

# **WOMEN'S RIGHTS IN THE KINGDOM OF SAUDI ARABIA:**

**ANALYTICAL STUDY FROM DA'WAH PRESPECTIVE**



**Submitted by:**

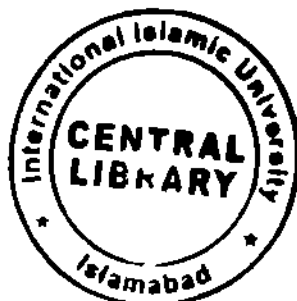
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**(2015)**

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Dated May 5, 2016

**CERTIFICATE OF COMPLETION**

We hereby recommend that the thesis submitted by Shazia Parveen titled, "*Woman's rights in the Kingdom of Saudi Arabia An analytical study from Da'wah perspective*" be accepted in partial fulfillment of the requirements for the M S degree in Islamic Studies

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**A thesis submitted to Department of Da'wah & Islamic Culture,  
International Islamic University, Islamabad as a partial fulfillment of  
requirement for the award of the degree of MS Usuluddin (Islamic  
Studies).**

## **DEDICATION**

This research study is dedicated to my beloved parents who devoted their time, efforts and energy in my upbringing. Without their everlasting support and encouragement, it would not have been possible for me to reach the position where I am right now. I am thankful to you for your kind support.

## **DECLARATION**

I, Shazia Parveen, declare that this thesis is a result of my independent research investigations and findings. Where my work is indebted to others, I have made acknowledgements / Sources of information other than my own have been acknowledged and a reference list has been appended. This work has not been previously submitted to any other university for award of any type of academic degree.

Shazia Parveen



## ACKNOWLEDGEMENT

In the name of Allah, the most merciful, the most compassionate All praise is for Allah for His countless blessings on me and prayers and peace be upon Muhammad ﷺ His messenger

It is a pleasure to thank those who made this study possible First of all, I am indebted to Almighty Allah who has provided me with all the assistance I needed I am sure that this would have never become truth without His guidance My thanks also go to my university and department of Usuluddin for giving me an opportunity to complete this work

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Furthermore, I am really grateful to Professor Dr Zaid Malik, whose valuable suggestions and guidance was significantly needed He was key person from whom I learned to tackle the most perplexing and confusing aspects of this research work

My grateful thanks are also extended to all of those who supported me in any respect during the completion of the research May Allah (SWT) reward them the best

Shazia Parveen

## **ABSTRACT**

The research provides descriptive and an analytical study of the women's condition in Saudi Arabian society in general and in the context of some reports and news in particular. In addition, it examines the current condition of women's rights by a survey and provides an analysis of the survey results and reports and news that to what extent these reports are based on fact and where it is a case of propaganda. It also sheds some light on Islamic perspective of these issues by giving relevant verdicts in current time.

The thesis discusses some rights of women such as male guardianship, early marriages, employment issues and right to vote, the issues which have been criticized by some international reports and news, and examines to what extent these reports and news are based on fact and to what extent country has managed to tackle the issue of women's rights. It also provides an overview of the major causes of women's rights issues in Saudi Arabia and presents some cases of women's rights violation in the context of reports and news and sheds some light on the measures taken by the Saudi government to combat women issues. A survey was conducted to assess the reality of women's rights issues in the country. 91 participants were included in this study, out of which 65 were females and 26 were males with different age groups, all of them were mature and well educated. Majority of the participants were employees, some of them were students, and the rest were house wives. 73% participants were from public sector and 27% were from private sector, 49% were from education department, 19% were doing private business, 11% were from medical department and 21% were from other department or were students and house wives.

According to the results, participants have remarkable awareness about the rights of women in Islam with different level of awareness so out of 91, only 4% respondents were not aware of women's rights, 18% were aware to some extent and the rest were having a good sense of awareness of women's rights granted by Islam. 100% respondents were with the view that men and women are different in their mental, physical, and emotional qualities and the life gives them different opportunities. So because they are different, a good society is that which is based on the principle of justice and the system of Saudi state is based on justice.

Survey shows that the violation of women's rights in the context of national and international reports and news is somehow based on reality but most of them are just propaganda. Most of the women in Saudi Arabia feel blessed in the system of male guardianship and they view it favorable for women and feel better in this system. According to the participants, the reasons behind the issues of women in the country are propaganda of western media, misinterpretation of religion, customs of society and lack of good administration but where there is situation of ill treatment with women, they prefer the involvement of their government for redress instead of any external support. The research also deals with the issues in the Islamic frameworks clearly stating the Islamic standpoint on the issues, as its laws are essentially derived from the two main sources of *Shari'ah*. The research concludes by presenting a number of suggestions and recommendations towards more effective protection of women in the country and attempts to answer the research questions it has posed.

## Table of Contents

Introduction	2
Research Objectives	3
Research Questions	4
Literature Review	4
Hypotheses	6
Methodology	6
Chapter 1	8
Applications of women's rights in Saudi Arabia	8
1 1 Applications of women's rights in Saudi Arabia	9
1 2 Basic system of government in Saudi Arabia	10
1 3 Islam and women's rights activism today	12
1 3 1 Role of women in Islam	13
1 3 2 Protection of women's rights in Islam	16
1 4 Life, position and the social status of women in Saudi Arabia	22
1 5 Women's rights in Saudi Arabia-History and current situation	26
1 6 Government's role in the protection of women's rights	30
1 6 1 Protection and preservation of women's rights in the constitution of Saudi Arab	31
1 6 2 Function of Hisbah Institution in the protection of women	34
1 6 3 Role of government	38
1 6 4 King Abdullah-a cautious reformer or an ultra liberal ruler	40
Chapter 2	44
The continuum of women's rights in kingdom of Saudi Arabia in the context of reports and news	44
2 1 Breach of Saudi women's rights – in the context of reports and news	45
2 1 1 Male Guardianship	46
2 1 2 Early Marriages	54
2 1 3 Employment issues	58

2 1 4	Right to vote	65
2 2	To what extent are these reports based on facts?	68
Chapter 3		71
Survey, Results and Discussion		71
3 1	SECTION I Demographic Information of Participants	72
3 1 1	Gender of patients	72
3 1 2	Age of Participants	73
3 1 3	Marital status	73
3 1 4	Participants' profession	74
3 1 5	Work Experience	75
3 1 6	Department of Participants	75
3 1 7	Mode of Department	76
3 2	SECTION II Awareness of Women' Rights	76
3 2 1	Participants' awareness about women's rights	76
3 2 2	Level of awareness of participants about Women's Rights	76
3 2 3	Awareness of women' rights	77
3 2 4	Satisfaction of Women Regarding their Rights	78
3 2 5	Satisfaction of Participants	78
3 3	SECTION III Reasons behind the issue of women in Saudi Arabia	79
3 3 1	Source of support is case of ill treatment	79
3 3 2	Reasons behind the issue of women in Saudi Arabia	79
3 3 3	Recommendations by Participants	80
3 4	Discussion	81
Chapter 4		83
Islamic prospects for redress.		83

4 1	Is it permissible in Islam for women to fight for their rights?	84
4 2	Islamic ruling on the issues of women	88
4 2 1	Male guardianship	90
4 2 2	Early marriages	95
4 2 3	Women and work	97
4 2 4	Right to vote	103
4 2 5	Recommendations	111
4 2 6	Findings	112
	Bibliography	115
	Books	116
	Article, News and Reports	118
	News Papers and Magazine	120
	Arabic References	120

## **LIST OF FIGURES**

---

Figure 1	Marital status of participants	74
Figure 2	Participants' Profession	74
Figure 3	Department of Participants	75
Figure 4	Mode of Department	76
Figure 5	Source of support in case of ill treatment	79
Figure 6	Reasons behind the issues of women in Saudi Arabia	80

## LIST OF TABLES

---

Table 1	Gender of participants	73
Table 2	Age of participants	73
Table 3	Experience of participants	75
Table 4	Foundation of a good society	77
Table 5	Participants' awareness of women's rights	77
Table 6	Satisfaction of women regarding their rights	78
Table 7	Satisfaction of participants regarding women's rights	78



## **LIST OF ANNEXURE**

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ANNEXURE 1 CONSENT FORM	122
ANNEXURE 2 STUDY QUESTIONNAIRE IN ENGLISH	123
ANNEXURE 3 STUDY QUESTIONNAIRE IN ARABIC	127

## **Introduction**

## Introduction

In recent years, no sector of Saudi society has been subject to more debates and discussions than the women's sector and their role in the society. The position of women in Islamic society in general and in Saudi Arabian society in particular is a complex and frequently misunderstood issue. It is definitely true that Muslim and Western views of the role of women show sharp cultural differences but neglecting these differences the western media have presented the extremely biased picture of women's condition in the country by claiming that that Muslim women are devoid of their basic rights and they are living in the darkness of ignorance and malevolence. But the women in Saudi Arabia are enjoying almost the same rights which have been provided 1400 years ago with the advent of Islam. The Qur'an declares

*' And women shall have rights, similar to the rights against them, according to what is equitable ''<sup>1</sup>*

Islam declared similar rights of women to that of men but not the same rights. Both men and women are assigned with different tasks to be judged based on performances. They have been bestowed with various capabilities and the responsibilities assigned to both sexes vary with their respective capabilities. The purpose of this differentiation is only to develop a healthy and prosperous society but some people violate the fundamental rights of women in the name of Islam and they abuse their powers while women are protected as much as men in Islam. Islam liberates a woman from modern extremist trends to prove like a man, in order to get a sense of self worth and achievement.<sup>2</sup>

This work provides descriptive and an analytical study of women's rights in Saudi Arabia. Design of my work is as I have started with the description of real position of women in Saudi Arabia by going through its history and stating the current status of women in the country. Then I have exposed the issue of women's rights in Saudi Arabia as presented in reports and news, after that I have provided with the analysis of the issues from da'wah perspective on the basis of survey conducted in Riyadh, Saudi Arabia and

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<sup>1</sup> Al-Qur'an, 2:228

<sup>2</sup> Khalid Baig, *First Things First: For Inquiring Minds and Yearning Hearts*. Open Mind Press, California, 2014, p.301

by disproving the west's presentation of women's rights in Saudi Arabia. It talks about the degree to which some reports and news have discussed and presented the wrong picture of Saudi Arabian women. So my work is a fight against western propaganda as the work shows the reality of issues and gives the rejection of West's presentation of Saudi women and their rights by providing an Islamic standpoint of the issues as it is the guided way for solution of problems, Holy Qur'an declares in chapter 4 verse 59

*'If ye differ in anything among yourselves refer it to Allah and His Prophet'*

Further research concludes the work by discussing the results of survey and the Islamic standpoint on the issues. The research also makes it clear that the victimized women should be attributed to the non-Islamic practices that are prevalent in the states, their cases must not be processed within the circles of Islamic-based laws. Moreover where there is violation of women's rights, there is lack of availability of effective implementation and enforcement mechanisms. There is not only misunderstanding of the Islamic values is the main factor behind the women issues in Saudi Arabia along with an improper implementation of Islamic laws was observed. The other main factor is the propaganda of the Western media for the interests of their agenda against Islam and Muslims. The Kingdom needs fundamental strategic solutions to develop a modern and balanced system that is not affected by anyone, especially those who want the country to continue to live in the ignorance. Socially, some serious decisions need to be made concerning women's position. To cope with the issues there is a need for re-drafting of regulations in accordance with the correct concepts as set out in the Holy Quran and the Sunnah and to improve the condition of women in modern era, some measures have to be taken from an Islamic perspective to eliminate the factors that involve in presenting the wrong image of women in Saudi Arabia and in Islam. Proper implementation of authentic Islamic laws is required so that the true reflection of Islamic concepts regarding women's life will clarify the reality of women issues in Saudi Arabia.

## **Research Objectives**

The purpose of this research is

To examine, investigate and describe the real position of women in the Kingdom

To manifest the extent to which Saudi Arabia deals with the issues concerning women's rights and the protection of these rights

To show to what extent the implementation of Islamic law in Saudi Arabia has protected the rights of women

To clarify that the picture of Saudi women mentioned in some reports and news is not based on truth by providing an analysis of reports on the basis of survey conducted in Riyadh, Saudi Arabia

To provide an Islamic standpoint in case of ill treatment with women

## **Research Questions**

The research examines the current situation of women in Saudi Arabia and shows the reality of national and international reports and news on women's issues and tackles these issues in the light of scholar's view in this respect. In this regard, with an aim to meet my objectives, I seek to answer the following research questions, shaping the overall research endeavor

- 1 Why is the position of women in Saudi Arabian society a complex and frequently misunderstood issue?
- 2 What is the authenticity of women's rights violation in the Kingdom of Saudi Arabia described in some reports and news?
- 3 If the violation of women's rights is a matter of fact then what are its causes?
- 4 In case of ill treatment, is it permissible in Islam for women to fight for their rights?

## **Literature Review**

Position of women and their rights in the kingdom of Saudi Arabia have been discussed by both Western and Muslim writers. Most of them have exclusively dealt with the issues of women from legal and social perspective and their participation in country's economy. Also they criticized the position of Saudi women and their rights prejudicially. Their descriptions based on Western thoughts raised the contrast in the real position of women

and their status in the country. Some prominent writings are "Women's Employment in Saudi Arabia: A Major Challenge", "Women in Saudi Arabia today" by Mona Almunajjed, "Women and work in Saudi Arabia: how flexible are Islamic margins?" by Elenoar Abdallah Doumato, "The Muslim Woman and the Conditions for her Advancement: Civilizational Role of the Muslim Nation in the World of Tomorrow: A Selection of Scholars and Authors" by A'ishah Yusuf Al-Mana I, "Saudi Arabia: Women's Rights Promises Broken: Evidence Shows Male Permission Still Being Required for Surgery, Travel" by Human Rights Watch, "The contemporary Saudi women" by S. Deaver, "Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development," Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, by Erturk, Yakın "Human Rights Of Women and Children under the Islamic Law of Personal Status and Its Application in Saudi Arabia" Zannah Almuhdar, "Oil, Islam, and Women" by L. Michael Ross, and "Some Observations on Women in Saudi Arabia" by Mai Yamani.

There are some other writings which reflected to some degree a true picture of women in Saudi society and in Islam, are "The Right of Saudi Women to Sign for their Health Care in Saudi Arabia, Fact and Fiction" by Sheikh Mohammed H., "Human Rights in the Qur'an and the Sunnah and their Applications in the Kingdom of Saudi Arabia" by Muhammad ibn Ahmad As-Salih "Huquq al- Insaan fi al-Islam wa nifazuha fi al-nuzum al-mamlakat Al- Arabia Al-Saudia" by, Nasir ibn Muhammad Al-Bugmi "Huquq Al- Insan Bayna Ash-Shari'a wa Al-Qanun" by Muhammad Anjarini, and

المرأة بين طعيار النظام العربي ولطائف التشريع الرباني، سعيد رمضان الوطني، دارالعلم 2006

حقوق المرأة بين الشرع الإسلامي والشرعة العالمية لحقوق الإنسان، فتنت مسكية بر، 1992

حقوق المرأة في الإسلام: قراءات معاصرة، الأستاذ المساعد الدكتور أمل هندی الحر علي، كلية العلوم  
الساكنية، جامعة بغداد

These writings described the facts about the women's rights in the country and in Islam and unveiled the inquires, criticism, and suspicions raised against the women condition in the kingdom of Saudi Arabia due to its application of the Islamic Shari'ah. So I intended

to restore the accurate picture of women's rights reality in the Kingdom of Saudi Arabia and to work on the dimension of re-reading the Islamic texts, provisions and ruling to provide pure insights into the important issues related to women and their rights

## Hypotheses

Position of women in Saudi Arabian society is a complex and frequently misjudged issue and National and international reports and news are full of discussion on the violation of women's rights in the kingdom of Saudi Arabia. Therefore the study focuses to identify that what are the purposes for the misconception of women's position and what is the authenticity of the reports and news? If the violation of women's rights is a matter of fact and if there are any instances of ill-treatment with women then what is the Islamic ruling for women to ask for their rights?

## Methodology

This study is basically qualitative in nature, the descriptive and analytical study. It describes the condition of women's rights in the country and afterward in the context of some national and international reports and news which examine the selected specific issues of male guardianship, early marriages, employment of women and the right to vote. To analyze these reports and news, a survey was conducted in Riyadh, Saudi Arabia. A structured questionnaire was administered to females as well as to males. The process of data collection was completed in about five months, from April 20 to September 15, 2015. All other appropriate methods are followed. Both of the primary as well as secondary resources are consulted and library facilities, books, journals, and publications are used to assemble the information. To explore the issue, a survey was conducted in Riyadh to evince the tool having an objective nature, so as to analyze the data as given in reports and news. By presenting the prevalent social problems, authentic data can challenge the existing suppositions about the nature of things so as to ascertain the ultimate actions.<sup>1</sup> This method is also objective as it makes the study more structured

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<sup>1</sup> De Vaus. *Surveys in social research*. 5th edition. London: Routledge, 2002. P. 32

and conclusions derived more precise. Electronic sources such as Al- Maktabah Al-Shamilah, Google library and other useful academic websites are consulted

## **Thesis Outline**

The work is divided into four chapters. It provides a general introduction to the research and discusses the objectives, the research questions, and the methodology of the research. The first chapter deals with the applications of women's rights in the Kingdom of Saudi Arabia by discussing the country's basic system of government which is based on the Shari'ah. It describes the role of women assigned by Allah Almighty and then justifies that how Islam has protected women. It provides a general profile of women protection in the kingdom of Saudi Arabia and background of women's rights and current situation of women in the country. It further discusses the role of government in the advancement and protection of women's rights. It shall finally discuss some of the basic issues concerning women's rights, protected by the Kingdom of Saudi Arabia. It is significant to mention that some of the significant issues dealing with international human rights laws and women rights laws do not seem to be compatible with the one provided by Islamic law. Therefore second chapter presents the brief and comprehensive notes on the conflicts of Saudi women's rights in the context of some national and international reports and news focusing on the issues of male guardianship, early marriages, women employment, and right to vote. To assemble the data a survey was administered in Riyadh, Saudi Arabia that gives the objective tools to realize that to what degree these reports are based on reality and the reason it turns into a complex issue. In this way third part of the research comprises of the outcomes and discourse based on survey.

