FREEDOM AND BONDAGE: THE DISCUSSION OF HIJAB IN AZERBAIJAN

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In 1998-2005 the conflict over allowing the presence of the Muslim headscarves (*hijab, bash ortuyu*[1]) in passport and ID pictures remained near the centre of public attention in Azerbaijan. Administrative bans and informal pressure on veiled students and professors entering classes in institutions of higher education also became the subject of intense debate.

Legal and cultural battles over the acceptability of Islamic covering for women in public space burgeoned in Turkey, France, Great Britain and other European countries in the last 20 years. The controversy over veiled bodies of women entering the public realm in Azerbaijan unfolded during the same period, though it stemmed from the country's own unique historical roots. The nation's colonial past, the Soviet project of modernization of Muslim women and the development of nationalist discourse in Soviet and post-Soviet Azerbaijan produced several powerful narratives that connected personal and national progress towards freedom with the act of unveiling the nation's women. Images of the veil and unveiling generated by these socio-cultural factors and stored within important cultural texts (family memoirs, writings of the early 1920s century reformers, a 1960s' statue of a woman discarding the veil in downtown Baku) continued to live in collective memory and influenced present day discussions. These texts, along with personal stories, conference speeches, open debates,

[1] The term "hijab" (in Arabic literally "curtain") has several meanings in in present day Azerbaijani language. It designates the Muslim headscarf that covers woman's hair, ears and neck. It is also used to describe the full dress code for Muslim women, including headscarf and the rest of the attire that covers whole body except for the hands and face. Sometimes the term "hijab" and its opposite, "hijabsizlig" (the lack of "hijab") is used to depict a certain code of behaviour considered appropriate (or inappropriate) for Muslim women. The term "hijab" was not commonly used during the Soviet era. The Azerbaijani language contains a number of other words used for designating woman's headscarf ("lechek", "orpek", "bash ortuyu"). "Bash ortuyu" is frequently employed in everyday speech for describing the Muslim headscarf. However neither of these words carries explicit connections with Islamic practice. The word "chadra" (a piece of dark fabric used to cover a head and most of woman's body with the face partly exposed) was used in the beginning of 20 century and all throughout the Soviet period and carries rich historical and cultural connotations. "Kelaghai", another term for women's headscarf, is used to designate specific type of white or bright colored silk scarf with particular decorative pattern. Currently "kelaghai" is a part of the "formal" national costume.

newspaper articles, TV and radio shows, web-sites and internet forums discussing the meaning and impact of veiling have formed a complex intertextuality of what from 1998 to the present day came to be known as the “headscarf issue” (“hijab meselesi”) in Azerbaijan.

In the course of the current hijab controversy the explanations of meaning and function of Muslim headscarf in the life of Azerbaijani women and its impact on society were formulated within a variety of discourses. Diverse discursive appropriations of the veil (and veiled bodies) clashed, merged or ran parallel, reflecting the power struggle that currently surrounds the redefinition of such important elements of Azerbaijani social constructs as nation, tradition, religion and femininity.

The use of the discourse that draws upon concepts of human rights introduced a new dimension to the contemporary public discussion of veiling practices among Azerbaijani women. Historical association of unveiling with personal and national “liberation” firmly placed the covered bodies of Muslim women within the discourse of nationalism and modernization. Meanwhile, the articulation of hijab through the language of human rights in the course of current discussion challenged this association by recasting veiling as an exercise of freedom of belief and an act of personal choice and self-actualization.

In the current article I argue that both discourses profoundly impacted the formation of the new Muslim female identity in Azerbaijan. I also propose that the tensions and impasses created by the clashing of two discourses within the same discussion illuminated a range of struggles over the definition of national community, Islam and acceptable forms of femininity.

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Veil battles: Historical overview

Islamic religiosity made one of its most striking appearances in Azerbaijan’s present day public sphere as a gendered issue: covered Azerbaijani women were singled out, essentialized, scrutinized and discussed as carriers of a certain identity that created public controversy. This was not surprising given that, in Azerbaijan, as in many post-colonial nations, women’s bodies held utmost significance for the definition of “nation” and “religion”

within the language of modernity.[2] The current discussion of hijab in Azerbaijan continues a long history of public controversy over the appearance and position of Muslim women in the Caucasus. Starting in the colonial context of the late 19th and early 20th centuries in debates over Muslim women's access to public space, which took place among male Muslim intellectuals, it continued through the first decades of Soviet rule, finding its culmination in the *hujum* (state-sanctioned massive campaign to discard the Muslim veil in 1927) and then re-emerged at the end of the 20th century in the conflict over passport pictures and the presence of covered women in educational institutions.

In late 19th and early 20th century the discussion of Muslim women's appearance in the public space articulated the importance assigned to the covered bodies of local women by the system of colonial differentiation in the Russian Empire. Produced and maintained through the efforts of colonial administration, education and academia, the hierarchical system of colonial differentiation aimed to establish homogenous categories of colonized subjects through emphasizing their essential difference from the colonizer and each other.[3]

Muslim women's covered bodies within this system signified the qualities ("barbarity", "submissiveness", "backwardness" and "ignorance") that inevitably differentiated Muslims from the "civilized" colonizers. However, for the period's male Muslim intellectuals, covered bodies carried an even more complex set of meanings and presented one of the most important cultural and political battle grounds. Starting in the 1830s the policy of incorporating and "educating" local male elites pursued by the Russian imperial administration in the Caucasus ran parallel to the discourse of "colonial differentiation"[4] and domination that featured Muslim women as the epitome of otherness and backwardness.[5] Thus for local male elites the struggle to define the emerging national identity involved recasting the normative image and lifestyle of Muslim women.

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[2] On the connection between the construction of femininity, Islam and nation building in Azerbaijan please see Heyat, Farideh Azeri Women in Transition: Women in Soviet and Post-Soviet Azerbaijan (Central Asia Research Forum), Routledge, 2002 and Tohidi, Nayereh "Guardians of the Nation": Women, Islam, and the Soviet Legacy of Modernization in Azerbaijan – in Women in Muslim Societies, ed. Herbert L. Bodman and Nayereh Tohidi, Lynne Rienner Publishers, 1998, pp. 137-161.

[3] Partha Chatterjee, The Nation and Its Fragments. Princeton University Press, Princeton, New Jersey, 1993, pp. 10.

[4] Ibid.

[5] Russia's Orient. Imperial Borderlands and Peoples, 1700-1917, Indiana University Press, 1997.

In the spring of 1907, the popular satirical magazine *Molla Nasreddin*[6] in a series of articles[7] suggested to Muslim men that it was not against the Quran to allow Muslim women appear in public spaces with their faces uncovered (and the rest of their bodies covered according to Islamic dress code). The articles generated fierce opposition, and discussion continued for several months involving some of the popular media outlets in the Caucasus (such as the newspapers *Taza Hayat* and *Bakinskiy Den*). These public debates turned Muslim women into an "issue" (*mesele*) and placed them in the middle of an ongoing cultural battle over the definition of national identity.

