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# UNVEILING FREEDOM: A COMPARATIVE ANALYSIS OF ANTI-HIJAB PROTESTS IN IRAN AND PRO-HIJAB PROTESTS IN INDIA

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## ABSTRACT

The demonstrations in India in support of the hijab and Iran against it are two distinct but parallel tales. Originating in Iran's complex socioeconomic context, the former supports women's rights and autonomy and opposes the hijab's mandatory imposition. However, Muslim women in India are organizing massive demonstrations in favor of the hijab because they see it as a means of expressing their religious identity and demonstrating their opposition to any future restrictions on their freedoms.

In order to identify the liberation from oppression that unites these diverse struggles, this study compares and contrasts these movements. It explores the reasoning behind the decisions taken on the hijab as well as more general questions of autonomy, self-expression, and the right to one's own identity in the face of institutional and societal pressures. Researchers aim to better understand the intricate relationships between political, religious, and cultural influences by examining how individuals in various contexts navigate these pressures in order to transcend oppressive standards.

**Keywords:** hijab, muslim women, purdah system, Iranian revolution, westernization, religious freedom, Islamic prophet Muhammad, protests, Constitution, religious identity, freedom of expression

## INTRODUCTION

Islam has become one of the most commonly practiced religions since the seventh century. The veil, sometimes referred to as a chador, burqa, or hijab, is a characteristic that sets Muslim women apart in the world. These women use the veil as an expression of their faith and cultural history, not just as an accessory. In accordance with the Quran, Surrah Al-Azhab 33:59 commands

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women “O Prophet! Tell your wives and daughters, and the women of the believers to draw their cloaks over themselves. Thus is it likelier that they will be known and not be disturbed. And God is Forgiving, Merciful.”<sup>2</sup> with certain exceptions being their husbands, children, slaves and fellow women. This has led to the implementation of the purdah system or curtaining of one's body. It requires Muslim women to avoid social situations with men they don't know and to dress in a specific way when they must. This has changed over time as a result of the spread of Islam from the Middle East to Central Asia, Saharan and sub-Saharan Africa, and the numerous varied populations that surround the Arabian Sea. Some native veils were assimilated, while others were impacted.<sup>3</sup>

Although some Iranian women wore headscarves or chador during the rule of Mohammad Reza Pahlavi before to the Iranian Revolution, the hijab was not required. It wasn't until 1979 that the hijab progressively became required. Ayatollah Ruhollah Khomeini in 1979 started the Islamic revolution which resulted in implementation of strict Islamic dress codes, including mandatory hijab for women.<sup>4</sup> Since the 1979 revolution in Iran, it has been mandatory for women to cover their heads when they are in public. In addition, President Ebrahim Raisi issued revised guidelines on what constitutes appropriate clothing.

Muslim women have experienced increased prejudice by non-Muslims for wearing a hijab as it has been several times characterized as a patriarchal weapon devised by men to oppress women and control their bodily autonomy. Since the veil is a “necessity” to facilitate a woman's protection, it's imperative to question why haven't the men been shunned for fostering an environment where women can't walk freely, but instead have to go above and beyond with covering themselves to avoid being sexualized.

In the present day, due to immigration and westernization, there are women who have chosen to veil themselves out of choice in alignment with their religious beliefs, while there are plenty of young girls and women who have been forced into submission due to societal and familial pressure, and have been indoctrinated to believe that their veil is quintessential to protect the “namus” of the family.<sup>5</sup>

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<sup>2</sup> Nasr, S.H. (ed.) ‘The parties, al-Ahzab’, in *The Study of Quran: A new translation and commentary*, Harper One, pp.2248.

<sup>3</sup> Attum, B. et al. (2023) Cultural competence in the care of Muslim patients and their families, National Institute of Health. Available at: <https://www.ncbi.nlm.nih.gov>

<sup>4</sup> Ashwarya, S. (2023) ‘Hijab protests and beyond: The State of Women's rights in Iran’, *Indian Journal of Gender Studies*

<sup>5</sup> Kaveh Ghobadi, *Political Islam in Iran and the Perpetuation of Violence against Women*, July 7th, 2020

The hijab has been highly politicised by multiple groups and communities. The relevance of a 'hijab' has been a matter of controversy for the past several years and has become a barometer of growing anti-Muslim sentiment. Many people recognize the veil worn by Muslim women as an accessory of oppression, and look down on these women as downtrodden, consequently these women are subject to what can be called as 'intersectional discrimination'.<sup>6</sup>

Where women in Iran are against the mandatory veiling, women in India they are advocating to wear it. The ban on Muslim women and students wearing the hijab in schools gave rise to the pro-hijab demonstrations that took place in India, mostly in the states of Karnataka. Piqued by reports of people being turned away or subjected to restrictions, the demonstrations gathered steam in the early 2022. Concerns relating to religious freedom were brought to light by the protests, which were organized by parents, students, and some religious leaders. Legal debates over how to reconcile institutional regulations with individual rights were triggered by this. Pictures and videos from the protests went viral on social media, contributing to their rise in popularity and drawing national and international attention to the discussions around diversity and religious freedom in schools.

