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Feminist Hermeneutics and Theoretical Articulation of the Verses of Hijab: Critical Examination

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ABSTRACT

To date, the discourse of Hijab remains a focal point of contestation, which has grown into a virtual jungle of distortion, misconception, least understood, most controversial, politically and legally discussed issue. The requirement for Hijab is Pragmatically Legislated within the primary sources of Islamic Law. Thus, it centres on a hard corpus of Quranic and Sunnah text. However, to give feminists much more legitimacy to intrude into Islamic legal text, the Hijab was claimed to signify gender inequality heavily saturated with patriarchal interpretations. Feminists glossed in an Islamic frame of reference tried to foster phoney interpretations and impose certain meanings to the Hijab. They argue that Muslim women are allowed the freedom to choose what they may wear, thus contradicting the pragmatically legislated and mandatory requirements of Hijab upon the Muslim woman. Often casting Hijab as less fundamental or reducing its imperativeness to a matter of choice or fashion. These interpretations have posed myriad challenges and added wider perspectives to the legality of wearing the Hijab by the Muslim women. In fact, these challenges are not mere rhetorics but have important policy implications as they have been used to justify restrictions on the use of the Hijab. Thus, feminism plays a role in the creation of Law and Policy that marginalize the wearing of Hijab. In this regard, the analysis of feminists' hermeneutics and theoretical articulation of the verses of Hijab are expedient. This paper, therefore, seeks to examine the feminist's hermeneutical and theoretical frameworks and how these discursive frameworks helped to aggravate the misconceptions surrounding the understanding of the legal basis and intent of Hijab under Islamic law. The findings indicate that Hijab does not signify reclusiveness. Hijab sanctions women participation in public life. The study adopted doctrinal method based on deductive reasoning and critical analysis.

Keywords: Islamic law, Feminism, Hijab, Hermeneutics, Theory

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I. INTRODUCTION

To this day, most Muslim women have continued to wear the Hijab as a matter of conviction and as an act of worship that is fundamental and mandatory. Feminist framework, however, do largely believe that Hijab is a product of patriarchy and it hinders women participation in public life. The Feminists continuous assumption is that Muslim women who wear Hijab, do so because men order them to do it or as a result of false consciousness. Feminist critique of Hijab begins by arguing that Hijab is socially constructed and deeply shaped by patriarchal context. That, the use of Hijab is not legally mandated and therefore cannot be part of the exercise of freedom of religion and thus it is contrary to the values of modern democratic societies such as gender equality. Feminists developed a number of theories to address the question of Hijab. Specifically, they tried to explain the Hijab of a Muslim woman within a theoretical context including hermeneutics approach. Thus, by systematically re-interpreting the verses of Hijab. This paper, therefore, is divided into five segments. Following the introduction, the second segment provides a glimpse into the early feminist rejection(contempt) of Hijab. The third segment deals with the contemporary feminists' theoretical articulation of Hijab. Meanwhile, the subsequent discussion dwells on critical examination of the feminists' hermeneutics of the verses of Hijab. Finally, the paper came with the conclusion that both the theoretical and hermeneutics conceptualisation of Hijab will make little sense to understanding the legal requirement and pragmatic necessity of wearing of Hijab to the Muslim woman, who aspires to wear the Hijab as fundamentally and mandatory act of worship under the Islamic law.

II. FEMINIST CONCEPTUALISATION OF HIJAB DURING AND AFTER THE COLONIAL ERA

Historically, feminist conceptualization of Hijab is linked with the discourse of colonization, nationalization, economic development, and globalization.¹ The Hijab continues to hold a prominent place in understanding the relationship between religion and politics, and women's freedom. It is a common subject in media, classrooms, political, and legal debates even in the 21st century.² Feminist discourse of Hijab have also influenced the discourse, practice, meaning and legal intent of the Hijab.³ In the early 1900s, under the influence of westerners and westernized intellectuals like Qasim Amin and Eugénie Le Brun, several Muslim feminists began to use unveiling as a symbol of their feminism.⁴ For instance, in 1911 Malik Hifni Nasif

¹ ELIZABETH BUCAR, *THE ISLAMIC VEIL: A BEGINNER'S GUIDE* (Oneworld Publications 2012).

