



Research Paper

Brouhaha over Muslim Women Veils: The Imperative Elements in Dress Code Conforming Religious Texts

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Abstract

In every custom/culture/religion throughout the world women dressing code both in form of traditions or religious recommendation is found and still attired on commemorative occasions fervently. Other religions such as Jewish woman in Rabbinic literature used to go out in public with a head covering, even covered the whole face leaving one eye free whereas Christian 'nuns' have habits to cover their head and Chapel veils, also called mantillas were followed. In Hindu religion pallu called Ghoonghat and Sanskrit word Avagunthana (veil) reported. Remarkably, in Quran recommendation of dress code (khimar, Jalabib) to women endorsed but the text of full face covering is inexplicit resulting in conjecture of variance of dressing broadly classified in two categories (i) Burkha/Niqab/Abaya, (ii) Hijab/Jilbab/Khimar (Al-Amira, Shayla, Chador, Dupatta, Tuding, Doa Gaun, Esarp etc.) in Saudia Arabia, UAE, Iran, Turkey, Malaysia, Indonesia, Pakistan, Uzbekistan, India. Although religious dress code for women folk is guaranteed by statutes as the Article 9 ECtHR, in United States, wearing religious dress code is a right guaranteed by the first amendment. While in case of India right to freedom of religion and preserve culture envisages in Article 25 and 29 (1) of constitution are hall mark of dress choice, thus Muslim women dress code to preserve modesty in line religious texts are compatible with modern life throughout globe.

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I. Introduction

Worldwide, almost 85% population (6.51billion) out of 7.66 billion people affiliates themselves with some sort of religions. Among them, Christianity is by far the world's largest religion amounting to 2.38 billion adherents (31.1%), while Muslims with 1.9 billion adherents (24.9%) comes second. Interestingly, unaffiliated counts 15.6% while Hinduism and Buddhism consist of 15.2% and 6.6%, respectively [1]. Remarkably, it has been estimated that by 2050 AD, Muslims will becomes topmost in world population as their population growth is more than twice of today's global growth rate [2]. The term "religion" as defined in Britannica, "human beings relation to that which they regard as holy, sacred, absolute, spiritual, divine, or worthy of especial reverence. It is also way people deal with ultimate concerns about their lives and their fate after death" [3]. Concomitantly, religions may likely consist of a large body of people following dictates of a holy book of faith/belief, that determines such constellation of people whose visible display codes (rituals, manners, dress, food, worship, norms of law, morality) can be recognized as a peculiar traits ingrained in that particular faith/religion as embodiment of some everyday aspect. It is pertinent to mention here that religion and culture (culture defined as "the beliefs, customs, arts, etc., of a particular society, group, place, or time) often superimposed and confused as the same entity but clear demarcation is possible as religion posses/instructs basically two essential ingredients to be performed, (a) to safeguard person rights (relation of man to man) and (b) relation of Gods with man; in order to bring peace and harmony on the planet while culture has much wider connotations and even in same religion, the culture may be different and localized; one of the formidable example is the traditional dress code of various cultures/religious groups around the world. It is worthy to note that many time religions do not touch the cultural practices but instructs in order to purge/address the evil/immoral aspect of old traditions that are prevalent in any culture in order to synthesize a better form/demeanour of that particular archaic customs. Interestingly, 'custom', also has significant value in human culture, hence, 'custom', (can be defined as "an action or way of behaving that is usual and traditional among the people in a particular group or place" Britannica). Similarly, irrespective of religious beliefs (personal laws) several customs in various nations still co-exists concomitantly and are well accepted by the juristic

system with plethora of court judgments based on such customs where the age old societies dwelled and follows fervently as a matter of their customs. Generally, law is perceived as general will of the people as Sir Henry Maine asserts that custom is conception posterior to that of Themistes or judgements (*Themistes were judicial awards that were dictated to the King by Greek Goddess of justice*) while William Salmond defined custom as embodiments of those principles which have commended themselves to natural conscience as principle in truth, justice, and public utility, John Austin asserted that, custom becomes law when they are recognized by the state. However, Friedrich Carl von Savigny asserts that custom arrived because it was the necessity of the people and thus have the explanation in itself to become law but custom haven't always been come into force because there was need or necessity of them and called it "Volkgesist". But, in words of 'James Carter' custom is effectual only when it's universal or nearly so, in the absence of unanimity of opinion, custom becomes powerless or rather doesn't exist [4].