The fourth chapter brings the measures for redress by providing relevant views and verdicts of Muslim scholars on these issues which gives the clear direction to women for what to be done if there should arise an occurrence of ill treatment. The series of discussions pertaining to these issues includes the textual evidences as mentioned in the Holy Quran, Hadith of the Prophet (S. A. W) and the understanding based on the contributions of Muslim Jurists. The chapter additionally introduces various proposals and recommendations concerning women protection.



## **Chapter 1**

### **Applications of women's rights in Saudi Arabia**

## **1.1. Applications of women's rights in Saudi Arabia**

This chapter provides a general profile of women in Kingdom of Saudi Arabia by describing certain historical, economic, educational, and socio cultural variables which reflect the condition of women in the region and tackle the issues concerning the domestic application of women's rights in the kingdom

Primarily, it deals with the basic system of government in Saudi Arabia, it then discusses the role and rights of women in Islam and life, position and social status of women in Saudi Arabian society. It explains how Islam has granted women the honor by securing her rights and it discusses the protection of women's rights in Saudi Arabia. It gives the brief description of women's rights, its history, and current situation in order to develop a good perceptiveness of the real position of women and their rights in Saudi Arabia. It also examines the role of government concerning women's rights including employment, vote, early marriage, and male guardianship. The chapter also seeks objectivity and neutrality in terms of the reality based representation of women's lives in the country.

When the modern Saudi Arabia was established in 1932, there was a need to such an infrastructure which supports the country economically and socially however in 1938, this condition is changed by the formation of oil companies. After World War II, it was noted that firm oil companies provided the funds to build the roads, airports, seaports, schools and hospitals. In 1970, Saudi Arabia introduced the first time a series of five year development plans to build a modern infrastructure. The result has been shown and country becomes modern, and sophisticated state. Today, the Kingdom deals with the highly developed infrastructure which supports economic growth and investment, free public education and health care systems for all citizens, world class health care facilities and an extensive social services program. Saudi Arabia has also applied such methods which encourage the political participation, promote economic growth, increase foreign investment, and expand employment opportunities. As part of its continuing agenda, the Kingdom has been updating and modernizing its academic curricula and monitoring its religious schools. In February 2005, the Kingdom held its first election for municipal councils that was a change by which local government was restructured and provided the

political awareness among the citizens in local affairs<sup>1</sup> Concerning the advancement of the country the Basic Law introduced good governance, rights of citizens and powers and responsibilities of the government

## **1.2. Basic system of government in Saudi Arabia**

The establishment of present Saudi Arabia in the 18<sup>th</sup> century was based on fundamentals of Islamic belief system<sup>2</sup> It is situated in the central heart of the world covering about eighty percent area of Arabian Peninsula that is why it is considered as the world's 14<sup>th</sup> largest state bearing an important position in the world Today, Saudi Arabia has become a major source of influence as the world's single largest oil exporter, containing one third of the world's oil assets

It has been observed that majority of the Islamic states in the twentieth century had concentrated on the development and economic concerns rather than that of the theological The detailed investigation in this regard however, has not proved to be accurate with regard to Saudi Arabia, where the governmental authoritative influence has strived to assault the balance existing between modern vs Islamic custom so as to eradicate the contradictory issues between them The ideal system for any country is the one originating from its own environment, aspiring to achieve the goals of this environment and based on full awareness of many important factors such as religion heritage, traditions and human, social and economic conditions<sup>3</sup> So the Saudi society's religion, ideology and daily practices are based on Islam and belief in Allah The upbringing of its citizens and of succeeding generations is based on the teachings of Islam Accordingly, all the affairs of its life are interconnected with the rules of Islam and Islam is providing the guidelines in all spheres of State That is why the basic system of government also has its roots in the rules and regulations of Islamic law The Basic Law provides the system of good governance, maintenance to the rights of citizens, and powers and duties of the government The beginning commentary of Saudi Arabia's

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<sup>1</sup> Social Economic and Political Development <http://www.saudiembassy.net/issues/reform> Date visited April 6 2015

<sup>2</sup>William Oshenswald Saudi Arabia and the Islamic Revival International Journal of Middle East Studies 1981 vol 13 p 273

<sup>3</sup> A Country and a Citizen for happy decent life Ministry of Information Saudi Arabia

Basic Law of Governance raises the Holy Quran and Sunnah to the status of the constitution. As a result, the religious institution plays an important role in the kingdom's governance and has extensive guidance over numerous prospects of the citizen's ordinary lives.

The Kingdom of Saudi Arabia had a defined purpose of increasing the level of administrative and developmental work in the country and with its development it has to preserve the national security, and develop the economic and social stability to raise the living standards of the people. Another goal of the government is to ensure the rights of the citizens and their freedom within the framework of the Shari'ah while maintaining the religious and moral values.<sup>1</sup>

Some of the countries have sacrificed their norms in order to adopt western technology. The adoption of the kind, however, must not be at the cost of destroying the fundamental values of our own culture and religious beliefs. As the rector of the University of Petroleum and Minerals, Saudi Arabia, Dr. Bakr 'Abdullah Bakr said that:

*Some countries have sacrificed the soul of their culture in order to acquire the tools of Western technology. We want the tools but not at the price of annihilating our religious and cultural values.*<sup>2</sup>

The state has to keep the rules of Islamic law in force, it is because of the role played by the jurists and the scholars that Saudi Arabia has managed to maintain the establishment of Islamic laws. Thus during the year 1992, the government of Saudi Arabia adopted the first written basic act, announcing formally Islam as its basic religion and the Holy Quran and Sunnah as its main constitution. The overall power of Saudi government is thus based on Islamic set of legal rules and regulations.<sup>3</sup> It shows difference with regard to the legal systems of the west, it administers every aspect of a Muslim's life while the law of west limits itself primarily to the issues concerning unlawful activities, contracts, civil relationships and the rights of individuals in society. As a matter of fact, its system of rule

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<sup>1</sup> The Handbook of the Kingdom of Saudi Arabia, Knight Communications Ltd. 1996, P. 23

<sup>2</sup> Ochsenswald 1981, P. 274

<sup>3</sup> Rashid Abu-Namay, "The Recent Constitutional Reforms in Saudi Arabia" International and Comparative Law Quarterly, 1993 vol. 42 p. 295-331

has been developed to assist Muslims in making them realize how to lead their lives in accordance with the Divine dictates

Despite large scaled developmental projects, state is still facing some problems which give a false image of its system of government on an international level. One of it is the misconceptions about the status of Saudi women which have distorted their true social image and depicted them as second class citizen. The reason is the increasing concern with socioeconomic development and the pressure to integrate women into the process of developmental change have made the Saudi women one of the most rapidly changing elements of the society. Newspapers and magazines are full of articles discussing the participation of a woman in social activities and in their role in economic development. It is to be noted that traditional culture of Saudi Kingdom has patriarchal values in its bases which have shaped the role of women in Saudi Arabia, but this should not be seen as an impediment to Saudi women taking part in the process of national development

### **1.3. Islam and women's rights activism today**

The attitude of Islam is more favorable in case of human life and human relationship than all other religions. Women are being dealt much better in Islamic countries than they are treated in West. Marmaduke Pickthall once affirmed that "Prophet Muhammad ﷺ was the greatest feminist the world has ever known stating that he uplifted women to a position beyond which they can only go in theory. He said 'The law of Islam for women as for men is justice, the goal of Islam is universal human brotherhood which does not exclude but must include the goal of universal sisterhood as well'"<sup>1</sup> Availability of equal rights for both women as well as men, form one of the foundational bases of social justice in Islamic way of lives.<sup>2</sup> Islam propagates similar rights to that of men and not the same rights. It maintained equity, not a blind equality of status. Both men and women are equal in their accountability before Allah Almighty in their responsibilities to perform their assigned tasks and are required to be judged as based on their performances. They have

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<sup>1</sup> Marmaduke Pickthall "Social degradation of Women-A Crime and a Libel on Islam. The Un Islamic Indian Style Purdah System is a Case of Religious Overkill", <http://muslim-canada.org/pickthall.htm> Accessed on July 19, 2013,

<sup>2</sup> Nusayr Zuqariq "Maqasid ash-Shari'ah Al-Islamiyah Fi Fikr Al-Imam Sayyid Qutb" Dar As-Salam publishers, Cairo, 2010 p. 171

been given different capabilities and the tasks based on those capabilities by Allah Almighty Allah says

*"We are all in this together, all of humanity! God, in His Infinite Wisdom, has created humanity in a wonderfully, diverse and complementary manner. Men and women are diverse in their respective faculties and capacities. Our Lord is He Who has endowed everything with its appropriate faculties and then guided it to their proper use."*

Women in general are not allowed to leave their circle of operation and move into another without any real necessity. On the contrary, it absolves her of many of the engagements of society and recommends her the area for which she is naturally most qualified. Thus Islam has assigned the duties of the family to woman but has not restricted her intellectual and practical activities merely to the world of her home nor has it deprived her of those rights which are essential for her social life. It also prepares her to spend a successful and purposeful life in society.<sup>2</sup>

### **1.3.1. Role of women in Islam**

In recent years, the topic of a Muslim woman has become a hot debate just because some of the Muslims consider woman as weak sects of the society and also because of those non-Muslims who have this agenda of taking the Islamic teachings as conservative and tyrannical.

The role of a Muslim lady is well defined in Islamic teachings. In fact the primary role of a Muslim woman is that of the rearing of her children and to be an obedient wife. She is encouraged to carry out all the duties she takes up with devotion and passion. The following Ahadith remind her of the rewards and merits attached to undertaking her primary duties.

*A woman came to ask the Prophet ﷺ about some matter, and when he had dealt with it, he asked her, "Do you have a husband?" She said, "Yes." He asked her, "How are you*

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<sup>1</sup> Al Qur'an 20:51

<sup>2</sup> Afzal Ar Rahman. Role of Muslim woman in society. British Library Cataloguing in Publication Data. First edition. P. 5-6

with him” She said, “I never fall short in my duties, except for that which is beyond me ”  
He said, “Pay attention to how you treat him for he is your Paradise and your Hell ”<sup>1</sup>

The above mentioned hadith sheds light on the importance of being a dutiful wife Abu Huraira narrated that the Prophet ﷺ said

*The best wife is the one, who pleases you when you see her who obeys your orders and who guards your property and her own honors when you are not at home ”<sup>2</sup>*

And

*“The righteous among the women of Quraish are those who are kind to their young ones and who look after their husband’s property ”<sup>3</sup>*

However the women’s role is expanded to other social activities also as Islam permits the women to perform other duties, i.e. to engage in politics, to take up employment and even run her own business. The activities she can engage in are diverse and even in some duties she is ordered not to compromise on that. The notion that Muslim women are oppressed is just a misconception and based on illogical ground. A basic teachings of the Muhammad ﷺ and knowledge of the wives of the Prophet ﷺ show examples of women shining in their fields of knowledge. Khadijah (RA) was not only a businesswoman but also a successful one. Aisha (RA) is well-known lady to have been an authority of Hadith who related a large number of Hadith. In every Islamic State, Muslim women have the rights to get the education and also the opportunities of work and employment according to their capabilities. Women are considered as valuable inhabitants of the society as they not only get their knowledge but also educate, nurture and implant the Islamic personality in the next generation. In every field of life, the Muslim woman contributes as an effective way and also has a vital and noble character in an Islamic society. One of the most important contributions is the right of a woman to enjoin good and forbid evil and even to participate in the affairs of the Ummah. Actually,

<sup>1</sup> Riyadh Al-Salihin bab Al-Sidq Hadith no 50

<sup>2</sup> Ibn Majah baab fIlaqq al-Zawj, kitab al nikah 1,595

<sup>3</sup> Sahih al-Bukhari book 7 volume 64 Hadith 278

a number of examples exist from the time of the Prophet ﷺ to the present day. An early example of at the time of the Prophet Muhammad ﷺ is the pledge of Medina, it consisted of sixty two men and two women who pledged allegiance. Another example is the pledge of Aqabah, it was not just a testimony of Islam but was also a undertaking of political support and military protection.<sup>1</sup>

Allah Almighty has created men and women equal along with some differences in their nature, they have been given different roles for the smooth functioning of the human society. Women have the exclusive ability to bear children and to foster them. As in every system individuals are assigned with the different roles for operating the system, similarly men and women perform their particular duties in the family unit. It does not denote superiority or inferiority of any one in any way, this difference is just in roles because the functions men and women each play in the family unit is different.<sup>2</sup> The basic and fundamental function of woman is to run the home. She is equipped with such natural gifts and capabilities as are suitable for the bringing up, nursing, education and training of children. Thus the destiny of the future generations of man has been put into the hands of woman. She is responsible for the building of further generations of mankind. It is a huge, difficult and much responsible job that any carelessness or negligence on the part of woman can do irreparable damage to the nation. However a woman who has no children can give available time to other activities in the service of community in various ways.

Though it is recognized that there is stimulations towards the particular greed in human nature but this is also the natural truth that human nature is always appealing to the higher and spiritual approach of survival. It is mentioned in Qur'an as

*Fair in the eyes of men is the love of things they covet. Women and sons, heaped up hoards of gold and silver, horses branded (for blood and excellence), and (wealth of)*

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<sup>1</sup> Understanding the role of Muslim women. Khilafah Publications. <http://www.khilafah.com/index.php/the-khilafah-social-system/626-understanding-the-role-of-muslim-women>. Accessed on July 05 2013.

<sup>2</sup> The Role of Women in Islamic Society. [http://www.angelfire.com/mo/MWSA/role\\_women.html](http://www.angelfire.com/mo/MWSA/role_women.html). Accessed on July 15 2012.



*cattle and well tilled land Such are the possessions of this world's life but in nearness to Allah is the best of goals* <sup>1</sup>

The purpose of life is to achieve the happiness of Allah Almighty and every human being tries to make his inner self more strong spiritually so they can get equality before Allah Almighty

### **1.3.2. Protection of women's rights in Islam**

Islam severely condemns the brutality that is targeted against women and provides protection to the women in all conditions including war The Holy Prophet (PBUH) used to make it certain that non combatants were not harmed during the times of wars He, while guiding and instructing the people engaged in war, once said

*'Don't kill women, children, and the aged* <sup>2</sup>

The International Islamic Fiqh Council declared that 'Islam considers men and women to be equal and women have rights and obligations which perfectly suit their nature, abilities, physical and psychological makeup Along with their natural differences both men and women are here to complement each other's and they both perform their assigned duties which are given to them by the Shari'ah <sup>3</sup>' Islam has approved woman rights and condemned every type of violence against her long before any Convention Now a day people believe that women are modernized in the West and that liberation movement began in the 20th century Actually this liberation movement was not started from that time but was revealed by Allah Almighty to the last Prophet Muhammad ﷺ

The Qur'an and the Traditions of the Prophet are the sources from which every Muslim woman derives her rights and duties Islam established a woman's equality in her humanity with men fourteen centuries ago Quran says

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<sup>1</sup> Al Qur'an, 3:14

<sup>2</sup> Sunan Abu Dawud Book of Military Expeditions, Hadith no 0124

<sup>3</sup> Organization of Islamic Conference the International Islamic Fiqh Council Riyadh Saudi Arabia, 23-28 September 2000 Resolution no 114, <http://www.fiqhacademy.org.sa/> Accessed on July 15 2013

*"O mankind! Be careful of your duty to your Lord Who created you from a single soul and from it its mate and from them both have spread abroad a multitude of men and women. Be careful of your duty toward Allah in Whom you claim (your rights) of one another and towards the wombs (that bore you). Lo' Allah has been a Watcher over you"*<sup>1</sup>

So men and women both came from the same essence, they are equal in their humanity and one of them cannot be superior over other because it would be a denial of equality. In Islam woman is granted very fundamental rights. In these fundamental rights woman is given the very basic rights, legal, civil, political, economic, social rights, moral protection and even she is bestowed some special rights in case of ill treatment.

In Islam, a woman gets the basic right of choice and expression based on recognition of her individual personality. Women are encouraged in Islam to participate in political affairs and also with giving their opinions and ideas. There are many traditions of the Prophet ﷺ which showed that women posed questions directly to him and gave their opinions relating to the religion, economics and social matters. Men and women both have the capacity for learning and understanding. Since it is also their responsibility that they promote good behavior and condemn bad behavior in all spheres of life, Muslim women must acquire the appropriate education to perform this duty in accordance with their own natural talents and interests. The first and foremost responsibilities of a woman are maintenance of her home, providing support to her husband, bearing, raising and teaching of children. Concerning motherhood, the Prophet ﷺ said

*"Heaven lies under the feet of mothers"*<sup>2</sup>

This has been shown that only those societies are being developed where women have been participated effectively. The very first impression a person gets from his mother and the sense of security, affection and training which is given by his mother is more

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<sup>1</sup> Al Qur an 4:1

<sup>2</sup> Sunan Ibn Majah Hadith no. 2771

effective than any other training in the world. Therefore a woman must be skilled and conscientious so that she could give good training to her children. Following are the rights mentioned in Qur'an. In case of economic right The Qur'an states

*"By the creation of the male and female Verily, (the ends) ye strive for are diverse " <sup>1</sup>*

In these verses Allah Almighty declares that He created men and women differently with unique characteristics. Thus in a society where there is a division of each sects and they separately play their role as in a family each member has different responsibilities. Generally Islam maintains that women are assigned with the nurturing role and men with the guardian role. Therefore women are given the right of financial support. The Qur'an states

*"Men are the maintainers of women because Allah has made some of them to excel others and because they spend of their wealth (for the support of women) " <sup>2</sup>*

This guardianship and greater financial responsibility which is given to men requires that they not only provide the financial support but also physical protection and respectful treatment to the women. But if she has the skills to work outside the home for the good of the community she may do so but with the condition that her family obligations are being fulfilled. The Muslim woman has the fundamental rights such as right to earn money, the right to own property, to enter into legal contracts and to manage all of her assets in any suitable way. She can run her own business and even her husband would not have any authority to ask her for her money.

