2025); In addition, the most vulnerable section of Afghanistan has been the women who face hardship in the political and social spheres, enforcing the most rigid social code to isolate women in the public and political arena.

Such isolationism of Afghan women defines the patriarchal nature of the Taliban, refuting the civil rights of women and, essentially, making them powerless within a political horizon. This paper attempts to unveil the systemic degradation of women and their civil liberties. Structurally, this paper is designed through a series of inter-relating themes, starting from a thematic literature review to generate contextual understanding. In addition, the conceptual framework has been framed, defining the operational meaning of the concepts. Starting from the withdrawal of the US military, this paper highlights the evolution of the theocratic state of the Taliban, emphasising the contradictions of identities between the Taliban and Afghan women and the possibility of an inclusive government in Afghanistan under the prevailing uncertainties maintained by the Taliban.

LITERATURE REVIEW

Acknowledging previous works has been essential to generate new ideas about the topic. Similarly, this paper, in this section, contains a glimpse of ideas generated through the literature in the past relating to the topic.

The literature has been reviewed under two interrelated themes – The civil liberties of Women in Afghanistan and Taliban Theocracy. Using the interactive literature review method, the literature on both themes has been arranged in an interactive design, showing that the themes are supposed to interact based on the inclusiveness of the subject matter. In a nutshell, the interactive review produces authenticity and interconnectedness between the themes.

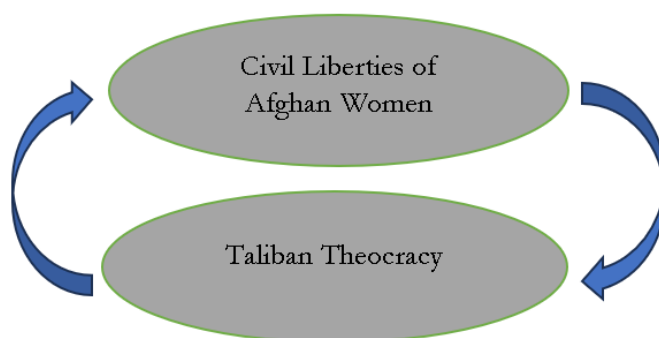


Figure 1. Interactive Literature Review

The social system in a male-dominated society often debars women from the position of equality and liberty, but Islamic laws never make a distinction between males and females. In addition, Islam proclaims the respect and priority of women in the social system (Fauzi, 2014; Yousuf et al., 2014). Islam has been an integral component behind the creation of modern Afghanistan despite political instabilities (Olomi, 2021; Barfield, 2023). The crossroad feature of Afghanistan made the region vulnerable

and never allowed the form of an indigenous Islamic code; it forced the people to accept different mutations developed by outsiders. Contextually, Afghan women have had access to Islamic learning and public life (Azad, 2019). After the invasion of the Soviet Union, the deterioration of women's freedom started deteriorating and paved the path towards the radicalisation of Islam (Fleming, 2005). The rise of the Taliban and their domination of social life converted the age-old tribal Islam into a more radical one to achieve narrow interest, most probably to oust foreigners and establish political Islam (Misra, 2002). Taliban, after the US military withdrawal, installed political Islam by controlling public offices and compelling women to detach themselves from participation in public institutions (Sahill, 2023). For the Taliban, moral purity in society holds more significance than state-building activities; moreover, the moral code for the Afghan society derives from Shariah, claiming the modern conception of liberties has been Western-dominated (Maley, 2023). The emergence of the Taliban's Islamic theocracy has restrained women from their fundamental rights, such as freedom of movement, association and expression, and basic healthcare facilities have been cut off (Akbari & True, 2022). The condition of Afghan women could be lifted by enhancing the mechanisms responsible for restoring fundamental liberties in the public sphere (Qazi Zada & Qazi Zada, 2024). To legitimise the government, the Taliban must embrace the plural culture of Afghanistan and extend spaces for women in the public spheres with dignity (Wani, 2024). The international community needs to be engaged to ensure socio-political rights through financial assistance and media support (Kallini, 2021).

