



Exclusion of girls from school on account of Islamic dress might lead to discrimination

## Muslim girls, religion and the hijab in public schools

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In recent years, the wearing of the female Islamic dress (generally referred to as the hijab), or any feature of this dress such as the headscarf (khimar), face-veil (niqab) and the head-to-toe all enveloping garment (jilbab) has raised complex human rights issues particularly in the context of women's rights to freedom of religion and its manifestation, equality and nondiscrimination, education and work.

This article focuses on the status of the hijab in Islam and selected recent cases concerning the wearing of the Islamic dress in schools. On the basis of these, two conclusions are made. Firstly, to prevent a person from making a choice to wear religious clothing (like the hijab) in public or private schools or institutions, in the absence of justification compatible with human rights law, may impair the individual's freedom to have or adopt a religion.

Secondly, the general exclusion of girls and women from school or work on account of the Islamic dress might lead to further discrimination against girls and women in education and employment. A human rights perspective to the Islamic dress should involve as a starting point respecting choices of individual Muslim women to wear or not to wear the hijab.

The word hijab in the Quran refers to a partition or curtain in the literal or metaphorical sense. In Islamic parlance, the term has been generally said to mean any head, face, or body covering worn by Muslim women that conforms to a certain standard of modesty. In some quarters, however, the term has also been linked to the separation of a man from a woman. Hijab is worn by Muslim women as a symbol of modesty and privacy encompassing women's "gaze, gait, garments, and genitalia".

Some Islamic scholars interpret this type of modest clothing to be the covering of every part of the body except the

face, hands up to wrists, and feet. Other scholars argue that the Quran itself does not mandate that women wear hijab. They posit that hijab refers to the curtain separating visitors to the Prophet Mohammed's house from his wives' lodgings, and as such the hijab should not be made mandatory for Muslim women, but only for the wives of Mohammed.

In light of these arguments touching on conceptualizing "hijab", there appears to be a general consensus in Islam that Muslim women and men must dress modestly and not expose their bodies unduly. The need for women not to expose their body remains a cardinal requirement for women in Islam, however, wearing hijab in secular settings has generated controversies globally.

While some nations, particularly in the Middle East, make it mandatory for women to wear hijab, some other countries, particularly in Europe, have passed laws banning some or all types of hijab in public or in certain secular settings. Despite the absence of any Quranic verse referring to covering hair by men or women, all four schools of both Sunni and Shia Islam officially require women to cover their hair.

Under different interpretations of the hadith by Islamic scholars, a majority of the scholars would permit the exposure of the face and feet, while other scholars are of the view that these should be also covered. The practical result is that some Muslim women, apart from adopting the long loose outer garment (jilbab) and headscarves (khimar) that cover the head, neck and upper body, also adopt the face veil (niqab).

Others go further, covering their hands with gloves and their feet with stockings. In this way, no part of the body is exposed to the gaze of strangers. Some, however, leave the hands, feet and face exposed. Over the years, students of public institutions in Malawi have had to adhere strictly to the prescribed school uniforms by the state governments. The prescribed school uniform often prohibits the use of hijab or other head coverings.

In recent times, Muslim girls in the Eastern part of Malawi are increasingly accepting the traditional teachings of Islam on dressing. The most visible expression of this "revivalism" is perhaps the adoption of the hijab by many female Muslim students. The dress codes and the hijab prohibition have caused a monumental divide along political and religious lines in Malawian educational institutions and the wider society.

While the affected girls argue that the dress codes violate their constitutionally guaranteed fundamental right to practice and observe the tenets of their religion, secular school authorities and state governments argue that the preservation of secularism and neutral-

**Blessed are the peace-makers, for they will be called children of God. – Holy Bible, Matthew 5:9**

**If two parties among the believers fall into a quarrel, make ye peace between them. – Quran, Al Hujurat, 49:9**

ity in public spaces will guarantee religion peace and tolerance for the nation. Adherents of other religions have also joined in the argument as interested stakeholders by arguing against the use of hijab and sometimes seeking the right to display their religious emblems in public schools.

In recent years, Islamic dress has emerged as one of the abiding sites of contention in the relationship between Muslim communities and the State. Specifically, the wearing of Islamic headscarves by women in public spaces has raised questions about secularism, women's rights, and national identity. This article explores the debates about banning hijab in educational institutions.

#### **'Do I take this scarf off?'**

As rich as his imagination clearly is, when Samuel Huntington (1996) was concocting his 'clash of civilizations' theory, I doubt that even he would have suspected it would play itself out so prominently in the field of fashion. And yet, Islamic women's dress has become one of the most contentious sites of conflict to emerge between Muslims and non-Muslims, and among Muslims themselves.

It has pitted feminist against feminist, human rights campaigners against human rights' courts, and seen all manner of unlikely alliances formed: between Socialists and Neo-Fascists, fundamentalists and secularists, and between Muslims, Jews, and Communists. From Paris to Tunis, Ankara to Antwerp, and Melbourne to Muskogee, Oklahoma, the debate about what is acceptable attire for Muslim women in schools, in Parliament, and in public, has raged in politics, in the media, and in the streets. This article draws together and critically assesses the underlying themes from debates about the banning of hijab in educational institutions.

Since schools and universities shape the citizens, and thus the nations of tomorrow, they are often ideological battlegrounds. When the individual identity of students is seen to clash with the collective identity of the State, however, conflict is almost inevitable. There is no uniform approach to terminology for

Islamic dress. 'Hijab' is an Arabic word, originally referring to a curtain or partition, which later came to refer to Islamic dress in general, but is now commonly metonymically reduced to the headscarf.

While this article does not analyze the merits or otherwise of hijab — or any other trend in religion or fashion — that is purely for reasons of space. Firstly, one needs to differentiate between voluntary wearing of hijab or any other clothing, and the mandated wearing of certain Islamic dress in Saudi Arabia, Iran and, in its most extreme example, in the Taliban's Afghanistan. Insofar as many of the arguments from proponents of the banning of the hijab assume various degrees of coercion of women by men, the issue of agency is central to the debate (Hirschman 1995).

Thus, the meaning of hijab in Saudi Arabia could not be more different from the meaning of hijab 'within a culture formed and informed by empowering feminist practices' (Terranova 2004). However other prominent scholars have argued that, hijabs are worn under the pretext of religious belief, they use education institutions, legal and illegal, to narrow young people's horizons, to isolate and segregate, and in the worst cases to indoctrinate impressionable minds with extremist ideology."

Schools are a particular battleground for a deep cultural anxiety about conservative Islam — partly because they are a place where local communities intersect with the public sphere in a very direct way, and partly because the lines between the religious and the secular in the Malawi education system are not drawn clearly. Some scholars have said wearing a hijab "could be interpreted as sexualisation" of girls as young as four or five, when most Islamic teaching requires headdress for girls only at the onset of puberty.

The push for greater civic engagement in schools is the only way forward. To take a critical look at these issues over the hijab, we must also ask: Will it not be discriminatory if Muslim pupils wear hijab and other religious students are not allowed wear religious clothing? Does this tackle purported discrimination against a group, while sanctioning discrimination against others?

As far as the school uniform, it is arguable that there should be religious neutrality that is unbiased for or against any religion. As a state school, should not the school uniform be religiously neutral, or at least in principle unbiased for and against any religion? Are the Islamic enthusiasts who are actually saying that wearing the school uniform without the hijab discriminates against them correct? Are these state school uniforms "Christian clothes?"

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