

Gender as Passport : *Baccha Posh* and Citizenship under the Taliban

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Citizenship has long been theorised primarily as a formal legal designation, as a status conferred by the state upon those it recognises as belonging. However, to reduce citizenship to legal status only is to ignore the lived, embodied, and deeply political processes through which people come to be recognised or denied recognition. What has become increasingly more visible is that citizenship is not merely held; it is performed. And nowhere is this more apparent than under totalitarian rule, where the performance of citizenship is not a right but a coercion which is choreographed by the regime and enforced through terror. The Taliban rule has heavily narrowed down visibility for many gender and sexual minorities, by enforcing strict binaries and norms, making any possible deviation punishable by law. In such a repressive environment, non-citizenship is manufactured through compelled silence and systematic erasure. Citizenship, at large, becomes a gendered performance, and deflection risks potentially fatal consequences.

Hannah Arendt's analysis of totalitarianism provides us a starting point. For Arendt, totalitarianism is not simply an extreme or particularly brutal form of authoritarianism. Rather, it is an entirely new political phenomenon, one that "differed essentially from other forms of political oppression known to us such as despotism, tyranny and dictatorship"². What makes totalitarianism distinctive is its complete ideological capture: it reduces the complexity of reality to the logic of a single idea that claims to explain everything, whether framed as the laws of nature or of history. The regime does not merely enforce obedience; it aims to remake human perception and reality. As Arendt argues, the ideal subject of totalitarian rule is not someone committed to the ideology, but rather a person for whom the distinction between the reality of experiences; as fact or fiction and the distinction between the standards of thought ; as true or false — cease to exist³. In such a system, the subject is not a citizen in any meaningful sense of the word; they are a managed body, stripped of the capacity of independent judgement that political life requires.

Crucially, this is not accomplished through a monolithic, visible state apparatus. Arendt draws attention to the deliberately chaotic and shapeless organisational structure of totalitarian regimes. It is a “fluctuating hierarchy” of competing institutions that makes trust and accountability impossible⁴. Above this institutional maze, however, lie the monitoring and ideological enforcement mechanisms of the state

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² Tatjana Tömmel and Maurizio Passerin d'Entreves, 'Hannah Arendt' in Edward N Zalta and Uri Nodelman (eds), *The Stanford Encyclopedia of Philosophy* (Stanford University 2024).

³ Tömmel and Passerin d'Entreves (n 1).

⁴ Tömmel and Passerin d'Entreves (n 1).

which maintain total control through coercion and terror. This combination of deliberate chaos and

omnipresent surveillance is the mechanism by which the regime ensures that every subject is always performing, always watched, never certain of the rules, and therefore always in danger of transgression.

Rovisco and Lunt draw on a range of scholars to argue that experiences of citizenship "cannot be adequately captured by legal definitions"⁵. Peter Dahlgren's work, cited in their introduction, points to the limits of formal, state-centred understandings of citizenship and insists that identity is crucial to what he terms "achieved citizenship," the ways in which people act and recognise themselves as citizens⁶. John Hartley, similarly, invites us to consider citizenship as a relational identity realised through cultural practice⁷. These approaches collectively insist that citizenship is enacted in and through culture, media, and everyday life. This enactment, by virtue of its nature, is always performative.

Rovisco and Lunt further develop this argument through the framework of social performance, particularly via Alexander's cultural sociology. A successful performance, as they note, depends on convincing others of its authenticity. But what happens when the conditions for successful performance are structured entirely by the regime? Alexander recognises that one of the key barriers to meaningful social performance is "the fragmentation of the citizenry in multiple public spheres"⁸, and that citizens divided by race, class, religion, or region will respond to performances in dramatically different, sometimes opposed ways. Under totalitarianism, this fragmentation is not a byproduct of pluralism but a manufactured instrument of control: the fracturing of any shared public sphere ensures that only the regime's authorised performance has force, while counter-performances are made dangerous, or impossible.