CONCEPTUAL CLEARANCE

The interactive literature review presents the important concepts upon which the paper owes credibility, emphasising the importance of the overlapping concepts – Taliban theocracy and women's civil liberties. The word “Gendering”, especially in the context of this paper, represents the operational term of gender, which usually divides the population based on socially constructed identity. In addition, the gendering of civil liberties denotes the allocation of liberties and rights available to citizens, with gender preference. Afghanistan, after the occupation of the political system by the Taliban, the preference towards the Afghan people has changed, and applying the Sharia in the socio-political life obstructs women from enjoying civil liberties. Here, both concepts deserve operational interpretation, acknowledging the concepts' fluidity and contextual placement to maintain clarity.

Civil liberty has been a contested term and concept altogether. Conceptually, civil liberty holds a plural form, the amalgamation of multiple liberties enjoyed by the citizens in a political domain. Given the diversity in the concept, civil liberty is often considered multidimensional and regime-specified. Moreover, the Western-Eastern dichotomy has been a prevailing yardstick for academic discussion, drawing the demarcation between democratic and non-democratic interpretations of civil liberty. Apart from

that, the theocratic states have been entrusted with the religious interpretation of liberty, showing affiliation to the almighty god through a political system. Afghanistan, after the Taliban's takeover, has been converted into an Emirate and the constitutional provision for women and their liberties were withheld, specifying the conspiracy of Western media dominated the region for twenty years. The present study defines civil liberty as a male-dominated concept, underscoring the territory prescribed by the Taliban. As a variable of the study, the civil liberty of women has been a dependent variable, which could be influenced by the political regime occupied by the Taliban.

Taliban Theocracy or Taliban-led theocracy seems to be more crucial since the analysis of women's civil liberty depends upon the changing dynamics of Taliban theocracy. Essentially, the concept of Taliban theocracy has been an independent variable, leading towards stability and an uninfluential variable in the present context. However, the Theocracy, unlike Democracy and Communism, denotes the political system guided by divine laws enshrined in a particular religious line. Unlike the above governments, the theocratic system ensures the domination of divinity over formal political power. Instead of making a hegemonic state through political and military means, the theocratic system preserves the religious identity above the state and governance. In particular, the state has been associated with achieving divine goals, as pointed out in the text. The theocratic system expects the people to be performed as believers, not citizens. Therefore, the concept of theocracy empowers religious leaders and clergies to penetrate the religious

identity inside civic life through multiple means. In the context of Afghanistan, Taliban theocracy is made through mutually inclusive goals; when the Theocracy underscores religious identity, the Taliban have been critical of the imposition of Westernised political identities. After the withdrawal of the US military and the reincarnation of the Emirate, the Taliban have been at the forefront of enforcing the Sharia in the socio-political life of Afghan citizens, making theocratic statehood results in scrapping women's political and social dignities, especially the civil liberties. Guided by the religious laws, the contradiction between Taliban and Women has been spontaneous; further, the academic interpretation of the concept has a Western democratic dimension, identifying the role of Taliban theocracy as undemocratic and anti-women. But, in the Afghan context, the conceptual scope of the Taliban theocracy would not be concentrated upon the Western interpretive paradigm but rather upholds the Asiatic value of the triangulation between society, politics and religion. Apart from the interactive nature, the concepts have been mutually incongruent. A large portion of the Afghan population has been trying to achieve civil liberties; in contrast, a small fraction of the population aspires to a theocratic state with harsh political and social restrictions for women.

RESULT AND DISCUSSION

Withdrawal of US Military and Rise of Taliban

The US military engagement in Afghanistan was linked with the response to the heinous destruction caused by Al-Qaeda, which operated