² *Id.* at 3.

³ *Id.* at 6.

⁴ Khardiata Ba, *Islamic Feminism: A Critique*, SAFARA No. 19 (2020), www.safara-ugb.com, at 63.

presented to the Egyptian Legislative Assembly a ten-point program for the improvement of women and one of them is unveiling of women. Some Muslim feminists like Fatima Mernissi, Fadela Amara, Hedi Mhenni and Sihem Habchi fiercely oppose the wearing of the Hijab. Others like Asma Lamrabet are more lenient towards veiled women although they do not believe that the Hijab is obligatory in Islam.⁵

Broadly, ample references to the uncovering movement from the late 19th and early 20th centuries in the Muslim world has drastically changed which was under-taken not by colonialists or foreigners, but indigenous elites. That it was Egyptian and Iranian upper-class women who first condemned native customs as backward and proclaimed the superiority of the west and uncompromisingly equated taking off of Hijab with liberation.⁶ Women such as Aisha al-Taimurya, an Egyptian aristocrat in her 1887 autobiography, wrote about the obstacles of Hijab. She viewed it not only as a physical covering but a mental covering. Other women such as Zaynab Fawwaz saw the Hijab as an impediment to education. Thus, Hijab was seen as an obstacle to education and education was believed to be the key to progress. While these women provide examples of early calls for denouncement of Hijab and many 19th century reforms addressed the issue of the Hijab, many claim it was the writing of Qasim Amin in 1899 that brought the “Hijab question” to the forefront. The Hijab constituted, according to Amin, “a huge barrier between woman and her elevation and subsequently a barrier between the nation and its advance.”⁷ In his two controversial books (*The Emancipation of Women* and *The New Woman*) Amin denounced Hijab and seclusion as unislamic.⁸

In May 1923 Huda Sha’arawi and Saiza Nabarawi, two Egyptian feminists and activists, took symbolic action that was internationally acclaimed and shocked the world, by removing their Hijab, upon their return from the international Women’s Alliance Conference in Rome. Following suit were Ibtihaj Kaddura in Lebanon, Adila Abdal-Qudir al Jazairi in Syria, and much later Habibah Manshari in Tunis. Also, Queen Suraya of Afghanistan appeared uncovered in public in 1928. Lebanese writer Nazira Zain al-Din published a book in 1928, discussing amongst other things the issue of the Hijab. She concluded that she has noticed that the nations that have advanced in intellectual and material life, their advancement is not equaled in the covered nations. Thus, the writing of Amin and Zain al-Din among others and those following them deeply influenced broad discourses and public attitudes on the Hijab. In fact, at the

⁵ *Id.* at 62.

⁶ A. Majid, *The Politics of Feminism in Islam*, 23 *SIGNS* 321 (1998).

⁷ LEILA AHMED, *WOMEN AND GENDER IN ISLAM: HISTORICAL ROOTS OF A MODERN DEBATE* (Yale Univ. Press 1992), at 156–59.

⁸ JOHN L. ESPOSITO & DALIA MOGAHED, *WHO SPEAKS FOR ISLAM? WHAT A BILLION MUSLIMS REALLY THINK* (Gallup Press 2007).

beginning of the 20th century Nazira Zain al-Din was one feminist who since scrutinized the interpretations of the Quranic passages from both surah al-Nur and surah Al-Ahzab that are usually cited as verses of Hijab by Islamic scholars. She argued that almost all the male exegetes imposed the Hijab on women. According to Nazira, women are more worthy of the Quranic exegesis of the relevant passages in the two surahs, since women are the ones addressed by them. To her, Hijab was meant exclusively for the wives of the Prophet (SAW) and those who choose to imitate them are disobeying Allah's command because the Quran very clearly says that Allah does not wish Muslim women to attempt to measure themselves up to the standard of the wives of the Prophet (SAW) in their apparel. She states further that Hijab, as a symbol of status, was a custom and tradition of rich families in oriental societies and therefore Hijab as it is known today is just an aristocratic habit to distinguish the Muslim women of the rich and prestigious families from ordinary women and this discrimination is prohibited by the Islamic Shariah. She concluded that unless Muslim women were made to abandon the Hijab, Muslim nations would not be able to advance intellectually and materially and would find solace only in singing of a glorious past and ancient tradition.⁹ Women's organizations also played an important role in transforming dress although it should be stressed that for many women the Hijab symbolized the relegation of women to a secluded world that did not allow them to participate in public affairs.¹⁰