Engin Isin further draws a critical distinction between "active citizens" and "activist citizens": where active citizens follow already-written scripts and participate in scenes that have been created for them, activist citizens engage in writing scripts and creating scenes for themselves⁹. Isin argues that acts of citizenship are those acts "that transform forms and modes of being political by bringing into being new actors as activist citizens (claimants of rights and responsibilities) through creating new sites and scales of struggle"¹⁰. The subject who performs only within sanctioned scripts is not exercising citizenship but enacting subjection. Under a totalitarian regime, the conditions for activist participation are systematically destroyed. The regime prescribes the only permissible script and punishes deviation. Subjects are compelled to perform citizenship: to demonstrate loyalty, conformity, and belonging but

⁵ Maria Rovisco and Peter Lunt, *The Politics of Cultural Citizenship* (Routledge 2016) 3.

⁶ Rovisco and Lunt (n 5) 3.

⁷ Rovisco and Lunt (n 5) 3.

⁸ Rovisco and Lunt (n 5) 8.

⁹ Engin F Isin, 'Theorizing Acts of Citizenship' in Engin F Isin and Greg M Nielsen (eds), *Acts of Citizenship* (Zed Books 2008) 38.

¹⁰ Isin (n 9) 39.

always on terms that deny them any agency. They cannot act as Isin's activist citizens without placing themselves in mortal danger.

Arendt's theory of citizenship adds a further dimension: the question of who is permitted to appear in public at all. For Arendt, to be engaged in politics means actively participating in the public forums where decisions are made, because "politics is something that needs a worldly location and can only happen in a public space"¹¹. Without presence in public space, there is no politics, and therefore no citizenship. This spatial theory of citizenship carries a brutal implication for women under a regime that systematically excludes them from all public space. When the public sphere, the only arena in which political identity can be constituted and performed, is denied to an entire category of persons on the basis of gender, those persons are not simply disenfranchised in a legal sense but are also annihilated as political subjects. The performance of citizenship requires a stage, and the stage has been dismantled for Afghan women entirely.

However, Afghanistan's history of women's rights is neither simple nor uniformly bleak. In the mid-1950s, for instance, women entered professional life in meaningful numbers, becoming doctors, lawyers, engineers, judges, and teachers¹². The 1964 Constitution introduced by King Mohammed Zahir Shah guaranteed equality between men and women, and in that era women held fifteen percent of legislative posts, participated in government, and enjoyed voting rights and access to education. By the period immediately before the Taliban's first takeover, sixty percent of Kabul University teachers were women, as were nearly half the students; women constituted fifty percent of civilian government workers, seventy percent of school teachers, and forty percent of doctors¹³. These were not marginal gains; they were evidence of a society in which women had established a genuine presence in public life.

The Taliban's seizure of power in 1996 destroyed this completely. Women were banished to the private sphere and their rights to employment, education, freedom of movement, association, and healthcare were all severely curtailed¹⁴. The regime's enforcement was corporal and public: disobedience was met with whipping, public stoning, and execution. House windows were painted black so that women could not be seen from the street. Women were prohibited from wearing shoes that made noise and attracted attention .

In Kabul alone, women's employment rate fell from sixty-two percent before the Taliban takeover to twenty percent afterwards . The illiteracy rate among women reached as high as ninety percent, one of the highest in the world, as schools were closed under the justification that educating women was un-Islamic.

This first period of Taliban rule was already described at the time as

¹¹ Tömmel and Passerin d'Entreves (n 1).

¹² Sebghatullah Qazi Zada and Mohd Ziaolhaq Qazi Zada, 'The Taliban and Women's Human Rights in Afghanistan: The Way Forward' (2024) 28(10) *International Journal of Human Rights* 1687, 1688.

¹³ Qazi Zada and Qazi Zada (n 12) 1689.

¹⁴ Qazi Zada and Qazi Zada (n 12) 1692.