The Qur'an states

*"And in no wise covet those things in which Allah hath bestowed His gifts more freely on some of you than on others, to men is allotted what they earn, and to women, what they earn, but ask Allah of His bounty, for Allah hath full knowledge of all things " <sup>3</sup>*

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<sup>1</sup> Al Qur'an 92:3-4

<sup>2</sup> Al Qur'an 4:34

<sup>3</sup> Al Qur'an 4:32

And a woman inherits from her relatives. The Qur'an states

*"For men there is a share in what parents and relatives leave, and for women there is a share of what parents and relatives leave, whether it be little or much - an ordained share."*<sup>1</sup>

On any political affair a woman may give her opinion and participate in politics. One example, it has been mentioned in the holy Quran that Muhammad ﷺ is told that when the believing women come to him and swear their allegiance to Islam, he must accept their oath.<sup>2</sup> This established the right of women to select their leader and publicly declare so. Islam does not forbid a woman from holding important positions in government. Abdur-Rahman Ibn Auf (RA) consulted many women before he recommended Uthman Ibn Affan to be the Caliph.<sup>3</sup>

The Quran describes the position of woman higher than man as she is on the status of a daughter, a sister, wife, and mother, and in all these positions she enjoys all the social, legal, economic, religious, and educational rights as freely as a man enjoys. In Quran Allah Almighty also describes the rights of woman where there are the man's rights. Allah Almighty ordered man to treat a woman with kindness and with good manners.

*"Treat them with kindness, for even if you dislike them, it may be that you dislike a thing which Allah has meant for your own abundant good."*<sup>4</sup>

In Qur'an there is no high preferences given to any man only because of that he is a man and there is no discrimination on the bases of sex. As in Qur'an Allah Almighty says

*"We shall reward the steadfast according to their noblest deeds. Be they men or women those that embrace the faith and do what is right. We will surely grant a happy life. We shall reward them according to their noblest actions."*<sup>5</sup>

<sup>1</sup> Al Qur'an 4:7

<sup>2</sup> Al Qur'an 60:12

<sup>3</sup> 'Islam Emancipated Women' <http://www.islamic.com/contributions.htm> Accessed on July 14, 2014

<sup>4</sup> Rahman p.9

<sup>5</sup> Al Qur'an 4:19

In another verse Allah Almighty says,

*"Their Lord answers them, saying I will deny no man or woman among you the reward of their labor ' You are the offspring of one another Those that fled their homes or were expelled from them, and those that suffered persecution and fought and died for My cause, shall be forgive their sins and admitted to gardens watered by running streams as a reward from Allah it is He who holds the richest recompense "*<sup>1,2</sup>

So, the Qur'an establishes the woman's status highly and grants a very respectable position to the woman in a society There are so many verses in Qur'an which directly addressed the woman like the title of Surah Al-Nisa entails the semantic content of "women" According to the Qur'an, women are equal to men in the matters of rights and obligations and they both are responsible for their good or bad deeds They shall be rewarded or punished for their own acts and deeds Allah Almighty says,

*Those that do evil shall be rewarded with like evil, but those that have faith and do good works both men and women, shall enter the Gardens of Paradise and receive blessings without measure "*<sup>3</sup>

Prophet Muhammad ﷺ throughout His life stressed the good behavior of a man which he is required to keep in with his woman whether she is his wife his daughter or his sister or his mother What is the real position of a woman in Islam, is very obvious from the wordings of Prophet Muhammad ﷺ that

*Everything in this world is a piece of property or a possession The best possession in the world is a pious woman "*<sup>4</sup>

In another saying He mentioned,

*'Next to piety itself, the best thing that a believer can find is a pious wife She should be such that if he asks her to do anything she obeys and when he looks at her she should*

<sup>1</sup> Al Qur an 16:97

<sup>2</sup> Al Qur an 3:195

<sup>3</sup> Al Qur an 40:40

<sup>4</sup> Sunan An Nisa I Kitab an-Nikah 6/69

*make him happy. When she swears upon him, she should fulfill her pledge and, in the absence of her husband, she should devote herself earnestly to keeping his wealth and preserving her chastity.”<sup>1</sup>*

Both men and women are equal before the Islamic Law. They both enjoy the same status and privileges in society. According to the Qur’anic verses they are *Zawj* or spouses of each other and they both are two paired with each other and both are the parts of humanity. There is no one superior or inferior to other.<sup>2</sup>

*‘Man and woman both come from the same stock. Allah has created all of us from a single soul. Adam was created first and from him was created Eve and from this pair of human beings was created a multitude of men and women.’<sup>3</sup>*

Thus men and women are required to perform their religious obligations like belief in God and His Messenger, prayers, zakat, fasting, and pilgrimage.

In Encyclopedia of Seerah it is mentioned that

“A woman enjoys perfect equality with man in so far as civil and penal laws are concerned. In the eyes of law, both sexes are equal and are treated alike, the same legal penalties being imposed on both men and women for breaking any moral, civil or criminal laws. Both enjoy equal rights and privileges as members of the Islamic society. In civil law women lead exactly the same life, with the same rights and obligations as men. However, women enjoy certain privileges and exemptions because of their physiological and biological functions. They are exempt from some religious duties such as daily prayer and annual fasting in the month of Ramadan during confinement and are permanently exempt from obligatory congregational Friday prayer.”<sup>4</sup>

So, it has been very clear that woman and man have same status as a human being and they have equal rights and privileges according to the Quran and Sunnah. Still there is a fact that there are some differences between both sexes. Being a woman, she performs

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<sup>1</sup> Sunan Ibn Majah, Kitab an-Nikah, 1/596

<sup>2</sup> Chaudhry Muhammad Sharif, Women's Rights in Islam, SHI Muhammad Ashraf publications, 7-Arbak Road, Lahore, Pakistan, p. 158

<sup>3</sup> Al Qur’an, 4:1

<sup>4</sup> Encyclopaedia of Seerah, Women, p. 235

special duties in life which is different from a man and even she is created naturally with physical, biological, and psychological differences. And this natural difference is a blessing to a woman by which she performs her allotted functions which are totally different from the ones performed by men.<sup>1</sup>

#### **1.4. Life, position and the social status of women in Saudi Arabia**

The position of women in Saudi Arabia is, in fact, the position and the status of women in Islam, because Saudi Arabia is an Islamic state in which Islamic law governs all of its affairs. Islam is not only a religious ideology, but also provides a whole complete social system which covers the entire way of life. In addition, the impact of Islam is a major factor affecting the traditional position, obligation, and privileges of women in Saudi Arabia. From its beginning Islam has been a cultural and political entity as well as a religion. Its precepts provide guidance to Muslim in all social, political, commercial, and economic affairs.

In order to understand the present position of women in Saudi Arabia it is essential to evaluate the social position of Arab women during the early days of Islam. Islam pursued the security of the rights of women and enforcement of their rights. It decreased the marked differences that existed between men and women and recognized their independent status. The Shari'ah, including the Qur'an and the Hadith, are often seen as the main determinants of the status of Arab women. The Qur'an supports the basic equality between men and women by giving women equal status but not identical rights with men be they personal, civil, social, or political rights. In Qur'an women are always mentioned along with men.

*Whoever works righteousness, man or woman, and has faith, verily to him will We give a new a new life that is good and pure, and We will bestow on such their reward according to the best of their action''<sup>2</sup>*

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<sup>1</sup> Sharif n d p 162

<sup>2</sup> Al Qur'an 16: 97

In this verse it is stated that men and women should be rewarded equally for proper conduct

The Prophet ﷺ made several statements concerning women. In His last speech, given during the pilgrimage of farewell, the Prophet asserts that women should be taken care of

*'O people! Do take good care of women, you have rights over your women and they have rights over you'* <sup>1</sup>

The formative years of Islam are full of references to women being active in all phases of Arab life whether social, political, and religious or even military. During early Islam women in Makkah pledged allegiance to the Prophet (mubaya'a). In Muslim society both males and females are equally responsible for the welfare of the Muslim community and maintenance of its spiritual and moral obligations by commanding of the right and omission of the wrong. Women were also given the right to participate in political affairs and to hold government positions. Women can work and earn money outside their homes, provided that this work does not result in harm to her or family.

Under Islam, women were also taking part in wars with Muslim armies and participated in battles. They helped out the warriors by giving them different support and also nursed the wounded. Women have also contributed to welfare work, e.g. transportation of water to pilgrims in Makkah and participated as teachers and instructors in literature, Arabic calligraphy and poetry. Islam also grants women the right to own and to manage of their own property and wealth both before and after marriage.

Although Islam has given all the rights to women but Islam has been interpreted as presenting a kind of inequality in some of the Qur'anic injunctions concerning women. For example, a verse in Qur'an declares *'Men are 'Qawwamun' over women in matters where God gave some of them more than others and in what they spend of their money'* <sup>2</sup>

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<sup>1</sup> Masnud Imam Ahmad Ibn Hanbal, Hadith no. 19774

<sup>2</sup> Al Qur'an 4: 34



Several interpreters of the Qur'an have concluded that in Islam a woman holds a subordinate position. Some define the Arabic word "Qawwamun" as having a high standing, or being superior to someone. This interpretation is not without controversy. According to Al Qurtubi in *Al Jameh Li Ahkam Al Qur'an* "qawwamun" means to be in charge of spending on women and protecting them, not 'superior to them'.<sup>1</sup> A man is assigned the responsibility of leading the family and providing for its expenses. Men are favored over women because

Their physical constitution makes them more capable of taking responsibility for the whole family

And the rules of inheritance allow a woman only half the share of a man. As mentioned, the rationale for this difference is that it is the man's duty to spend on the woman and provide her with food, clothing and lodging, as it is the man's duty to pay the 'Mahr' for the bride. Another verse from the Qur'an declares

*And for women shall be similar rights in fairness. And men have a (darajah) degree over them*<sup>2</sup>

This verse means that the sexes enjoy equality in law, but that the difference in nature and economic position between them makes men's rights and liabilities a little greater than women's.<sup>3</sup>

Ibn Abbas (R A) said that use of the word 'darajah' implies putting pressure on men to behave with kindness and consideration towards women, and to be generous in spending money on them.<sup>4</sup>

Defenders of the position that women are equal to men in Islam maintain that Islam gives women equal civil and political rights with men in terms of seeking an education, inheritance, keeping their own names, conducting their own businesses, and maintaining

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<sup>1</sup> Imam Al Qurtubi: *Al Jameh Li Ahkam AL Qur'an* Dar-ul-Kutub al-Misria, Cairo 1967 p 168

<sup>2</sup> Al Qur'an 2: 228

<sup>3</sup> The Qur'an Yusuf Ali translation 1983 p 90

<sup>4</sup> Al Qurtubi 1967 p 125

their own wealth. The Egyptian author Amina Al Saeed<sup>1</sup> insists that Islam emancipated women as 'it came in terms of a greater social revolution in the history of all women's conditions'.<sup>2</sup> She argues that women during ancient civilizations had no rights whatsoever, and were not given any respect. But with the emergence of religion, the status of women considerably changed, as it provided them with all the rights of getting an education, selling, buying, working and participating in social and political affairs. The ideal woman according to Islam is seen as being loyal to Islam, domestic in her activities, retiring before strangers and committed to the honor of her husband's family. According to traditionalist Muslim scholars the main task of a woman is to take care of her family, create a healthy home environment and to ensure that her husband is satisfied so that the whole family is living in a healthy and happy home.<sup>3</sup> The current opinion which is supported by Muslim traditionalists and revolutionaries observe women's role as determined by the biological functions of her gender. A Saudi professor (1980s) writes

'The woman is a mother who nurtures her children forming men, a wife who beautifies life with her beloved smile, her tender touch soothing the ruggedness of the road and her expressive word easing the pressure of work, a sister who shares the bitter and the sweet with her family, and a daughter who fills the home with wholesomeness and beauty and is the delight of her parents. Thus is created the ideal of a self-sacrificing individual whose existence is fulfilled only in the service of others and whose joy is completed by making others happy'.<sup>4</sup>

So in an Islamic system women are a manager of her husband's affairs, an educator and nurturer of her children, a queen crowned in her kingdom and her home, not the one who follows a profession chosen by the west humiliating women, which allows her to earn her livelihood after she is robbed of her humanity.<sup>5</sup>

<sup>1</sup> Amina Al Said was one of Taha Hussein's students and was the editor-in-chief of women Magazine namely Hawwaa.

<sup>2</sup> Al Saeed 1967 p 11-12

<sup>3</sup> Haya Saad Al-Rawaf and Cyril Simmons. Religion, tradition and the education of women in Saudi Arabia. Muslim education quarterly vol 9, 1991.

<sup>4</sup> Abd Al-Rahman Umavrah. Nisa. Anzala Allah fihinna Qur'an. Dar Al-Liwa lil Nashr wa-al-Tawzi. Riyadh. 1981.

<sup>5</sup> Ibid p 17.

That is why the status of women in Saudi Arabia is still dependent to a very large degree on the teaching of Islam and the tradition that has grown up around it but there has been a change in the status of women. After the Second World War, the Gulf region faced radical social and economic change as a result of the discovery of oil. These changes have directly affected the status of women. The viewpoints regarding the traditional credos about a woman's life in Saudi Arabia have made them avail themselves of several political and socio-economic activities.<sup>1</sup> The upcoming point will examine the rights women are enjoying in Saudi Arabia.

### **1.5. Women's rights in Saudi Arabia-History and current situation**

Kingdom of Saudi Arabia is that pacific country which has to face many challenges to make its country developed and bring it to the prosperity and stability. To know about the status of woman in Saudi Arabia it is also very important to understand the basic structure and traditions which are prevailing in the country. Though there always remain a controversy for the role of woman in Saudi Arabia and very often it is understood mistakenly.<sup>2</sup> It is to be noted that Saudi society believes in natural differences between the two sexes, that though there is equality between the both but still there is something that man can do, and not woman and vice versa. Therefore, the Saudi woman was given the chance to play her role in those fields that suit her nature and instincts. Keeping all those differences into considerations, it does not mean that there is something which makes the woman weak and vulnerable in society but it strengthens the woman and gives the respect to her.

The position of women in the Kingdom of Saudi Arabia is quite different from the rest of Arab countries and totally different from the West. Saudi women were portrayed in the western media as being abused and disrespected. There has been a rumor created by the Western media about the women of Saudi Arabia and just because of that wrong picture

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<sup>1</sup> Social science research and women in Arab world p 10

<sup>2</sup> Abhilasha Singh Status of Women in Saudi Arabia A Paradigm Shift The International Journal of Interdisciplinary Social Sciences Vol 3 p 35

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drawn by that media there is much diversity among the views<sup>1</sup> They are not, however, automatically of lower status than men Rather, much depends on other aspects of their social location In general, the sexes are seen as complementary, and gender differences are biologically based<sup>2</sup>

When the Kingdom of Saudi Arabia was proclaimed in 1932, the status of woman was much influenced by the Arab cultural ideals of honor and respect In Arab societies, male honor is connected to women's chastity and modesty Women may do any wrong with the family and may disrespect to her family Therefore, women's family members socialize them to strict norms and enforce these rules Women in ancient Arabia were considered the property of their elders and they could give them in marriage to whom they wanted Early, arranged, and endogamous marriages were preferred, men were only liable for the financial matters, and women were responsible for family matters, conversely, Bedouin women still contributing to their labor by herding and working in agricultural area Segregated systems are ideal because this norm was reflected in living styles, traditions, and work organizations, but it implemented more strictly later in the 20th century<sup>3</sup>

It is also important to be aware of Saudi public discourse on the subject of women's rights is completely contradictory On one hand officials talk of 'women's nature' as if this 'nature' imposes self-explanatory restrictions on what women may do and where they may go On the other, there have been some big changes in government policies on women's education, employment, and legal standing Professions and university courses that were once barred to women have been opened up Women had access to free education through university level Women have been allowed to get their photographed national identity cards without the permission of male guardian<sup>4</sup> and in 2005 they were

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<sup>1</sup> Samar Fatany, Saudi Women Towards A New Era, ghamaa publication, First Edition, 2007

<sup>2</sup> Sherifa Zuhur, Middle East in Focus: Saudi Arabia, Library of Congress Cataloging-in-Publication Data, eBook www.abc-clio.com for details ABC-CLIO, LLC, Santa Barbara, California p 208

<sup>3</sup> Ibid, p 218

<sup>4</sup> Vidvasagar G, Saudi women doctors: gender and careers within Wahhabic Islam and a westernized work culture Women & studies international forum, 2004

guaranteed to get the right to vote in coming elections due in 2009 but were delayed unfortunately<sup>1</sup>

Women may go outside the home for the employment opportunities keeping in view the condition that they may not contact the unrelated members of opposite gender. The Opportunities regarding an employment of women were limited, the initiatives specific to the developmental programmes for dealing with financial, medical, educational, social work and development programs for females, women only banks were introduced that deals only with female customers, and there is an increase in the number of businesswomen, social workers and government services

In recent years, Saudi women have made achievements unmatched by many in the Arab world. Women such as Professors Samira Ibrahim Islam, Ghada al-Mutairi, Hayat Sindi and Soraya Al Turki are notable examples of Saudi women who have made significant achievements in academic and scientific research. Professor Samira Ibrahim Islam was nominated as a distinguished Scientist of the World for the Year 2000 at L'Oreal and UNESCO 'For Women in Science Awards 2000' in Paris. She made significant contributions in drug safety by defining the Saudi profile for drug metabolism. Professor Hayat Sindi and her team won two international first prize awards for her innovative "Diagnostic-For-All" device. As for Professor Ghada al-Mutairi, she heads a research center in California after winning the National Institutes of Health (NIH) Director's Pioneer Award Program. Also in academics, Dr. Al Turki, Professor of Anthropology at the American University in Cairo, shines as an exemplary Saudi academic who lectures at universities worldwide from Harvard to George Washington<sup>2</sup>

Women are now more able to participate in civic life than ever before as high-profile women have recently been appointed to elite ministry posts, university deanships, and directorships in quasi-governmental civic organizations. Female physicians were appointed for the first time as Deputy Director of Health Affairs for the Makkah region

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<sup>1</sup> Women and Media in Saudi Arabia: Rhetoric, Reductionism and Realities. British Journal of Middle Eastern Studies, Vol-35, 2008, p. 385-404

<sup>2</sup> Women in Higher Education: Saudi Initiatives & Achievements', Ministry of Higher Education, Deputyship for Planning & Information General Department for Planning & Statistics, 2010

and head of the General Directorate of Nursing in the Ministry of Health<sup>1</sup>. A member of the royal family, Princess al-Jawhara Fahad bin Mohammed bin Abdel Rahman al-Saud, was appointed as undersecretary of the Ministry of Education. In a step that garnered international attention, Nora bint Abdullah al-Fayez was named the deputy minister of education in charge of girls' education in February 2009, marking the highest appointed post achieved by a woman in Saudi Arabia's history<sup>2</sup>. Additionally, a National Organization for Human Rights was established in Saudi Arabia in 2004, and 10 of the 41 members appointed were women with a mandate to monitor women's rights<sup>3</sup>. The Khadija bint Khuwailid Center for Businesswomen in Jeddah, a research institute operating under the sponsorship of the Jeddah Chamber of Commerce, advocates for increased participation by women in education, business, and employment. However, the developments in the Kingdom and the Saudi woman's path is considered as an indicator indicating whether change will be short lived or will be institutionalized the way Kingdom, women and human rights organizations need it. These are a few examples of women success.