Among innumerable religious customs prevalent in the Muslim societies all over, what have been perceived as a religious obligation and fiercely debated even among intra religious scholars is the full covering of face and head among the women folk, especially Veil and Hijab. However, Veil and Hijab are totally different words with different connotations and parameter in essence; most certainly those who inter-mingled these two words have no idea of what religious texts (Quran) asserts and the thin line of distinction. Traditionally, all over the cultures either Abrahamic religions (Jew, Christian, Muslim) or even atheist or Hinduism there are some sort of dress code in women folk existed and are well quoted in their religious texts. For example, the Christians head covering are well delineated in the bible (Corinthians 11:2-16) that states "every women who prays or prophesizes with her head uncovered dishonours her head [5]. Moreover, many of 'nuns' have habits to cover their head as a sign of humility/modesty have been observed for hundreds of years. The Chapel veils, also called mantillas, are pieces of black or white lace that are draped over a woman's head when attending Mass, mantillas are associated as a pious religious practice among women in the Roman Catholic Church [6]. Among the Canon laws of the Catholic Church today; there is a law that requires women to cover their heads in church [7]. The head covering is a symbol of woman's reverence to the man and to God", which is the same logic introduced by St. Paul in the New Testament [8]. However, in Jew culture *Tzniut* meaning *modesty* and in their law called (halacha) its mandatorily a married women should cover head [9]. Today, orthodox Jewish women and Hasidic women dress modestly and practice veiling as a visible reflection of their observance of the laws of the Torah (holy book). According to Rabbi Dr. Menachem Brayer (Professor of Biblical Literature at Yeshiva University) in his book, "The Jewish woman in Rabbinic literature", it was the custom of Jewish women to go out in public with a head covering which, sometimes, even covered the whole face leaving one eye free [10]. Rabbinic law forbids the recitation of blessings or prayers in the presence of a bare-headed married woman since uncovering the woman's hair is considered "nudity" [11]. Today, most pious Jewish women do not cover their hair except in the synagogue [12]. The Hindu women cover their heads by *pallu* (veil) called Ghonghat also been reported and followed traditionally [13]. The Sanskrit word *Avagunthana* (meaning veil, hiding cloak) and prakirit word *Oguntheti* (meaning to cover, veil, hide), interestingly in Valmiki Ramayan written in 5th - 3rd century BCE Lord Rama asks Sita mata to come out of veil so that gathered Ayodhya citizens can look them before exile [14] and according to Sankara the ladies of Sthanvisvara (Kurushetra city) used to go out covering their faces by veil [15], moreover in Kalidasa's *Abhijanasakuntulum* (written in 3rd century CE) when heroine arrives at King Dushantas place the king remarks "*kas vid agunthanavati* (who is this veiled one) immediately forbears responded "*Anivarnaniyam paralakatram*" (the wife of another is not inspected) [16]. Similarly, other cultures worldwide have their own traditional clothing worn at particular occasion and festivals such as Hanbok of Korea, Kimono of Japan, Tang suit and Hanfu of China, Baju Kurung of Malaysia, Pha nung and Pha biang of Thailand, Kanzu, Dashiki, Toghu of Africa. Interestingly, Korean Government officially promoting Hanbok Saengwal (practice of making, wearing and enjoying Hanbok) on 21 October each year as national intangible cultural heritage. Thus, traditional clothing is innate of any culture and still highly regarded and attired at festive/commemorative occasion as mark of preserving cultural pride. The Muslim Holy book (Quran) says, "*Allah said, O Adam! Live with your wife in Paradise and eat from wherever you please, but do not approach this tree, or else you will be wrongdoers. Then Satan tempted them in order to expose what was hidden of their nakedness. He said, Your Lord has forbidden this tree to you only to prevent you from becoming angels or immortals. And he swore to them, I am truly your sincere advisor*" (Q.7:19-21). *So he brought about their fall through deception. And when they tasted of the tree, their nakedness was exposed to them, prompting them to cover themselves with leaves from Paradise. Then their Lord called out to them, "Did I not forbid you from that tree and 'did I not tell you' that Satan is your sworn enemy?"*(Q.7:22) "*O children of Adam! We have provided for you clothing to cover your nakedness and as an adornment. However, the best clothing is righteousness. This is one of Allah's bounties, so perhaps you will be mindful*" (Q7:26).