"gender apartheid"¹⁵. Following the Taliban's fall in 2001, the post-Taliban era produced substantial, albeit uneven, recovery. Afghanistan ratified The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) without reservations in 2003, thereby agreeing to "incorporate the principle of equality of men and women in their legal system" and ensure "elimination of acts of discrimination

against women by persons, organisations or enterprises”. CEDAW ensured equal access to and opportunities in political and public life, including not only access to education, healthcare and employment but also the right to vote and stand for election¹⁶. Following the Taliban's fall in 2001, the post-Taliban era produced substantial, albeit uneven, recovery. Afghanistan ratified CEDAW without reservations in 2003 and the 2004 constitution reserved twenty-seven percent of parliamentary seats for women. By 2020, forty percent of the ten million children enrolled in Afghan schools were girls, and the World Bank reported that twenty-one percent of civil servants were women, with sixteen percent holding senior management roles. Women's life expectancy rose from fifty-six years in 2001 to sixty-six in 2017, and maternal mortality rates fell dramatically.¹⁷ These achievements were concentrated in urban areas and remained precarious, but they were real. They represented a generation of Afghan women who had constituted themselves, in Isin's terms, as "activist citizens": who had written new scripts, claimed rights, and created new scenes of political belonging.

The Taliban's return to power in August 2021 reversed decades of progress. Since their resumption of governance, the Taliban have issued more than one hundred decrees directly restricting the rights of women and girls.¹⁸ Girls past sixth grade have been banned from secondary school; women have been excluded from university education; female government employees have been instructed to stay home; and international organisations have been barred from employing women¹⁹. The Ministry of Women's Affairs has been replaced by the Ministry for the Promotion of Virtue and the Prevention of Vice. The state apparatus for protecting women has been literally replaced by the apparatus for policing them.

The legal transformation of women's status in Afghanistan becomes particularly visible when the guarantees contained in the 2004 Constitution are placed in direct contrast with the regulatory framework established under the Taliban's *Law on the Promotion of Virtue and Prevention of Vice*. The constitutional order articulated women's rights through a language of equality, liberty and participation: Article 22 explicitly prohibited discrimination and affirmed that men and women possess equal rights and duties before the law, while subsequent provisions guaranteed freedom of expression, association and participation in public life²⁰. Within this framework, women were recognised as subjects whose presence

¹⁵ Qazi Zada and Qazi Zada (n 12) 1695.

¹⁶ Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13.

¹⁷ Qazi Zada and Qazi Zada (n 12) 1698.

¹⁸ Sonika Girowal, 'The Taliban Legal System and the 2026 Criminal Procedural Regulations' (Princeton School of Public and International Affairs, 2026)

¹⁹ Qazi Zada and Qazi Zada (n 12) 1699-70.

²⁰ Constitution of the Islamic Republic of Afghanistan 2004, art 22

in the political and social sphere was not merely permitted but protected. The Virtue and Vice law, however, restructures this relationship by shifting the legal focus away from rights and instead, towards behavioural surveillance. Rather than defining women as citizens endowed with constitutional guarantees, the law constructs them primarily as objects of moral regulation whose bodies, movements and interactions must be continuously policed. Article 13 requires women to cover their entire bodies and

faces in order to prevent social disorder, while also stipulating that women's voices in public recitation or gatherings should be concealed²¹. Additional provisions extend this regulatory logic to everyday public life: transport operators are prohibited from carrying women who are not properly covered or who travel without a male guardian, and public spaces are required to enforce gender segregation in order to prevent interaction between unrelated men and women²². Taken together, these provisions produce a legal order that is extremely contradictory. Women are still formally counted among the population governed by the state, yet the very conditions of participation that define citizenship: visibility, mobility, speech and interaction are simultaneously rendered illegitimate or punishable. Even women who have organised peaceful protests to demand their rights have been met with violent repression: arrested, detained, tortured, and subjected to what Amnesty International describes as conditions of dangerous confinement and denial of due process. In January 2022, the Taliban raided the apartment of women's rights activist Tamana Paryani and detained her alongside three sisters following her attendance at a protest in Kabul; fellow activist Parwana Ibrahimkhil was arrested in a separate operation the same day²³. The Taliban have demonstrated, in the most literal terms, that the act of appearing in public to make a claim, the very act that Isin identifies as the constitutive moment of activist citizenship, is criminalised for women in Afghanistan. To attempt the performance of citizenship is to risk disappearance.