III. FEMINIST HERMENEUTICS AND THE THEORETICAL ARTICULATION OF THE VERSES OF HIJAB

Like a sixth pillar, we cannot discuss Islam and gender without discussing the Hijab.¹¹

Ignoring the discourse of Hijab is simply not possible for a scholar of gender and Islam.¹²

Feminism plays a role in the creation of law and policy that marginalizes Hijab as an unfavourable and incompatible religious practice.¹³ The foundational argument against the Hijab, is rooted in the belief that the Hijab is "inevitably damaging for women and for the causes

⁹ KATHERINE BULLOCK, *RETHINKING MUSLIM WOMEN AND THE VEIL: CHALLENGING HISTORICAL AND MODERN STEREOTYPES* (Int'l Inst. of Islamic Thought 2002), at 27.

¹⁰ I.O. UTHMAN, *MUSLIM WOMEN OF NIGERIA AND THE FEMINIST DISCOURSE OF SHAYKH AL-ALBANI* (IIUM Press 2008), at 40–41.

¹¹ AMINA WADUD, *INSIDE THE GENDER JIHAD: WOMEN'S REFORM IN ISLAM* (Oneworld 2008), at 219.

¹² Bucar, *supra* note 1, at 1.

¹³ Amina Haleem, *Covernance: Feminist Theory, the Islamic Veil, and the Strasbourg Court's Jurisprudence on Religious Dress-Appearance Restrictions*, 5 DEPAUL J. WOMEN, GENDER & L. (2015).

of gender equality as a whole.¹⁴ Hence, feminists believe that living without the Hijab is greater freedom. A Muslim woman in Hijab is by the very fact that she wears a Hijab is oppressed. In order to be free, the Muslim woman must progress out of the Hijab. Women's right to employment and participation in public life, freedom of movement and freedom of organization are severely restricted through a combination of the Sharia principles of Qawwam, segregation between men and women and the Hijab. Thus, the practice of wearing the Hijab is also viewed as a direct contradiction to feminist values.¹⁵ That most Muslims girls and women are not given a choice about wearing the Chador, burqa, abaya, niqab, Jilbal or Hijab. They are actually socially conditioned to wear it, by immediate family and socio-religious organizations. In essence, Hijab is a culture that is incompatible with contemporary standards of freedom and gender equality.

Academic writers on the subject such as Mernissi, F.¹⁶, Wadud, A.¹⁷ Anwar, Z¹⁸ and a lot others are all bent on proving that the Hijab is a constraint to the emancipation of Muslim women and claimed that the Hijab has no basis in Islam. For instance, Mernissi criticizes Hijab in the context of social, political and religious activism and claimed that all debates on democracy are tied to Hijab. In all her works, Mernissi argues that the Hijab is a symbol of unjust male authority over women.¹⁹ In her argument, Mernissi attempt to return to the sources of Islam to reinterpret Hijab, using the traditional methods of Islamic scholarship. The science of hadith, and Quranic interpretation focusing on the circumstances of the revelation and the linguistic dimensions of the word Hijab. She contended that from the beginning Hijab had such a strongly negative connotation in the Quran.²⁰ After considering the circumstances that led to the revelation of the Hijab, she argued that, the unusual rapidity of the revelation does not tally with the normal psychological rhythm of revelations and especially with the character of the Prophet (SAW). She asked how can it be explained that such a minor irritation so precipitated a draconian decision like that of the Hijab, which split Muslim space in two?²¹ Thus, she concluded that the Prophet (SAW) was not under any divine spiritual guidance on the matter of Hijab and seclusion of his wives. On the contrary, he capitulated to the whims and caprices of a "petty cabal" of

¹⁴ Haleem, *supra* note 13, at 14–15.

¹⁵ Haleem, *supra* note 13, at 11.