Kingdom has achieved a lot despite the frustrations over the reluctance to change and modernize a large portion of the society. Consequently, the obstacles that stand in the way are detrimental to the progress of the country. Saudi Arabia arrived in the 1980s with a more complex society, eager to enjoy the fruits of advancement on all social and economic levels. At the same time there was a determination to preserve the country's religious and social traditions. This balance between the two has been difficult to maintain, especially with regards to women's sector. Women are facing a few social problems like, employment issues, political rights, they can't drive, they are striving to attain the rights of driving license, they can't travel without the presence or permission of a Mahram, a male guardian like brother, husband or father. Still their strength, enthusiasm, and confidence don't go unnoticed. This is mainly due to their culture and presence of some old customs in their country.

<sup>1</sup> Maha Akcel "Woman Appointed to Top Health Post in Jeddah", Arab News. Accessed on July 19, 2014

<sup>2</sup> Julia Borger "Saudi Arabia Appoints First Female Minister", Guardian

<http://www.guardian.co.uk/world/2009/feb/16/saudi-cabinet-woman-minister>, Accessed on March 22, 2014

<sup>3</sup> Khalid al-Dakhil "2003 Saudi Arabia's Year of Reform", Arab Reform Bulletin 2, 2004

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## 1.6. Government's role in the protection of women's rights

Women's status in Saudi Arabia as an Islamic country is often misinterpreted. That is why Saudi Arabia has been under so much pressure from the West concerning women's rights.<sup>1</sup> Public now a days in the Saudi culture are divided into two categories, citizens in the traditional family who conform to their society and agree with the agenda that there is no discrimination between males and females and the other new type of citizens that have been emerged due to the cultural changes and see that there is discrimination between men and women. As change is the one continuous aspect of human history, economic change, social change, educational change, and technological change all have been part of human nature throughout history. Change can be gradual or rapid. One thing that change generally aims for is the betterment of society. Thus a gradual change is being seen in Saudi society as Saudi women today are now much changed and she is educated, intelligent, and capable. However, the people do need exposure, experience, and training in order to catch up with other Arab and Muslim women who have succeeded in getting the skills and rights to precede them in the political process.<sup>2</sup> These words of Daghestani<sup>3</sup> give the best solution

*"Of course, there is a lot that we can learn from the Western experience but we have to develop our own methodology that caters to our traditional values and way of life"*

She further described that we are in need to introduce new ideas and strategies which gives women authority to get benefits.<sup>4</sup> There is a great change in which positive developments have taken place affecting the status of women and a enthusiastic enlightened attempt is pushing to improve women's power in Islamic family law courts and also it's a great change to create the same rights with men in terms of civil rights including the right to vote, work, and obtain better access to health care and educational

<sup>1</sup> Abhilasha Singh. Status of Women in Saudi Arabia. A Paradigm Shift. The International Journal of Interdisciplinary Social Sciences. Vol 3 p 35-38

<sup>2</sup> Samar Fatany. Saudi Women Towards A New Era, Ghainaa publication. First Edition, 2007 p 60

<sup>3</sup> Farah Daghestani. Educated in Amman, Jordan. She earned a bachelor's degree in modern Middle Eastern studies and Islamic history at Oxford later she completed a master's degree in public administration at the Kennedy School of Government. She now serves as executive director of the Jordanian Hashemite Fund for Human Development

<sup>4</sup> Fatany 2007 p 78

opportunities. The legal practices in Saudi Arabia revolve around the rules of Shari'ah, the law of Saudi Arabia ascertains all possible rights for women. It can be noted and observed in the constitution of the country.

### **1.6.1. Protection and preservation of women's rights in the constitution of Saudi Arab**

The law in Kingdom has been much influenced by the Shari'ah rulings of not only related to state affairs but also the responsibilities of ruler that how can he governed the nation according to the basis of brotherhood, consultation, friendship and cooperation. Some of the fundamental governmental laws for women and men have been stated in article 8, guaranteeing that all such laws shall revolve around the rules of Shari'ah.

King Fahad bin Abdul Aziz describes the specifications of the basic law of Kingdom in his speech on the occasion of the issuance of the basic law of governance as when these laws have been drawn up full consideration was given to the Kingdom's distinguished position in the Islamic world and to its traditions and customs, as well as its social and cultural conditions. Therefore these laws have sprung from the realities taking into account the traditions and customs, while adhering to true religion. He said:

*' We are confident that these laws will, with the help of Allah Almighty, assist the State in realizing every Saudi citizen's hopes for the welfare and progress of this homeland and his Arab and Islamic nation. The Saudi citizen is the base for the advancement and development of this homeland and we shall not spare any effort to ensure his happiness and well being. Our constitution in the Kingdom is the Holy Qur'an, which is infallible, and the Traditions (Sunnah) of His Messenger, who does not speak irresponsibly. Whatever we disagree on we refer back to them. They both are arbiters on all laws issued by the State. We do not close the door on any aspect of modernization, so long as it does not conflict with our Islamic heritage and identity. ''*

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<sup>1</sup> King Fahad Speech' [http://www.saudiembassy.net/about/country-information/laws/King\\_Fahd\\_Speech.aspx](http://www.saudiembassy.net/about/country-information/laws/King_Fahd_Speech.aspx). Accessed on September 29, 2015.



So the government's general objectives are to provide for national security, economic and social stability and to raise the living standards of the people while maintaining the religious and moral values for which the kingdom as the original homeland of Islam is so well known

The state considers it its basic responsibility to protect the rights of citizens under all kinds of unpleasant circumstances, keeping in view the teachings of Shari'ah. The basic system describes the government's obligations toward citizens as article 26 of Basic law states

*"The state protects human rights in accordance with the Islamic Shari'ah"*<sup>1</sup>

It at the same time, appreciates the people's participation in all kinds of charitable concerns, irrespective of gender-based segregations. The Basic Law of Governance secures fundamental rights to all citizens no matter what, be they men or women. Rights in this sense guarantee the citizens that they can access certain government and social services as article 27 states

*"The state guarantees the rights of the citizen and his family in cases of emergency, illness and disability, and in old age, it supports the system of social security and encourages institutions and individuals to contribute in acts of charity."*<sup>2</sup>

The article 28 categorically states that employment opportunities are for all of the people who intend to work, in the same way, article 30 holds that right for providing pedagogical instruction and healthcare must be given to all irrespective of the gender specific differences. It has been mentioned in article 31 that the state shall be responsible for the care of public health and shall provide health care to every citizen.<sup>3</sup> Thus the Saudi basic system of rules represents a patriarchal concept of individual rights as rights are promises from the benevolent kingdom toward people.

The Basic Law of Governance represents the protection of rights for all human souls shaped according to the rules established by the guidelines of Shari'ah. This law also states that both of the genders should be treated on the basis of equality, as Article 47

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<sup>1</sup> A Country and a Citizen for a happy decent life ministry of information Saudi Arabia 1998 p 30

<sup>2</sup> Ibid, Article 27

<sup>3</sup> Ibid Article 31

clearly stipulates<sup>1</sup> that both citizens and foreign residents have an equal right of justice and to go the court. The necessary procedures are set forth by the law.<sup>2</sup> Saudi law clearly states that all of the women whether holding Saudi nationality or not, must be given equal rights. The activities targeted against women, their possessions, and respect, are considered illegal by Saudi government as well as legal institutions set in the country. The set of rules dealing with women during criminal law proceedings, under article 13 states that the immature female offenders must be treated according to the rules and regulations as established by the legal authority.<sup>3</sup> As far as the laws regarding investigation of the trials of females are concerned, the basic law of women care institute holds that the women issued a detention warrant, may be kept in the protection of Women's Care institute.<sup>4</sup> Article 42 and 52 of Criminal Procedure law presents that the search of the accused women shall be advocated by a female given by the criminal investigation officer or a woman is to go with the persons directing the inquiry of the house of a charged woman. Article 42

*A criminal investigation officer may search the accused where it is lawful to arrest him, which may include his body, clothes, and belongings. If the accused is a female the search shall be conducted by a female assigned by the criminal investigation officer.*<sup>5</sup>

And article 52

*"If there is no person other than an accused woman in the dwelling to be searched, the officers carrying out the search shall be accompanied by a woman."*

Women in Saudi Arabia are fully protected under the basic law of government as the articles of constitution and other laws states that there is no gender discrimination. Culture of Saudi Arabia has some restrictions for women in social life but the government has provided alternatives for it so the women can enjoy their full rights.

<sup>1</sup> Committee on the Elimination of Discrimination against Women. Consideration of reports submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women. Combined initial and second periodic reports of States Parties, Saudi Arabia, CEDAW/C/SAU/2. 29 March 2007.

<sup>2</sup> "Saudi Arabia's Constitution of 1992 with Amendments through 2005"

[http://www.constituteproject.org/constitution/Saudi\\_Arabia\\_2005](http://www.constituteproject.org/constitution/Saudi_Arabia_2005), Accessed on October 15, 2014.

<sup>3</sup> Criminal Law. <http://www.saudiembassy.net/about/country-information/laws/CriminalProcedures2001-1of3.aspx> Accessed on October 18, 2015.

<sup>4</sup> The Council of Ministers. Resolution no. 868. July 29, 1975.

<sup>5</sup> Criminal Law. <http://www.saudiembassy.net/about/country-information/laws/CriminalProcedures2001-1of3.aspx> Accessed on October 18, 2015.

<sup>6</sup> Ibid.

### 1.6.2. Function of Hisbah Institution in the protection of women

Saudi Arabia's policies are largely based on Islamic rulings and traditions. It protects life, preserves rights and regulates the relationship between the ruler and the ruled, regularizes dealings among members of the community and safeguards public security. Since the one of the most important function of Saudi government is transmission of Islam, and to find such an evil free environment where people act honestly and righteously, so this task is being achieved by encouraging good and discouraging evil.<sup>1</sup> As in the Article 23

*"The state protects Islam, it implements its Shari'ah, it orders people to do right and shun evil, it fulfills the duty regarding God's call."*<sup>2</sup>

This moral value has been prescribed in the Holy Qur'an as

*"Let there arise out of you a band of people inviting to all that is good, enjoying what is right and forbidding what is wrong. They are the ones to attain felicity."*<sup>3</sup>

This verse contains an explicit command from Allah Almighty to do what is right and forbidding what is wrong. Allah's Messenger (May the peace and blessings of Allah be upon him) said

*"Whosoever among you sees an act of wrong should change it with his hands. If he is not able to do so, then he should change it with his tongue. If he is not able to do so then with his heart, and this is the weakest of faith."*<sup>4</sup>

There is an institution to fulfill this purpose, the Hisbah is that religious institution by the state which appoints people to carry out the responsibility of enjoining what is right, whenever people start to neglect it, and forbidding what is wrong, whenever people start to engage in it. The only purpose of this institution is to protect the society from evil

<sup>1</sup> King Fahad Speech" [http://www.saudiembassy.net/about/country-information/laws/King\\_Fahad\\_Speech.aspx](http://www.saudiembassy.net/about/country-information/laws/King_Fahad_Speech.aspx)  
Accessed on September 29, 2015

<sup>2</sup> A Country and a Citizen for happy decent life. The kingdom of Saudi Arabia, Ministry of Information

<sup>3</sup> Al Qur'an 3:104

<sup>4</sup> Sahih Muslim Kitab al-Iman Hadith no. 49/78

deeds and to protect the religion and to ensure the welfare of people in both religious and worldly manners according to the Law of Allah Almighty

The Hisbah institution provides an official means to carry out this duty. It is basically a control mechanism established by Islam to maintain the order of social life so that everyone may enjoy security and fulfillment of his or her basic needs. It is also meant as an instrument to safeguard society from deviance, to protect the faith and ensure the welfare of the people in both religious and worldly matters based on the will of Allah Almighty. Since human beings are prone to neglect the necessity of truthfulness and are frequently tempted to engage in misdeed or fraudulence, there should be an institution authorized by the state that serves as a mechanism to help people keep their truthfulness and avoid all types of misbehavior. This is because people need order in their lives and they are in need of some authority to ensure that order. Because of that, there must be someone to remind people of this order and to keep tabs on how well they are adhering to it. This is not why enjoining good and forbidding evil is so instrumental in Islam without which Muslim's lives cannot proceed nor have any meaning. Thus, people's safety, happiness, development, growth and contribution to life cannot be encompassed without realizing this principle because it produces a balance between the body and the soul that leads to man's happiness. In keeping with this approach, the kingdom has sought since its inception to set up the system of "enjoining what is right and forbidding what is wrong." In the past the scholars did their duty in "Ihtisab" at the individual level. When the kingdom was running under the rule of King Abdul Aziz, he appointed some scholars to take charge of the Hisbah then it became the general presidency during the reign of King Khalid and a chairman was appointed for it with the rank of a minister. There is a further development during the reign of King Fahd bin Abdul Aziz when the institution became an independent organization. The function of Hisbah consists in maintaining public law and order and supervising the behavior of buyers and sellers in the market with a view to ensure the right conduct and protect people from dishonesty and malpractices. The purpose was to regulate public life in such a way that a high degree of public morality is attained and the society is protected from bad workmanship, fraud, extortion and exploitation.

Saudi Arabia is the only Muslim state which has engaged the religious section of the hisbah dealing with this activity to this day. The state establishment responsible for hisbah is 'The Committee for the Promotion of Virtue and the Prevention of Vice' which is abbreviated as CPVPV and هيئة الأمر بالمعروف والنهي عن المنكر in Arabic language. It is run by "Religious police", "Shurtah" or "mutaween". The word *mutaween* (المطوعين) most literally means "volunteers" in the Arabic language and is commonly used as a casual term for the government authorized. They are employed by the Saudi Arabian government bureaucracy to enforce Shari'ah.<sup>1</sup>

They have the commanding influence that does not feel constrained by the laws created by men, they tend to protect Saudi Arabia from an influence of western civilization preserving implementation of Islamic laws in public zones, market places and annihilating the existing of practices that are deemed unlawful in Islam. They are often accompanied by a police having the power to arrest unrelated males and females being caught who were publically busy in illegal activities, and who are being related to promote Islamic dress codes, and store closures during the prayer time. They enforce Muslim dietary laws, prohibit the transactions of alcoholic beverages and pork and seize banned consumer products and media regarded as anti Islamic stuff. The message of this committee is clear in the address of the director of the Jeddah branch of the Committee for the Promotion of Virtue and Prevention of Vice. He addressed a polite message for distribution among foreign companies, asking

*'Our brothers in humanity residing in this country' to observe that "ladies should not expose their legs or arms or bosom or hair and refrain from wearing clothes that are too thin or tight" <sup>2</sup>*

The Committee for the Promotion of Virtue and the Prevention of Vice patrolled the streets and public places, berating citizens for violating Islamic rules along with exercising physical punishment for the purpose. On contrary, there are some mistakes done by the committee. One horrific example of *mutaween* is that when they refused to

<sup>1</sup> Abdul 'Aleem abu Haikal, *Binna Al-Doulah Al-Saudia fi 'ahad al-malik Abdul Aziz*, p. 31

<sup>2</sup> Eleanor Abdella Doumato, *Obstacles to Equality for Saudi Women*, Middle East Institute Viewpoints: The Kingdom of Saudi Arabia, 1979-2009. Evolution of a Pivotal State • www.mei.edu

allow schoolgirls out of a hunted place because they were not wearing proper Islamic dress. They also blocked men who were trying to help the girls escape.<sup>1</sup> Since some unfortunate incidents where they part of, the government made their recruitment process difficult. In 2007, they were instructed by the government to cease doing so. There made a rule to keep check and balance on CPVPV so that they should not cross their limits. After that the *mutaween* were given training by the government and a criteria was made for appointing capable and trained person. In June 2007 the officials proclaimed "the creation of a 'department of rules and regulations' to ensure that the activities of commission members may comply with the law."<sup>2</sup>

According to the law, men are the guardians of women, therefore women's guardians are responsible for women's behavior.<sup>3</sup> There are separate elevators for men and women and special sections exist for families and women in restaurants. Women only banks exist. In addition, women's queues are formed at the airport and other public places and women's desks, where women can stand in line and receive service. Some of the stores display women post signs so as to indicate that women are allowed while men on the other hand are forbidden to enter.<sup>4</sup> Government has provided women with the separated arrangements for all necessary areas so that the implementation of religious requirement of gender segregation may possible. Women are the one half of society and sex segregation is as harmful for them as for men to achieve the pleasure of Allah Almighty so *Mutaween* are responsible for this duty to maintain the order in society so that every Muslim, male or female, feel free to seek the pleasure of Allah Almighty and to act as His trustee on this world to enjoining good and forbidding evil as Muslim's lives cannot proceed without it. Committee for the Promotion of Virtue and Prevention of Vice made it easy for the society in general and for women in particular. So, it is serving for women and protecting their rights to live freely and attain their eternal goal.

<sup>1</sup> BBC, "Saudi Police Stopped Fire Rescue" 15 March 2002. [http://news.bbc.co.uk/2/hi/middle\\_east/1874471.stm](http://news.bbc.co.uk/2/hi/middle_east/1874471.stm)  
Accessed on March 18 2012

<sup>2</sup> "Morality Police under Pressure" Arab Reform Bulletin, Carnegie Endowment for International Peace June 2007

<sup>3</sup> Zuhur, Middle East in Focus Saudi Arabia, n.d.

<sup>4</sup> Mai Yamani. Some observation on women in Saudi Arabia. In *Feminism and Islam: Legal and literary perspectives*. New York University press. New York. 1996. p.263-282

### 1.6.3. Role of government

The history of last 50 years has shown that Arab countries have faced several major challenges that have affected all nations and mainly the gulf countries. Saudi Arabia, being one of them, has experienced some main social chaos directly and indirectly. Discovery of oil in 1930s and then oil generated profits in the early 1970s introduced big changes including the opportunity of education to both boys and girls.