Molla Nasreddin and some of its supporters insisted that going out with an uncovered face[8] would enable Muslim girls to receive education, and become educated wives and mothers, thus serving the cause of national progress. His opponents (Hashim bey Vezirov, Abdurrahman Hadizade, Abuturab Efendizade) believed that the change would result in the violation of divine commands, moral corruption (caused by the unrestricted impact of female sexuality on men) and cultural assimilation by Russians and Europeans.

The discussions produced an essentialized image of Muslim women – secluded, submissive, uneducated and covered. Present-day research testifies to a more complex picture with regard to gender relations and women's dress among Caucasian Muslims: the veiling had various forms and was specific for some social classes and regions while not common for others.[9]

Despite the variety of opinions, participants in the debate defined the "issue" of the veiled Muslim women within two discourses: theological interpretation of the Quran and rumination over cultural authenticity. Incorporated into the religious discourse of the veil was the discussion of dangerous female sexuality. The veil served to isolate women's sexuality from *namehrem*[10] men and acted as protection for the community against *fitne* (turmoil, moral corruption caused by unrestricted interaction between men and women). Within the emerging dis-

[6] Molla Nasreddin was first published in 1906 in Tiflis (Tbilisi). Molla Nasreddin's editor and main author, Mirza Jalil Memmedguluzade managed to put together an outstanding team of writers that made Molla Nasreddin into the most popular Muslim magazine in late Imperial Russia.

[7] Molla Nasreddin, N 19, 21, 23, May-June, 1907.

[8] The suggestion only involved the exposure of women's faces in public. Molla Nasreddin never proposed complete unveiling.

[9] Heyat Farideh, Azeri Women in Transition. Women in Soviet and Post-Soviet Azerbaijan, Routledge, 2002, p. 62.

[10] Namehrem – the category of men with whom marriage is not prohibited.

course of nationalism, the parties strived to define how the state of the nation would be affected by changes in the appearance of its women. The discussion focused on this impact and tended to treat "our Muslim women" (*muselman ovretlerimiz*) as a collective identity rather than as individuals.

The veil controversy in colonial settings turned Muslim women into an "item" on the emerging national agenda and formulated the "issue" as one to be decided by another collective entity, Muslim men (thus preserving the system of gendered domination). The uncovering of female body was formulated in the emerging national imagination as a collective act of transforming the nation, the act to be decided upon by men and performed by women.

By drawing the connection between exposing a part of the female body (in this case, going out with her face uncovered) and women's education, Muslim reformers established the association between the revision in women's dressing practice (uncovering part of the female body), the change in modes of socialization (entering schools and other public spaces), the transformation of women's social function in a new national form of patriarchy (educated mothers and wives[11]) and the advancement of the national community.

Although the official Soviet policy towards the veil was dramatically different from this approach, it also strongly relied on the association between veiling, the transformation of women's social function and the advancement of society. The Soviet discourse of class struggle and modernization defined "Muslim women" as a homogenous group, subjected to double (class and patriarchal) oppression[12]. Eradication of this oppression was considered necessary for society's advancement towards communism.

Unlike Muslim cultural reformers whose agendas Bolsheviks partly incorporated, the Soviet activists stayed away from designating men as primary decision makers in the issues pertaining to the position of Muslim women. Tools of Soviet agitprop (such as the popular magazine "*Sharq qadini*", women's clubs[13] and sewing courses) addressed women directly and aimed at engaging them in new forms of socialization. The Soviet project of Muslim women's "liberation"

[11] For more on the emancipatory possibilities and disciplinary impositions of modernity in relation to women, please see: Najmabadi Afsaneh, Crafting an Educated Housewife in Iran – in Remaking Women. Feminism and Modernity in the Middle East, ed. Lila Abu-Lughod, Princeton University Press, 1998, pp. 91-125.

[12] Northrop D., Veiled Empire. Gender & Power in Stalinist Central Asia, Cornell University Press, 2004, pp. 59-66.

[13] Ali Bayramov Club in Baku, clubs in Balakhani, Ganja, Nuha were among the most active women's clubs (Azerbaycanda qadin fealliginin eneneleri – Traditions of women's activism in Azerbaijan, http://www.gender-az.org/index_az.shtml?id_doc=508).

entailed a profound transformation of both the public and private spaces that this group inhabited and the dismantling of the social fabric that kept Muslim communities together. Among the first decrees issued by the new Soviet authorities were legal provisions aimed at granting women the right to divorce and child custody rights, eradicating child marriages (by raising marital ages to 16 for girls and 18 for boys) and banning polygamy and temporary marriages (*sighe*).[14] Starting in 1927, the Soviet state introduced mass campaigns advocating for women's literacy and denouncing the *chadra*.

Chadra and the practice of complete veiling occupied a prominent position in the Bolshevik struggle for liberation of Muslim women and the Sovietization of Muslim society.[15] The symbolic value of the black *chadra* within the Soviet poetics of liberation is evident from numerous texts and illustrations representing the act of unveiling as a transition from darkness, ignorance and oppression to light, education and equality[16]. The accounts of discarding the veil were described in the texts of the period as liberation from "prison" (*esaret*) based on woman's decision that frequently encountered fierce resistance from the immediate social environment (especially male relatives)[17].

The acts of removing the *chadra* were sometimes deliberately conducted in public and thus manifested the destroying of the border between private and public. The casting off the veil in the theatre during "Sevil" (a popular play by Jafar Jabbarli describing an illiterate young housewife's life and its transformation under Soviet rule) illustrates the charged interaction between public and private in the early years of Sovietization. Whether demonstrative or more subtle (as in frequent cases of slow transition from *chadra* to headscarf, or other forms of head covering) the abandonment of *chadra* along with adoption of women's new social function (as worker, student, mother-educator) shattered the system of gendered domination in many families and communities. Soviet appropriation of the *chadra* and the act of discarding it on the one hand stressed the individualized nature of this decision and on the other invested it with the ability to transform the society.

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[14] Heyat F., Azeri Women in Transition. Women in Soviet and Post-Soviet Azerbaijan, Routledge, 2002, p. 88.

[15] Northrop D., Veiled Empire: Gender and Power in Stalinist Central Asia, Cornell University, 2004, pp. 67-69.

[16] For example, the cover of the first issue of Sharg Gadini (November 1923) magazine depicted the women that takes off her chadra while looking at the huge rising sun. For the image of the cover please see: http://www.diyarim.narod.ru/sherq_qadini_jurnali.jpg, retrieved on 30 January 2009.

[17] Iz Vospominaniy Shabanovoy Karayevoy (From the Memoirs of Shabanova Karayeva), Muzey jenskogo dvijeniya (Virtual museum of women's activism in Azerbaijan), http://www.gender-az.org/index.shtml?id_doc=2068, retrieved on 30 January 2009.