Apropos Islamic veiling's including Veil and Hijab are important religious visible symbols that are central to the identity of millions of Muslim women across the world as cultural identity, piety, and modesty, as

reported by Jacqueline Chabbi 2016 [17]. However, the author missed the most kernel aspect i.e. “religious” devotion to lord (Allah swt) which has obligatory ingredients as a mark of Quranic dicta prescribed as divine endorsement. Interestingly, the trends of the term “Veil” in Islamic societies possess more complex and symbolic construction with remarkable visible variance in countries like Turkey, Malaysia, UAE, Saudi Arabia, Iran etc. In-fact the traditional culture of those countries and the religious edicts are often merged and synthesized a new form in order to adopt a win-win situation where essential religious ingredients recommended by Quranic texts are covered. Today, in Muslim societies the veiling variation are clearly observed such as *Niqab* (a piece of clothing that covers the face and whole body, where only the eyes are visible), *Burqa* (a piece of clothing that covers both body, face and the eyes), *Kahimar* (chador covering head, neck back and bosom), *abaya*, *kaftan*, *kebaya* (a loose, full body cover overcoat except face), *Jilbab* (a loose piece of clothing worn over the dress covering body from head to toe sometimes face open), and *Hijab* (a piece of clothing that covers the head and neck, but not the face). A very important reasonable question arises if such dressing based solely on religious text and extracted solely from it then a single form of unanimous unilaterally veiling were observed in all Muslim women despite of the cultural differences. Another rational question inherently popped up that does the localized culture been heavily influencing in such veiling/dress coding and also over the hundreds of years of Muslim ruling class does they have dictions over such dress codes of women folks (Harems/Seraglio) and was adopted by their subjects. The Holy Quran says, “Allah has sent down to you the Book and wisdom, and He has taught you what you did not know, and great is Allah’s grace upon you” (Q.4:113). Similarly, in another verse guidance of dress code mentioned as, “And tell the believing (muslim) women to reduce of their vision and guard their private parts and **not expose their adornment except that which appears thereof and to wrap Khimar over their chests and not expose their adornment except to their husbands, their fathers, their husband’s fathers, their sons, their husband’s sons, their brothers, their brother’s sons, their sister’s sons, their women, that which their right hands possess, or those male attendants having no physical desire, or children who are not yet aware of the private aspects of women. And let them not stamp their feet to make known what they conceal of their adornment. And turn to Allah in repentance, all of you, O believers that you might succeed**” (Q.24:31). The *Khimar* originates from the trilateral verb ‘khamara’, which means ‘ghatta’ meaning to conceal, hide, or to cover something. “Let them wear their *Khimar* over their *juyub*” which is on their chest. From above verse we understand that the believing women are instructed by Allah (swt) drape *Khimar* over their chests. Remarkably, it was common culture amongst the women of pre-Islam to wear a headscarf like bandana type style of head covering that was wrapped and then thrown to the back. However, when Allah (swt) revealed these verses and used the word *Khimar* in the Quran, Allah instructed the believing women to bring the fabric to their front over their chests. The holy book further indicated in the verse about the relaxation of dress code in a verse as, “The elderly women who do not expect to get married commit nothing wrong by relaxing their dress code, provided they do not reveal too much of their bodies. To maintain modesty is better for them. GOD is Hearer, Knower” (Q.24:60). In another verse it is touched upon “O prophet, tell your wives and your daughters and women of the believers (Muslim) to bring down over themselves of outer *Jalabib*. That will be more suitable that they will be known and not will be abused. And ever is Allah forgiving and merciful” (Q.33:59). Here [*Jalabib* is the plural of *jilbab*, which means a loose outer garment, the Arabic dictionary, *Lisanu’l-‘Arab*, *Majma’u’l-Bahrayn* or *al-Munjid*, *Jilbab* is a large sheet and *adna* is to draw close and wrap up, but when this word is used with the associating particle *ala*, it gives the meaning of letting something down from above, like laboratory coat or doctors white apron or long coat. Some translators, have translated this word “to wrap up” so as to avoid somehow the command about covering of the face. But if Allah had meant what these gentlemen want to construe has clearly mentioned the face on which text are silent. Several Hadith’s also advocating *khimar* and *jalabib* such as, Narrated Safiya bint Shaiba: “Aisha (r.a.) used to say: When (the Verse): They should draw their veils (*khimaar*) over their breasts (*juyyub*), was revealed, (the ladies) cut their waist sheets at the edges and veiled themselves with the cut pieces (*Sahih al-Bukhari*, 6:60:282, 32:4091). And “Yahya related to me from Malik from Muhammad ibn Zayd ibn Qunfudh that his mother asked Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, “What clothes can a woman wear in prayer?” She said, “she can pray in the *khimar* (headscarf) and the *diri* (Arabic: الدَّرْع, lit., shield) that reaches down and covers the top of her feet (Muwatta Imam Malik book 8 hadith 37). Another, hadith, Aishah (r.a.) narrated that Allah’s Messenger said: “The Salat (prayer) of a woman who has reached the age of menstruation is not accepted without a *khimar* (Jami at-Tirmidhi 377). Hence, it is crystal clear from those holy verses and hadith references *Niqab* and *Burkha* cannot be assigned under the extrapolating extraction of Quranic verses rather *khimar* and *jilbab* literally as referred directly from Quran be Holy Grail. It can be well speculated and conjectured that analogy of *Burkha/Niqab/Abaya/Kaftan* dresses are later metaphor of societal medieval adoption patronized by the monarchy/aristocracy/nobility who having spacious and opulent seraglio/harems safeguarding by only eunuchs (*khawaja siras*) who strictly controlling women abode in a way that no men shall enter these seraglio/harems. Since Quran itself claims and advocates as a true guidance for humankind from their lord until the doomsday and it’s incumbent on all Muslims to

