

Banning the Hijab: “Secularism” and the Long Arm of the State

written by Araz Bagirov

In this article, I will discuss the hijab ban, which has become the subject of heated public debate in recent days in Azerbaijan. Although the controversy itself and the reactions it has generated are well known to most Azerbaijani readers, I will outline the context of my discussion first.

Referring to the changes made by the Cabinet of Ministers on 21 September 2026 to the “Description of the Outfit of Students Studying in State Secondary Schools,” the government of Azerbaijan initially restricted hijabi students’ participation in classes and subsequently hijabi teachers by classifying the hijab as a religious symbol. The Cabinet of Ministers of Azerbaijan justified the step by citing the secular nature of public education. In response to protests against this decision both in the streets and on social media, government representatives and supporters have stated that the authorities “have no intention to ban the hijab.”^[1] These statements suggest that while the authorities consider the free expression of religions and beliefs in the personal lives of individuals acceptable, they still will not tolerate the exhibition of religious symbols within public institutions. If that is the case, then two important issues should be clarified: (1) What exactly do Azerbaijani authorities mean when they refer to secularism? and (2) What do the authorities aim to achieve by distancing religion from public spaces (for instance, from schools)? Let us clarify the second question further: What does it mean to express religion only in private life and expel it from public space?

In this article, I argue that the exclusion of the hijab and

other forms of religious attire or visible religious symbols from public spaces should not be understood as an expression of secularism; it is a fight against religion. In other words, I state that despite all the authorities' proclamations that they respect freedom of conscience, in practice, proscribing religion from public life goes beyond the boundaries of adherence to the norms of secularism and becomes an infringement on freedom of conscience.

It is obvious that this ban is not only an infringement on freedom of conscience; it is also a violation of other fundamental rights, including labor and education rights. In the long term, for instance, the violation of children's education rights has the potential to create greater negative consequences. Therefore, attempts at securing secular education and labor rights by suggesting religious expression impinges upon them represents too great a cost to religious freedom. Also, the state should not demand that its citizens compromise one of their rights to defend her/his other rights. In other words, children, teenagers, and teachers should not be forced to give up their religious rights to accommodate their educational and labor rights. In this piece, I argue that the government's ban has forced believers to face exactly this dilemma.

At the same time, I underline that despite referring to the corresponding article in the constitution below, I focus primarily on the sociological aspects of this issue rather than its legal dimensions.

This article does not touch on the deliberations of the officials and commentators close to the government who try to justify the ban with reference to geopolitical threats. Without questioning the persuasiveness or adequacy of the justification for these arguments, it should be emphasized that even if we accept that these predicted geopolitical threats are real, the state must not force its citizens to bear the costs of such threats by restricting their

fundamental freedoms.

What do Azerbaijani authorities mean by the term *dünyəvilik* (worldliness)?

First, they invoke what they perceive to be secularism. In the Azerbaijani legal framework, the use of the term *dünyəvilik* as a calque for secularism stems from a specific historical experience. Likely, the term *dünyəvi* in Azerbaijani is a calque of the Russian term “светский,” which is used in Russian to mean “secular.” And this term implies that in state affairs, education, and all related agencies, religion is not an instrument. In fact, there are also certain differences in the understanding of the term secularism among different countries, stemming from different traditions. For instance, there are noticeable differences between the secularist traditions of countries influenced by the French Revolution, which use the term laicism, and those of English-speaking nations. French laicism implies clearing state and public institutions of religion and aims at absolute neutrality of the state in this realm. However, the Anglo-Saxon style of secularism implies equal rights for different religions in public space and aims at ensuring the limited authority of the state in this realm. If, in the first case, the aim is to defend state institutions from the influence of religion, in the second one, the aim is to defend religious communities from the intervention of the state.^[ii] However, in any case, *dünyəvilik*/secularism/laicism aims at separating religion from the state (and its various institutions).

Let us first briefly have a look at the corresponding article of the constitution. Article 18 of the Constitution of the Republic of Azerbaijan stipulates the separation of religion from the state and prohibits only the proselytization of religions that insult human dignity, as well as those that are against the principles of humanism (Clause II). The third clause of the same article establishes that education in the

country is secular.^[iii] Several points need to be delineated here. The fact that a legal principle establishes the separation of religion from the state does not historically give the state any authority over religion. On the contrary, the aim of this principle is to prevent the state from interfering in religious affairs. The second clause establishes freedom of religious proselytization in general. The third clause of the article, which stipulates that public education is secular, does not historically demand that those who receive and provide education should abjure from religion. The aim of this clause is to prohibit the form, the means, and the subject of education from stemming from religious belief. In other words, according to secular principles, any given scientific theory or fact cannot be denied just because it is not in accordance with religion. For instance, the theory of evolution cannot be dismissed from educational programs just because it rejects or collides with a religion's creation story of the universe.