and harboured in Afghanistan with a close affiliation to the Taliban. Through the policy of “NO-Distinction”, American President George W. Bush declared the historic “War on Terror”, implemented through the military mission – “Enduring Freedom”. Despite the lack of ground intelligence, the US military undertook an offensive response, combining land and air strikes to drag down the predators responsible for damaging significant assets. From 2001, the geopolitical condition of Afghanistan was controlled and destined by the policymakers of the US. Preferably, the Bush Administration altered the internal politics of Afghanistan by seizing Kabul, installing an interim government, and conducting military drives. The aftermath of the US’s offensive attacks on the Taliban bases operated throughout Afghanistan was squeezed, forcing them to hide and watch. However, the aggressiveness of the military mobilisation against the Taliban was mediated by Pakistan. Acknowledging the importance of Pakistan, the US intelligence extended financial assistance to cooperate with the military to destroy the Taliban. Unfortunately, during the Obama Administration, Pakistan was identified as a safe harbour for the Taliban, nurturing them through logistics. The gigantic financial aid to Pakistan by the US ended up in developing modern arms to deter India’s growing influence; moreover, it had carefully diverted the man and material resources of the US against the Taliban. During the Obama Administration, the US started verifying the desirability of the war in Afghanistan without estimating the upcoming results. In Addition, based on the experience in Iraq, the Obama Administration opened up the door for negotiation with the Taliban and also with the Afghanistan government to withdraw the US military. The

aspiration of US military exit came up under the Trump Administration after signing the Doha agreement with the Taliban, getting assurance of safety from the Taliban, and non-usage of Afghanistan against the US and its allies. In 2021, after twenty years of active military involvement, the US withdrew from Afghanistan by extending free to the Taliban to reengage in the political system. The exit of the US opened up the gateway for the Taliban to occupy the major cities and eventually took over the entire Afghan political and social landscape. In particular, the rise of the Taliban has been a vital event, politically repressive, socially radical, and externally weak. Additionally, the permanent withdrawal of the US military failed to achieve the intended goals of making Afghanistan democratic and stable, following the Taliban takeover, the US's ambition for Afghanistan was distorted and initiated the space for Islamic radicalisation, paving the path towards unbearable catastrophe for women.

Islamic Emirate of Afghanistan: A Theocratic Statehood

As stated at the outset, Islam has been an indispensable element in the creation of Afghanistan and its modern identity. However, the lack of internal unity among the ethnic groups and never-ending contradictions for superiority made Afghanistan fragile and deteriorated the state's identity. During the Cold War, particularly after Soviet intervention, Afghanistan turned into a boiling pot supported and funded by the US. With the incorporation of Afghan warlords, the rise of the Mujahedeen rebel group established the foundation of Islamic unity against the Soviets aimed at

ousting foreign intervention. Following the successful insurgency against the Soviets, Afghanistan experienced a brutal civil war that resulted in the creation of the first Islamic Emirate of Afghanistan (1996 – 2001) under the leadership of Mullah Omar. In this Islamic Emirate, the Taliban proclaimed the superiority of Shariah above the civic government and ended the elected leaders by an *Emir*, selected by a committee of Islamic leaders or *Shura*, responsible for command over the population. Subsequently, the people of Afghanistan experienced a harsh and draconian legal system, restrictions on women and frequent punishment for violation of laws (Malik, 1999). The Taliban, after twenty years of US engagement and subsequent exit, revived the first Emirate with a more radical form. Unlike Mujahedeen's Islamic interpretation, which supported the parliamentary system, the Taliban have rejected the government-by-the-people system by referring to government-by-the-virtue based on the theorisation of the Emirate claiming the responsibility of the state has been to guide the people towards the Almighty *Allah* and virtuous life, not the collection of tax and maintain order (Rahimi, 2022). Moreover, the theocratic state of Afghanistan under the Taliban has abolished the previous structure of Constitutionalism and incorporated Quranic laws and Hanafi jurisprudence in the legal and judicial systems, respectively. The legislative body has been reduced to a committee constituted non-accountable to the people and non-transparent in formulating policies without proper codification (Hamoon et al., 2023). Lack of popular support and non-compliance with the inclusive government have been the primary concerns for ordinary Afghans. Moreover, in the Taliban government