¹⁶ FATIMA MERNISSI, *WOMEN AND ISLAM: AN HISTORICAL AND THEOLOGICAL ENQUIRY* (Mary Jo Lakeland trans., Basil Blackwell 1991).

¹⁷ Amina Wadud, *Muslim Women in the 21st Century: Forward or Backward?* (2007).

¹⁸ ZAINAH ANWAR (ED.), *WANTED: EQUALITY AND JUSTICE IN THE MUSLIM FAMILY* (Musawah 2009).

¹⁹ Bullock, *supra* note 9, at 136.

²⁰ *Id.* at 85–101.

²¹ Mernissi, *WOMEN AND ISLAM*, *supra* note 16, at 85–101.

followers, the male elite.²² Furthermore, Mernissi links her understanding of Hijab and space. Thus, for Mernissi, requiring women to put on Hijab when outside the home is to ensure that the male and female universe is not transgressed. Hijab is a “symbolic form of seclusion” and “an expression of the invisibility of women on the street, a male space per excellence”. The Hijab means that the woman is present in the men’s world, but invisible, she has no right to be in the street’. The Hijab protects men against the woman’s power to create social chaos. For Mernissi, as for many other feminists, this is a backward step.²³ Mernissi holds that it is only through male domination and manipulation of the Qur’an that the verses of the Hijab led to the denial of women’s movement in public and the concomitant denial of their rights and freedoms.²⁴

Thus, Mernissi argues that without the institution of the Hijab, Islam might have given birth to a democratic political culture.²⁵

Zayn Kassam another feminist explains how Islamic scholars appropriated biblical patriarchal models and byzantine and Persian practices before Islam for gender construction. In following the byzantine and Persian upper-class examples, the exegetes disregard the obvious Quranic injunction on ordinary women who were not the Prophet’s wives and instead promoted the model of the prophet’s wives seclusion and Hijab as pertinent to all Muslim women. During that expansion the Hijab became a method of Muslim affiliation and recognition, and it was assumed in to the ‘Islamic way of life’. Thus, this assumption shaped the normative interpretations of the Qur’an gender laws.²⁶

Using the theory of hermeneutics propounded by Rahman, Wadud also raises in her thesis the notion that when it comes to the question of attire, the Quran only teaches the importance of decency and modesty in both men and women and does not give specific commands on the form and the style of dressing. Forms and style, according to her, depends on the space – temporal culture and context.²⁷ Similarly, Nawal El Saadawi rejects the use of Hijab according to her is a symbol of sexuality that calls attention to the bodies of women in the same manner as a nude body may do.²⁸ In fact, according to Roald, El-Saadawi, in her many lectures in Scandinavia, particularly at the end of the 1980s, used the idea of ‘veiling the brain’, building

²² Uthman, *supra* note 10, at 51.

²³ FATIMA MERNISSI, *THE VEIL AND THE MALE ELITE*, cited in Bullock, *supra* note 9, at 146–51.

²⁴ R. Barlow & S. Akbarzadeh, *Women’s Rights in the Muslim World: Reform or Reconstruction?*, 27 *THIRD WORLD Q.* 1481 (2006), at 1487–88, <https://doi.org/10.1080/01436590601027321>.

²⁵ Barbara Stowasser, cited in Barlow & Akbarzadeh, *supra* note 24, at 1488.

²⁶ Uthman, *supra* note 10, at 56.

²⁷ *Id.* at 44.

²⁸ ANNE SOFIE ROALD, *WOMEN IN ISLAM: THE WESTERN EXPERIENCE* (Routledge 2001), at 256.

on a sort of simple fieldwork methodology. Her main argument drew on the account of a young relative who had been intelligent and brave until she put on the Hijab. After that, according to El-Saadawi, it was impossible to conduct a normal discussion with her. This story was presented as evidence of how covering not only comes to mean covering the hair but also covering the brain'.²⁹ Zidan also reports that Randa and Anwar also think that the Hijab can be considered a kind of oppression, repression and suppression. They argue that veiled women can never walk freely on the streets, or occupy public jobs. Therefore, they can never participate effectively in the world of men: "We're supposed to go forward, not go back to the Middle Ages. How can a woman work dressed like that? How can she work in a lab or play tennis or anything?" Meanwhile, according to Jasmine Zine, veiled Muslim women are portrayed as quiet, composed, naive, appreciative, respectful, demure, pliant, and very sincere. On the other hand, the non-veiled women are cheerful, lively, excited, brave, and confident.³⁰