In the years after the anti-veiling campaign (hujum), the development of the nationalist discourse in Soviet Azerbaijan not only further re-established *chadra* as the symbol of "otherness" (mostly set in historical terms as a "remnant of the middle ages") but also sanctified other forms of head covering (*kelagai*) as a symbol of authentic national femininity.[18]

The legacy of the chadra

Eighty years later, the discarding of *chadra* as a metaphor for liberation (and the donning of *chadra* as a metaphor for restriction and pressure) continued to live in texts produced in a present-day Azerbaijan. In September 1998, Heydar Aliyev, president of the Republic of Azerbaijan, invoked the image of the *chadra* in his speech to the 1st Congress of Women of Azerbaijan: "…huge changes took place in the life of Azerbaijani woman starting in 1920 and within a short period of time – in historical terms - women dropped the *chadra*, became liberated, independent, received equal rights, gained the opportunity to show their talents and occupy their own position in society, and managed to demonstrate to the world their inner and outer beauty".[19]

The president placed the act of casting off the veil within the narrative that described the liberation of Azerbaijani women "starting in 1920".[20] Aliyev's speech placed the liberation of Azerbaijani women within the larger narrative of national movement towards independence and thus drew a connection between the removing of the *chadra*, the emancipation of the nation's women and the liberation of whole national community. Overall, the speech presents women as a synecdoche of the nation. The president's address lists key components of freedom for women as defined by the current Azerbaijani administration: equal rights, social mobility, self-actualization and a certain measure of bodily exposure. Unveiling described as an act of a woman's will ("dropped her veil", *chadrasini atdi*) starts the motion that ends in revealing

[18] In independent Azerbaijani Republic wearing kelagai is customary for women participating in theatralized performances celebrating national holidays (such as celebration of new year on Novruz Bayrami, 20-21 March) or mourning ceremonies (Black January, the day of commemorating the violent and lethal break-up of protesters by the Soviet Army in Baku on 20 January 1990).

[19] Khalq gazeti, №249, 17 September 1998.

[20] 1920 was the year of Azerbaijan's Sovietization.

women's "inner and outer beauty" (previously concealed) that concludes the narrative of liberation.

An article in a popular oppositional newspaper[21] used the donning of *chadra* in a context unrelated to the discussion of women's issues in Azerbaijan. Haji Zamin, Azadliq's commentator, in a piece titled "Newspapers will soon put on the chadra" criticized the government's decision to apply censorship to newspaper publications that, according to explanations provided by some government officials, were not in line with the "national mentality" (*milli mentalitet*).

"Generally, the attempts to put *charshab* [here the same as *chadra* – A.V.] on outlets of mass communication are not new for Azerbaijan. But this time I would like to ask the Ministry of Press and Information and Glavlit why the state bodies that are supposed to act exclusively based on existing legislation are relying on such abstract and, in essence, subjective concepts as mentality, national morals, customs and traditions?"

Haji Zamin uses the act of covering the body with *charshab*/*chadra* to describe the restrictions of the freedom of speech imposed by the government on the independent press. He compares the government's reference to tradition and national mentality in restricting free speech to imposed veiling. The association between covering the female body with *chadra* and imposed restrictive tradition presented in *Azadliq'*s article complements the positively charged image of discarding the veil (as an achievement of liberty and independence) in the president's speech.

New Muslim women in Azerbaijan

In the late 1990s, the historic connection of unveiling with the narrative of emancipation and liberation in Azerbaijan largely informed negative responses to the "issue of hijab" by those who read Muslim headscarves as an act of reveiling, i. e. returning to "prison", seclusion and subjugation.

Women who started adhering to hijab in Baku in the end of the 20th century defined themselves against this powerful historical narrative and were shaped

[21] Haji Zamin, Qazetler tezlikle chadra geyinecek (Newspapers will soon put on the chadra). Azadlig, November 05, 1998.

by it to no lesser extent than hijab opponents. The interviews with members of Muslim women groups in Baku that I conducted in spring-autumn of 2005 as a part of my research for the Heinrich Boell Foundation's Scholarship Programme for Social Scientists feature personal stories of donning the veil that demonstrate preoccupation with the idea of personal agency (described through the reference to personal choices) and are frequently organized around the themes of pressure and choice, liberation and imprisonment.[22]

Two statements below illustrate the connection that both covered women and critics of new veiling drew between the certain extent of covering (or exposing) the female body and the condition (state) of personal freedom. "I do not understand how one can choose this seclusion, this prison, over freedom! Someone forces them to do it, most probably a husband or brother" (graduate of Azerbaijan Oil Academy, speaking about women in Muslim headscarves).

"I feel sorry for women wearing tight clothing, that reveals their shapes. It seems to me that they are locked in this attire like in a prison, trapped like in a cage. I hope Allah will grant them a life as free as the life we live" (newly covered medical student from Baku).[23]

In the late 1990s the collapse of the Soviet system allowed a rich inflow of Islamic knowledge to enter the newly independent Azerbaijani Republic. An important feature of this cultural influx was that it unfolded within the general post-Soviet movement toward democratization of private and public life and the coming to prominence of the nationalist discourse. The "re-appropriation" of the national and religious heritage featured prominently in official and private narratives describing the nation's liberation from its Soviet ideological prison. In independent Azerbaijan official nationalist discourse powerfully connected the ideas of national liberation (in the form of an independent state), re-appropriation of national heritage (including Islam) and personal freedom from the pressures of totalitarian Soviet state.

On the state level the freedom to practice Islam was linked to the achievement of national independence and the celebration of national unity: for exam-

[22] The supporters of new veiling sometimes brought up the modernist Islamic constructions of the veil as spiritual liberation as opposed to the "western" freedom of the body. Frequently used in the texts criticizing the West these interpretations of "hijab" oppose it to "hijabsizlig" (absence of hijab) described as the exploitation of women. This position is argued in "Hijab", book by Iranian ayatollah M. Motahhari, translated in Azerbaijani and widely sold in Baku. Please see: Motahhari, Morteza. Hijab, "Dinin Fakhri", 2000.

[23] Aliyeva Sh., Hijab qadinin zeruri geyim formasi (Hijab, the compulsory dress code for women) Yeni Musavat, 2 March 1999.

ple, by including Islamic holidays of *Ramazan Bayrami* and *Gurban Bayrami*[24] in the list of national holidays alongside Independence Day, Republic Day. Over the years, the government of Azerbaijan gradually increased its centralized control over the religious sphere. The creation of the State Committee on Work with Religious Associations in June 2001 signalled the government's strengthening of efforts to control religious communities by instituting a multi-staged registration procedure, monitoring imported and local religious literature and shutting down mosques with a strong following.[25]

For urban centres, and most of all Baku, the small degree of influence local Muslim clerics had on the process of re-appropriating religion was striking. In interviews held in Baku, Muslim women defined themselves not only in opposition to the "girls in miniskirts" but also, and even more frequently, to the caricaturized character of the greedy and ignorant local mullah, as a representation of an uneducated (*elmsiz*), distorted Islam that "frightens our educated people". The Islamic interpretations and practices were disseminated first mostly by self-educated Azerbaijani Muslim intellectuals and later by recent graduates of foreign religious institutions through informal meetings, religious literature, educational facilities, charitable organizations, TV and radio programs.