structure, the domination of Pashtuns made other ethnic groups insecure and voiceless, compelling them to be guided by the laws formulated by the Pashtun warlords, insurgents and leaders. The hardcore political structure of the Taliban reflects the systematic exclusion of different ethnic groups and women, showing the exclusivity of the Taliban in the political landscape (Johny, 2021). Such exclusion has persistently weakened the political and social structure and, more importantly, the legitimization process. In addition, the patriarchal nature of the Taliban government converted Afghanistan into a disastrous place for women, withdrawing their constitutional rights, blocking the participatory space and imposing social restrictions. Theocratic statehood of Afghanistan by the Taliban has been creating political and social acceptance among the people through brute physical force. The restrictions over social movements, free speech, and educational choice of people continue to hamper the fundamental liberties of the Afghan people, including the freedom of movement of women. In particular, the most vulnerable section of Afghanistan's theocratic state has been the women, deprived of all social and political rights. In the name of Shariah, the unbearable hardship of women would not end without the critical analysis of the identical discontents between the Taliban and women. The constructive and inherent contradiction of identities makes the relations more brutal and unaccommodated in the political system.

Women and Taliban: Contradictions of Identities

Historically, Afghanistan has been a crossroads of civilisations, cultures and identities. Through the Ancient Silk Road, the identity of Afghanistan was shaped, reshaped and de-shaped, paving the durability of perpetual interference of external forces, resulting in rapid changes in the social and political landscape. After the Islamisation of Afghanistan, the age-old diversity of cultures came into confrontation, shaping social life through Islamic codes. In addition, the confrontation between Islam and the tribal culture of rural Afghanistan combined into a distinct form, acquiring public recognition and support to strive towards ordering identity. The multi-faced identity of women, in particular, could be frequently observed based on their ethnic and geographical positions. Compared to urban women, the rural areas were and have narrowly escaped the modernisation process undertaken by different rulers. However, after 2021, the difference between Urban and Rural women ended with the initiation of the Taliban government, altering the identity into a submissive standard towards the Shariah. Religious identity has been widely replacing socially constructed identity through strict legal intervention, interpreting the actions of women in accordance with the Hanafi school of jurisprudence. In addition, moral policing has been a crucial factor in shaping the identity of Afghan women as moral agents, not political ones. Guided by the theocratic system, the originality of the Taliban's identity draws from the divine law with a mixture of Tribalism, Islam and fundamentalism. From a student movement of the Pashto population, the indoctrination of radicalisation of tribal Islam opened up through a series of events – in particular, internal political turmoil, Soviet invasion, and US support – made the Taliban possible.

However, in Taliban theocracy, the identity of Afghans has been changing rapidly, imposing the religious identity over the socio-political variations. The only identity of women would be to maintain the house and nurture the child, except that no other social and political spaces are left for women to intervene, particularly in an Islamic Emirate (Zaland, 2023). Apart from that, the Taliban integrates multiple spaces into a single identity, debarring cultural heterogeneity from the public by implanting radical consciousness about political Islam. The antithetical existence of the Taliban and Afghan women has been at a point of frequent contradictions, particularly the civil liberties enjoyed by the Afghan women under the constitution debunked by the Taliban, forcing them to accept the moral codes. Within the present system, the identical disorder of women reflects their incapacities to elevate political status through the optimal exercise of civil liberties. In a repressive political structure, dominated by patriarchal leaders, the optimism for civil liberties seems unattainable and in particular, for women, the concept of civil liberty in Afghanistan holds no significance, since the power structure revolves around the un-amendable religious principles (Yassari & Saboory, 2010).

Taliban's Theocracy and Women's Civil Liberties

Conceptually, civil liberties are multi-dimensional and depend upon an established regime for operationalisation. In Afghanistan, the idea of civil liberties is under the interpretation of the Taliban theocratic system, challenging the Western democratic structure. Although the newly

established Taliban theocracy does not owe any responsibility to destroy the twenty years of structure, the omission of the existing political system merely provides the required space for women to survive. As pointed out, the intrinsic ambition of the Taliban has been to establish an Emirate governed by the emir and for Islamic statehood. From 2001 to 2021, under the presence of NATO, Afghan women had a wide experience of civil liberties. Based on the Bonn Agreement, the interim government of Afghanistan created the Ministry of Women's Affairs to deal with the condition of women, paving the way for political participation in the Loya Jirgas and the inclusion of women in the commission to frame the new Constitution of Afghanistan. In addition, Afghan women were also extended freedom for property, ownership and the right to choose a spouse. For political participation and representation of women in the highest decision-making body, the Afghan government made provisions in the constitutions, claiming reservation of seats both at National Houses and Provincial Councils. Apart from that, the women were given opportunities to work freely in different sectors and schools were filled with Afghan girls (FMU, 2025). The civic engagement of Afghan women, between 2001 and 2021, has been constitutionally recognised and protected by the legal system.