Moreover, Mahnaz Afkhami, argues that only the prophet (SAW) had full comprehension of the divine message he bore and the rest of humanity can only interpret Islam with its limited ability. Thus, by extension, the development of Islamic law is man-made and reflects the biases of those who interpret the sources. It therefore should be understood in terms of context and culture, rather than as a doctrine of immutability. And she concludes that since the Quran specifically forbids force in religious matters, all social prescriptions in Islam are to be considered as contextually and timely bound rather than eternally unchangeable.³¹

According to Zidan, Aboulela agrees with feminists' assertions that the state should not enforce shariah or impose Hijab, because this enforcement conveys invisibility, erasing old binaries, barbarity and personal freedom. Therefore, the issue of Hijab is a matter of personal freedom.³²

Feminism often construe Hijab as misogynistic and oppressive and use it to negatively stereotype those who wear it.³³

Feminist efforts have long been used as a method to deconstruct the so called patriarchal control over women.³⁴

²⁹ Ashraf Ibrahim Zidan, *Islamic Feminism and Concept of Hijab: A Study of Leila Aboulela's Minaret*, 5(3) HUMANITIES & SOC. SCIS. REV. (2016).

³⁰ *Id.* at 54.

³¹ *Id.* at 32–33.

³² R. Tahir, *Hijab: Spotlighting Servitude to God*, YAQEEN INST. FOR ISLAMIC RSCH., at 3.

³³ *Id.* at 4.

³⁴ *Id.* at 12.

Under the liberal and false consciousness theory, feminists argue that the Hijab contradicts the essence of gender equality because it is a marker of patriarchal control, female subordination and sexual repression.³⁵

However, Woodlock states that ultimately the importance lies in a woman's freedom of choice-her choice to wear the Hijab or not to and not have her right to do so threatened. Muslim women should be able to also defined dress codes for themselves and what they deem to be morally right. In essence, the religious aspect of the Hijab is acutely brushed under the rug by a feminist understanding of Islam. It is not viewed as a belief system or a devout lifestyle with contemporary standards of freedom and gender equality.

IV. A CRITICAL EXAMINATION OF THE FEMINIST HERMENEUTICS OF THE VERSES OF HIJAB

The primary legal basis of Hijab is based on Holy Quran. The requirement for Hijab is a divine commandment based on the clear, explicit and unambiguous wordings of Allah (SWT) in Surahs An-Nur, Ayah 31 and Al-Ahzab, Ayah 59, respectively. And there are explicit collaborative narrations from the Holy Prophet (SAW) which indicated that Hijab is a mandatory requirement in Islam. Moreover, there are wide and vast majority of agreement from the commentators, jurists and Islamic scholars past and present that what is contained within the parameters of these verses are obligatory.

Generally, feminists have reached for alternative approaches to counteract classical interpretations of texts. Anne Roald who did a concrete analysis of some of the Muslim Feminists interpretations on Hijab stated that, Maha Azzam who discuss Hijab in an academic context from the perspective of social researchers describing Muslim social realities. Azzam explores the Quran looking for texts on Hijab and she quotes verses 33:59 and 33:32-33. In quoting these verses, Azzam states that, 'Literally, these verses are directed to the wives of the prophet'. Although she is right with regard to verse 33:32-3, however, it should be noted that she has overlooked the fact that verse 33:59 explicitly states 'O Prophet tell your wives and daughters and the women of the believers' which means that covering is not just an injunction of the Prophet's family members but is directed towards the believing women in general. Moreover, Azzam also quotes verse 24:30-1 which contains a reference to women wearing 'covering' (Khumur). However, Azzam does not mention the term Khumur but interprets these verses in terms of their references to proper Islamic modesty which requires both men and women to lower their eyes. Azzam's selectivity indicates her intention to render Islam

³⁵ Mernissi, WOMEN AND ISLAM, *supra* note 16.

compatible with a secular worldview. Her feminist approach situates her within the ‘secular cultural base pattern’ since her interpretations are in line with a secular notion of gender-equality.³⁶