So, if the clauses of this constitutional article establish the state as a secular one, belief in any religion (except for those referred to in the constitution as extremist beliefs) cannot be treated as a sign of superiority or inferiority. If this is the case, how can the recent ban be interpreted? We must consider Azerbaijan's historical experience of state-religion relations. Historically (in the West), secularism, in other words, the separation of the state and religious affairs, was understood not as restrictions imposed on individuals due to their religious beliefs, but as the absence of these kinds of restrictions (especially when they are imposed by rival religious structures). So, secularism does not mean interference by the state in religious affairs; it means non-interference by religion in state affairs. That is why, in historical literature, freedom of conscience is usually called "the first freedom." The reason for this is that the first right was gained because of the weakening influence of religious structures during the modernization

process. This right was the right of individuals to change or abandon religion, and in the West, the modern state, by breaking the power of the church, has become the guarantor of this right. Therefore, secularism does not mean limitations imposed on believers for the sake of a focus on earthly, non-religious matters; it means preventing one group of believers from restricting the freedoms of another group of believers for religious reasons and instrumentalizing state institutions for this purpose. From the standpoint of the case in question, the fact that students and teachers wear the hijab does not infringe the principle of secularism.

This principle could be breached if a hijab-wearing teacher imposes her dress code on her students or bullies those who do not wear the hijab, etc.

Yet Soviet secularism has an anti-religious nature, and in the classic sense of the term, Soviet secularism cannot be defined as the separation of religion from the state. Atheism was never officially recognized as a state ideology in the Soviet Union.^[iv] Nevertheless, religion remained under state control throughout the Soviet period, including during periods when restrictions on religious practice were relatively relaxed. Still, the Azerbaijani example bears traces of this tradition. In other words, Azerbaijani authorities do not allow any free space for religion, keep religious communities under an intensive revisionist policy, and even transform clerics into state officials. Traces of Stalinist and later Soviet modernism can also be observed in the state's discourse of "our own traditions versus Arab-Persian influence." A prominent example would be the state-sponsored "kalaghayi march" of women in the streets of Baku; kalaghayi is a traditional headscarf of rural Azerbaijani women. Although in the early period of the revolution religious and national symbols were rejected, in the Stalinist period, culture and symbols considered genuinely national were reincorporated into Soviet policies as part of the nation-building process.

However, there are very important differences between the Soviets and the current Azerbaijani authorities. The Soviets and their ideology were openly anti-religious and considered religion in general an unpleasant vestige of the past. However, religion has a place in Azerbaijani rulers' official ideology: One of the colors of the national flag represents Islam, religious holidays are non-working holidays, and the newly constructed mosque is named after Heydar Aliyev, the father of Azerbaijan's current president, Ilham Aliyev, and a figure portrayed by the ruling New Azerbaijan Party as the founder of the modern Azerbaijani state. Mosques demolished during Soviet rule have been rebuilt in the name of the state's official version of Islam, not religious tolerance, etc. (The list can be expanded further; I have just mentioned the most visible ones.)

Therefore, Azerbaijani authorities do not intend to eradicate religion; they instead want to put it under complete control, thus avoiding its politicization and preventing it from offering any alternative claim to power. For this, they aim to establish total control over religious communities and, if possible, to buy their loyalty. Where not possible, they at least intend to render them harmless to those in political power. This is the main purpose of all state agencies working with religious communities, from religious educational institutions to mosques. That is why Azerbaijan is absolutely intolerant of any religious movements inspired by influences from abroad or ones trying to operate independently.

If so, secularism for Azerbaijani authorities is not the one described in the literature, i.e., the separation of religion from the state; it is the establishment of full control of the state over religious affairs. In my view, Azerbaijani authorities do this because they do not trust independent religious communities and regard them as a potential threat. (It should be noted that the possibility that interested foreign actors intend to strengthen their influence over Azerbaijani religious communities cannot be excluded; however,

this also cannot be grounds for infringement of the fundamental rights and freedoms of local citizens.)