After assuming Kabul and the subsequent dissolution of the Ashraf Ghani government, the Taliban rushed to change the entire structure established by the direct support of the US, declining the democratic spirit by penetrating radical religious laws. The most devastating step of the

Taliban has been to replace the Ministry of Women's Affairs with the Ministry for the Propagation of Virtue and the Prevention of Vice, enforcing the Taliban's vision of theocracy. The Ministry has been designed to maintain moral policing in Afghan society, especially the social and political actions of women. Numerous strict social codes have been imposed to target women in public life (Gift, 2024). Moreover, the Ministry also ensures the overall activities of women in social life, including free movement, public gatherings, open debate, intermingling of women with male friends, and solo travelling must be controlled. In particular, the Ministry restricts both social and physical movement which makes the women weak and places them at the core of fear and anxiety (Shekhawat, 2024). Women have been suffering from job loss and they are even not allowed to work in international agencies, resulting in the non-availability of basic funds. Further, the women participating in the public protest against the discrimination of the Taliban are being persecuted and detained. (Barr, 2024).

The rising domination of the Taliban over the public life of women has been the primary concern. Culturally, Afghan women are more conservative in their private lives, especially at the family level. Through the laws, the current theocratic government made the mandatory code of conduct for women in public life. In addition, now Afghan women have a double standard of persecution – socially backward and politically apartheid. The continuation of the domination, since 2021, over women

requires tackling through political bargaining which has been impossible, since the status of citizenship turned into mere subjects of theocratic laws.

Towards an Inclusive Government: A Journey of Uncertainty

The urgency of the inclusion of women in the political system and potential recognition by the Taliban government have been invariably interlinked, challenging the foundation of a theocratic state favouring women and their civic engagement. Ultimately, the exclusion of women and deliberate persecution drive the international consciousness over Afghanistan, more importantly, the matter of recognising Afghanistan's Taliban theocracy has been under speculation. For inclusivity in the government structure, the Taliban is concerned about public opinion and the audacity with which they squeezed foreign powers and grabbed authority (Omarkhail, 2024). Before the inclusive government in Afghanistan, the major challenge was the consistent oppression of women by the Taliban, making them powerless as they were not allowed to pursue education and work, and more importantly, they were restrained from being involved in public spaces (Doorandish, 2024). As women are suffering from the harsh theocratic laws and lack of public access, different international bodies and countries have been repeatedly arguing in favour of a conducive space for women in public life. Since the active participation of women in the social and political process has been restricted, the international recognition of the Taliban government could not be materialised. Defending the liberties of women seems crucial based on the requirement

of mutual understanding between Afghanistan and international communities (UNSC, 2022). The possibility of inclusivity would demand structural and ideological changes, structurally the Taliban government must maintain the space for political participation and ideologically, the radicalisation of Islam should be replaced by the adherence to cooperative and consensual principles for making Afghan women capable of enjoying civil liberties unhindered by the system. Apart from that, Afghanistan, under the Taliban, is supposed to adhere to the basic internal obligations and rules necessary to be considered a sovereign state.

CONCLUSION

In summary, the civil liberties of Afghan women have been under the radical theocratic system of the Taliban. Although there are numerous pressures and responses from the international communities, the Taliban has been attached to the same principles generated from deep religious principles. However, for the long-term survival of Afghanistan, it is pertinent to generate spaces for women as stakeholders in public life. Instead of maintaining an extreme principle in the theocratic polity, the Taliban leaders should accept the golden mean available before them to avoid both internal non-acceptance and external isolation. The restoration of women's civil rights would restore the legitimacy of the Taliban and their theocratic system; furthermore, the inclusive government has been the irrefutable component to make Afghanistan globally recognised and internally legitimate.

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