The increased profits from oil gave the opportunity to education abroad and change the standards of living and the mentioned changes affected unimaginable the entire society and its structure in a short period of time.<sup>1</sup> New opportunities were unlocked for women, such as education in law and engineering departments, the hospitality industry, manufacturing and shopping malls, and government commissions that deal with women's needs and issues.

Currently, it is declared that both men and women will enjoy equal rights in all affairs relating to nationality and there shown an improvement in women's right of entry to court<sup>2</sup> and female lawyers were allowed to get licenses to practice law.<sup>3</sup> In 2008, according to the Saudi National Society for Human Rights, women for the first time were allowed to receive their civil status cards without their guardian's permission.<sup>4</sup> In addition, women have now been granted permission to engage in legal practice. In late February 2010, Justice Minister Muhammad al-'Isa announced that a new law would soon accredit women lawyers to allow them to appear in court for the first time, but restrict the cases they are allowed to litigate to child custody, divorce, marriage and other family related issues.<sup>5</sup> A royal decree provided that "women would be represented in the

<sup>1</sup> Ibid, p 265

<sup>2</sup> Royal Decree no M/54 29 Shawwal 1425 AH "Consideration of Reports Submitted by States Parties Under Article 18 of the Convention Combined Initial and Second Periodic Reports of States Parties Saudi Arabia (United Nations Committee on the Elimination of Discrimination against Women, CEDAW/C/SAU/2\_07-29667 [E] 120507 230507 March 29 2007) 16 <http://daccessdds.un.org/doc/UNDOC/GEN/N07/296/67/PDF/N0729667.pdf?OpenElement>

<sup>3</sup> Al-Watan newspaper October 8 2009 Accessed on April 19, 2013

<sup>4</sup> Awad al-Maliki 'Saudi Women Can Obtain ID Cards without Guardian's Permission' Al-Madinah March 4 2008 Accessed on January 08, 2014

<sup>5</sup> Huquq Newsletter National Society for Human Rights January 2013 Issue 83 p 9

'Walaah Hawari 'New Law to Allow Women Lawyers to Take up Family Issues', Arab News <http://arabnews.com/saudi-arabia/article22092ccc> Accessed on February 25, 2013

Council with no less than 20% of its members"<sup>1</sup> There is an improvement in female labor force as the report states "Increased female participation in the labor force is a positive indicator of the increasing job opportunities being made available to them in conformity with their requirements and Islamic teachings and values"<sup>2</sup>

Many positions were granted to women in several departments by "the Ministry of Foreign Affairs", "The Ministry of Education" has positioned women in some leading positions and "The Ministry of Labor" is looking for women to provide 200,000 jobs in various fields of the financial system and has started seminars and workshops to train women<sup>3</sup> King Fahd bin Abdel Aziz proclaimed on various occasions that Saudi women should participate in the development of the country and also discussed the possibility to providing small factories where women could work even while still being at school or university<sup>4</sup> The deputy minister of planning, Faisal Al Basheer said that "I do not think that there are any laws in the country that forbid women to work, the problem of women's employment stems from whether women could work in those fields that society considers inappropriate from a religious or social point of view. It is necessary to take into account the fact that we cannot change the customs and local traditions of our society, although we are in need of labor manpower"<sup>5</sup> However, women are now more able to participate in civic life than ever before as women have recently been appointed to elite ministry posts, university deanships, and directorships in quasi-governmental civic organizations. Female physicians were appointed for the first time as deputy director of health affairs for the Makkah region and head of the general directorate of nursing in the ministry of health<sup>6</sup> A member of the royal family, Princess al-Jawhara Fahad bin Mohammed bin Abdel Rahman al-Saud, was appointed as undersecretary of the Ministry of Education. And in a step that garnered international attention, Nora bint Abdullah al-Fayez was named the deputy minister of education in charge of girls' education in

<sup>1</sup> Shura Council, Riyadh, <http://www.shura.gov.sa/wps/wcm/connect/ShuraEn/internet/news>. Accessed on Jan 12 2013

<sup>2</sup> Human Development Report, Ministry of Economy and Planning, Kingdom of Saudi Arabia, 2003, p. 105

<sup>3</sup> "Foreign Ministry to Appoint Women in Various Departments" Washington, DC: Royal Embassy of Saudi Arabia, <http://208.246.28.149/2005News/News/RigDetail.asp?cIndex=5088>. Accessed on February 22 2013

<sup>4</sup> Okaz, 25 August 1987, p. 17

<sup>5</sup> Al-Riyadh, 1980, p. 6

<sup>6</sup> Maha Akeel, "Woman Appointed to Top Health Post in Jeddah", Arab News, Accessed on July 12 2014



February 2009, marking the highest appointed post achieved by a woman in Saudi Arabia's history<sup>1</sup>

Women can participate as candidates and vote in municipal elections. The king has appointed 20 women to the Shura Council and the state has also recently passed a law criminalizing domestic violence.<sup>2</sup> The Saudi Gazette announced on its website that Somayya Jabarti would be the new editor-in-chief of the Gazette.<sup>3</sup> Additionally, a "National Organization for Human Rights" was established in the country in 2004 and 10 women were appointed there with an authorization to observe women's privileges.<sup>4</sup> In 2005 Nadia Bakhurji was nominated to the "board of the Saudi Engineers Council."<sup>5</sup>

There is an increasing awareness in Saudi Arabia of the need for change. Saudi Arabia has long familiar that the improvement of human resources is a main factor in a nation's walk to advancement but within the boundaries of *Shari'ah*.

#### 1.6.4. King Abdullah-a cautious reformer or an ultra liberal ruler

Before having the authority of kingship in 2005, King Abdullah was awarded with many positions as mayor of Makkah, deputy defense minister, second deputy prime minister and commander of National Guard<sup>6</sup> and after coming into power as a crown prince, he became famous as a "cautious reformer."<sup>7</sup> King Abdullah bin Abdul Aziz ranked for the second time among seven most powerful authorities in the world by U.S. financial magazine "Forbes". Explaining the ranking, Forbes hailed the King for reforms and

<sup>1</sup> Julia Borger 'Saudi Arabia Appoints First Female Minister' Guardian <http://www.guardian.co.uk/world/2009/feb/16/saudi-cabinet-woman-minister> Accessed on February 16, 2013

<sup>2</sup> Rothna Begum 'Give Saudi Women the Right to Drive', <http://www.cnn.com/2013/10/24/opinion/begum-saudi-women-driving/index.html> Accessed on August 29, 2014

<sup>3</sup> BBC <http://www.bbc.com/news/world-middle-east-26229213>, Accessed on Feb 17, 2014

<sup>4</sup> Abdul Ghafour 'First Independent Human Rights Organization Established' Arab News Accessed on March 30, 2012

<sup>5</sup> Somaya Jabarti 'Engineers Council Poll: One More Step for Saudi Women' Arab News Accessed on May 24, 2015

<sup>6</sup> Zuhur, Middle east in focus Saudi Arabia, p 69

<sup>7</sup> Angus McDowell, 'Saudi King Abdullah, a Cautious Reformer', Reuters, October 27, 2011, Accessed on March 21, 2013

adopting moderate stance on a wide range of issues. Specifically, it noted the decision to allow women the right to run for office and to vote in municipal elections<sup>1</sup>

King Abdullah is considered as a reformer and the one who developed the system particularly in the case of women's rights. Crown Prince 'Abdullah stated that his government will leave no door for giving closed to women and that the door will be opened only so far as no violation of our religion and ethics is involved<sup>2</sup>. And

"The most important thing is their full participation in the life of the society"<sup>3</sup>

Princess Husa bint Salman<sup>4</sup>acknowledged her late uncle King Abdullah as a 'champion of women's rights and a man who was determined to ensure the economic and social development of the country". She said

"My uncle has enabled women to claim their rights as mothers, sisters, daughters, and wives"

She mentioned

"This was to ensure the country modernizes but with adherence to the principles of Islam, maintaining the social cohesion of Saudi families and protecting women's rights"<sup>5</sup>

He has taken steps to give women more respect in society. King Abdullah stood up for the improvement of judiciary system, protection of families and facilitates women to study and practice law<sup>6</sup>. In 2009, he inaugurated the King Abdullah University of Science and Technology at Thuwal. In February 2009, Norah al-Fayez was appointed by the king as deputy minister of girl's education<sup>7</sup>. King Abdullah formally inaugurated Princess Norah bint Abdul Rahman University which will be driven by women. It will be the world's largest all female university accommodating up to 40,000 students. It is believed that King Abdullah has pushed to pass laws in favor of women. In his time policies and laws were passed in for the benefit of women as they were granted the right to get

<sup>1</sup> King Abdullah ranks among the seven most powerful people in the world" Forbes [http://www.saudiembassy.net/latest\\_news/news11041103.aspx](http://www.saudiembassy.net/latest_news/news11041103.aspx). Accessed on November 12, 2013

<sup>2</sup>Hammad bin Hamid al-Salimi "Where is the Saudi Woman?" Al-Jazirah, Riyadh 3 May 1999, p. 13

<sup>3</sup>Jamal Khashoggi "Dialogue on Women's Role Urged" Arab News, Jeddah 21 April 1999, p. 2

<sup>4</sup>Princess Husa is a lecturer in the faculty of law and political studies at King Saud University and a consultant for the Human Rights Commission

<sup>5</sup> King Abdullah championed women's rights" Arab News, Riyadh <http://www.arabnews.com/news/703681>, Accessed on 23 February 2015

<sup>6</sup><http://www.arabnews.com/saudi-arab/news.694511>

<sup>7</sup> Ibid, p. 72

national identity cards, education, right to vote, seats in shura council and many jobs were offered to women such as in human rights commission, passport office, ministry of trade and industry and in many other fields. Women were also granted the right to run for election in the "Chamber of Commerce", "the engineers" and "journalists unions". The White House welcomed the announcement of the King Abdullah bin Abdul Aziz as

' We welcome Saudi King Abdullah's announcement that women will serve as full members of the Shura Council in the next session and will have the right to participate in future elections "'

And

These reforms recognize the significant contributions women in Saudi Arabia make to their society and will offer them new ways to participate in the decisions that affect their lives and communities "'

In the past few years King Abdullah has become more liberal on the topic of women's rights. Where he made progress for women, there are some of its negative effects on the society. One example is his purposeful strategy to prompt development by sending a number of Saudi youngsters in foreign countries on scholarships for education in different fields, such as modern technologies, engineering, sciences, critical thinking and many other subjects. A large number of students after being benefitted by king's foreign scholarship program have come back from United States<sup>2</sup> and are misfit here in the state because of encounter with the western civilization and culture which is triggered in the immigrant Muslims' minds.

In the time of King Abdullah, workplaces with mixed environment have expanded which is against the shari'ah ruling and Saudi culture.

Instituting a university with co education environment for the first time caused an outbreak of discussions on mixed environment as segregation cannot be grounded in shari'ah. Saudi society is a unique society with strong tribal system where neither King Abdullah nor anybody else has the ability to enforce his own explanation of Islam. They can do nothing without Islam. There is no Saudi Arabia without Islam.

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<sup>1</sup> White House welcomes expansion of Saudi women's political participation , [http://www.saudiembassy.net/latest\\_news/news09251101.aspx](http://www.saudiembassy.net/latest_news/news09251101.aspx). Accessed on April 25 2013.

<sup>2</sup> David B. Ottaway "Saudi Arabia's race against time" Woodrow Wilson center Washington post Cairo 2012.

This part of the research has talked about the rights of women granted by Islam as implemented in Saudi Arabia. It has thus become evident that *Shari'ah* secures women from every evil.

## **Chapter 2**

**The continuum of women's rights in kingdom of Saudi  
Arabia in the context of reports and news**

## **2.1. Breach of Saudi women's rights – in the context of reports and news**

Women's role and rights in Saudi society are discussed earlier. This chapter will examine the issues of women's rights including male guardianship, early marriage, job opportunities, and vote in the context of some national and international reports and news. The research further aims to address the authenticity of the presented reports in this regard.

Over the time span of last ten years, the issues concerning equality and emancipation of women living in Saudi Arabia have been the significant areas of investigation in western media as well as in many of the internationally organized political debates. Saudi women are considered submissive, illiterate, and ignorant and presented as ones who need rescuing from their violent families. Regardless of the reforms that the administration of Saudi Arabia has attempted, women keep on confronting serious discrimination in law and practice.<sup>1</sup> Asma Al Mohamed, one of the renowned women's rights activist and journalist claims that women living in Saudi Arabia are constrained to lead an eccentric mode of life, they can be deemed as the second class citizens, who are kept like treasured possessions by their men. The issue of women's rights according to her is indubitably, one of the greatest areas of concern in the mentioned states.<sup>2</sup> In legal scenario, she further holds that women are considered to be minors, with a strong influence of guardians in terms of seeking for any job, going to courts or choosing a life partner for themselves. They are devoid of having a right to vote during the municipal election campaigns, there are no legal means so as to eliminate domestic violence victimizing women in general in Saudi Arabia. Women, though, were issued their ID cards, irrespective of their guardian's permissions in 2008, it, yet, is still significant to note that the public celebrations with

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<sup>1</sup> Human Rights in the Kingdom of Saudi Arabia' Amnesty International Report 2010  
[http / www.amnesty.org/en/region/saudi-arabia/report-2010](http://www.amnesty.org/en/region/saudi-arabia/report-2010) Accessed on Jan 13, 2013

<sup>2</sup> Asmaa Al-Mohamed 'Saudi Women's Rights Struck at a Red Light' 2007, [www.arabinsight.org](http://www.arabinsight.org) Accessed on Feb 06 2013

regard to women's participation, are still presenting disappointing results<sup>1</sup> It was thus the situation regarding the condition of females as represented in the report

Women's role and rights in Saudi society are discussed earlier This chapter will examine the issues of women's rights including male guardianship, early marriage, job opportunities, and vote in the context of some national and international reports and news People living in west are not apprised of the Muslim culture, and the meanings as represented through different symbolic manifestations, they are however informed about the victimized and tortured status of women as represented through media<sup>2</sup> Many reports released by human rights organizations as presented on media discuss the situation of women and their rights in Saudi Arabia

For this reason, Saudi Arabia has been targeted by the renowned international organizations, they stress Saudi government to alter the nature of different policies as developed by them Such kind of organizations severely criticize the role played by guardians in different matters of life , shaping the decisions of Saudi women in a way particular to itself However, I shall aim at concentrating on the themes that are allowed under the Saudi legal framework but are not in practice i.e male guardianship, early marriages, employment issues, and participation in elections Further objective of the research is to assess either the reports are based on facts

### **2.1.1. Male Guardianship**

The issue of women's right has been a significant area of research at all kinds of media one of the major issues in this respect pertains to the issue of guardianship, having a strong impact on personal as well as job oriented careers of female gender The existence of male guardianship is generally deemed a violation of the rights specific to females, the rules in this regard implicate that every adult woman must have a male guardian a *mahram* All Saudi women are affected by this system regardless of social or economic status This institutionalized system of guardianship controls adult Saudi women's daily life Women must ask for permission in matters like work, travel, or marriage It

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<sup>1</sup> Eleanor Abdella Doumato, "Obstacles to Equality for Saudi Women" Middle East Institute Viewpoints The Kingdom of Saudi Arabia, 1979-2009 Evolution of a Pivotal State, p 25

<sup>2</sup> Yaqoob S Muslim women and war on terror Feminist Review 2008 p 150

additionally demonstrates, the commanding influence requires it at every cost, irrespective of governmental flexibility regarding the concerned rules<sup>1</sup>

The concept of guardianship limits a woman in all her matters<sup>2</sup>The guardian may include all of the male members in society around her such as father, uncle, brother, son, nephew grandfather or father-in-law The concept, according to some of the critics, presents woman as an inferior gender, devoid of having any choice of her own

It pertains to the socio-cultural norms associated with the notion, as practiced in Saudi Arabia The same rule encompasses all possible spheres of a woman's life including marriage, seeking for a job, or choosing an educational discipline It, according to the critics, is a stigma and disgrace specific to female gender in the entire Arabian Peninsula The authoritative influence's insistence on having a *mehram* in all vital matters of life, according to a school of thought is constraining women in many ways

The women in Saudi Arabia do not have the privilege to have their children acquire their nationality, there exist strict restrictions for women regarding driving Unwillingness to marry without the consent of women leads to violence and abuse in many of the cases<sup>3</sup> Besides, Saudi women require male guardians to assist them during their academic pursuits, professional careers, and medical checkups Such kinds of circumstances, the women are up against, according to the critics, can be deemed a disgraceful and deplorable plight

West's objection is that the government could still not eradicate the conception of male guardianship existing in the state Recently, a mature, divorced woman, a cardiologist by profession, was not issued a passport without a male guardian's permission, similarly, a US based lady was not issued a passport of Saudi Arabia as her male guardians did not approve of the act Some of the women because of such unpleasant circumstances are required to live in shelter homes, similarly, a woman who came to court without a male

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<sup>1</sup> Zainah Almuhtar "Human Rights of Women and Children under the Islamic Law of Personal Status and Its Application in Saudi Arabia", Muslim World Journal of Human Rights, 2008, vol 5 Article 1 p 8

<sup>2</sup> "Perpetual Minors, Human Rights Abuses Stemming from Male Guardianship and Sex Segregation in Saudi Arabia Human rights Watch, 2008 p 2

<sup>3</sup> "The state of the world's Human Rights Saudi Arabia' Amnesty International Annual report 2013 <http://www.amnesty.org/en/region/saudi-arabia/report-2013> Accessed on April 30 2014



member from her family was sentenced to "a 300 lashes" along with "one and a half year in prison"<sup>1</sup>

According to one of the renowned real estate investor of the country, a woman is required to present six men before court to "buy or sell property". The overall process, according to her, makes it very difficult for a woman to pursue her legal rights in the country. It requires having connections with the higher authority to seek one's rights, besides, to "pay a bribe" or being "sharp tongued" is some of the other ways in this regard<sup>2</sup>

The education of females also depends upon the choices of the male members of their family. The learners at the educational institutions informed the Human Rights Watch that it is considered a mandatory requirement to seek permission of the guardians in terms of advanced scholastic pursuits. The male members themselves, the girls claimed, get irritated by the complexities of overall process. One of the other students commented that in an attempt to make sure that female education will not disturb her family life, the husbands have to visit university to express their approval with regard to their wives' further academic pursuits<sup>3</sup>. In a similar manner, the people required to hire women, make sure that their male members have evinced their consents. The teachers as well are directed to ascertain the guardian's permission<sup>4</sup>