Another prominent Muslim feminist who argued that the classical scholars interpretations on Hijab were based on faulty interpretations of Islamic texts and practical limitations associated with the social and political structures of historical society is Asma Barlas particular in her book. ‘Believing Women’ In Islam: Unreading Patriarchal Interpretations of the Quran’. In her strictures, she claimed that even the words veil and Hijab do not occur in the Quran. That the two sets of Ayaat on the basis of which classical Islamic scholars interpret as giving Muslim males the right to force women to don everything from the Hijab to the burqa on the grounds that women’s bodies are pudendal is not derived from the Quranic teachings. Yet, she said she believes that there are two models of the notion of the veil in the Quran. One specific and the other general-in the Quran. The first set of Ayat suggest the specific model and the second the general. By even this very statement Barlas contradict herself. However, she went ahead contradicting the whole premises by stating that both sets of Ayats are addressed only to the Prophet. That is, they are not a universal mandate for all Muslim men to force women to comply with them.³⁷ She argues that, not only can one not force moral praxis upon a person as the Quran (2:256) says, “let there be no compulsion in religion”. No one, not even the Prophet (SAW), was given the right to force compliance upon his wives with any of the Quranic injunctions. Besides, she cynically claimed that the form, purpose and content of the idea of “the veil” in these two Ayaat is not the same and it is also completely different from the one suggested by classical Islamic scholars. She said, to begin with, the Quran uses the words Jilbab (cloak) and Khumur both of which, in ordinary usage, cover the bosom and neck, not the face, head, hands or feet. The Quran does not mandate such a form of veiling in any Ayat. And it is meant not to hide free Muslim women from Muslim men but to render them visible, hence recognizable, by Jahili men, as a way to protect the women. In mandating the Jilbab, then, the Quran explicitly connects it to a slave-owning society in which sexual abuse by non-Muslim men was normative, and its purpose was to distinguish free, believing women from slaves, who were presumed by Jahili men to be non-believers and thus fair game. Consequently, even though worn by Muslim women, the Jilbab served as a marker of Jahili male sexual promiscuity and abuse at a time when women had no legal recourse against such abuse and had to rely on themselves for their own protection. In a nut shell, Barlas tried to stressed that the requirement of Jilbab then was

³⁶ Roald, *supra* note 28, at 259.

³⁷ ASMA BARLAS, “BELIEVING WOMEN” IN ISLAM: UNREADING PATRIARCHAL INTERPRETATIONS OF THE QUR’AN (Univ. of Texas Press 2002), at 53–55.

just because of the Jahili society and consequently not of universal application. She finds it disturbing that the issue is currently framed in most Muslim societies in a way that results in misrepresenting the Qur'an's form, purpose, and intent in formulating a specific dress code.³⁸

A typical example of a Muslim feminist who is particularly vexed by the Hijab and so widely consulted is Fatima Mernissi. Bullock, Roald and Rhouni made an extensive analysis of Mernissi's articulation of the Hijab. Rhouni wrote a whole book on Mernissi's work. Meanwhile, Bullock dedicated a chapter on Mernissi's two books. According to Roald Mernissi discusses the concept of Hijab not from a contemporary perspective but from the perspective of the Qur'an. So she fails to acknowledge the important point that the term Hijab might be explained by the fact that today it is often used to denote the female dress code, but in Qur'anic Language it refers not to female clothing but to the curtain which was ordered to be set up between the prophet's wives and men in Madina. Mernissi's analysis wants to portray the discussion of Hijab as pertaining specifically to the Prophet's wives is indicated by her reference to verse 33: 59 in which the term jilbab is used. Since she twists the meaning in such a way that readers without sufficient knowledge of the text might be misled. She fails to give the full meaning of verse 33:59 that says: O prophet, tell your wives and your daughters and the women of the believers to draw their cloaks around them.³⁹