Scholars studying the current religious situation in Azerbaijan list three major factions in the country's highly segmented and complex Islamic milieu: Shi'ism, prominent in the South and Absheron peninsula, Salafis active in Baku and the Northern regions on the border with Dagestan, and Nurcular, mainly organized around particular Turkish educational institutions.[26] The majority of men and women that constituted the newly emerging Muslim groups in Baku regardless of specific affiliation were members of the educated urban class, products of the Soviet-style mixed-sex secular education system that focused on skills necessary for the accumulation and appropriation of a vast body of knowledge and facilitated socialization through co-education.

A broad spectrum of Islamic interpretations informed the production of knowledge that took place in what soon became an alternative (Muslim) public

[24] Ramazan Bayrami (the holiday that celebrates the end of the Islamic month of fasting) and Gurban Bayrami (the holiday celebrating the Ibrahim's (Abraham) sacrifice of his son as an act of devotion to God) are national holidays and non-working days in Azerbaijan.

[25] International Religious Freedom Reports 2001-2009, Bureau of Democracy, Human Rights, and Labor, http://www.state.gov/g/drl/rls/irf/index.htm.

[26] Yunusov A., Islam v Azerbayjane (Islam in Azerbaijan), Baku: Zaman, 2004, pp. 198, 220.

sphere: a variety of private educational institutions, informal discussion and study groups, mosque communities, newspapers and magazines, internet sites and forums, and brochures and books, – both imported and locally produced, self-distributed or sold in the bookstores. It is within this rapidly developing alternative public sphere that new Azerbaijani Muslims actively appropriated imported Islamic knowledge and pre-Soviet local Islamic tradition to explain and analyse the profound socio-economic, political and cultural changes taking place in the country. Among the most striking visual manifestations of popular interest in Islam was the growing number of regular mosque attendees, the proliferation of official and popular sites of Islamic worship, the emergence of basic Muslim infrastructure (bookstores, clothing stores, magazines) and the increased visibility of women in a specific version of Islamic dress.

In the 1990s female bodies covered in accordance with Islamic rulings were by no means new to the streets of Baku. Little old women wrapped from head to toe in black, worn-out *chadras* were familiar figures that inhabited the narrow streets of Icheri Shahar (historical downtown of Baku), big bazaars or small vegetable kiosks in urban neighbourhoods all throughout the ideologically suffocating years of late Soviet rule, in the stormy days of *perestroyka* and the first decades of independence.

This figure was and still remains to this day “invisible” in the eyes of the public, despite its continued presence. In independent Azerbaijan these old women were never put under public scrutiny, and their acceptability was never considered an issue. Their veiling was acknowledged as a respectable traditional practice and never described through reference to the language of freedom and personal choice.

New Muslim women were as socially and culturally different from this old familiar character as their flowery, colourful or dark headscarves with matching jackets, coats, pants and skirts of diverse fashion styles were different from long dusty *chadra*s. Predominantly urban, mobile, educated and often professionally successful, the first groups of new Muslim women in Baku emerged as a part of a popular re-appropriation of Islamic religiosity in post-Soviet Azerbaijan. Mostly products of the Soviet education system with its long-time focus on encouraging female diligence in education these women were socialized to actively engage in the process of learning.

It is important to note, that unlike the effects of new veiling in some Middle

Eastern settings[27], for the majority of Azerbaijani women who started wearing the hijab in the late 1990s in Baku, it meant the narrowing of mobility, impediments in education and career and partial loss of established social networks. All the women I interviewed told stories about family members, friends and colleagues who were upset, disappointed and embarrassed by their decision and their new look, and many had problems at the university or workplace. However being used to relying on large urban networks of female friends and colleagues for support and information-sharing, women started creating new networks, incorporating in them old connections and gaining new ones. In the absence of accepted religious authority figures, self-education, discussion and information exchange constituted the main mode of interaction within these groups.

The meetings took place in private apartments or, less commonly, in public spaces (libraries, clubs, even government offices after working hours) and were open to basically any woman acquainted with one of the participants. Some women in these early meetings did not practice veiling or even the most basic Islamic rituals (like *namaz*, daily prayer). Weekly meetings were often organized similar to classes in Soviet schools, with a teacher (women self-educated in Islamic teaching) first explaining the topic and then answering questions and assigning homework. A considerable portion of the group was Russian-speaking Azerbaijani women, who preferred to use Russian rather than Azerbaijani translations of Islamic sources.

Headscarf and passport

The mere fact of physical appearance in the streets of Baku did not make women in Muslim headscarves visible in the public sphere. They entered it in autumn of 1998 as active participants of a situation that most newspapers described as “confrontation” (*qarshidurma*) or “conflict” (*munaqishe*). The “conflict” referred to the ban on passport and ID pictures featuring women in hijab by the Passport and Registration Department (PRD) of the Ministry of Internal Af-

[27] The effect of new veiling increasing women’s mobility in certain historical periods and socio-cultural settings was noted by several researchers. Please see: Mi-Hosseini, Ziba, Islam and Gender: The Religious Debate in Contemporary Iran, Princeton University Press, 1999; Charrad M. M., Cultural Diversity within Islam: Veils and Laws in Tunisia. In: Women in Muslim Societies, ed. Herbert L., Bodman and Nayereh Tohidi, Lynne Rienner Publishers, 1998, pp. 63-79; Gole Nilufer, The Forbidden Modern. Civilization and Veiling, Michigan University Press, 1996.

fairs[28] and the refusal by some women wearing Muslim headscarves to submit pictures portraying them without hijab for personal identification cards and foreign passports. The situation was discussed in numerous newspaper articles, public debates, conferences, radio and TV shows.

In the following sections I analyse the use of the human rights discourse in discussion of the contemporary hijab controversy in Azerbaijan. It is important to note that the conflict over passport pictures constitutes only a part of the general discussion on hijab that continued in Azerbaijan for over a decade and is still in progress. Defining the act of veiling within the language of human rights is only one of many discursive appropriations of hijab in this discussion.

The controversy around passport pictures engaged a diverse spectrum of public actors, including informal groups of Muslim women, NGOs, government institutions and media. In the summer of 1998 several covered women applied for new passports and were told by the Passport and Registration Department to submit a photograph without a headscarf. A group of Muslim women sent letters to the Head of the PRD and later to the president of Azerbaijan asking permission to wear headscarves in the pictures. The PRD's position remained unchanged while the number of women who could not get their passports kept growing. Later the same year, three organizations working in the field of religious rights protection (Islam-Ittihad, Intibah and Tereqqi) founded the committee for the protection of women whose rights were violated in the process of the issuance of national passports (renamed the committee for the protection of the rights of religious women in 1999).

The Committee soon emerged as the most vocal opponent of the PRD in the conflict. The intensity of outreach organized by the Committee to present its case to the general public considerably exceeded that of the government. The Passport and Registration Department rarely presented the government's point of view regarding the "hijab issue" in newspapers and radio shows and almost never sent its representatives to TV shows, meetings or conferences discussing the problem.