believes on it in letter and spirit and it does not possess an atom of falsehood or contradiction. It has been throughout human history each person's facial feature is prominent recognition of its entity and rarely two person faces are same except the monozygotic twins is the first line of human identification which is valid even today. Since facial pictures are clear identity of species/person it cannot be/should not be wrapped fully in order to give any room for misuse and abuse for terrorists or any person who have nefarious design to pursue his goals in garb of veils as verses that address dress codes are silent on face part, as a verse of quran says "*The word of your Lord is complete, in truth and justice. Nothing shall abrogate His words. He is the Hearer, the Omniscient.*" (Q.6:115) and further assertion made by the holy book that, "*No falsehood could enter it (Quran), in the past or in the future; a revelation from a Most Wise, Praiseworthy*" (Q. 41:42).

Manifestations of Islamic Veils regulations in West and India

With globalization and intermigration of peoples for lucrative opportunities and better life, education, social security and less government interference in people's freedom both in letter and spirit leads to even highly religious people for naturalization in the west. Since, religious freedom is protected by Article 9 of the European Convention on human rights and has been declared by the European court of human rights (ECtHR) as a foundation of a democratic society and a very vital constituent element of any believer's identity and conception of life [18]. So, any religious person is free to follow his religious belief as the state in democratic setup has no religion and is neutral to all; thus many settlers in west have constructed their place of worship even have religious broadcasting television channels to propagate and proselyte their religious beliefs. Apropos in the United States, wearing religious dress code is a right guaranteed by the first amendment under freedom of speech and freedom of religion. Charles Haynes, director of the religious freedom education project at the first amendment centre, encourages educators to remember the Rights: "*Religious liberty, or freedom of conscience, is a basic and inalienable right founded on the inviolable dignity of the person*". Worshiping god should be according to the dictates of one's own conscience (Downes v Bidwell) [19]. In a society of religious pluralism as in the case of United States and India, it is essential that schools should emphasize that the rights guaranteed by the constitution are for citizens of all faiths. As in the case of secular state, the state is only concerned with man with man; it is not concerned with relation of man with God. Similarly, in secular state like India, Liberty of Thought, Belief, Faith and Worship guaranteed in preamble (Secularism is basic feature of constitution) (S.R. Bommai v Union of India) [20]. On question of personal choices, the Indian Supreme Court has clearly explained that the integral part of religion that extend to food and dress, (The Commissioner, Hindu Religious v. Sri Lakshmindra Thirtha Swamiar Of Sri) [21]. Furthermore, in a land mark decision of Bijoe Emmanuel v State of Kerala on national anthem [22] the Supreme Court says, no person can be compelled to sing the national anthem if he has "genuine, conscientious religious objection". Moreover in another landmark decision the supreme court of India asserted that *Sarva Dharma Sambhav* means equal treatment and respect for all religions (Ms. Aruna Roy And Others v Union Of