Mernissi appears either to have misunderstood the terminology of the debate or to have read it selectively. Her discussion is marked by a lack of specific terminology with regard to female cover and a certain selectivity from the source material. Mernissi further indicates that the Hijab was a direct consequence of the situation in Madina where the Prophet lived with his wives close to the mosque which was the public space in Madina. In her view the Prophet (SAW) had created a space which was not divided into a dichotomous public private sphere, but it was Umar, the second caliph, who insisted on such a division of Islamic space. By saying this, Mernissi creates an element of doubt as to whether this verse is reliable or not. Also suggesting to the reader that this Qur'anic verse needs to be understood only in the context of the Prophet's time, thus allowing her to dismiss its significance for today. It is important to remember that she does not even mention verse 24:31 which puts female covering in a wider context.⁴⁰ The Holy Quran, the literal word of Allah (SWT) has decreed Hijab in two main verses: (Q24V:31 and Q33:59)

³⁸ *Id.* at 56–58.

³⁹ Roald, *supra* note 28, at 260.

⁴⁰ *Id.* at 261.

And tell the believing women to lower their gaze and guard their furuj (private parts) and not to show off their adornment except that which is apparent and that they should draw their head covers over their Juyub and not to reveal their adornment except to their husbands, their fathers or their husband's sons, or their brothers, or their brother's son or their sister's sons or their women or their right hand possessions or such of male attendants who have no sexual desire or young children who are not aware of the nakedness of women. And let them not stamp their feet so as to reveal what they hide of their adornment. And all of you beg Allah to forgive you all, O believers, that you maybe successful".

Surah An-Nur (Q24:31), gives specific detailed information as to what a Muslim woman must wear to cover her body in the presence of strangers and non-mahram relatives, whether indoors or outdoors. This verse, commanded women to conceal the adornment without any exemption 'except to a restricted circle of people'.

The second verse which commands the Muslim woman to wear Hijab is quoted from:

O Prophet! Tell your wives and your daughters and the women of the believers to draw their Jalabib over their bodies. That will be better that they should be known so as not to be molested. And Allah is ever off-forgiving, most merciful"⁴¹

These novel verses show that the obligation of Hijab like other obligations is firmly based on the very word of Allah (SWT) Himself and an imperative commandment. Meaning, the contents as well as the directive of these verses shows that the injunctions were obligatory, explicitly and directly addressed to the Muslim women. This indicates that the wearing of Hijab by the Muslim woman is not a matter of choice, ethnic, or cultural based dress but an observance to a duty which is mandatory for her. Moreover, it is the verse which many contemporary scholars see as the most essential in matters for female covering.⁴²

This is an example of a deliberate selection from 'the basket'. Mernissi's discussion of the Hijab indicates that she selects Qur'anic paragraphs with a predisposition towards a certain point of view. Thus she disregards those Qur'anic passages which more obviously advocate a form of covering.⁴³ However, Barlow and Akbarzadeh saw Mernissi's position to be far from certain that this approach has any better chances of improving the lot of Muslim women.⁴⁴

⁴¹ *Id.* at 225–26.

⁴² *Id.* at 261.

⁴³ *Id.* at 229–30.

⁴⁴ Barlow & Akbarzadeh, *supra* note 24.

She's effectively asking the Muslim readers to ignore these verses and the misogynistic traditions that they have created on the premise that they do not pertain to the greater spiritual message of Islam. But this reformist reading of the Qur'an is highly problematic. It advises Muslims to ignore unpalatable verses even though all Qur'anic verses are God's own words and by definition, cannot be doubted.

Moreover, Bullock is also of the view that Mernissi's analysis of the Hijab is based on an idiosyncratic reading of Islam. Her interpretations are based on her own negative personal experiences with Hijab, but she argues that all Muslim women suffer because of Hijab⁴⁵ Ghabbian, also expressed similar criticism against Mernissi especially the connection she makes between Hijab and lack of democratic values.⁴⁶

Another very good example of mistranslation and misrepresentation is the logic that those verses of Hijab are specific to the wives of the Holy Prophet (SAW), if followed, would be that the ethical behavior of the Holy Prophet's (SAW) wives are not consequently exemplary for other women or that not a sunnah for others. Then it could be justified in inferring that a common Muslim lady is not expected to abstain from the ways of ignorance. Absolutely, this is sheer politization of the issue and it does not help the debate. Moreover, one of the most powerful evidence for the command to wear the Hijab comes through the narration of Aisha (RA) and translated into action immediately by the female companions, within which Aisha (RA) praised their immediate response.⁴⁷ Therefore, One of the points of contention here is that, if one rejects the prophetic precedent as narrated by Aisha (R. A) As insignificant, one simultaneously rejects the voice and agency of the female companions in both interpreting and applying the verse of Hijab. Particularly, how the women responded to the verse and Aisha (RA) praised them for the immediate response. Critically, this also negates the criticism that the requirement of Hijab is ostensibly one propagated by male scholars alone.