The Committee, on the other hand, issued appeals to the general public and

[28] The Passport and Registration Department of the Ministry of Internal Affairs is "a separate structural unit registering the Azerbaijani nationals, foreign citizens and persons without citizenship by their residence and whereabouts, issuing identity registration documents including the uninational passports of Azerbaijan citizens, granting citizenship, restoring and cancelling the Azerbaijani citizenship and managing immigration issues within the competence of the Ministry" (http://www.mia.gov.az/?/en/content/28978/, last accessed on 28 Jan 2010).

government institutions calling for an end to the "violation of human rights" of women who "cover their heads based on their religious beliefs".[29] Together with country's leading human rights activists the Committee organized a conference on the hijab issue, issued a letter (signed by the representatives of political parties, civil society organizations and members of academia) with joint appeal to the Head of Parliament and presented the case to a mock Constitutional Court chaired by the Head of Helsinki Citizens' Assembly in Azerbaijan.

In June 1999 a group of nine Muslim women filed a suit with Nasimi district court in Baku against the Passport and Registration Department. Public attorneys in the trial included representatives of leading human rights and women's rights NGOs, religious rights organizations and informal Muslim groups (Helsinki Citizen's Assembly, Society for Protection of Women's Rights, Islam-Ittihad, Centre for Rights Protection and club Intibah). The Deputy Head of the PRD of the Ministry of Internal Affairs represented the defendant. Around 2000 covered women assembled in front of the court house to support the lawsuit. On 23 June the ruled in favour of the plaintiffs and obliged the PRD to accept passport and ID photographs of women in headscarves.

On 20 July the Nasimi district prosecutor's office appealed against the decision of Nasimi district court but Baku City court upheld the ruling in August of 1999. Shortly after that it was once again appealed and on 22 September 1999 a session of the Supreme Court's[30] panel of judges overturned the previous decision allowing for passport photographs of women in hijab. Since then, despite new appeals to the court from Muslim women's groups, collective petitions (including one addressed to the Special Envoy of the European Union in the South Caucasus) and protests supported by leading human rights organizations, in Azerbaijan women are still not allowed to cover their heads on passport or ID photographs.

It is important to note that only some Muslim women in Baku used the human rights approach in dealing with the passport problem. As an example of other frameworks used to discuss the "hijab issue", I would like to mention an interview with a young married women, a successful medical student, whom

[29] Avropa olmaq arzusu ve ya Azerbayjanda dine inananlarin insan huquqlari varmi? (About a dream to become a European country, or do religious people have human rights in Azerbaijan), DEVAMM, 2001, p. 38.

[30] Subject to Article 131 of the Constitution of the Republic of Azerbaijan, the Supreme Court is the highest instance court on civil, economic, criminal, administrative offences cases and other cases previously tried by the general and specialized courts.

I met in Baku in autumn 2005. She explained that she does not see any use in protesting against the passport problem because her suffering adds to her *savab* [deeds to be rewarded by Allah – A.V.]. The interview placed hijab within the narrative of Islamic martyrdom that promised a reward for Muslims suffering injustice imposed by the 'infidel state'.

At the end of 2000, activists of the Committee founded DEVAMM, the Centre for the Protection of Freedom of Conscience and Religion. One of DEVAMM's initiatives was the organization of courses for women that introduced training for activists specializing in defending religious freedom. The coordinator of DEVAMM, the imam of the Juma mosque[31] in Icheri Shahar, Hadji Ilgar Ibrahimoglu, became the leading figure of civic activism for the repeal of restrictions on hijab in passport and ID photographs. In June of 2005, DEVAMM and several other public groups founded the Assembly for the Support and Protection of Hijab.

Starting in May 2002, according to personal accounts and media reports[32], students at the Baku State University (BSU), the Medical Academy and several other educational institutions received unofficial warnings prohibiting the wearing of Muslim headscarves in classes. On 3 May in BSU students and professors wearing Muslim headscarves were invited to attend a conference titled Woman in Islam. At the event, two of the interviewees said, the Chairman of SCFWRA, Dr. Rafik Aliyev, and other speakers argued that hijab is not compulsory for Muslim women and should not be worn in the university. This argument generated a strong negative response among covered women present at the conference. In the years to come DEVAMM regularly presented reports on the pressures applied to covered women in educational institutions. In spring-summer 2005, newspapers covered the case of Shahla Aliyeva, a biology teacher dismissed from her position at the Istedad lyceum in Sumqayit for wearing the Muslim headscarf in class. With the support of DEVAMM, Shahla Aliyeva sued, won the case and was reinstated in her position.[33]

Both the format and content of the reaction to the passport problem dem-

[31] Juma mosque in Icheri Shahar was mainly frequented by Shia Muslims. It was shut down by the government in July 2004 and re-opened in 2008. Although the leading activists of DEVAMM belonged to the Juma mosque community, my research confirmed that Muslim women of different creeds applied to DEVAMM for protection of their rights and received assistance.

[32] See for example, Bashibelali hicab (Wearing hijab creates problems), Bizim esr, N 11(530), May, 2002.

[33] See for example, Uchitelnitsu uvolili za to chto ona pokrivayet golovu platkom (The teacher was fired for covering her head with the headscarf), Zerkalo, June 2, 2005.

onstrated by the group of Muslim women, the Committee and later DEVAMM placed the "hijab issue" within the area of human rights. The issue was brought to court as a "severe violation of human rights" protected by the Constitution of the Republic of Azerbaijan (articles 25, 26, 44, 47 and 48) and major international treaties adopted by Azerbaijan, UN Declaration of Human Rights (articles 2 and 18) and UN Covenant on Civil and Political Rights (articles 18, 19 and 27).[34] The violation was attributed by the plaintiff to "bureaucratic obstacles".[35]

Their opponents from the PRD described the situation as a refusal by a group of citizens to obey by the law. "It is impossible to make exceptions to existing legislation in order to accommodate a few dozen religious women" explained Tofik Madatov, the head of section at the PRD.[36] At the last court session Gulzar Rzayeva, the deputy chairman of Supreme Court, also referred to the Constitution, specifically section II, article 48 ("The freedom of conscience"), clause IV that reads: "Religious beliefs and convictions do not excuse infringements of the law".

Changing tradition

Both parties constructed their interpretations of the regulations regarding passport pictures within the general legal frameworks described above. In the course of court proceedings the sides presented clashing interpretations of the Regulation of application of the Law "On the exit from the Country, entry into the Country, and about Passports" (approved by parliamentary decree N 928, of November 29, 1994), that provided detailed guidelines for the standards of passport photographs. Close reading of arguments offered by the two sides of this conflict reveals the tensions created by the discursive appropriation of the veil through the language of human rights.

Before proceeding further with my argument I would like to comment on an important difference between the discussion of veiling in the early 20th century and the contemporary hijab controversy. The debate initiated by *Molla Nasreddin* in spring 1907 exclusively focused on the exposure of a woman's face in

[34] Avropa olmaq arzusu… DEVAMM, 2001, p. 38.

[35] Ibid.