So, what was the authorities' motivation for implementing their ban of the hijab? The existing lack of transparency in political decision-making prevents us from knowing the exact reason. However, whatever the reason, in fact, the authorities are increasing pressure on the community of believers under the pretense of imposing secularism and chasing them out of public space. Official discourse justifies the ban with statements such as: "Religion should be practiced in private life." If so, let us switch to our next question: Is it possible to restrict religion to private life? In other words, is it possible to demand that the faithful practice their religion strictly within the bounds of their private lives and keep their beliefs out of the public eye without limiting their freedom of conscience?

Can religion be strictly confined to the private sphere?

The short answer is no. Most religions are practiced not privately but in a communal form. Removing them from public space means, to some extent, banning them.

It should be noted that Azerbaijan is not the first country that has tried to push religion out of public life without imposing an outright ban on religion. The closest example to us is Türkiye. We can refer both to the steps taken directly after the establishment of the republic^[v] and to more recent ones, like the coup in Türkiye on 28 February 1997^[vi]. In the earlier period, these measures resulted in the rise of right-wing forces in the form of political Islamism; in the later period, an attempt to halt this rise resulted in the complete monopolization of political power by Islamic conservatives. In general, the recent histories of the Middle East and Eastern Europe teach us that in all cases these attempts have resulted in the forceful return of religion to public space.^[vii]

I am not proposing that we have to oppose the ban and other attempts at limiting religious expression because of possible future revanchism. The point I would like to stress is that the steps taken by the authorities undermine freedom of conscience. In other words, I state that pushing religion and believers out of public space practically amounts to banning religion.

First of all, let us take a look at the claim that children are forced to wear the hijab by their parents. Although the fact that this ban also applies to teachers makes this claim meaningless, still, in any case, confronting all hijab-wearing schoolchildren with the choice to either attend school or wear the hijab cannot easily be interpreted as “safeguarding children from harmful influences.” To put it more clearly, one cannot claim that we respect people’s freedom of religion and at the same time present children with this choice.

This is because all five major schools of Islamic jurisprudence—Hanafi, Maliki, Shafi’i, Hanbali, and Ja’fari—traditionally hold that Muslim women who have reached puberty are required to cover their hair in the presence of non-mahram men. At the same time, according to Islam, parents bear responsibility for the proper (religious) upbringing of their children. In other words, parents are responsible for their children’s religious education and their afterlife. Parents should teach their children about matters of halal-haram, what their religious obligations are, what is prohibited, etc. Now let us put aside our unrealistic wishes and expectations and concentrate on what a religious family is inclined to teach their child. Of course, many parents desire to bring up their children according to their own worldview, and there is a great possibility that a child would be influenced by her parents and cover her head without facing any physical abuse or coercion. The point is that we have to discuss here in which cases the state is obliged to interfere in these matters. The defenders of the government’s decision, in most cases without thinking, promote the idea of giving

excessive authority to the state over the daily personal lives of individuals.

On the other hand, the claim that “the child is coerced to wear the hijab” is quite vague. This is because, in many cases, both family and state are already making decisions on behalf of children; in other words, they are taking over their decision-making or the responsibility for making decisions for them. For example, age restrictions are imposed on the sale of alcoholic beverages and tobacco products because of the potential health risks associated with their consumption. The central question, then, is not simply whether the state or the family should decide whether a child wears the hijab, but also how the child’s own autonomy and religious convictions should be taken into account, particularly when wearing the hijab is a matter of personal choice and an expression of religious faith.

In my view, decisions concerning a child’s religious expression, including whether to wear the hijab, should, at least in principle, be left to the child and their family, provided that the child’s other rights are not violated. In other words, if a child is not influenced by harmful ideas indicated in the constitution, if the family does not deprive the child of education or force the child to marry, if the family does not subject their children to violence or abuse in any form, the state should not interfere in these kinds of decisions. Although the secular portion of Azerbaijani society may not agree with this approach, they should understand that the alternative to this is giving excessive power to the state, and especially in the Azerbaijani case, to a state that is inclined to abuse the power it exercises.

Still, as I previously noted, the fact that this decision also covers teachers proves that its aim was not the protection of children. The state intends to completely expel religion and its symbols from public space, while at the same time claiming that infringement of freedom of religion is not its intention.

Let us briefly assess the credibility of this claim. As mentioned above, according to the five major schools of Islamic jurisprudence, covering the hair is obligatory for Muslim women who have reached puberty, and this requirement is not considered open to debate by adherents of these schools. The state's demand that female teachers uncover their heads forces them to make a choice: either abandon a compulsory requirement of their religion or abandon their labor rights. It is absurd to say to women that "you should cover your head only in your home." The hijab is meant precisely for public appearance; there is no need to cover the head in private. In other words, the recent attempt by a government representative to draw a comparison with the expression "swimming in a judo uniform" (coming to school in a hijab) works exactly against the government's argument because it is the government that demands that women swim in a judo uniform (wear a hijab in private space).