India And Others) [23]. As the right to freedom of religion envisages in Article 25 of Indian constitution "*that guarantees to every citizen the freedom of conscience and right to profess, practise and propagate religion*" whereas in Article 29 (1) guarantees, "*language script or culture of its own the right to conserve the same*". Thus, a pertinent and genuine question arises in context of India that "is religious dressing in schools (Khimar/Jalabib) as dictates by religious texts with genuine conscientious concern followed by women folk as essentials ingredients of religion guaranteed by fundamental rights of Articles 25, 29 of Indian constitution is permissible which is no way comes in purview of proselytize. In counterpart Hindu women's *sindoor, mangal sutras, sacred threads, bindis, tilaks* also with genuine conscientious concern should not be understood in purview of proselytize and permitted in schools.

The barouhaha on Muslim women dress code generated first time furore in modern history by the French schools to ban of Niqab/Burka (hereafter, Islamic veil) implemented in two steps, in 1994 and 2004. Interestingly, in September 1994, a circular from the French Ministry of Education asked teachers and principals to ban Islamic veils (Niqab/Burkha) in public schools. In March 2004, French parliament took another step and enshrined prohibition in law of Burkha/Naqab that have full face coverings. On appeal to the highest administrative court of the France (the Conseil d'Etat) who issued a tolerant statement that went against these exclusions. The Conseil d'Etat clearly asserted that a general ban on Islamic veils would be a violation of student's freedom of conscience. Remarkably, in previous 1989 statement of the Conseil d'Etat, the wearing of Islamic veils was fully compatible with French law, as long as it does not disrupt teaching activities and it is not used to proselytize. It was stated that students (her) religion required her to wear a full body covering; the student had a legal right with which the school was interfering, and therefore the onus was on the school to justify its interference with that right. The Court reasoned that the school's decision could not stand, because in reaching it, the school had not taken into account that it was restricting a right protected by the European convention on human rights and fundamental freedoms (Article 9 ECtHR, the rights to freedom of religion) and by deciding that a decision reached without consideration of the convention right was unlawful, Sahin v Turkey [24]. Moreover, the band of such dressing is high probability owing to the immigration from Muslim countries

as source of particular tension, as many westerners perceive Islam and Muslims as a threat to western values (Ciftci, 2012; Sniderman et al., 2004) [25]. The Schools should not pander to prejudice, as the Court itself observed. Concomitantly, the question over Muslim religious dress (Burkha/Niqab) in state schools has arisen in many European States citing same reasons as of French schools, indicates sodality with strong nation. Remarkably, the English Court of Appeal has decided upon it, in R. v. Denbigh High School [26]. In this case, the school had allowed, among permitted uniforms, the wearing of a Muslim outfit for girls, a shalwar kameeze (a long blouse and trousers) with a headscarf in line with decisions of the European Court of Human Rights, in the case of Sahin v. Turkey (supra). Under the Court's approach, schools are given no guidance on how to address similar claims under Article 9 ECtHR, beyond the requirement that Article 9.