A woman's right to avail herself of the health specific opportunities has also been put at risk by the complex system of guardianship. Women are required to present an evidence of their guardian's permission to pursue the entire medical process. It thus is impossible for a woman to avail herself of the medical facility at a government's health care centre without a male family member's consent<sup>5</sup>

According to "Okaz" newspaper, during the month of July, 2012, the doctors at King Fahad hospital refused to treat a female patient as the male member was not available to present his consent<sup>6</sup>. Likewise, in rural areas, the male members of a family do not give

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<sup>1</sup> Country summary 2011 Saudi Arabia", Human Rights Watch <http://www.hrw.org>. Accessed on Feb 16, 2012

<sup>2</sup> Asmaa al-Mohamed "Saudi Women's Rights Stuck at a Red Light" [www.arabinsight.org](http://www.arabinsight.org). Accessed on May 23 2013

<sup>3</sup> Human Rights Watch interview with a female medical student, Khobar, December 9, 2006. <http://www.hrw.org>. Accessed on July 17, 2013

<sup>4</sup> Human Rights Watch interview with Fawazi al-Dahhan, general manager of manpower planning department Ministry of Labor, Riyadh, March 9, 2008

<sup>5</sup> Muhammad Saleh Al-Hajjaj "Medical practice in Saudi Arabia: the medico-legal aspect" Saudi medical journal 1996, p 1-4

<sup>6</sup> World report 2013 Saudi Arabia, <http://www.hrw.org/world-report/2013>, Accessed on July 13, 2014

their consent that their women be treated by the male doctors particularly male gynecologists. Even if a woman is adult, she does not have right to present her own consent to be prepared for any kind of medical treatment<sup>1</sup> "Al Watan" as one of the famous newspapers claims that a woman cannot avail herself of medical/surgical treatment without being provided a male's consent, the claim was based on doctors confirmation that requirement of male consent is an obligation from the Ministry of health<sup>2</sup>

The medical form which requires the guardian's consent is as follows:

Patient Name _____ Nationality _____ Address _____ Telephone _____ Guardian's Name _____ Telephone _____ Relationship _____ Intended Surgical Operation _____ I, the undersigned have agreed upon and permitted the Surgical Operation on my self ( or on my relative named _____ I do hereby exempt all the responsibilities that may result from the Surgical Operation or anesthesia in accordance with medical practices Date / / 1380	اسم المريض _____ الجنس _____ العنوان _____ التليفون _____ اسم ولي الأمر _____ رقم التليفون _____ العلاقة _____ اسم العملية الجراحية _____ أنا الموقع أدناه أودت ووافقت على إجراء العملية الجراحية _____ السيد/أعلاء/ على منسى (أو على قريب من الدرجة _____ متحمساً بذلك كافة المسؤوليات والمخاطر التي ستنتج عن العملية الجراحية أو التخدير أو التخدير حسب المصنف الطبي وحقه حرري / / ١٤٠٠
Patient Name _____ Signature _____ Guardian's Name _____ Signature _____ Witness's Name _____ Signature _____ Witness's Name _____ Signature _____	اسم المريض _____ توقيع _____ اسم الولي أو الوصي _____ توقيع _____ اسم الشاهد _____ توقيع _____ اسم الساعد _____ توقيع _____
KINGDOM OF SAUDI ARABIA KING FAHAL UNIVERSITY KING FAHAL HOSPITAL OF THE UNIVERSITY AL-MADINA رقم الموافقة على إجراء عملية جراحية CONSENT FOR SURGICAL OPERATION ADM 11 (Dec. 1985)	المملكة العربية السعودية جامعة الملك فهد مستشفى الملك فهد المدينة رقم المريض - ١١ ( ربيع الأول )

<sup>1</sup> Abu Aisha H, "Women in Saudi Arabia do they have the right to give their own consent for medical procedures?" Saudi medical journal 1985 p 74-75  
<sup>2</sup> Al- Watan newspaper June 2 2009

There is nothing in this form which is discriminatory for women in medical concerns, so it is illogical

The women's consent to marry according to her own choice has also been constrained by the permission of male authoritative figure. In the opinion of Hanbali scholars a girl cannot go for choosing a life partner of her own choice if he is not accepted by the guardian.<sup>1</sup> In such a case, obtaining any legal means is not easy for females. The women are constrained to suffer as the victims in the entire situation. It thus is not possible for them to seek justice from legal authorities in their everyday lives.

In case of filing a complaint against anyone, the guardian is required to approve of the act, the process, otherwise, does not proceed any further. The presence of a *muarif* is mandatory to recognize the women in veil, besides the condition of having the identity cards.<sup>2</sup> A woman cannot leave her country unless permitted by the guardian. In many of the recorded cases, the guardian is a woman's younger brother.<sup>3</sup>

The requirement of male guardianship is a main barrier to women's entry to the court system. A woman is not allowed to enter into the court without a guardian. Because of several factors of the kind, women cannot go to court without hurdle and apprehensions involved in the whole process while they are not banned officially.<sup>4</sup>

As a matter of fact, despite the promises made by the government, no alterations have been made so far, so as to change the existing states of affairs. There are, however, some of the women who take the present circumstances as challenges and strive to change them. The governmental authority, at the same time, does not allow women without holding the yellow cards as marks of approval by their guardians mentioning the number of days they are required to stay at a particular place for specific number of days.

Yellow card required for female to travel outside the Kingdom is as follows

Yellow Travel Card Compulsory for Saudi Women

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<sup>1</sup> Jamal J. Nasir, *The Status of Women under Islamic Law and Under Modern Islamic Legislation*, 1990, p. 10.

<sup>2</sup> Human Rights Watch interview with Sheikh Dr. Ahmad bin Hamad al-Mazyad, a former representative of the Ministry of Justice, March 10, 2008.

<sup>3</sup> Asmaa al-Mohamed, "Saudi Women's Rights Stuck at a Red Light", [www.arabinsight.org](http://www.arabinsight.org), Accessed on April 09, 2014.

<sup>4</sup> Abeer Allam, "Saudi Female Lawyers Fight for Right to Work", *Financial Times*.

<<http://www.ft.com/cms/s/0/2f82c32c-3e67-11df-a706-00144feabdc0.html#axzz1hmR3i1Pj>> Accessed on April 02, 2013.

[Translated by Human Rights Watch from the Arabic original]

Kingdom of Saudi Arabia

Ministry of Interior

General Directorate of Passports

Riyadh Region Passport Office

(Saudi Travel Permit)

Number \_\_\_\_\_ Date \_\_\_\_ / \_\_\_\_ / 142\_\_ AH

Name of the Passport Holder \_\_\_\_\_

Passport Number \_\_\_\_\_ Place of Issue \_\_\_\_\_

Number of Dependents \_\_\_\_\_

Legal Guardian's Acknowledgment I, \_\_\_\_\_

Do not object to the travel of the holder of this permit and dependents

To the state of \_\_\_\_\_ for the period of \_\_\_\_\_

ID Number \_\_\_\_\_

Kinship \_\_\_\_\_

Signature of Legal Guardian \_\_\_\_\_

Concerned Employee \_\_\_\_\_

Director of Passports Department, Riyadh Region

Stamp

The inability of women to provide identity cards, make them dependent on men. During the year 2001, the photo ID cards were commenced being issued to women. Some of the women still could not obtain their ID cards as they refused to unveil their face, some others could not provide their guardian's approval in this regard. The whole activity could thus not be processed in the desired way<sup>1</sup>

<sup>1</sup> Yakın Ertürk. Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights including the right to development. Human Rights Council. Eleventh session. Addendum, mission to Saudi Arabia, April 14, 2009, P 11

Due to this reason, women could not cast their vote during the election campaigns of 2005<sup>1</sup> The personal lives of women are dependent on women in terms of doing jobs, seeking education and travelling alone<sup>2</sup> Similarly, it requires the permission of male member from the family to go for treatment at a hospital<sup>3</sup> The political as well as professional life is hard for women as they are constrained from many facets<sup>4</sup>, availing identity cards and passport as well require the permission of male members<sup>5</sup> The lack of exercise has led to the growing rate of obesity among Saudi women<sup>6</sup> As mentioned earlier, seeking academic degrees of their own choice, pursuing job careers and marrying the person of their own choice has also been restricted by the society One of the most unpleasant sides of the picture is the domestic violence targeted against women<sup>7</sup>

It is significant to mention that the country's insistence on having a male member in terms of taking several decisions on the part of women is against the article 15 of "CEDAW" requiring equal opportunities for women in all matters of life The article considers the act of restricting the legal rights of women to be illogical and invalid<sup>8</sup> Such kinds of laws are against the declaration of human rights laws The international laws of the sort aim at ensuring the residence and travel rights of people living around the globe belonging to the state The international law in this regard aims at guaranteeing all the rights of the people making their lives comfortable and pleasant in a way particular to itself The dependence of women on male guardians, according to a school of thought, brings infamy and disgrace to women Most of the times the guardian does not have the same level of education as that of a women, the male in some cases is even younger than the woman The authority given to men over women in several regards is considered to be a disgrace<sup>9</sup> The socio-cultural norms prevalent in a country do not allow a woman to go to a police station to seek justice At police stations or even at hospitals, the women

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<sup>1</sup> Zuhur p 225

<sup>2</sup> Frank N Carlson, BPS News Hour Extra, December 05, 2011

<sup>3</sup> US Commission on International Religious Freedom Annual Report 2011

<sup>4</sup> "Let Women Vote Run for Office" Human Rights Watch Saudi Arabia, <http://www.hrw.org/en/news/2011/03/31/saudi-arabia-let-women-vote-run-office>"print Accessed on Mar 03, 2013

<sup>5</sup> Vidyasagar G "Saudi women doctors gender and careers within Wahhabic Islam and a westernized work culture Women s studies international forum, 2004 p 261-80

<sup>6</sup> Al-Nozha, Obesity in Saudi Arabia Saudi medical journal 2005 p 824

<sup>7</sup> Report 2012 <https://www.amnesty.org/en/region/saudi-arabia/report-2012>, Accessed on July 17, 2015

<sup>8</sup> Perpetual Minors, Human Rights Abuses Stemming from Male Guardianship and Sex Segregation in Saudi Arabia Human rights Watch 2008 p 39

<sup>9</sup> Ibid

have to wait for their male guardian's approval. The concept has been deeply inculcated within the minds of women. Such kind of situation according to a school of thought brings disgrace to the honor of women in general.

In some cases where women do not unveil their identities, or are not having their ID cards, their guardian's ID cards are required for the purpose. The cases where the person responsible for a specific unlawful act is the guardian himself, the chances for seeking justice are reduced.<sup>1</sup> Because of discrimination in social, legal and governmental institutions, as claimed by a specific school of thought, the chances to gain justice are minimized to an extreme extent. There does not seem to exist any hope to penalize the people performing illegal deeds.

In most manifestations of male guardianship and sex segregation there are no written legal provisions that explicate these systems, but the whole Saudi Arabian community is imbued by these practices.<sup>2</sup> The role of the government in establishing and upholding these customs is duplicitous. Within legal circles, because of discrimination in rules, the women in general are victimized to a severe extent. There is no legal text aiming at action against the people victimizing females. The cruel practice has become a part of law and society in general.

<sup>3</sup>A Saudi woman said "I want to feel like I am a Saudi citizen, now I just feel like I am a follower of a man."<sup>4</sup>

Some of the Saudi women argue in favor of the established system, considering it a means of their protection.<sup>5</sup> Some of the women however consider it a source of disgrace and a mere rejection of their intellectual caliber, legal demands and moral requirements. They consider the rules of guardianship as a source of limiting their independence in terms of marriage, legal requirements, educational pursuits, jobs, and other issues of

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<sup>1</sup> Yakin Erturk, "Promotion and Protection of All Human Rights: Civil, Political, Economic, Social and Cultural Rights including the right to development" Human Rights Council, Eleventh session, Addendum, mission to Saudi Arabia, 14 April 2009, P. 12.

<sup>2</sup> Amnesty International report, 2010.

<sup>3</sup> The Shadow Report for CEDAW, Prepared by 'Saudi Women for Reform', Saudi Arabia, The Executive Summary, December 2007.

<sup>4</sup> Hajer Nahi, 'Saudi Male Guardianship Protest Sent to Committee', WeNews correspondent, March 5, 2014, <http://womensenews.org>, Accessed on May 18, 2014.

<sup>5</sup> As a proud Saudi woman, I speak, Arab News, February 5, 2008, Accessed on July 14, 2013.

everyday life. The legal status of women appears to be uncertain.<sup>1</sup> One of the most unpleasant outcomes of the prevalent condition appears in case of marriages.

### **2.1.2. Early Marriages**

As far as the bride's age is concerned, it differs according to the sociological as well as economical concerns pertaining to the family. In some families, the women are forced to accept the old or mentally disabled men as their husbands. The similar kind of case attracted the attention of national and international media whereby an 8 years old girl was married to a 58 years old man by the father who required the dowry to perform his financial responsibilities.<sup>2</sup> Another case tells that "a divorced father married off his 12 years old daughter for 80,000 riyals" since his ex wife had taken charge for her protection.<sup>2</sup>

The legal requirement of having a guardian's consent in marriage results in contradictions of the kind whereby the guardians desire to hold their own decisions. A similar kind of case registered in the document, dealt with the issue whereby a girl refused her father's decision, forcing her not to marry the person she desired to marry. The court came up as the women's legal guardian in this regard and argued in favor of the women's consent.<sup>3</sup>

The system of marriage in Saudi Arabia is strongly ruled by the male members of both families and is viewed as an agreement between the groom and the male guardian of the expected bride. While bride's consent is an important condition to the marriage, her family strongly pressurizes her to marry the man of guardian's choice. Legally having the right to decline the proposed marriage, brides will always have to accept the marriage unwillingly. Furthermore the younger girl is more easily forced to accept the marriage contract so the necessity of a girl's approval to marriage does not discourage the marriage of minor girls. According to traditional rules, the marriages were supposed to be arranged between parental first cousins or any of the relatives, the marriage partners were not supposed to meet one another before marriage and all of the arrangements were made by the elders of the concerned families and other related kin. Divorce is relatively easy for a

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<sup>1</sup> Ertürk 2009 P 11

<sup>2</sup> Riyadh newspaper January 9 2010, <http://www.alriyadh.com/2010/01/09/article488331.html> Accessed on April 21 2013

<sup>3</sup> "Mudawanaat Al-Ahkam Al-Qada'iyah", Ministry of Justice Riyadh Issue 3 2008

man, that's why remarriage is common for men<sup>1</sup> Most of the cases in marriage of minor girls are caused of remarriage as Saudi law has not limited the age for marriage Committee on the Rights of the Child clarified that socially the law does not describe a specific age limit for marriage<sup>2</sup> Requirement of male guardian's permission confine woman's right to go into marriage contract and the guardian have the ability to postpone a marriage for the reason to get money from woman's earnings<sup>3</sup> According to CNN<sup>4</sup> in 2008, a man in Saudi Arabia married off his eight year old daughter to a 47 years old man to have his debts forgiven His wife sought a dissolution which a Saudi Arabian judge refused to allow<sup>4</sup> Another example in which "Suad Abu-Dayyeh"<sup>5</sup> expressed her views as "three years ago, 12 years old Fatima was "sold" into marriage to a man more than four times her age Her father being unemployed and addicted to drugs sold her into wedlock for about \$10,500, money that he then used to buy himself a car You might be asking yourself how this is possible The answer is because there is no minimum age of marriage law in Saudi Arabia"<sup>6</sup>

Child marriage is very common and legal in this traditionalist Muslim country where the traditions are valued more than the law and politics is associated with Islam where the scholars effectively support the marriage of minor girls They opposed the resolutions which condemns the kind marriage and consider it the right of a country whether to allow early marriages or not<sup>7</sup> Saudi Arabia is facing heavy pressure internationally and internally to stop the marriage of minor girls but the kind marriages are still practiced in the society because it is embedded there culturally The absence of age limit for marriage gives the power to tradition to force the girls for early marriage<sup>8</sup>

<sup>1</sup> <http://www.everyculture.com/Sa-Th/Saudi-Arabia.html#vzz2vuzJumR5>

<sup>2</sup> See Government of Saudi Arabia, Second Periodic Report to the Committee on the Rights of the Child (RC C/136/Add 1 April 21 2005 para. 37)

<sup>3</sup> Maggie Michael 'Saudi women sue male guardians who stop marriage' Associated Press November 28 2010 <http://www.jpost.com/MiddleEast/Article.aspx?id=197004> Accessed on September 26 2012

<sup>4</sup> CNN.com, January 17 2009

<sup>5</sup> the Middle East and North Africa consultant for Equality Now, an advocacy group for the human rights of women and girls around the world

<sup>6</sup> 'Suad Abu-Dayyeh' 'Will Saudi Arabia end child marriage?' Accessed on June 24 2014 [http://www.equalitynow.org/take\\_action/child\\_marriage\\_action315](http://www.equalitynow.org/take_action/child_marriage_action315)

<sup>7</sup> 'Child Marriage' <http://modelunsummer.wikispaces.com/file/view/Child+Marriage+Mini+Sim+nation+position.pdf> Accessed on August 16 2014

<sup>8</sup> Milaat W Florey C 'Prenatal mortality in Jeddah Saudi Arabia', International journal of epidemiology 1992 p 82-90



The announcement by the minister of justice on April 14, 2009, "a new system of bylaws would be implemented to observe children would no longer be subjected to this abuse" could not stop the marriages of minor girls as several child marriages have occurred after that statement. Some cases are "in Najran, a 13 years old girl was married off to a man in his 50s. Everyone in the family opposed the marriage but the father allowed the marriage for the cause to buy a car by using his daughter's dowry". In another case, a sheikh was forced to marry a 10 years old girl to a person of 34 years old, other story is of the marriage of 12 years old girl with a marriage official himself<sup>1</sup>