Let us put it simply: The state cannot claim that it respects religious freedom while demanding the abandonment of one of the basic principles of Islam. It is like claiming that it provides free space for the expression of religiosity while at the same time prohibiting daily prayers. In other words, it is about the nature of the Islamic head-covering requirement. According to the traditional interpretations of the five major schools of Islamic jurisprudence, covering the hair is considered a religious obligation for Muslim women who have reached puberty, rather than merely a recommendation or a matter of personal preference. We can compare it with another government regulation adopted recently. In 2025, the Azerbaijani government prohibited marriages between close relatives, such as cousins. In principle, this prohibition is against Islamic Sharia because Islam allows this kind of marriage. And according to the Qur'an, things allowed by Allah cannot be prohibited (conversely, things prohibited by Allah cannot be allowed) (Maida: 87; Tahrim: 1). However, in this case, except for minor opposition on social media, in general,

the religious community has not expressed a serious reaction to this new measure by the state. The reason is that there is a difference between Islamic rules on marriage between relatives and the issue of the hijab. Marriage among *namahram* relatives is not an Islamic obligation; it is just allowed. Head covering, on the other hand, is regarded as a religious obligation for Muslim women who have reached puberty, according to the traditional interpretations of the five major schools of Islamic jurisprudence. In other words, just because believers obey the hijab rule, we cannot claim that they infringe on society's secular order or that they impose Allah's rules on others or that they are engaged in extremism. The problem is that the state leaves believers with no choice and deprives them of their basic freedom of belief.

As far as the compatibility of hijab-wearing teachers with secularism is concerned, teachers should be prohibited from religious proselytization in schools, or they should not refuse to teach any subject/fact/theory only on the basis that it contradicts their religious beliefs. The claim that teachers are influencing their students just by wearing the hijab is baseless. Children's upbringing does not happen in a vacuum, and they are exposed to the influence of various people and look to them as role models. The state should only worry about the proliferation of harmful beliefs among children or beliefs aiming to distance them from education and should not attempt to keep children unaware of the existence of religions until they become 18 years old.

There are claims that some religious teachers are engaged in proselytization in schools. This gives the impression that the secular education system has been infringed upon. However, in order to confront this possible problem, the state should work on the creation of effective educational institutions, try to combat injustices, and improve the quality of education.

Conclusion

Although the government justifies its recent hijab ban with the principle of secularism, it is not clear how head covering by teachers and students infringes on secularism. Secularism does not prohibit believers from following their religious rites. If there are no modifications to the methods and subjects of education, the wearing of symbols of their religion by students and teachers alike should be assessed from the viewpoint of religious freedom. The government's interpretation of the term secularism is different from the meaning explained in the literature. With its flawed understanding of secularism, the government prohibits believers from living and dressing according to their beliefs. In other words, because covering the hair is considered a religious obligation according to the traditional interpretations of the five major schools of Islamic jurisprudence, the state effectively forces students and teachers who adhere to this understanding to choose between expressing their religious beliefs and exercising their right to education or continuing their professional activities, respectively.

Notes and References:

[i] <https://www.bbc.com/azeri/articles/cmx2z8345lj5o>

[ii] For a brief introduction and an extensive bibliography, see: Andrew Copson (2019), *Secularism: A Very Short Introduction*, Oxford University Press, Oxford.

[iii] Constitution of the Republic of Azerbaijan, Article 18 (<https://meclis.gov.az/documents/konstitusiya-az.pdf>, p. 5).

[iv] I have discussed this issue in more detail in another article: Araz Baghirov (2025), *The Struggle Against Religion and for Atheism in the Soviet Union*, Baku Research Institute: <https://bakuresearchinstitute.org/sovet-ittifaqinda-dine-qarsi-ve-ateizm-ugrunda-mubarize/>

[\[v\]](#) For an example of the long-term reaction to the secularist policies of the founders of the Republic of Turkey, see: Şerif Mardin (2015), Türkiye’de Din ve Toplumsal Değişme: Bediüzzaman Said Nursi Olayı, İletişim Yayınları, İstanbul.

[\[vi\]](#) See: Ali Bayramoğlu (2018), 28 Şubat: Bir Müdahalenin Güncesi, İletişim Yayınları, İstanbul.

[\[vii\]](#) For example, see: Jose Casanova (1994), Public Religions in the Modern World, The University of Chicago Press, Chicago.