It is remarkable that the western mindset in various public debates using their whims and apparent visible observation of veiled Muslim women is drawing myopic inference that the idea of veil (Niqab/Burkha) is a tool of submission to men, which is utter hoax or false imagination or a general perception without having deep knowledge of the subjects of religious edicts or autonomy of women. Rather it is question of autonomy (personal choice as right) provided by religion to women of her personal choice and her devout dedication to God (Allah swt), purity, piousness of heart in line with edicts (Quran) revelation in coherence and conforming to her lord's will to get requital (Sawaab). Such esoteric and intrinsic belief has no concern of worldly swank, pomp and display which leads to comprehend by a few people the real truth as a verse says, *"No soul burdened with sin will bear the burden of another. And if a sin-burdened soul cries for help with its burden, none of it will be carried - even by a close relative. You (O Prophet) can only warn those who stand in awe of their Lord without seeing Him and establish prayer. Whoever purifies themselves, they only do so for their own good. And to Allah is the final return"* (Q.35:18). Moreover in order to get much reward the self consciousness and inner feelings leads Muslim women in light of Quranic recommendation to wrap full face and even eye which is her own personal choice and comes under the purview of autonomy which is nothing to do with men submission or dictates or women's who follow khimar/jalabib/hijab. As 'autonomy' is well known concept within legal, moral, and political philosophy framework [27]. In current world scenario where seeing is believed, money and materialism has overshadowed all virtues of goodness, and success dogma is measured in parameter of capital, ludicrously fake personality, shallow self centred aim, braggart conduct is admired while strictly following the religious texts of any religion is seen as trait and trend of past and epitome of backwardness. The competing concerns for ones inordinate welfare and individual freedom, complicated by an overarching commitment to value-pluralism, and distinct understandings, proper justifications and different conceptions of autonomy is hard to clarify the essence (G. Dworkin, *The Theory and Practice of Autonomy* (Cambridge 1988). Moreover, we do not know ex ante that (or how much) autonomy is good (MacKenzie, Stoljar (eds.) [27], Notably, the full face veil is not clarified from textual words but its women's prerogative right of her autonomy and will to follow as they have right of freedom to their choice. Amazingly, few authors elaborated as the Islamic theology that prescribes veil is not a sign, rather an item through which the feminine body is hidden partly or completely because this body has a charming and fascinating power [28] however, they failed to clarify real spirit and soul of veil if we try to understand it from veiled women's perspective. At this juncture it will be germane to outline western way of lifestyle, where individualism is preferred, encouraged, cared and self-independency is regarded, scientific temperament, rationalism and reasoning valued above all, no interference and no toxic behaviour to others life is hallmark, problem based education and brain storming for any sort of problems ensuing are general principles followed for logical conclusion. However, on social side weekend drinking binge is highly enjoyable time, going clubs, spending cash in bars and intermingling with women is not perceived as sinful, no hard and fast rule on consensual coitus. It is worthy to assert that even though maximum people claim that they are Christian by religion but in letter and spirit their life is not coherent to the words of bible. The veil is particularly distrusted when it looks like a uniform, because the sight of uniformed young people awakens bad memories in European society of an association of youth in uniforms with fascist groups (p. 127) [29]. Perhaps many Quebecers, who were adults in 1960, still think of veiled nuns when they see the hijab (p. 126) [29]. Similarly, In the United Kingdom, for example, 53% of non-Muslim adults say Muslim women in the UK should be allowed to wear religious clothing as long as it does not cover their face, while 19% favour restricting all religious clothing. Roughly a quarter (27%) support allowing Muslim women to wear the religious clothing of their choosing. In the case of Denmark, for instance, the statute prohibits face coverings except for "recognizable purposes" such as cold weather. According to recent, Pew Research Centre survey of 15 countries in the region [30], the prevailing view (a regional median of 50%) is that Muslim women should be allowed to wear religious clothing as long as it does *not* cover their face. The published research shows that 65 per cent of Muslim women, who attach their hijab pictures to their CV when applying for a job in the Netherlands, reject them directly without calling for a personal interview, as well as in close proportions in Spain and Germany. On the other hand pan Islamic Muslim are regarded as single ummah as depicted by Quranic texts, family, purity, piousness and modesty is recommended by holy book text, adultery is biggest sin, women dressing is recommended by Quran, holy books version is preferred to anything else, community rather