Scholars have disagreed on the hijab for centuries. According to some academics, it is a crucial component of a woman's religious identity and ought to be worn as a symbol of piety and modesty. Some contend that it ought to be outlawed because it is an oppressive practice. Others still contend that it is a personal decision that belong to the person making it. In the end, there is no one "correct" response to the complicated and nuanced hijab discussion.

## **HISTORY OF HIJAB IN ISLAM (IRAN V INDIA)**

Since the wearing of veils by women is considered to be fundamental to the faith, Islam places a great priority on both men and women upholding modesty and protecting their privacy from outsiders. The sacred Quran emphasizes the value of modesty and chastity and commands women to cover their adornment, but it also advises people to refrain from moral and sexual transgressions in the community and to walk with dignity, communicate modestly, and even seem modest.<sup>7</sup>

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<sup>6</sup> Human rights of women wearing the veil in Western Europe, Office of the United Nations High Commissioner for Human Rights.

<sup>7</sup> Sadatmoosavi, Z. and Shokouhi, Hijab of women in Islamic civilization history , ResearchGate. Available at: <https://www.researchgate.net>

Islam originated as a modest religious movement on the Arabian Peninsula. Initially composed of a small group of followers, it quickly gained momentum and established a significant presence in the region. The foundation of the community in Medina by the prophet Mohammed (c. 570–632 CE) marked a pivotal moment in its development. From that point on, Islam spread to many populations around the Arabian Sea as well as the Middle East, Central Asia, Saharan, and sub-Saharan Africa.<sup>8</sup> As Islam moved from the Middle East to Central Asia, Africa, and many communities surrounding the Arabian Sea, it adopted regional veiling traditions and had an impact on others. But the veil gained traction when men scholars of law and scripture began to use their influence in politics and religion to recapture the dominance they had relinquished in society because of the Prophet's reforms. This was due to the fact that, for many generations following Muhammad, the veil was neither mandated nor generally accepted.<sup>9</sup>

The 1960s and 1970s saw the start of westernization in Muslim nations. But in 1979, there were widespread demonstrations in Iran following the introduction of the headscarf law. Women in the nation were legally obligated to cover themselves when they exited their houses. Other Muslim countries did not approve legislation related to the hijab.<sup>10</sup> A return to Islam and a means of rapprochement led to a hijab renaissance in Egypt in the late 20th century. Adorned in traditional Islamic attire, the ladies spearheading the movement, known as Sahwah, wore ill-fitting ankle-length dresses with sleeves that covered their chest and back.

As the campaign gained traction, Muslim women's participation in the practice increased. In addition to rebelling against the then-dominant western fashion and cultural influences, they publicly displayed it as a way to demonstrate their religious values.

## IN IRAN

Women have been using it to veil their hair since the time of the Islamic prophet Muhammad (7th century CE). Over the years, two very distinct legal frameworks from opposing philosophies have been utilized to try and control women and the covering of their bodies and hair. Reza Shah in 1936 attempted to use the hijab as a subject of legislation. His "unveiling" decree required women

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<sup>8</sup> Chatterji, S.A. (2022) The hijab story, The Citizen - Independent Journalism, Indian News, The Citizen. Available at: <https://www.thecitizen.in>

<sup>9</sup> Javaid, A. (2022) *History of hijab in Islam: Why Muslim women wear hijab?*, Jagranjosh.com. Available at: <https://www.jagranjosh.com>

<sup>10</sup> *Supra* 8

to remove their headscarves in public.<sup>11</sup> The Turkish leader Mustafa Kemal Atatürk had an influence on the shah's idea of modernity, which included altering the attire of Iranian ladies.

As time has progressed, the hijab's original purpose as a symbol of modesty and solitude has given way to other interpretations. Early in the 20th century, Iranian women began wearing headscarves as a political protest against the secular clothing regulations enforced by the Pahlavi dynasty's secular clothing restrictions.<sup>12</sup> When the government tried to modernize the country, the headscarf became a symbol of defiance.