[36] Zerkalo, N5, Feb 6, 1999.

public. The opponents of *Molla Nasreddin* rejected its suggestion that uncovering the female face is acceptable according to the Quran and accused him of distorting the mainstream interpretation of divine commands regarding obligatory covering. According to them, Quran and hadith command covering the female face because it is a strong source of sexual attraction for men.[37]

In contrast, Muslim women and religious rights activists involved in the passport controversy as well as other Muslim women that I interviewed in the course of this research never described required Islamic covering as hiding one's face. For them the woman's face did not count among the body parts that needed to be concealed, based on their religious belief. "According to unanimous opinion of Islamic scholars around the world", writes DEVAMM, "covered women may keep their faces exposed".[38] This difference clearly signals the essential change in the mainstream interpretation of Islamic sources that define the form of veiling in Azerbaijan.

Challenges of translation

I present below the translation of the paragraph pertaining to the appearance of citizens in passport pictures. The italics in my translation of the Regulations mark the parts of text that were differently interpreted by the plaintiff, (the group of nine Muslim women and human rights activists supporting them) and the defendant (PRD):

"6. In order to receive a civil passport the citizen has to submit to the relevant office of internal affairs at the place of residence along with application and other documents photographs produced from the same film, of equal size. Photographs should feature the front view of citizen's face without *hat/headcovering (papaqsiz) with look and attributes (such as glasses, beard, moustache, etc.) specific for him/her (ona khas olan xarici gorkem ve elametlerle)".*[39]

The plaintiff insisted that the term *papaqsiz* should be understood in its literal meaning, "without a hat" and thus can't be applied to woman's headscarf. They also insisted that the headscarf is a part of a look specific to them as required

[37] Taza Hayat, №№ 39, 41, 1907.

[38] Avropa olmaq arzusu.., p. 11.

[39] Ibid., p. 36.

by the Regulations. The defendant, on the other hand, considered "papaqsiz" to be a generic term covering all types of head covering, including headscarf. The PRD also argued that the text of the Regulations does not mention the headscarf among the attributes of citizen's specific looks.

These interpretations are based on two conflicting ways of defining the veil and veiling in relation to the law. The interpretation provided by the group of Muslim women considers Muslim headscarf a manifestation of the freedom of conscience. The wearing of the Muslim headscarf within this line of argument seen as exercising the right to the freedom of conscience proclaimed in the Constitution[40]. The PRD's position defines the Muslim headscarf as a way of dressing that should be subsumed by general regulations that standardize citizen's look in the passport photograph. Religious legitimization of dress, according to this view, does not give the group following this practice grounds to be exempt from law and claim special treatment.

In the course of the discussion, the PRD employed a method of argumentation that immediately caught the attention of the local media and generated ironic responses from hijab supporters. While building their argument, PRD experts translated word "papaqsiz" from Azerbaijani into Russian and after establishing the meaning that they considered correct, translated it back into Azerbaijani. Odd as it may seem, this step reveals a connection between the current headscarf controversy and the cultural battles over the "remaking of Muslim women" in nation's colonial past.

The fact that government officials of a sovereign state in order to substantiate the interpretation of an unclear legal provision had to translate it into the language of the former empire suggests that the situation could be productively explored within the post-colonial context. The Russian language, within this context, still carries authoritative power. Notably, in the present-day hijab controversy, this power was used once again to place the covered body of Muslim woman outside of the borders of "normative" and "acceptable". "*Golovnoy ubor*" (headgear, headwear), the Russian expression selected by the PRD for its translation, provided a foundation for a universally applicable (non-gendered) rule. Recourse to the authoritative power of Rus-

[40] This position was announced by the group in numerous statements after the proceedings were over, for example, in the statement Hijab yavlyayet soboy odno iz proyavleniy svobodi sovesti (Hijab is one of the manifestations of the freedom of conscience), a public appeal issued by the Committee, DEVAMM and several other public organizations in September 2005, (Zerkalo, September, 2005).

sian language assisted the government in rendering a culturally different group "invisible" before the law. However the Azerbaijani word ("*papaqsiz*") used in the original text of the Regulations drew a clear distinction between masculine and feminine. Moreover in Azerbaijani the word "*papaq*" not only designates a hat specifically worn by men, but is widely used in various cultural contexts as a symbol of male honour. Both media and hijab supporters immediately challenged the cultural "adequacy" of the translation provided by PRD. "What does a woman's headscarf have to do with a man's hat?" asked the headline in popular *525-ji qazet*.[41]

The unifying function that the PRD attempted to invest into the Azerbaijani word by translating it into Russian and turning it into gender-neutral expression supported the general principle used by the PRD in its treatment of the "hijab issue": equal protection of the law for all citizens. "Equal protection" in this reading meant that certain specific characteristics of a citizen or group of citizens are insufficient to exempt them from general legal requirements. Gender unification (or gender-blindness)[42] here becomes an important element of the "equality" principle while the claim for recognition of faith-based and gender specific characteristics of individuals (or groups) presents an impediment for its successful application.

Equality and unification: Constructing a normative citizen

Interaction between the discourses of nationalism and human rights was manifest in the conflicting interpretations that the opposing sides derived from another part of the Regulations: "Photographs should feature the front view of citizen's face without the *hat/head covering (papaqsiz) with look and attributes (such as glasses, beard, moustache, etc.) specific for him/her (ona khas olan xarici gorkem ve elametlerle)"*. The idea of "specific look" presupposes a stable set of attributes and physical characteristics unique for a particular individual. Displaying these attributes in a picture is supposed to assist the state in identifying the citizen (mak-

[41] Novruzova I., Qadin leceyinin kishi papagina ne dexli? (What does a woman's headscarf have to do with a man's hat?) 525-ji qazet, September 23, 1999.

[42] Notably, two of the "specific" attributes that, according to Regulations should appear in a passport picture (beard and moustache) are relevant for men only and the remaining one (glasses) is gender-neutral. Clearly, the text of Regulations is not very gender balanced despite its universal appeal.

ing the connection between her physical body and photographic representation). Together with the format for displaying physical features ("front view of a citizen's face") the "attributes" constitute the template of picture identity necessary for successful identification. Thus the Regulations determine the parameters of the normative look that the citizen should conform to in order to receive a passport and be accepted by the state as a part of the national community.[43]

The PRD maintained that the list of attributes that should appear in the passport picture ("glasses, beard, moustache") did not include the Muslim headscarf and that religious women should remove the hijab in order to reveal their "specific look". The group of Muslim women argued that covering was a manifestation of their faith and wearing headscarf was a daily practice that produced the look specific to them. The opposing sides clearly disagreed on the position of the Muslim headscarf in relation to personal identity. While the group of Muslim women considered hijab an intrinsic element of their personhood, the PRD placed hijab outside the picture identity normative for the Azerbaijani citizen. Here the interaction between the language of the modern nation state with its focus on defining the borders of the national community and the discourse of human rights centred on protecting the borders of individual identity produced a paradox: women are required to submit a passport picture with a look different from their everyday appearance in order for them to be successfully identified in future.

The hijab controversy elucidated the deep connection between the unification of characteristics of the normative citizen, made by the Regulations, and the principle of equal treatment maintained by the PRD. While unification regulated by the state serves to set the borders of "acceptable" and marginalize certain types of identity (covered women), the principle of "equal treatment" works to enforce a change that will transform people from marginalized categories into normative. These measures work through the institution of citizenship to protect the privilege of the state to determine the borders of the national community.