For Arendt, to be absent from the public space is simply to not be engaged in politics. This is the precise mechanism of Taliban governance: by eliminating women's access to public space, the regime does not merely exclude them from particular activities but dissolves the very conditions under which they could constitute themselves as political subjects at all. The crucial development of the current Taliban regime, compared to its first iteration, is the attempt to codify what was previously enforced through decrees and informal strictures. Prior to January 2026, Taliban leader Hibatullah Akhundzada simply posted new rules on social media, which were then applied by Taliban judges with no formal legal education²⁴. On 4 January 2026, the Taliban enacted the Criminal Procedural Regulations for Courts, a formal legal instrument issued by the Supreme Leader's decree that purports to establish a coherent

²¹ Islamic Emirate of Afghanistan, *Law on the Promotion of Virtue and Prevention of Vice* (Official Gazette No 1452, 31 July 2024) art 13.

²² *ibid* art 20.

²³ Qazi Zada and Qazi Zada (n 12) 1670-71

²⁴ Freya Baetens, 'The Taliban's New Criminal Procedure Code for Courts: Fundamental Rights Violations Are Now Legal in Afghanistan' (Oxford Human Rights Hub, 25 February 2026)

criminal justice system²⁵. Its enactment represents something theoretically significant: the attempt to transform ad hoc totalitarian terror into juridical order.

But the content of the code reveals that this formalisation is not a moderation of control; it is its intensification and entrenchment. The 2026 Regulations explicitly divide Afghan society into hierarchical categories, religious scholars (*ulema*), elites such as tribal leaders and merchants, the middle class, and the so-called lower class, and assign different forms and levels of punishment for the same offence

depending on which category one belongs to²⁶. As Girowal notes, this grants partial or full impunity to privileged groups while subjecting marginalised individuals to harsher penalties, standing in direct contradiction to Islamic legal principles of equality, justice, and human dignity. Baetens, writing for the Oxford Human Rights Hub, confirms this: Article 9 gives scholars only advice, elites a summons, the middle class imprisonment, and the lower class imprisonment plus corporal punishment, all for the same offence²⁷.

The code also institutionalises the surveillance mechanism that Arendt identified as characteristic of totalitarian governance, that is, the diffusion of authority into the private sphere so that terror becomes omnipresent and no stable boundary between safe and unsafe behaviour can be established. Article 4(6) authorises any Muslim who witnesses another person committing a crime against Allah to punish the offender directly, removing punishment from judicial oversight entirely and entrusting it to private actors²⁸. Article 24 goes further still, prescribing punishment for anyone who fails to act against or report a "subversive" meeting, compelling citizens to surveil and inform on one another²⁹. This is the morality police not merely as an institution but as a principle that is diffused onto individual actors through which every citizen is made a potential enforcer of the regime's script, and every citizen is therefore also a potential target.

The code's treatment of women makes this submission most apparent. Article 4(5) grants husbands the authority to administer discretionary punishment — ranging from scolding to corporal punishment for disobedience, transferring the state's responsibility for adjudication to private actors and legally reducing women to subordinate figures within the domestic sphere³⁰. Article 34 criminalises not only a woman who leaves the marital home without her husband's permission but also the family members who fail to prevent or reverse her departure³¹. Thus, a woman attempting to move through public space is a criminal as well as those who shelter her. In August 2024, this logic was elaborated further by the Department on the Promotion of Virtue and the Prevention of Vice, which significantly

²⁵ Girowal (n 18).

²⁶ Girowal (n 18).

²⁷ Baetens (n 24).

²⁸ Girowal (n 18).

²⁹ Baetens (n 24)

³⁰ Baetens (n 24)

³¹ Girowal (n 18)

intensified restrictions on women and girls while granting broad authority to the so-called PVPV police to regulate the personal lives of all Afghan citizens³². Objecting to the ban on women's education is itself punishable under Article 19 of the 2026 code³³. The performance of the script is now mandatory, and the refusal to perform it, or even the verbal criticism of the script, is a crime. This is the condition in which Afghan women find themselves: expelled from public space by decree, subjected to surveillance within the domestic space by law, criminalised for any attempt to appear or move or speak as political subjects, and now governed by a formal code that entrenches all of this as legal order.