The Islamic revolution of 1979 gave rise to the concept of the hijab. Thousands of Iranian women protested the idea of imposing the headscarf, using chants like "freedom of choice in clothes." Iranian women were mandated to wear hijab starting in April 1983.<sup>13</sup> Every woman, including non-Muslims and foreign visitors, has since been legally obligated to cover up when they are in public. In order to enforce rules requiring women to cover their heads, the Islamic government has enacted numerous legislation and social restrictions over time. In the 1990s, the introduction of criminal penalties for lawbreakers included both jail time and fines.

But beginning in January 2018, there was a change in the manner women's attire was monitored in Tehran. This new law required women who disobeyed the Islamic clothing code to undergo classes on Islam education instead of facing fines or imprisonment.<sup>14</sup> In such instances, women were typically escorted to a police vehicle and thereafter to a class by the morality police, or *Gasht-e Ershad*<sup>15</sup>. The ladies are then made to sign a document promising not to commit the "bad hijabi" offense again and are made to attend "guidance" sessions run by the police to learn proper Islamic behavior.

## IN INDIA

Islam was introduced in India during the 7<sup>th</sup> century through Arabian Invasion of Sind following which several Islamic dynasties were established. During the Mughal era the Islamic customs have persisted in influencing culture, especially clothing regulations. Many Muslim women embraced

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<sup>11</sup> Sahar Maranlou (2023) Hijab law in Iran over the decades: The continuing battle for reform, The Conversation. Available at: <https://theconversation.com>

<sup>12</sup> Munaf, M.A. (no date) Women's dress in Iran: From the Islamic sitr to the political hijab, The Washington Institute. Available at: <https://www.washingtoninstitute.org>

<sup>13</sup> *Supra* 10

<sup>14</sup> *Supra* 10

<sup>15</sup> Prakash, P. (2023) Explained: What is gasht-e-ershad, Iran's morality police?, The Hindu. Available at: <https://www.thehindu.com>

the hijab as a symbol of modesty. With the advent of British Raj in India there were prohibitions placed on women from publicly wearing the hijab throughout the colonial era. This restriction went into effect at the turn of the twentieth century and lasted all the way to the country's independence in 1947. After gaining independence in 1947, India ratified a secular constitution that enshrined religious freedom. The wearing of the hijab continued to be a personal choice for Muslim women, reflecting their religious and cultural identities.

In India, a large number of Muslim women opt to wear headscarves as a way to openly express their faith in the modern world. It protects their privacy and serves as a sign of respect for their religion. The hijab has come to symbolize independence and self-sufficiency for many Muslim women in India. It is believed that people are expressing their individuality and asserting their right to wear whatever they like.

## **IRAN'S ANTI HIJAB PROTESTS**

Since December 2017, Iranians have been protesting the mandatory hijab. Protests flared up as authorities declared they would rigorously implement the hijab mandate. Since then, female protesters have been seen in public areas without their headscarves, sometimes holding them aloft with written inscriptions. The term "White Wednesday"<sup>16</sup> was used to describe this particular kind of protest. The White Wednesday movement was initiated by a nonprofit organization, My Stealthy Freedom. It encourages both men and women to wear white scarves, bangles, or veils as a way of protesting the mandatory veiling code. Oman, Bahrain, and Kuwait are among the other nations in the area where the movement has taken root.

Protests against the hijab have become more intense post the death of a 22 year old Kurdish woman, Mahsa Amini who was detained by the morality police of Iran on 16 September 2022, when she was on a visit to the city, for failing to cover her head sufficiently. She supposedly suffered from torture while being held captive, and after going into a coma, she passed dead.<sup>17</sup>

Reza Shah Pahlavi issued the "Kashf-e hijab" proclamation in January 1936 with the intention of modernizing Iran by removing veils from the working class.<sup>18</sup> The Shah, who was influenced by Westernization and especially by trips to Turkey, claimed that women were obtaining rights that

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<sup>16</sup> Nassim Hatam, Why Iranian women are wearing white on Wednesdays, 14 June 2017, available at <https://www.bbc.com>

<sup>17</sup> Fassihi, F. (2022) In Iran, woman's death after arrest by the morality police triggers outrage, The New York Times. Available at: <https://www.nytimes.com>

<sup>18</sup> International Desk, (2022) The history of Hijab in Iran, The Daily Star. Available at: <https://www.thedailystar.net>

went beyond motherhood in an effort to empower them. Women assimilated into society under his reign, attending universities and adopting western attire. But many women were offended by the hijab prohibition and the religious establishment began to oppose it. Some women chose to wear the hijab as a sign of their voluntary protest against the monarchy during the revolution of the 1970s.<sup>19</sup> The hijab was no longer prohibited once the Shah's rule came to an end in 1941.