My research demonstrated that in a huge number of media responses to the "hijab issue" the authors analysed new veiling in the context of the opposition of national unity and division, thus appropriating it into nationalist discourse. One of the first articles examining the conflict had a title "Our way of building the national

[43] On the connection between the citizenship and nationality, please, see: Brubaker R., Citizenship and Nationhood in France and Germany, Harvard University Press, 1998.

community: women in chadra and women in mini-skirts". The author expressed concern over the impact of the hijab controversy on Azerbaijani society and suggested that this conflict will "lead to the further division of our society which is already divided by parochialism, pro-Russian or pro-Turkish sympathies and other political and social affiliations". He said that headscarf problem would become an impediment in the process of nation building in Azerbaijan.[44] The headscarf in this narrative was defined as a part of re-appropriated national tradition.

The article in the popular Russian language newspaper *Ekho* outlines the directly opposite view of new veiling in Azerbaijan, though it stays within the same discourse. "It is completely clear that the average modern urban hijab by no means signifies adherence to the traditional way of dressing…To be honest, the hijab is not a protection of cultural heritage in dressing style, but very much a direct and serious threat to this cultural heritage".[45] The idea of national "cultural heritage" as a homogenous entity derives from a certain way of imagining the national community. The commonly used metaphor "*dovlet quruculuqu*" (nation building) provides a good example of how this narrative describes the nation as building its own nation-state in order to reach the highest level of sovereignty. Birlik (unity) is the main mechanism for achieving national goals and cultural homogeneity, as illustrated by the quotes above, carries vital importance for "unity". Attempts to centralize and regulate the production of Islamic interpretations, described earlier in this article, fit into the same framework of unification of national values. Consequently, within this narrative the diversity of cultural and political affiliations is frequently perceived as dissent, an action detrimental to national unity.

Given the historically important role of cultural battles over the exposure (or veiling) of a woman's body for the formation of nationalist discourse in Azerbaijan, it is not at all surprising that the issue of hijab was frequently defined with reference to the opposition of national unity and dissent. The appropriation of the Muslim headscarf through the language of human rights led to a tensed interaction of the two discourses. The right to enjoy the freedom of belief manifested by hijab, as it was constructed within human rights discourse, in a number of media responses turned into the threat of division and dissent undermining national unity.

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[44] Haji Zamin, Milli cemiyyet guruculugumuz: cadralilar ve mini yubkalilar (Our Way of Building the National Community: Women in Chadra and Women in Mini-Skirts), Gun № 160, September, 20, 1998.

[45] "Hijab" – trebovaniye religii, vernost traditsii ili politicheskaya deklaratsia? (Is hijab a religious obligation, a loyalty to tradition or a political declaration), Ekho, № 69, April 14, 2005.

Hijab: A duty and a right

The group of Muslim women lost the case to the PRD in 1999. However, the "hijab issue" remained in the focus of public attention in Azerbaijan. In May 2000, *Azadliq's* correspondent directly asked the Head of the Caucasus Muslim Spiritual Board, Sheikhulislam Allahshukur Pashazade, if his female relatives wore headscarves in the passport photographs. Sheikhulislam said: "We all have diplomatic passports and my female family members wear headscarves in their passport pictures. I would never agree to a woman who shares my beliefs not covering her head. If I myself do not adhere to the laws of Islam, I should not be in this position [position of the Head of Muslim Spiritual Board – A.V.]".[46] The media responses to this statement questioned the integrity of the PRD's approach given that some religious women in Azerbaijan were, clearly, privileged to be treated differently with regard to the "hijab issue".[47]

The challenge that this new development presented to the PRD's position revealed yet another tension generated by the use of the human rights discourse in the hijab controversy and elucidated the ongoing struggle over the definition of the role of Islam in Azerbaijan. Not only the Sheikhulislam's statement but his singularly privileged position assigned and defined by the Azerbaijani state[48] undermined the principle of "equality" employed by the PRD. Refusing to recognize the Muslim headscarf as a manifestation of individual beliefs protected through the human rights discourse the Azerbaijani state at the same time placed Islam in a privileged position of the "nation's religion" (*milletimizin dini*) within a secular state. This seeming inconsistency was pointed out by a

[46] Haji Allahshukur Pashazade "Diplomatik pasportda ailemin bashi ortulur" (Haji Allahshukur Pashazade: My family members' heads are covered in the pictures in their diplomatic passports), interviewed by Z. Ahmedli. Azadlig, May 11, 2000.

[47] Bashi ortulu pasport shekli chekdirmeye icaze verilmir (No-one has permission to wear the headscarf in their passport picture), Rafiq, Yeni Musavat, May 14-15, 2000.

[48] Caucasus Muslim Board was founded by the Tsarist administration in 1872 and re-established by the Soviet government in 1944. (For detailed history please see, Huseynli R., Azerbayjan Ruhaniliyi (Clerics in Azerbaijan), Baku, Kur, 2002 and Yunusov A., Islam v Azerbayjane (Islam in Azerbaijan), Baku: Zaman, 2004). Presently the Caucasus Muslim Board (formally independent from the state) shares with SCWRA the function of the body responsible for control over Islamic communities. Current law on the Freedom of Religious Belief stipulates that "...in the Azerbaijan Republic, Islamic religious communities are subordinated to the Caucasus Muslim Board, in terms of organisational matters…" (Article 8). For obtaining the registration with the State Committee on Work with Religious Associations all Muslim communities are requested to submit a letter of approval from the Caucasus Muslim Board (International Religious Freedom Report 2008, US Department of State, http://www.state.gov/g/drl/rls/irf/2008/108435.htm).

number of Muslim women I interviewed. A 45-year-old university professor who started covering her head three years ago brought up the presidential inauguration ceremony: "...everyone saw, all the foreign countries witnessed that the president, when inaugurated in front of everyone, all people, the nation, placed his hand on the Quran and took the oath…If the president of some country puts his hand on the Holy Quran and knows what this book says, that means the president accepts the message of the Quran. Subsequently the laws should be based on it."

The selective appropriation of Islam is a part of the state-endorsed model of the national community in Azerbaijan. An "Islam" that belongs within the borders of this national community is constructed through a series of inclusions and exclusions that together form a specific mode of Islamic religiosity. The Azerbaijani state, despite its proclaimed secularism, endorses this specific mode of Islamic religiosity as an integral part of "national values" (*milli deyerler*). Certain practices like the president's taking oath on the Quran, performing the pilgrimage to Mecca (hajj) or celebrating certain Islamic holidays (Ramazan Bayrami, Qurban Bayrami) are safely located within the realm of "national values". Donning the Muslim headscarf is not included in this category. President Aliyev's address (noted earlier) drew the connection between the discarding of the veil, the emancipation of the nation's women and the liberation of the national community. "Re-veiling" within the logic of this narrative was bound to carry dangerous connotations, which is illustrated by the next argument used by the PRD. In an interview given to the *Panorama* newspaper the representative of the PRD explained that "Islamic fundamentalists could use veiled women in their acts of terror"[49] thus posing a threat to the well-being of Azerbaijani nation.