International media have covered a number of cases of child marriage. In one case "the mother of a 12 year old girl that was married to an 80 year old man asked the courts to annul the marriage on grounds of rape"<sup>2</sup> but the case was solved by the withdrawal of girl stating that she approved the marriage in "filial respect to her father and obedience to his wish"<sup>3</sup>. Another case describes that "a court in Uniaza maintained the marriage of an 8 year old girl to a 60 year old man on the condition that the marriage is not consummated until she reaches puberty"<sup>4</sup>

The extent to which a woman contributes in decisions with respect to her own marriage relies on her family's preferences and her age, social and professional circumstances. One example is, "an eight year old girl made headlines by securing a divorce from her 50 year old husband, a marriage brokered by her father to settle old debts"<sup>5</sup> since there is no law to stop child marriage in the country<sup>6</sup>. As according to scholars of Hanbali school of thought that "a guardian who is the father or grandfather of a minor or virgin girl is free to approve a marriage for his ward without her consultation"<sup>7</sup>. A fatwa by sheikh Saleh al-

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<sup>1</sup> Eman Al Najfan "It's still legal in Saudi Arabia, child marriage" Vol. 10 2011. [saudiambler.blogspot.com](http://saudiambler.blogspot.com) 12-year-old married off to 80-year-old

<sup>2</sup> Saudi Child Bride Drops Divorce From 80 Year Old Man. BBC February 2, 2010. [http://news.bbc.co.uk/2/hi/middle\\_east/8493402.stm](http://news.bbc.co.uk/2/hi/middle_east/8493402.stm), Accessed on October 16, 2013

<sup>3</sup> Ibid

<sup>4</sup> 'Saudis To Regulate Child Brides' BBC April 15, 2009. [http://news.bbc.co.uk/2/hi/middle\\_east/7999777.stm](http://news.bbc.co.uk/2/hi/middle_east/7999777.stm) Accessed on July 20, 2014

<sup>5</sup> "8-Year-Old Saudi Girl Divorces 50-Year-Old Husband," Khaleej Times, May 1, 2008. [http://www.khaleejtimes.com/DisplayArticleNew.asp?section=middleeast&file=data/middleeast/2009/may/middleeast\\_may2.xml](http://www.khaleejtimes.com/DisplayArticleNew.asp?section=middleeast&file=data/middleeast/2009/may/middleeast_may2.xml) Accessed on July 20, 2014

<sup>6</sup> New Marriage Contracts to Ask the Bride's Age" BBC, June 2, 2010. <http://www.bbc.co.uk/news/10217619> Accessed on April 13, 2014

<sup>7</sup> Jamal J. Nasir, *The Status of Women under Islamic Law and Under Modern Islamic Legislation* (London: Graham & Trotman, 1990), p. 10

Fawzan supports the marriage of minor girls with the statement that "fathers may arrange marriages for their daughters even if they are in the cradle, the only condition is that the married couple cannot consummate the marriage until she has reached puberty"<sup>1</sup>. As fatwas considered as the law of the country, the mentioned fatwa implies that child marriage is authoritatively approved by the administration. Moreover, the marriage of girls aged ten and above is approved by fatwa of the Grand Mufti.<sup>2</sup> This fatwa did not set a minimum age of marriage. It sanctioned marriage at age ten, but did not disallow earlier marriage. Such fatwas allow the practice of child marriage to continue and thousands of Saudi Arabian girls are married off at a young age. In 2012 alone, there have been 5 622 cases of young marriages were observed in 2012.<sup>3</sup>

The financial incentives are considerable which causes the child marriage in rural areas. Many families in rural areas might choose to marry off their girls for the sake of marriage gift from the groom.<sup>4</sup>

During the recent few years, the age difference between the marriage partners has been given importance in terms of coverage on media so as to apprise the general public as well as the international treaties dealing with the human rights, particularly children's rights to which the Kingdom is a signatory. The resolutions on children's rights define the child as "any person under the age of 18". Article 16.2 of the "Convention on the Elimination of All Forms of Discrimination against Women" states that "The marriage of a child shall have no legal effect and all necessary action including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory". Nadya Khalife<sup>5</sup>, suggested that the administration should legally set a minimum age for marriage. She said "Working from a human rights framework, we believe that early marriage has negative consequences on children, especially girls because it affects their health, education, literacy and economic

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<sup>1</sup> Angus McDowall and Summer. Cleric Fights Saudi Bid to Ban Child Marriage. Wall Street Journal. July 29, 2011. <http://online.wsj.com/article/SB10001424053111903635604576472011907391364.html>. Accessed on March 17, 2013.

<sup>2</sup> Dubai. Saudi Mufti Okays Marriage for 10 Year Old Girls. Al Arabiya News. November 2, 2010. <http://www.alarabiya.net/articles/2009/01/15/64297.html>. Accessed on March 19, 2013.

<sup>3</sup> More than 5 000 Child Brides in Saudi Arabia. Gulf News. November 8, 2012. <http://gulfnews.com/news/gulf/saudi-arabia/more-than-5-000-child-brides-in-saudi-arabia-1.1101605>. Accessed on April 9, 2013.

<sup>4</sup>Ibid.

<sup>5</sup> Women's Rights researcher for Human Rights Watch's Middle East and North Africa Division.

empowerment skills. The reason we focus on girls is because it is principally girls who are married off at a young age”<sup>1</sup>

Early marriages extremely affect the girls medically as it ‘run a very high risk of complications in pregnancy and childbirth compared with older adolescents”<sup>2</sup> According to the ministry of health, “teenage pregnancy may be a factor behind the high maternity mortality rate of 12 per 100 000 live births in 2006”<sup>3</sup> Right to education is also affected by the kind marriage, social connections are being restricted because of a number of responsibilities, emotional consequences are also noticeable and the study by UNICEF places them at significant risk of domestic violence<sup>4</sup> Early marriages are endured in Saudi Arabia for quite a long time having adverse social, physical, mental and economic effects. The administration is being pressurized internal and internationally to eliminate child marriage by limiting the minimum age. A latest movement by ‘*Sayidat Magazine*’ openly condemned child marriages and was upheld even by Saudi royal family. But it results only to put a space for age onto marriage certificate<sup>5</sup>

James Lynch, Amnesty's Middle East presenter stated his uncertainty regarding elimination of early marriages as

‘But until we see actual legislation and how it's implemented, rather than merely fine words, we will continue to have serious concerns about lack of protection for girls from early and forced marriage”<sup>6</sup>

### **2.1.3. Employment issues**

Employment of women is another issue which directly and indirectly effected by the system of male guardianship in the state. Saudi society believes that the nature of women is different in relation to that of men, for that reason they are allowed to work which is suitable to their nature. This is the reason, women are offered some specific jobs. The

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<sup>1</sup> [http://www.artsandopinion.com/2011\\_10\\_n3/eman.htm](http://www.artsandopinion.com/2011_10_n3/eman.htm). Accessed on March 21, 2013

<sup>2</sup> Child Marriage: Girls 14 and Younger at Risk.” International Women's Health Coalition [http://www.iwhc.org/index.php?option=com\\_content&task=view&id=3487&Itemid=629](http://www.iwhc.org/index.php?option=com_content&task=view&id=3487&Itemid=629). Accessed on Feb 22, 2014

<sup>3</sup> Health indicators 2005–2006. Ministry of Health of Saudi Arabia [http://www.moh.gov.sa/statistics/Stat\\_Bk1426/indicators.htm](http://www.moh.gov.sa/statistics/Stat_Bk1426/indicators.htm), Accessed June 16, 2014

<sup>4</sup> Saad Abu-Dayeh. Will Saudi Arabia end child marriage? May 29, 2014

<sup>5</sup> Fman Al Najjan. It's still legal in Saudi Arabia: child marriage, Vol 10, 2011. [saudiamber.blogspot.com](http://saudiamber.blogspot.com), Accessed on April 11, 2014

<sup>6</sup> [www.csmonitor.com/tags/topics/james+Lynch](http://www.csmonitor.com/tags/topics/james+Lynch)

concept that women should work in their separate spheres where they cannot be seen by strange men is still dominant. The law demands a guardian's permission from woman if the type of work is not "deemed appropriate for a woman", for example, to work in a rural area a woman has to be accompanied a man who performs as her guardian. The obligation of genders segregation resulted in inequity in employment. The imposed segregation of genders has limited the opportunities for women to work, as the majority of women employed to work in state's segregated education system or in medical services. Considering the obstacles women face with legal guardianship system, it is no wonder that just 5 percent<sup>1</sup> of the workforce is female. Saudi women cannot study engineering, law, or journalism. According to the latest official figures 49.9% of the Saudi population is female<sup>2</sup> and barely 21% of them contribute to the social development, because it is socially unacceptable for women to work in fields other than teaching and medicine<sup>3</sup>. Although women account for just over half the school and university population, government policy and social tradition severely limit their employment opportunities<sup>4</sup>. Women deemed unpleasant as workers for reasons that the companies have to arrange separate services for the women and their lack of ability to interact with other groups without a male representative. In addition, women need to be transported by drivers, which can end up in great cost for the employers.

Some Saudi writers condemn the idea of Saudi women's employment. The one is Saudi physician and writer Muhammad Ali al Bar wrote in his book *Amal al Mara'a fi al Mizan* (1984) that the participation of Saudi women in the economic world will eventually destroy the entity of the family as they will have to be away from their husband and children all the day<sup>5</sup>. Souheila Zein Al Abedeen shares Al Bar's view about the participation of women in the labor market. She condemns totally the idea of women

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<sup>1</sup> Dalia Mortada and Imani M. "Will Changes in Saudi Arabia Increase Women's Rights?" PBS News hour November 1, 2011 <[http://www.pbs.org/newshour/extra/features/world/july-dec11/saudi2\\_11-01.html](http://www.pbs.org/newshour/extra/features/world/july-dec11/saudi2_11-01.html)> Accessed on September 13, 2014.

<sup>2</sup> Health indicator 2005-2006. ministry of health of Saudi Arabia. [http://www.moh.gov.sa/statistics/stat\\_bk1426/indicators.htm](http://www.moh.gov.sa/statistics/stat_bk1426/indicators.htm) Accessed on June 13, 2014.

<sup>3</sup> Vidya sagar G. & Rea D. "Saudi women doctors: gender and careers within Wahabic Islam and a westernized work culture." *Women's studies international forum*, 2004 p. 261-80.

<sup>4</sup> "Major countries of concern, Saudi Arabia." *Human rights annual report 2007*.

<sup>5</sup> Mona Al Munajjed. "Women in Saudi Arabia today." Macmillan press ltd. London, 1997 p. 83.

going to work, especially if it is in a mixed environment<sup>1</sup> Likewise Ahmad Muhammad Jamal, a prominent Saudi scholar, and writer condemn the idea of participation of women in the labor market as it prevents them from taking care of their families. According to him, women should work only in the fields of teaching, nursing, and medical care.<sup>2</sup> But some of them are in the favor of women empowerment as some Saudi liberal men openly condemn the system of guardianship. Dr. Abdullah Al-Fawzan<sup>3</sup> argued for "rethinking the current statutes and passing laws that prevent Saudi men from dominating women, which would clear the way for women to play a more vital role in the economy." He also stated "the administrative and legislative framework in Saudi Arabia was designed to empower men. We live in a patriarchal society, and so the government should support women."<sup>4</sup>

Actually the reasons behind the system of guardianship according to westerner's point of view are one of the reasons is the government's concern to do so conservative gender ideology promoted by the Council of Senior Ulama has broad public attention and the gender is a critical tool for the country administration in managing political and economic challenges.<sup>5</sup> West sees the government endeavors to strengthen women's employment are ambiguous as giving comfort to those who believe that women should stay at home as well as to those who demand the right to pursue economic independence.<sup>6</sup> Some internals share their views regarding government role are Dr. Nadia Baeshen<sup>7</sup> commented on obstacles faced by businesswomen in the country as "despite the orders from the Ministry of Labor, many government offices have failed to provide separate sections so that women can conduct their business without middlemen."<sup>8</sup> Hoda al-Geresi<sup>9</sup> sent an open letter to King Abdullah opposing the guardian system by arguing "the Cabinet decision 120/2004, which addresses some aspects of women's independence, has still not

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<sup>1</sup> Al Abedeen 1984 p 80

<sup>2</sup> Jamal, 1981 p 54

<sup>3</sup> A sociology professor at King Saud University

<sup>4</sup> Mohamad 2007

<sup>5</sup> Eleanor Abdella Doumato, "Women and Work in Saudi Arabia: How Flexible Are Islamic Margins?" Middle East Journal, Middle East Institute Stable, Vol. 53, 1999, p. 568-583

<sup>6</sup> Sarja Kelly & Julia Breslin, "Women's rights in the Middle East and North Africa: progress amid resistance" Rowman & Littlefield Publishers, 2010

<sup>7</sup> Head of the Khadija Bint Khawaled Center

<sup>8</sup> Samar Fatany, "Saudi Women towards a New Era", Ghainaa publication, First Edition, 2007, p. 48

<sup>9</sup> Chairwoman of the board for the women's branch of the Riyadh Chamber of Commerce

been implemented. The decree, passed three years ago, aims to facilitate employment for women, and includes provisions opening women's centers to safeguard women against abusive legal guardians.<sup>1</sup> She criticized the interference of government that obstructs women to get permits for various activities.<sup>2</sup>

Because of gender segregation system, banks were operated for women only, which have increased the opportunities for women work.<sup>3</sup> But women as potential contributors to the labour force are still neglected. Two main reasons contribute to this negligence: the strong traditional belief about women's primary role and women's lack of financial need.<sup>4</sup> A decision was made by council of ministers in 2005 to expand the opportunities for women work. Resolution's section 8 specifies that only women will work in malls that deal with women's product but these efforts were blocked by religious authorities.<sup>5</sup> There has also been an effort to ban the employment of women as cashiers in shopping malls on the basis of fatwa issued by the council of senior ulama that prohibits women from working in mixed spaces.<sup>6</sup> As the government did not establish any implementing authority to execute the resolution, the resolution was never put into force.<sup>7</sup> Labor ministry of Saudi Arabia allowed women for work in women's supplies stores several years ago but remains deterred.

Commercial licenses for businesses were banned for women by the Ministry of Commerce in 1995.<sup>8</sup> Women's contribution remains low in the labour market, throughout the history.<sup>9</sup> Approximate population of 8.4 million women who are of working age, only about 15% are employed<sup>10</sup> and Women in the labor force had an unemployment rate of

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<sup>1</sup> Al-Hayat, February 21, 2007

<sup>2</sup> Mohamad 2007

<sup>3</sup> Al-Munajjed 1997: 91–121

<sup>4</sup> Social science research and women in the Arab world, Frances Pinter London, 1984, p. 24

<sup>5</sup> "Public debate in Saudi Arabia on employment opportunities for women" The middle east media research institute November 17, 2006. [www.memri.org/bin/articles.cgi?Page=archives&area=ia&ID=IA30006](http://www.memri.org/bin/articles.cgi?Page=archives&area=ia&ID=IA30006), Accessed on April 28, 2014

<sup>6</sup> Abdulaziz Al-Heis, "Women participation in Saudi Arabia's political arena", October 27, 2011, p. 2. <http://studies.aljazeera.net> Accessed on May 2, 2012

<sup>7</sup> Human rights watch, April 2008, p. 19

<sup>8</sup> Saudi Arabia Human Rights Practices, 1995, Washington: US Government Printing Office, March 1996

<sup>9</sup> Millennium Development Goals report of Saudi Arabia, 2005

<sup>10</sup> Ruth Leger Sivard, "Women: A World Survey", Washington DC: University Press, 2011

33.2 percent nearly five times that of men<sup>1</sup>. In spite of the fact that female students were permitted to study law in 2006, female lawyers were prohibited from practicing it legally. Justice ministry continuously forbids women lawyers from getting licenses to perform their duty<sup>2</sup>. But now a day, women lawyers are allowed to work in law firms with the condition to perform in women sections<sup>3</sup> and some others are allowed to deal with cases in court on the behalf of other women as legal representatives, but not officially as lawyers<sup>4</sup>. In 2010, the Saudi government officially announced its plan to 'reform the court system by permitting female lawyers to argue cases on divorce, child custody and other family related issues in special courts as lawyers'<sup>5</sup> but the kind courts are still not fully developed<sup>6</sup>. Because of exclusion of women from workforce, Saudi Arabia has the lowest rates of women employment in the world. So, in 2004, the kingdom was ranked by United Nations as 74th out of 75 countries for gender empowerment<sup>7</sup>. Saudi women represent just 4 percent of the total labour force and 10.7 percent of the Saudi labor force<sup>8</sup>.

As for the young women, in a sex segregated society their job opportunities are few<sup>9</sup>. Saudi women play a highly restricted role in the economic life of the kingdom. This can be attributed to puritanical attitude which frown upon the employment of women, not because of any religious injunction against such employment, but rather because of the desire to maintain strict segregation of the sexes. As a result, employment opportunities exist for women primarily in the areas of education and medicine. According to World

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<sup>1</sup> Saudi Arabian Monetary Agency (SAMA) Forty Ninth Annual Report 2013

<sup>2</sup> Razan Baker. Saudi women studying law wish to practice it once they graduate. Arab News, August 29 2007. [www.arabnews.com/?Page=1&section=0&article=100554&d=29&m=8&y=2007](http://www.arabnews.com/?Page=1&section=0&article=100554&d=29&m=8&y=2007). Accessed on August 21 2013.

<sup>3</sup> New law will end male dominance in Saudi courts. ArabNews.com. <[http://arabnews.com/saudi/arabia/article20117\\_ece](http://arabnews.com/saudi/arabia/article20117_ece), Accessed on May 30 2013.

<sup>4</sup> Female Lawyers Seek Justice. Saudi Gazette. [http://www.saudigazette.com.sa/index.cfm?method=home\\_region&contentID=20110723105845](http://www.saudigazette.com.sa/index.cfm?method=home_region&contentID=20110723105845). Accessed on July 5 2014.

<sup>5</sup> New law will end male dominance in Saudi courts. ArabNews.com. [http://arabnews.com/saudi/arabia/article20117\\_ece](http://arabnews.com/saudi/arabia/article20117_ece), Accessed on April 14 2014.

<sup>6</sup> Dina Al-Shibeb. Saudi women aim to practice law, traditionally a male domain. Al Arabiya News, 23 April 2011. <<http://www.alarabiya.net/articles/2011/04/23/146400.html>>

<sup>7</sup> Human Development Report 2006. New York: Palgrave Macmillan, 2006.