It is within this context that the practice of *bacha posh* becomes significant. *Bacha posh*, meaning "dressed as a boy," is a cultural practice found predominantly in Afghanistan whereby a girl is raised as a boy, usually for part of her childhood before puberty³⁴. It is not a marginal phenomenon: in one study drawing on 1,396 women across Kabul and Nangarhar provinces, 7.1% reported that a girl in their family had been raised as a boy, with rates considerably higher in the more conservative Nangarhar province (15.4%) compared to Kabul (4.4%)³⁵. The practice crosses class, ethnicity, and geography. As Lalthlamuanpuui and Suchi note, drawing on Nordberg, it is found among families that are "rich, poor, educated, uneducated, Pashtuns, Tajiks, Hazara or Turkoman," the only binding factor being a family's need for a son³⁶. To understand what *bacha posh* is, it is necessary first to understand the patriarchal logic that produces it. Afghan society is organised around a deeply patrilineal kinship structure in which men remain within their family units while women join the households of their husbands upon marriage, meaning that inheritance and economic continuity pass through male lines.

It is against this backdrop that *bacha posh* emerges as a practical, family-initiated solution to the structural disadvantage of having no sons. There are several documented reasons for the practice. The most common is the need to escape social stigma: as Nordberg describes, "having a made-up son was better than none". Some families raise a girl as a boy in the belief that doing so will bring luck for future male births. Others do so because a *bacha posh* can contribute to the household economy in ways that girls cannot, given the severe restrictions on female mobility; they can work, move through communities, establish commercial networks, and serve as the family's economic agent in the public sphere. A *bacha posh* can also play the role of *mahram*, the male guardian required for female movement in conservative contexts, thereby enabling the mobility of female relatives who would otherwise be effectively confined to the domestic sphere³⁷. In households where no male family member is available, the *bacha posh* thus becomes the mechanism by which female members can access the outside world at all.

³² Girowal (n 18)

³³ Baetens (n 24)

³⁴ Julianne Corboz, Andrew Gibbs and Rachel Jewkes, 'Bacha Posh in Afghanistan: Factors Associated with Raising a Girl as a Boy' (2019) *Culture, Health & Sexuality* 3.

³⁵ Corboz, Gibbs and Jewkes (n 34) 7.

³⁶ Pauline Lalthlamuanpuui and Suchi, 'Bacha Posh: A Study of the Micronarratives of Gender in Afghanistan' (2020) 12(5) *Rupkatha Journal on Interdisciplinary Studies in Humanities* 2.

³⁷ Corboz, Gibbs and Jewkes (n 34) 4.

Padmi's analysis of *bacha posh* in Afghanistan illustrates the extraordinary practical economic benefits that masculinity confers: a *bacha posh* can sell goods on the street, work in factories, tend cattle, fix fences, work as bakers, carpet weavers, farmers, or brick makers, all occupations entirely foreclosed to girls³⁸. One *bacha posh* named Kamala works as a waiter in a teashop to support her family of six sisters and no brothers: shop owners would not hire a girl, but a girl with masculine clothing and appearance was acceptable³⁹. The transformation is thorough: the girl is given a boy's name, a short haircut, and boys' clothing, and is presented to the community as a son, a presentation that often carries tacit communal approval, since the practice is typically widely known: "Everyone in the village is aware of Bakhtawara's true identity. Her identity is a shared deceit," one "sanctioned by the hegemonic patriarchal discourse"⁴⁰.

The performance of masculine identity, in other words, is not concealed from the community; it is authorised by it.

This authorisation is precisely what requires examination. The *bacha posh* does not pass as a boy because she fools anyone; she passes because the community consents to the performance. And the community consents because the performance serves the patriarchal system's needs: it produces a functional male where the family has failed to produce a biological one. Padmi draws on Judith Butler's theory of gender performativity — the argument that gender is not an essence but a repetition of acts, an imitation of dominant norms — to analyse what happens when a girl is assigned to perform masculinity by her family and community ⁴¹. However, this performance doesn't remain permanent.