Another point is that the feminists and others involved in the debate fail to define clearly what comprises a Hijab and often used the term 'veil', which causes confusion especially with regard to the interpretation of Quranic verses. They confuse the concepts and manifests a strong desire to discredit the use of the Hijab.⁴⁸ This confusion of concepts in the discussion about Hijab is a problem which has created misunderstandings. At least among some researchers, there is a

⁴⁵ Bullock, *supra* note 9.

⁴⁶ Zeenath Kausar, *Oikos/Polis Conflict: Perspectives of Gender Feminists and Islamic Revivalists*, 13 AM. J. ISLAMIC SOC. SCIS. 475 (1996).

⁴⁷ Tesneem Alkiek, *Is Hijab Religious or Cultural? How Islamic Rulings Are Formed*, YAEEN INST. FOR ISLAMIC RSCH. (Mar. 25, 2021), at 8–9.

⁴⁸ Roald, *supra* note 28, at 259.

failure to distinguish between the face-veil, which covers either the whole face or parts of it and covering which covers the entire female body with the exception of face and hands and the institution of segregation of the sexes.⁴⁹

Analogically, when one deduces from the relevant verses of the Holy Qur'an, there is nothing which indicates(serve) to imprison a woman.

In fact, some scholars emphasized the grave implications of feminists Hermeneutics, because they tend to 'rail against things that have a strong basis in Islamic law'.⁵⁰ Similarly, Ba, reiterated that, often times Islamic feminism is fighting against practices that emanate directly from the Qur'an and the sunnah, such as the Hijab.⁵¹ Critically speaking, the Muslim feminist approach is mired in a confusion of concepts and ideas, and in over-simplification. In a nutshell, feminist perspectives would make no legal sense in understanding the nature and requirement of Hijab for a Muslim woman. Classical Islamic law scholars conceptualizes Hijab based on the Islamic sources. In essence, the classical Islamic scholar's perspective appeared to be comprehensive, realistic, balanced and evidence based.

V. CONCLUSION

In a nutshell, this paper tried to understand the basic connection between feminist interest and engagement in Hijab discourse and specifically their emphasis for the reinterpretation of the Quranic verses of Hijab. Feminists, within Islamic context saw the Hijab as a tool of misogyny and rejected the interpretation of the verses dealing with Hijab given by the orthodox exegetists replacing them with their idiosyncratic and anecdotal arguments which upheld that Islam has not prescribed any dress code to the generality of the females. In addition, systematically dismantling the reality of Islamic values, ethos and precepts. It is at best misleading, bound to mislead and confused others. And at worst a deliberate distortion of the legal requirement of Hijab. Most importantly much reduced understanding of history and women's nature. As such, feminists theories do not even begin to address or even answer the challenges confronting Muslim women in Hijab. In essence, feminists hermeneutics and theoretical conceptualizations will make no legal sense in understanding the nature and the legal basis of Hijab for a Muslim woman even in the 21st century. Moreover, the legality of Hijab is not abstract formulation. Hijab is not an abstract entity. It centres on a hard corpus of Quranic and Sunnah texts. Thus, Hijab of a Muslim woman is more than just theoretical possibilities or particularly speculative

⁴⁹ A. Boulanouar, *The Notion of Modesty in Muslim Women's Clothing: An Islamic Point of View*, 8 N.Z. J. ASIAN STUD. (2006).

⁵⁰ Ba, *supra* note 4, at 63.

⁵¹ *Id.* at 59.

progressive reasoning. To date, feminist have not fully taken into account how denial of freedom to wear the Hijab or discrimination because of the use of Hijabs has selectively and collectively affected Muslim women who observe the commandment of Hijab out of conviction and as an act of *ibadah*.