The Islamic Revolution in 1979, resulted in implementation of strict Islamic dress codes, including mandatory hijab for women. Since the 1979 revolution in Iran, it has been mandatory for women to cover their heads when they are in public.<sup>20</sup> Ayatollah Khomeini enacted regulations that formalized gender discrimination, access to beaches and sports were separated for males and females, the exclusion of married women from regular education, and the prohibition on women serving as judges. After a certain age, head coverings were required for all girls.<sup>21</sup> Even though a considerable number of women had worn veils throughout the revolution, many did not favor the practice and had not anticipated it to be required. The Iranian youth, including both men and women protested against the demolition of women's rights.

In 2005, the Tehran police began a fierce crackdown on "bad hijab", morality police was established to arrest those who violate Islamic dress code. Some Muslims had previously supported morality police, claiming that they aimed to prevent immoral behavior and uphold Islamic values.<sup>22</sup> Critics drew attention to the fact that these forces disproportionately targeted women and minorities and tended to employ men. The topic spurred discussions on gender equality and social justice by igniting debates about the function of morality police and their effect on individual liberties. The morality police units were disbanded following two months of fierce protests that ensued after the tragic death of Mahsa Amini.<sup>23</sup> The long-lasting public uproar over the units was a major factor in their eventual removal, indicating a profound change in public opinion and the acknowledgment of protestors' concerns.

The months that followed the protests in 2017 sparked a wave of similar acts of protests across the globe. Men and women of all ages from various backgrounds participated in the

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<sup>19</sup> Han Y., Women in Iran are burning headscarves and cutting their hair in protests over the hijab, Business Insider. Available at: <https://www.businessinsider.com>

<sup>20</sup> *Supra* 3

<sup>21</sup> *Supra* 18

<sup>22</sup> Robinson K., Iran isn't the only country with Morality Police, Council on Foreign Relations. Available at: <https://www.cfr.org>

<sup>23</sup> Iran scraps morality police after 2 months of raging protests (2022) The Indian Express. Available at: <https://indianexpress.com>



demonstrations. The protests were mostly peaceful, however there have been reports of occasional altercations between protesters and police. The Iranian government ultimately vowed to look into claims of police mistreatment against protestors and to reduce the imposition of the hijab in public places in reaction to the protests. The 2022 demonstrations serve as a potent reminder of the strength and resolve of Iranian women, even though the outcomes of these initiatives are still to come.

The UN Human Rights Office issued a statement denouncing the use of force against the demonstrators and demanding an end to their arbitrary detention. European Union officials have also issued a statement expressing grave concern and calling on the Iranian government to exercise prudence. Human rights organizations have also spoken out, demanding an end to the suppression of peaceful rallies in Iran and the quick release of all those unlawfully jailed.

## **INDIA'S PRO-HIJAB PROTESTS**

During early January in 2022, some Muslim students at a college in Udupi, Karnataka were not allowed to enter the campus, nor were they permitted to wear the hijab to class, as this went against the college's dress code. Later during February 2022, social media was ablaze with images and videos of a lone Muslim girl being harassed and chased inside a school by a huge group of Hindu males who were screaming "Jai Shri Ram" in Karnataka. Violence broke out in protests all throughout Karnataka as the situation swiftly grew out of control and became a national issue. As skirmishes between right-wing groups and proponents of the hijab worsened, the state administration was forced to order the closure of schools and universities and even enforce curfews for a few days.<sup>24</sup> The Karnataka government also outlawed saffron scarves and hijabs, declaring that all students would have to wear the uniform until a panel of experts made up of the relevant parties made a decision.<sup>25</sup>

The Karnataka government issued an order under the Karnataka Education Act, 1983<sup>26</sup>, requiring all students in state-run schools to wear a uniform and prohibiting them from donning the hijab in class. The Order faced a legal challenge at the Karnataka High Court, prompting Chief Minister Basavaraj Bommai to order the closure of all schools and colleges for three days during the court

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<sup>24</sup> Rahman, F. (2022) The paradox of Hijab, Frontline. Available at: <https://frontline.thehindu.com>

<sup>25</sup> *Supra*23

<sup>26</sup> Karnataka Education Act, 1995, No. 1, Act of parliament, 1995

proceedings. Karnataka High Court delivered an interim order reopening the schools and colleges. But whilst the case was pending, the prohibition on donning the hijab continued.<sup>27</sup>

The Karnataka High Court's three-judge bench maintained the prohibition on the hijab at state-run schools on March 15. They said that the hijab is not a "essential religious practice" and is therefore not protected by the constitution. The court further argued that the prohibition did not violate students' rights to free speech or expression because it was a lawful restriction to maintain order in public areas.<sup>28</sup> The All India Muslim Personal Law Board appealed this to the Supreme Court.