The temporariness of the *bacha posh*'s access is among the most intriguing features of the practice. Upon reaching puberty, the *bacha posh* is almost always required to revert to a feminine identity. Padmi describes this reversal as a complete withdrawal of everything the masculine role had provided: "no more school, no more sports practices, no more friends, and no more life without constraints" ⁴². Halberstam's framework illuminates why this happens with such consistency: tomboyism, the term used to describe early female masculinity in childhood, is socially tolerated only up to the point of puberty, at which moment the demand to re-conform with femininity becomes overwhelming, because the body's sexual maturity makes the performance of masculinity threatening to the patriarchal gender order. The freedom granted to the *bacha posh* is always a loan, not a right. There remain significant concerns in the literature about the mental health effects of this forced reversion, and that while *bacha posh* may be individually liberating in the short term, it ultimately reinforces overall patriarchal relationships⁴³. The *bacha posh* is permitted to perform maleness only for as long as that performance is useful to the

³⁸ Made Fitri Maya Padmi, 'Female Masculinity and Power Relation in Patriarchic System: Case Study Tomboyism of Bacha Posh in Afghanistan' (2018) 1(1) *Nation State: Journal of International Studies* 55.

³⁹ Padmi (n 38) 55.

⁴⁰ Lalthlamuanpuui and Suchi (n36) 4.

⁴¹ Padmi (n 38) 47

⁴² Padmi (n 38) 56.

⁴³ Corboz, Gibbs and Jewkes (n 34) 12.

patriarchal family structure; when her body makes the performance too visible, too threatening, too real, the permission is withdrawn, and she is returned to subjection.

Female masculinity, as Halberstam formulates it and as Padmi applies to the Afghan context, is a form of gender performance that exists in an antagonistic relationship to both femininity and hegemonic masculinity⁴⁴. The *bacha posh* performs masculine behaviours, adopts masculine dress, and inhabits masculine social roles but she does not thereby gain access to the power that masculinity confers on men. As Padmi notes, female masculinity is "excluded from the power relation within the category of masculinity"; it is often classified as "maladjustment" or "misidentification," and defined through the language of exclusion⁴⁵. The *bacha posh* thus occupies a deeply paradoxical position: she performs the

script of maleness in order to access the privileges of maleness, but her access is conditional and never fully authorised.

This paradox is expressed with particular clarity in the case of Bakhtawara, who, in donning boy's clothes, gains access to the *jirgah*, the traditional assembly of male leaders, and thereby acquires a political voice that is entirely unavailable to her as a woman. As a *bacha posh*, she is "freer than other women," able to meet men in public, respected, in charge of her own life, earning her own money⁴⁶. Yet even this freedom is not her own: it is contingent on the performance of an identity that was imposed upon her, and it carries her father's logic and honour at its centre. Her father hands her his gun, symbolising in Pashtun culture the transference of power and responsibility for family honour, and tells her: "If you look after the family well, our honour will remain and you will keep my name alive"⁴⁷. The *bacha posh*'s public freedom is in the service of patriarchal continuity, not her own self-determination. The *bacha posh*, in most cases, mimes masculinity without displacing it; she enacts the script of maleness precisely because it serves the patriarchal structure that confines her, and returns to femininity when that structure demands it.

Reading through Isin's framework, the *bacha posh* does access the public sphere, does participate in economic life, does acquire mobility, and in some cases even acquires a political voice. However, this access is endowed with a time limit. Moreover, her performance is adapted from a script written by the patriarchal order, and not by constituting herself as a subject through an act of her own. The *bacha posh* is an active, not activist, citizen; her presence in public life is not that of a citizen who has claimed rights; it is of a performer who has been assigned a role. And when the script calls for the performance to end, when puberty arrives and the family requires the reversion to femininity, there is simply no act of

⁴⁴ Padmi (n 38) 49.

⁴⁵ Padmi (n 38) 50.

⁴⁶ Lalthlamuanpuui and Suchi (n36) 4

⁴⁷ Lalthlamuanpuui and Suchi (n36) 5.

citizenship available to her. Under the current legal framework, which criminalises gender-non-conforming behaviour and grants the PVPV police sweeping powers to regulate appearance and conduct, she enters a space of extreme legal and physical danger. Her citizenship is granted to her by her community for a limited time; it is revoked the moment her feminine presence overpowers the masculine performance for she now enters a possibly dangerous field of self-assertion, which under the Taliban can come with fatal consequences.