The Sheikhulislam's statement presents important evidence of the shifting discourses used by the actors involved in discussion of Muslim headscarf. In his response, Pashazade explains the decision to wear the headscarf as adherence to the commands of Islam. A similar approach is displayed in the article headlined "The true value of woman" (published in popular religious newspaper "Islam heqiqetleri"). The author Gulbeniz Novruzova writes, "A woman's hijab is one of the most important commands of the holy religion of Islam. It is vacib [action obligatory for any Muslim held responsible for her/his actions – A.V.] in

[49] Panorama, N 167, Nov 3, 1998.

the same way as namaz, oruj, khums, zakat, and hajj[50]. An important task for us is to demonstrate to our people the value of hijab as an obligatory command of Islam."[51] In the fashion mindful of the discourse used by *Molla Nasreddin's* opponents in early 20th century these statements place hijab within a system of obligations imperative for Muslims and prescribed by divine command.

The difference between the two discursive appropriations of hijab is striking. As a religious obligation the practice of veiling is an adherence to a divine command and is not a subject to individual discretion. Its legitimacy in passport pictures and public places is argued through reference to the privileged position of Islam as a part of "national values". Within a human rights discourse hijab is a manifestation of an individual's right to freedom of belief and is commonly described with reference to self-expression and personal choice. Its legitimacy is established through the reference to legally binding commitments of the Azerbaijani state. Another quote from the same interview with the Sheikhulislam demonstrates how two discursive appropriations of hijab are used alongside each other within the same paragraph. "The covering of women's heads derives from the Quran and sharia [Islamic law – A.V.]. In any historical period women's desire to cover their heads is their right. If we talk about building democracy, we can't deny women their rights".

The study of the contemporary discussion of the "hijab issue" in Azerbaijan allows us to identify different ways in which the concept of "Islam" functions within varying discourses. Within the discourse of human rights, frequently (although not exclusively!) employed by the group of Muslim women actively involved in passport controversy, DEVAMM, individual human rights activists and most of the veiled women interviewed by me, "Islam" constitutes an element of conscience inseparable from the individual. It reveals itself in specific manifestations of Islamic faith (for example the practice of wearing the Muslim headscarf) that are protected and respected within the right of a private individual to have her own beliefs, her own "views and unique inner world".[52]

In the discourse of the secular nation-state mainly used by the PRD, "Islam" constitutes a set of values, rules and practices that are located outside the in-

[50] Daily prayer (namaz), fasting in the Holy month of Ramadan (oruj), paying Islamic tax (khums), giving alms (zakat) and going on the pilgrimage to Mecca (hajj) are actions made by Allah's command obligatory for every Muslim accountable for his/her actions.

[51] Novruzova G., Qadinin heqiqi deyeri (A True Value of a Woman), Islam heqiqetleri, № 05(07), April 04, 2005.

[52] Avropa olmaq arzusu…, p. 41.

dividual. For the smooth operation of the state apparatus the individual should be disengaged from this outside element.

At the same time, as demonstrated by articles quoted earlier in this research, nationalist discourse allows another way of constructing "Islam". Within this framework, "Islam" is constructed as a specific mode of collective religiosity and located within the realm of "national values". In this capacity it requires protection, assists in strengthening national unity and is incorporated into selected operations of the state (like state holidays). This discursive appropriation of "Islam" connects it to tradition and defines veiling as a traditional practice that helps protect and promote "national values" and the national community.[53]

N. Fairclough wrote that "language is always simultaneously constitutive of (i) social identities, (ii) social relations and (iii) systems of knowledge and belief".[54] The use of the human rights discourse was largely constitutive for a formation of a new type of Muslim female identity in contemporary Azerbaijan; it introduced women to new types of social interaction, created an opportunity for new political alliances. It facilitated the engagement of informal groups of Muslim women in a new mode of public activism (the legal process, petitions, media advocacy, conferences and debates) and brought them into contact with a wide range of public actors (government officials, NGOs, human rights activists, journalists). However it also strongly impacted the way Islam and Islamic religiosity are discussed. Despite the controversial public reaction, the "hijab issue" became one of a very few bridges connecting human rights activists and Muslim communities in Azerbaijan. In public discussions as well as in personal stories, it strongly connected the practice of veiling with ideas of personal choice and the right to self-actualization, thus partly transforming the knowledge and belief that defined the meaning and function of "hijab".

Through juxtaposing and contrasting a wide spectrum of opinions formulated within the variety of discourses, the discussion of the "hijab issue" articulated tensions and struggles that extended far beyond the issue of the Muslim headscarf.

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[53] See, for example, the article by M. Haqq in Ayna ("Medeniyyetler mukalimesi"ne aparan yol. The Road to the Dialogue of Civilizations, Ayna, September 17, 2005) where the author suggests, as a solution to hijab issue, to allow special place in the Constitution for the recognition of Islam that "constitutes the foundation of moral values of our people" without turning Azerbaijan into a religious state.

[54] Fairclough N., Critical Discourse Analysis and the Marketisation of Public Discourse: The Universities. In: Discourse and Society, 1993, vol. 4, N 2:133-168, p. 134.

The hijab issue: Five years later

Five years later, in 2010, the problem of passport pictures for Muslim women in Azerbaijan still remains unresolved. Court complaints, petitions, peaceful protests, media advocacy and other forms of democratic civil engagement compatible with defining hijab within the human rights discourse proved so far unsuccessful.

Women mainly use other strategies such as deception to avoid getting their picture taken without a headscarf. Some resort to wigs or computer techniques to produce the required look. Others arrange for the picture to be taken at their home by a woman photographer. There are also many who accept the need to obey the law as interpreted by the PRD.

Along with recurring bans on public performance of azan (call to prayer)[55] and regular impediments created for the activity of some mosques and communities, the unresolved "hijab issue" demonstrates the failure of the Azerbaijani state to engage growing communities of practicing Muslims into a productive and inclusive dialogue. The government's policy in the religious sphere largely relies on efforts to strengthen centralization and control[56] and pushes informal Muslim groups outside of the boundaries of legal activism. In this situation the decline of the human rights discourse as a way of negotiating the concerns of Muslim groups will result in a situation where public grievances are articulated through other, probably, less dialogue-oriented discourses.

Given the continuous failure of opposition political parties and independent candidates to engage in decision-making and governance through existing electoral mechanisms, as well as persisting legal and political impediments hampering the activity of civil society organizations, the situation in Azerbaijan inevitably generates a lack of popular confidence in legitimate channels of introducing social change.

[55] Government officials in Baku and some regions attempted to ban azan in December and May of 2007. In autumn 2009 the SCWRA instructed mosques to stop using loudspeakers to transmit the azan. The government imposed selective restrictions on the import and dissemination of Islamic literature. Several mosques and Quranic courses were closed by authorities in 2007-2009, (See: International Religious Freedom Reports 2006-2009, Bureau of Democracy, Human Rights, and Labor, US State Department, http://www.state.gov/g/drl/rls/irf/).

[56] Recent changes to the Law on the freedom of religious belief adopted in May 2009 expand the state's control over religious communities (http://www.forum18.org/Archive.php?article_id=1296).

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