than individualism is preferred, often Quranic text and hadith's are quoted to stop others from wrongdoings. Many religious activities are community centric such as, prayer, reciting holybook, last rites, religious scholar speeches in public gatherings, high family orientation and patriarchal setup, girls and boys activities have eyes on and any wrong act a strictly corrective measures taken, falls in many ways distinctive to western way of lifestyle.

Muslim Women Veils Compatibility with Modern Ethos

It is well settled verdict that full face covering is not clearly mentioned in the Quranic verses i.e. (24:31, 60; 33: 59; 7:26), and some traditions (hadith's) which have been reported are advocating such verses in spirit as, (i) According to a tradition (hadith) from Aishah (r.a.), once her sister Asma (r.a.) came before the Prophet (pbuh) in a thin dress. The Prophet (pbuh) immediately turned his face away and said: O Asma (r.a.), when a woman has attained her maturity, it is not permissible that any part of her body should be exposed except the face and the hand. (Abu Daud). (ii) In 7 A.H. a deputation of the Africans came to Al-Madinah and they gave a performance of physical skill in the compound of the Prophet's Mosque. The Prophet (pbuh) himself showed their performance to Aishah (r.a.) (Bukhari, Muslim, Ahmad). (iii) Umm Hani (r.a.), daughter of Abu Talib and a first cousin of the Prophet (pbuh), appeared before him till the end without ever observing hijab of the face and hands. She herself has narrated an incident pertaining to the conquest of Makkah, which confirms the same (Abu Daud). It is worth to mention that in the pre-Islamic days of ignorance, women used to wear a sort of head-band, which was tied in a knot at the rear of the head. The slit of the shirt in the front partly remained open exposing the front of the neck and the upper part of the bosom. There was nothing except the shirt to cover the breasts, and the hair was worn in a couple or two of plaits hanging behind like tails (Al-Kashshaf, Vol. II, p. 90, and Ibn Kathir, Vol. III, pp. 283-284). It is further noticed that women dress code in Kaaba during Hajj pilgrimage where a gala of men present, women face is open, moreover the word Hijab is not mentioned in quran in terms of dress code, how it was adopted in dressing sense is matter of research, only Khimar and Jilbab in women dressing context is mentioned. Hence, in the Muslim nations themselves on meticulous observation the level of Islamic dressing of women [Full face veils (Burkha/Niqab/Abaya) and Hijab/Jilbab/Khimar (Al-Amira, Shayla, Chador, Dupatta, Tuding, Doa Gaun, Esarp) Face open] has been clearly found in variance such as in Saudia Arabia, UAE, Iran, Turkey, Malaysia, Indonesia, Pakistan, Uzbekistan, India etc. If the word 'modesty' was the sole reason as many religious scholar delineate behind the covering of full face and body then definitely variance of modesty in each Muslim states differs as envisage by the visible Islamic dressing worn by the native women's of Muslim countries. Since Muslims obey divine book (Quran) recommendation in form of holy text and it should be unanimous dressing code irrespective of any of Muslim nations, that evidently substantiate that no full face covering is recommended by holy book and such full face covering is arising or encouraged by ruling/aristocratic class in connotation with clergy in later period. It is also worth to mention that medieval Muslim rulers were famous for having seraglio/harems where thousands of women resides which was in protection and custody of eunuchs, moreover kings have no limit of women's even many times breaking Quranic limit of four at a time and whenever they find gorgeous women they have power to put her in their harems, it may be one reason that subjects in order to shield from ruling class of their women started full face covering. As all Muslim's fundamental belief is that Allah (swt) is omniscient, thus in today's scenario where as the world becomes a global village where freedom of movement regardless of gender for seeking job, tour, education and business is eminent and usual part of life, hence essential documents such as passport, photo IDs, driver license etc are essential to recognized identity of person and the 'face' in human body acts as a fingerprint of every individual for visible recognition either by friends, family, society, work place, in schools, so a direct and pertinent question arises how the full face and body Veils (Burkha/Niqab/Abaya) a women can be recognized, moreover it is hard to say in this dress whether male (conceals his identity to do a crime) in garb of female, what if such dress misused by terrorist, mafia, suicide bombers etc then who will be responsible for the damage, what if non-muslim wore full face veil and commit a crime, does it not ruin reputation and victimization of Muslims. One this note the point to ponder is why not in the verses where the word khimar and Julabib word 'face' is clearly mentioned, based on speculation and self conjecture clearly give variance in conclusion, concomitantly at this juncture someone pop up question and brag that we Muslim follow face mask in accordance with the modern surgical mask that is used for disease, pollution control and shield of cold weather in form of veils from medieval times, however, the mask when needed can be open up to recognized faces also its intent is different while full face veils who follows it thinks of divine recommendation and cannot open in front of men moreover women only bore veils not for men. Author Jacqueline Chabbi (2016)[17] wrongly asserts that the term of veil in Islamic culture as a more complex and symbolic construction, but in reality it is a honest intention of following holy Quran's recommendation holy verses to be a faithful servant of Allah (swt). In modern context Hijab/Khimar/Jilbab where face is open and essential parts from wrist of hand and ankle of leg is open satisfies the quranic verses (24:31, 60; 33: 59; 7:26) well as well as modern age necessities such as in passport pictures, photo Ids, School's recognition and