It is tempting to read *bacha posh*, at this point, as a destabilising practice, a form of subversion that exposes and unsettles the gender norms that confine Afghan women. Lalthlamuanpuui and Suchi gesture toward this reading, drawing on Butler, to argue that the *bacha posh* is subversive in her refusal to fit the totalising narratives of gender. However, Butler emphasises on a crucial limit: she does not wish to prescribe subversive performances, because subversive performances always run the risk of becoming "deadening clichés through their repetition" and, crucially, because judgements about what is subversive and what is

not cannot be made out of context⁴⁸. The context of *bacha posh* in Taliban Afghanistan is precisely what forecloses the reading of it as subversion in any meaningful sense. Butler is attentive to the political possibilities of gender non-conformity: the point of analysing drag, she writes in the 1999 preface, is to counter the violence performed by gender norms, insisting upon the extension of legitimacy to bodies that have been regarded as false, unreal, and unintelligible⁴⁹. However, Butler insists that feminist critique cannot stop at asking how women might become more fully represented within existing political structures. The deeper question is how the category of "woman" is itself produced. The *bacha posh* is illuminating here precisely because their existence exposes what Butler calls the "tenuousness of gender 'reality'"⁵⁰. Butler's analysis of drag as exposing gender's tenuousness applies to practices that are undertaken with some degree of self-determination. But the *bacha posh* does not choose her performance. It is chosen for her by a family that requires a functional male. The gender non-conformity does not destabilise the masculine/feminine binary; she temporarily inhabits one side of it so that the binary can continue to function for her family's benefit. Butler's insight that "the body is itself a construction" and that bodies cannot be said to have "a signifiable existence prior to the mark of their gender" is here actualised: the *bacha posh*'s body is constructed as male by social decree, not by her own desire or self-definition, and it will be reconstructed as female by that same decree when the family's need changes⁵¹.

Butler's foundational argument in *Gender Trouble* begins with a Foucauldian insight: juridical systems of power produce the subjects they subsequently claim merely to represent⁵². The law does not find a pre-existing subject and then regulate them; it constitutes the subject through the act of regulation,

⁴⁸ Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (Routledge 1999) 20-

21.⁴⁹ Butler (n 48) 23-24.

⁵⁰ Butler (n 48) 5.

⁵¹ Butler (n 48) 12-13.

⁵² Butler (n 48) 4.

and then conceals this constitutive function behind the fiction of a subject who existed before the law, awaiting representation within it. As Butler writes, "the law produces and then conceals the notion of a 'subject before the law' in order to invoke that discursive formation as a naturalized foundational premise that subsequently legitimates that law's own regulatory hegemony"⁵³. Applied to the Taliban's legal order: the 2026 Criminal Procedural Regulations do not merely restrict already-existing Afghan women; they produce the category of Afghan womanhood as confined, domesticated, legally subordinate, and permanently supervised and then present this production as natural. The female subject under Taliban law is not constrained by the law but manufactured by it. The category of the woman is produced then, through a series of restrictions, on self-assertion, on independence, on access to resources, and on citizenship. Her only opportunity to live a temporary life of moderated privilege comes from the donning on a man's clothes and emulation of masculine behaviour; a set of regulations and conventions defined again by what the state considers appropriate. Her masculinity is a passport she must carry to enter the society she has been barred from by the Taliban.

The emancipatory possibility that Butler's framework opens, and that is genuinely present, in a

minuscule, fragile, and constrained form, in the experience of some *bacha posh*, is not to be dismissed. But that resistance, to be genuinely liberatory, must be performed on one's own terms; it must emerge from the subject's own act of self-constitution rather than from assignment by the structures she seeks to survive. The *bacha posh* who experiences her masculine role as genuinely expressive and resists the return to femininity at puberty is the figure in whom the emancipatory possibility briefly appears. But the system built by the Taliban, now codified in law, is designed precisely to extinguish any such figure.