From September 5 to September 21, a variety of issues pertaining to the rights to equality, non-discrimination, liberty, dignity, education, and religion were discussed throughout the ensuing sessions.<sup>29</sup> The Supreme Court delivered a split verdict on October 13th, 2022.<sup>30</sup> The restriction was maintained by Justice Hemant Gupta, who emphasized that it applied equally to children from all religious backgrounds and that secular institutions must maintain discipline. Conversely, Justice Sudhanshu Dhulia declared the ban unlawful, raising worries about how it might affect female students' access to secular education and maintaining that legitimate religious beliefs should be respected without undue limitations.<sup>31</sup>

Some have said that the hijab is a sign of oppression, while others have argued that it is a symbol of religious freedom and expression, and both sides have voiced support for and disapproval of the protests.

## COMPARATIVE ANALYSIS

The two rallies are similar in that they both target the denial of women's autonomy over their attire, which is a crucial aspect of their self-expression. The foundation for other fundamental rights that defend these women's physical autonomy, dignity, and privacy is their right to freedom of

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<sup>27</sup> Hijab ban judgment summary (Karnataka HC) (2022) Supreme Court Observer. Available at: <https://www.scobserver.in>

<sup>28</sup> The Hindu Bureau (2022) Hijab not an essential practice of Islam, rules Karnataka High Court, The Hindu. Available at: <https://www.thehindu.com>

<sup>29</sup> *Supra*26

<sup>30</sup> Rajalakshmi, T.K. (2022) Understanding the Supreme Court split verdict on Hijab Ban, Frontline. Available at: <https://frontline.thehindu.com>

<sup>31</sup> Saraogi, A. and Kashyap, G. (2022) Hijab Ban: SC Judgment Matrix, Supreme Court Observer. Available at: <https://www.scobserver.in>

expression. The idea of individual liberty was upheld by Hon'ble Justice Sudhanshu Dhulia in the split ruling, citing **Navtej Singh Johar Vs. Union of India**.

The debate around women's hijab wear is inevitably linked to concerns of equality, individualism, freedom of expression, and the right to practice one's faith. It is important to understand that a woman's autonomy and rights are violated when she is forced to wear a hijab or take it off. Imposing an absolute ban on the hijab restricts an individual's freedom to practice their religion, a fundamental right protected in many democratic societies. On the other hand, mandating the wearing of the hijab takes away a woman's freedom to equality, as it imposes a specific dress code based on religious or cultural grounds. It is imperative to differentiate between several Islamic headscarves, including the burkha, niqab, and hijab. The hijab is a more modern style that permits face exposure while concealing the hair and neck, in contrast to the burkha and niqab, which require full face veiling. While there may be some validity to arguments against fully covering the faces, such as highlighting differences in appearance during examinations and obstructing checks, a total ban on the hijab seems arbitrary when compared to other societies where religious gear is accepted. For instance, no objections have been made regarding Hindu tilaks or tikas, Punjabi turbans, or the dupatta worn by married Hindu women in some rural regions while they attend college. The fundamental guideline is to avoid taking extreme measures that impede religious freedom while making sure that these actions do not needlessly endanger public safety or harmony. The goal in addressing such issues should be to strike a balance that upholds both religious sentiment and individual rights.

## CONCLUSION

In conclusion, the discussion around the hijab brings to light the delicate balance that needs to be struck in a multicultural society between respecting people's rights to privacy, free speech, and religious expression. Drastic measures carry the possibility of compromising a woman's autonomy, equality, or freedom of religion, whether they are viewed as an outright ban or an obligatory responsibility. It's critical to understand the minor differences between various Islamic coverings, and any restrictions should only be used seldom to avoid unfair decisions. Creating an environment that is inclusive, promotes diversity, upholds individual rights, and respects religious freedoms without endangering social cohesiveness is imperative as countries grapple with these issues.