notebook writings by holding pen in hands in the classroom, putting of sports shoes in leg for sports, putting apron or lab coat, long coats in winter, etc. Thus, these sorts of dressing, having full modesty may be appreciated everywhere have full compatibility with modern culture anywhere. It is remarkable that in Saudi Arabia, the notion of choice (alternate to veils) did not exist at all before September 2019 because veil was considered as legally mandatory for Muslim women (even though sources of law are not clear in Saudi Arabia regarding this subject and could be discussed. French anthropologist Amelie le Renard (2011, 2013, 2014), in her study conducted from 2008 to 2011 in Riyadh with women aged from 18 to 25 years does not point out a real clearly expressed religious veil [31], as it is considered by some interviewees as a synonym of decency and dignity because according to them, it helps woman not to reveal her beauty to the external world. Indeed the “what is beautiful is good” [32], Lord Donaldson MR’s celebrated statement that the law on decision-making should look to capacity rather than rationality [33].

II. Conclusion

The cultural/religious women dressing code throughout the world either in form of tradition or religious recommendation is found well and on commemorative occasions attired fervently. The Jewish woman in Rabbinic literature used to go out in public with a head covering, even covered the whole face leaving one eye free. The Christian ‘nuns’ have habits to cover their head and Chapel veils, also called mantillas were followed. In Hindu religion *pallu* called Ghonghat and Sanskrit word *Avagunthana* (veil) reported. Whereas in muslim holy book Quran has recommended dress code (*khimar*, *Jalabib*) for women folk to follow but the text of full face covering is not clearly mentioned resulting in conjecture of variance of dressing such as Burkha/Niqab/Abaya, Hijab/Jilbab/Khimar (Al-Amira, Shayla, Chador, Dupatta, Tuding, Doa Gaun, Esarp) in Saudia Arabia, UAE, Iran, Turkey, Malaysia, Indonesia, Pakistan, Uzbekistan, India. Since, Article 9 ECtHR, and in the United States, wearing religious dress code is a right guaranteed by the first amendment under freedom of speech and freedom of religion. While in India right to freedom of religion and preserve culture envisages in Article 25 and 29 (1) of constitution are hall mark of dress choice for Muslim women folk of their own choice cannot be compelled when essential ingredients of religious text are practiced even in schools which is not act of proselytize rather a sincere pious obedience to Lord (Allah swt). Moreover, autonomy of women cannot be curtailed thus Muslim women dress code with *khimar* and *jilbab* is fully compatible with modern life style satisfying both the religious text as piousness and works and earns of livelihood.

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