What this reveals is that both gender and citizenship in Afghanistan function as performances of labour — work performed for others, according to scripts written by others, towards ends that serve structures of power that the performer herself neither controls nor benefits from, not permanently at least. Isin's activist citizen, the one who breaks from habitus, who creates the scene rather than merely acting in it, who constitutes herself as a claimant of rights, cannot exist where the conditions for any performance are set entirely by the state and its patriarchal surrogates. Arendt's space of appearance, the arena in which political identity is disclosed through speech and action among equals, has been dismantled in Afghanistan for women and replaced by a juridical space in which her appearance itself is deemed criminal. And Butler's performative subject, capable, in theory, of denaturalising the norms that oppress her through repetition, cannot exercise that capacity when the repetition is mandated, monitored by a morality police, and punishable by flogging, or in some cases execution.

Citizenship, then, becomes a condition of embodied access which demands visibility, mobility, and social legibility. With the narrowing of permissible identities that can be publicly visible and the

⁵³ Butler (n 48) 5.

imposition of strict socially gendered binaries by the Taliban, a repressive status quo is manufactured, where gender and sexual minorities are compelled to disappear. This invisibility is forced onto Afghan women, who, after the Taliban's return in 2021, were stripped off of all public and political rights, diminished to mere invisible actors constantly dependent on male figures. Against such a backdrop, the practice of *bacha posh* emerges as a site for theorizing the gendered aspect of citizenship. This act is forced onto many young girls by their community as a result of poverty or a lack of men in the family unit, who, by donning masculine clothes and mannerisms enter the public space and avail privileges available conventionally to men only. This paper argues that *bacha posh* is not an act of subversion nor is it an act of emancipation, rather an extension of gendered labour. This performance of masculinity provides citizenship to those who partake in it for a limited amount of time. Citizenship in totalitarian states, thus, ceases to only be a formal legal designation, it becomes a performance, and at its very core gendered.

Table of Legislation

Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13

Constitution of the Islamic Republic of Afghanistan 2004

Islamic Emirate of Afghanistan, *Law on the Promotion of Virtue and Prevention of Vice* (Official Gazette No 1452, 31 July 2024)

Bibliography

Baetens F, 'The Taliban's New Criminal Procedure Code for Courts: Fundamental Rights Violations Are Now Legal in Afghanistan' (Oxford Human Rights Hub, 25 February 2026)

<https://ohrh.law.ox.ac.uk/the-talibans-new-criminal-procedure-code-for-courts-fundamental-rights-violations-are-now-legal-in-afghanistan/>

Butler J, *Gender Trouble: Feminism and the Subversion of Identity* (Routledge 1999)

Corboz J, Gibbs A and Jewkes R, 'Bacha Posh in Afghanistan: Factors Associated with Raising a Girl as a Boy' (2019) *Culture, Health & Sexuality*

Girowal S, 'The Taliban Legal System and the 2026 Criminal Procedural Regulations' (Princeton School of Public and International Affairs, 2026)

<https://spia.princeton.edu/news/taliban-legal-system-and-2026-criminal-procedural-regulations>

Isin EF, 'Theorizing Acts of Citizenship' in Engin F Isin and Greg M Nielsen (eds), *Acts of Citizenship* (Zed Books 2008)

Lalthlamuanpuui P and Suchi S, 'Bacha Posh: A Study of the Micronarratives of Gender in Afghanistan' (2020) 12(5) *Rupkatha Journal on Interdisciplinary Studies in Humanities*

Padmi MFM, 'Female Masculinity and Power Relation in Patriarchic System: Case Study Tomboyism of Bacha Posh in Afghanistan' (2018) 1(1) *Nation State: Journal of International Studies*

Qazi Zada S and Qazi Zada MZ, 'The Taliban and Women's Human Rights in Afghanistan: The Way Forward' (2024) 28(10) *International Journal of Human Rights*

Rovisco M and Lunt P, *The Politics of Cultural Citizenship* (Routledge 2016)

Tömmel T and Passerin d'Entreves M, 'Hannah Arendt' in Edward N Zalta and Uri Nodelman (eds), *The Stanford Encyclopedia of Philosophy* (Stanford University 2024)

<https://plato.stanford.edu/entries/arendt/>