<sup>8</sup> Raid Qusti & Ali Al-Zahrani. Obstacles before women's employment discussed. Arab News. [www.arabnews.com/?Page=1&section=0&article=77368&d=6&m=2&y=2006](http://www.arabnews.com/?Page=1&section=0&article=77368&d=6&m=2&y=2006). Jan 11 2013.

<sup>9</sup> Roger Hardy. Unemployment: the new Saudi challenge. BBC News. <http://news.bbc.co.uk/2/hi/business/5406328.stm>

Bank's data, "women's economic activity rate is low at 19 percent"<sup>1</sup> United Nation's report says "an estimated 70 percent of working women are emigrant female workers"<sup>2</sup> Women in the workforce are concentrated mainly in the education sector<sup>3</sup> The country report to the working group on the "Universal Periodic Review (UPR)" contends that Saudi working women amount to 50 per cent of the number of male workers<sup>4</sup> NGO figures are much lower<sup>5</sup> Low contribution of women in the labor force is credited to the disparity of education and work opportunities and restrictions stemming from the set up of male guardianship The case of Lulwa Abd al-Rahman, a victim of male guardianship was reported by "Financial Times" as "her father rejected her suitors, then withdrawn his permission for her to work in a bank, locked her in home and beat her When she appealed in court to remove the guardianship over her, the judge ordered her to return to her father's home"<sup>6</sup> Islamic law grants women the right to own and manage their property and other assets, including real estate, the mahr, inheritance, investments, and earned income In practice, women's ability to manage their own assets and to earn an income are restricted by a combination of social customs and religious values that have been incorporated into the kingdom's commercial regulations, codes of public conduct and the minds of the bureaucrats who administer them Gender segregation in the workplace, government ministries and offices, retail establishments, hotels, restaurants recreational facilities, and banks greatly affects women's ability to manage and make use of their own assets Until 2005 a woman could not legally obtain a commercial license for a business without proving first that she had hired a male manager, and she needed permission from her guardian to go into business or take out a bank loan<sup>7</sup>

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<sup>1</sup> World bank central database (September 2008)

<sup>2</sup> United Nations Arabia Millennium Development Goals report on the Kingdom of Saudi Arabia Riyadh 2002

<sup>3</sup> Kingdom of Saudi Arabia and UNDP Millennium Development Goals 2005

<sup>4</sup> National UPR report A/HRC/WG.6/4/SAU/1, Para 46

<sup>5</sup> Women for Reform Shadow report on CEDAW 2007

<sup>6</sup> Abeer Allam "Saudi Women Face Uphill Battle in Abuse Cases", Financial Times, August 24 2009

<http://www.ft.com/cms/s/0/d44e296e-90d1-11d1-bc99-00144feabdc0.html?catid=20&SID> Accessed April 5 2012

<sup>7</sup> Resolution no 120 says that government bodies which issue licenses to practice economic activities receive applications from women for such licenses which are granted and issued accordingly, <http://daccessdds.un.org/doc/UNDOC/GEN/N07/296/67/PDF/N0729667.pdf?OpenElement>



A small number of Saudi women hold executive positions in private sector firms, businesses and international organizations<sup>1</sup> The specific nature of the Saudi society let the work of women to be concentrated in the fields of education, health and some fields of social care<sup>2</sup> In fact, 93% of the females who graduated from universities in the last decade had degrees in education and teaching or human sciences<sup>3</sup> In contrast, fields such as science and technology, engineering and agriculture are predominantly male fields This bias in specialization, as demonstrated by the high concentration of women in education and men in science and engineering is not only in Saudi Arabia, it is also found in other Arab and Muslim countries but not as high as in Saudi Arabia It could be attributed to cultural restrictions, based on the expected role of women in society In many Arab and Muslim countries, teaching is perceived as a female job and, in fact, a social extension of a woman's role as a mother and a wife<sup>4</sup>

Saudi Arabia has the lowest female employment rate than that of any country The three necessary conditions of need, ability, and opportunity are not met Although there was a need for workers, large numbers of foreign workers were financed even though this was recognized as a social and national problem<sup>5</sup> Saudization, a policy intended to enhance the employment of nationals, is supposed to be addressing this problem, but other policies and practices that shape women's lives are also obstructing Saudization 'Saudization' of certain jobs for women also has been legislated and attempted with mixed success, as in the case of requiring female salespersons for lingerie and training Saudi women as housemaids In these cases, the jobs already exist The challenge lies in finding Saudi women who are trained and willing to do them, as well as in creating a social and cultural environment that accepts women working in these jobs Given the presence of more than 1.5 million foreign female domestic servants in Saudi Arabia, some believe that Saudization of the domestic servant industry is critical to reducing

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<sup>1</sup> United Nations Arab Millennium Development Goals report on the Kingdom of Saudi Arabia Riyadh 2002

<sup>2</sup> Dr Abdul Rahman bin Abdullah al-shakawi 'Development of government statutes and administration in Saudi Arabia' second edition, 2012 p 260

<sup>3</sup> Al Munajjed 1997-2006

<sup>4</sup> Ibid

<sup>5</sup> Sherifa Zuhur Middle East in focus Saudi Arabia Library of Congress Cataloging-in-Publication Data ebook www.abc-cho.com

foreign remittances, dependence on foreign labor, and resolving the high rates of unemployment among Saudi women. Nonetheless, there is a very strong likelihood that women's status in the country is going to change due to the frequent variations in demographic and economic necessities within the Kingdom.<sup>1</sup> However, major challenges remain including overcoming social stigmas against blue collar work, maintaining gender segregation and resolving transportation issues, such as by providing private company transportation or developing a national public transportation system. At present, working women remain dependent on either male family members or a hired driver to get them to work and back. In addition, like their Western counterparts, Saudi women struggle with the balance between childcare, caring for elderly parents and in laws, and other family and home responsibilities versus job requirements.<sup>2</sup> It is true that nurturing the new generation is the highest duty of Muslim women, it is also true that there are numerous fields of public life where women can be allowed to participate within the scope of the Shari'ah, thus honoring them and acknowledging their role in building society.<sup>3</sup> Haifa Al-Kaylani<sup>4</sup> stated "when women prosper, families and communities prosper. Educational attainment is the key to empowerment, and women can be the engines of change and development. She said we live in a world without borders, and the Arab world is at the heart of the globalized economy. Arabs are expected to work hard and strive to negotiate with partners across borders to establish their role in the global village. For women to take part in this transformation, they need to master business and information technology to speak to the world."<sup>5</sup> They are also in need of the participation in political system of the country to cope with the modern political challenges as faced by them.

#### **2.1.4. Right to vote**

Saudi Arabia is one of the three countries where the political participation of women is zero.<sup>6</sup> In February 2005 country's first elections, women were not allowed to vote or run

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<sup>1</sup> Abu Nasr, N. Julinda, Khoury and H. Azzam. Berlin. Women Employment and Development in the Arab World. Mouton Publishers. 2012.

<sup>2</sup> The Kingdom of Saudi Arabia. 1979-2009. Evolution of a Pivotal State. Middle East Institute Viewpoints. www.mei.edu. Accessed on July 7, 2013.

<sup>3</sup> "Petitions for Reform in Saudi Arabia." Human Rights Watch. May 1992. p. 60.

<sup>4</sup> founder and chairperson of the UK based Arab International Women's forum.

<sup>5</sup> Fatany, 2007. P. 75-76.

<sup>6</sup> Hausmann, supra note 6. at 16. Table 5. Rankings by subindex. 2012."

for it as a candidate<sup>1</sup> The administration begins listing the candidates and voters records for the preparation of this first election in kingdom's history but it was not for women Lt Gen Ali al-Qahtani<sup>2</sup>, confirmed the participation of prisoners in election and Secretary of Riyadh city prince Abdul Aziz Bin Muhammad al-Muqarran said that "women are not allowed to vote or nominate themselves for the elections but their participation in the next elections in four years will be discussed"<sup>3</sup> Main factors behind the exclusion of women from elections (a) that too many women were unavailability of identity cards because of the failure to fulfill photograph requirement and the lack of arrangements for female and the other reason was the protest of conservatives against their participation<sup>4</sup>

Prince Nayef<sup>5</sup> expressed that "the country had no need of women MPs or elections"<sup>6</sup> Likewise, during the elections that were held in 2005, as women were informed on short notice, thus the decisions were postponed, elections that were supposed to be held in 2009 were not organized by the officials<sup>7</sup> Even though municipal elections were scheduled to be held in 2009, Administration again failed to facilitate women for elections after getting six years to get ready and authorities announced that elections would be postponed for an additional two years<sup>8</sup> On September 29, 2011, the state held elections on the basis of nonparty and 285 seats were for municipal councils but women were not allowed to join it<sup>9</sup> The plan to include women in country's political life results into failure of implementing it in this modern era All steps to change the situation of women in the state faced strong resistance from strong religious establishment<sup>10</sup> Mainly

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<sup>1</sup> Arab Reform Bulletin 2 October 2004

<sup>2</sup> The Director of Prisons in Riyadh area

<sup>3</sup> Arabnews.com November 23 2004

<sup>4</sup> Zuhur Middle East in Focus Saudi Arabia, p 69

<sup>5</sup> interior minister of Saudi Arabia and half-brother of King Abdullah afterwards he became second deputy prime minister boosting his chances for the succession

<sup>6</sup> Mark Iran Female Saudi Arabian minister's TV stance confounds rights advocates

<http://www.theguardian.com/world/2009/jun/08/saudi-arabia-female-minister-television> Accessed on June 6 2013

<sup>7</sup> Nusrine Malik Saudi Arabia's slow progress on women's rights

<http://www.theguardian.com/commentisfree/2011/sep/25/saudi-arabia-women-rights> Accessed on Sept 20 2013

<sup>8</sup> Abdul-Ramad Shaheen Saudi Analysts Hail Postponement of Elections Gulf News

<http://gulfnews.com/news/gulf/saudi-arabia/saudi-analysts-hail-postpone> Accessed on Feb 13 2013

<sup>9</sup> Country reports on human rights practices for 2011 United States Bureau of democracy human rights and labor

<sup>10</sup> Abdul Azia Al-Heis Women participation in Saudi Arabia's political area 27 October 2011 p 2 <http://studies.aljazeera.net> Accessed on March 3 2013

the objections came from traditional ulema, the religious scholars<sup>1</sup> The Arabs of Middle East are focusing on political improvement so in response they are facing strong criticism both internally and externally One of these countries becoming point focus of attention is Saudi Arabia particularly with respect to women's political rights After being fail to give political rights to women in 2011, the King announced that women would be permitted to participate in the upcoming elections of 2015

People of other countries commented that it is unbelievable that there exist some nations still depriving women from their basic right<sup>2</sup>

A review based on the news of BBC is provided here describing that when the Consultative Council confirmed the election in the month of October 2003, no criteria was stated for the participants so some women stood up to participate as candidates<sup>3</sup> In response to a question about woman's participation in elections prince Nayef bin Sultan said on October 11, 2004 "I don't think that women's participation is possible" The reasons excluding women from the said election were lack of staff and facilities to maintain women only polling stations, registration centers and unavailability of identity cards for women<sup>4</sup> By mentioning the reason based on logics as opposed religious reasons against women's involvement, he has given the freedom to women to take part in future elections<sup>5</sup> Ministry of justice seems as in favour of women's right to vote It is reported that a spokesperson said

'There is no reason to stop them from participating in the elections Trends coming from the West which are beneficial and do not contradict our laws and religion should not be banned'<sup>6</sup>

Saudi Arabia had taken steps for betterment of the system but regardless of being allowed to join elections, the country's strict gender segregation rules and dominant traditions stopped women go forward but hopping good for future elections to be held in 2015

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<sup>1</sup> Nawaf Obaid ' Clerical Hurdles to Saudi Reform', Washington Post, March 9, 2004

<sup>2</sup> Cindy G Buys and Stephanie Macurba, "Is reform a reality for women in Saudi Arabia?" <http://www.isha.org/committees/women/newsletter/2012/06> Accessed on April 2, 2013

<sup>3</sup> [www.bbc.com/news/blogs-news-from-elsewhere-34507113](http://www.bbc.com/news/blogs-news-from-elsewhere-34507113) Accessed on April 5, 2014

<sup>4</sup> [http://news.bbc.co.uk/2/hi/middle\\_east/3734420.stm](http://news.bbc.co.uk/2/hi/middle_east/3734420.stm), Accessed on May 26, 2014

<sup>5</sup> Women Shut Out of Upcoming Saudi Vote Associated Press Accessed on October 12, 2014

<sup>6</sup> Okaz, December 4, 2004

## **2.2. To what extent are these reports based on facts?**

Arab civilization has its origin that go back to time when the birth of a female child was not acceptable incident. Since then with a very limited period of 30 years i.e. the Caliphates period, Arab society returned back to their old tribal customs and now the people particularly woman is somehow deprived of their everlasting rights. Consent to marriage, property, inheritance, right to run business and traveling from one place to other, were the issues settled by our Holy Prophet ﷺ 1431 years before but the mentioned issues were reborn in most recent 200 years.

Meeting held in 1974 by "The Iraqi Ba'ath party"<sup>1</sup> declared that "the backwardness of Arab women in social, economic and cultural fields is now one of the most serious obstructions in the path of the modern Arab renaissance"<sup>2</sup>. Saudi Arabia arrived in the 1980s with a more complex society, ready to benefit from the products of development at all social and economic levels with the determination to safeguard the nation's religious and social customs<sup>3</sup>. This stability between the two has not been easy to keep up, particularly with regard to women's participation. As social change is vital for the renaissance of society, so the "freedom of women" became the purpose as well as the focus of this change. The freedom of women is examined in the context of the liberation of the entire society. The advanced liberated society is incomplete or imperfect if it does not deal with the subject of woman's liberation<sup>4</sup>.

That is the reason when discussing Saudi Arabia, international reports and investigation and critics usually raises the subject of Saudi women being deprived of their rights. They are subjugated and they need help to keep them safe. In fact, these reports and studies are composed as per the western view of human rights that they believe are suitable for all.

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<sup>1</sup> Hizb Al-Ba'ath Al-'Arabi Al-Ishuraki, Al-Ba'ath or Ba'ath meaning "renaissance" or "resurrection" which is an ideology mixing Arab nationalist, pan-Arabism, Arab socialist and anti-imperialist interests. Ba'athism calls for unification of the Arab world into a single state. Its motto "Unity, Liberty, Socialism" refers to Arab unity, and freedom from non Arab control and interference.

<sup>2</sup> Amal Sharqi, 'The progress of women in Iraq', 2012, p 5.

<sup>3</sup> Huvette Summer Scott, 'Political Adaptation in Saudi Arabia: A Study of the Council of Ministry', West view Press, Boulder, CO, 1985, p 9.

<sup>4</sup> Al-Razzaz, 'Musharakat Al-Mar'a', p 8.

nations. Unfortunately, that is not right. Religious, Social, traditional, and cultural values play a role in deciding the rights and responsibilities of individuals. Those who prepare reports about rights deprivation in Saudi Arabia do not know the Saudi society and customs. The initiators of these biased reports missed the point that every society has its unique system, as such Saudi citizens can't adapt the western values to fit their society. These people should also understand that Islam gives due respect to women and secures their rights and self-respect as human beings. It is recognized that there might be misconducts and they are the direct result of erroneous application of rules by some ignorant officials. Public have issues that should be concentrated and settled. But fair assessment of issues is needed without exaggerating or putting down it. In other words people should examine the entire circumstances to see the real picture and not only a few so called problems. Interests of the entire society should be considered when dealt with any problem and not the interest of one party contrary to others. Saudi woman being a dynamic and positive element of the society has proven herself on various grounds including administration, education, family and workplace or in other activities but the negative interpretation of women by media as backward, submissive, incompetent, ignorant and traditionalist, influences their image a lot. The good thing is that the administration has proved the given blames incorrect and is securing the integrity of women.

Grand Mufti Sheikh Abdul Aziz Al-Asheikh confirmed the protection of women under law by stating

'Anyone who claims that women are not granted their rights is unaware of the reality on the ground. Women in our country are given access to all opportunities'<sup>1</sup> Giving attention to women rights is something to be thankful for, however there is also a threat of misinterpretation or exaggeration as the example of the west's propagation of women issues in Saudi Arabia. So, what does the West get right about women's condition in Saudi Arabia and what does it get wrong? To know about the facts, as well as the misconceptions it is needed to have a brief look over the application of women's rights in

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<sup>1</sup> Ignorant critics of KSA laws slammed. Jeddah Arab News. 20 March 2015.  
<http://www.arabnews.com/featured/news/720761>. Accessed on Jan 12, 2014.

*The continuum of women's rights in kingdom of Saudi Arabia in the context of reports and news*

the country. So a survey was conducted in Riyadh, Saudi Arabia to evaluate the authenticity of these reports and news.

## **Chapter 3**

### **Survey, Results and Discussion**



In this chapter, I will present the data collected through a survey and its analysis. The areas covered in this study are women and male guardianship, women and the employment, early marriages and women, and the right to vote. The following tables and pie charts shed some light on the reality and nature of women issues in Saudi Arabia and the analysis of the reports and news on the basis of survey. Survey was conducted to assess the following main areas: Are Saudi Women satisfied with the application of rights given by Islam? Why the position of women in Saudi Arabian society is a complex and frequently misunderstood issue? Does the Saudi Woman need any external support to save her? What are the causes and reality of the breach of Saudi women's rights examined in the reports and news?

A total of 91 respondents were interviewed during data collection from different cities of Saudi Arabia, mainly from Riyadh. All those who gave written consent were administered questionnaire. Analysis of the data gave following results:

### **3.1. SECTION I: Demographic Information of Participants**

91 participants were included in this study, out of which 65 % were from Riyadh and the rest were from other cities like Holy Makkah, Madina, Damam, Tabuk and Jaddah working in Riyadh. People of different age groups participated in the survey and majority of them were highly educated. Most of them were from public sector. The mature, well educated and well experienced respondents made the survey strong by their views and valuable suggestions.

#### **3.1.1. Gender of patients**

The study sample included male and female participants, out of which 65 were females and 26 were males. The detail is discussed below in table.

Table 1 Gender of participants

Gender	Frequency	Percent
Male	26	29
Female	65	71
Total	91	100.0

### 3.1.2. Age of Participants

People of different age groups participated in this survey. All the respondents were mature and well educated. Detail is discussed below in table.

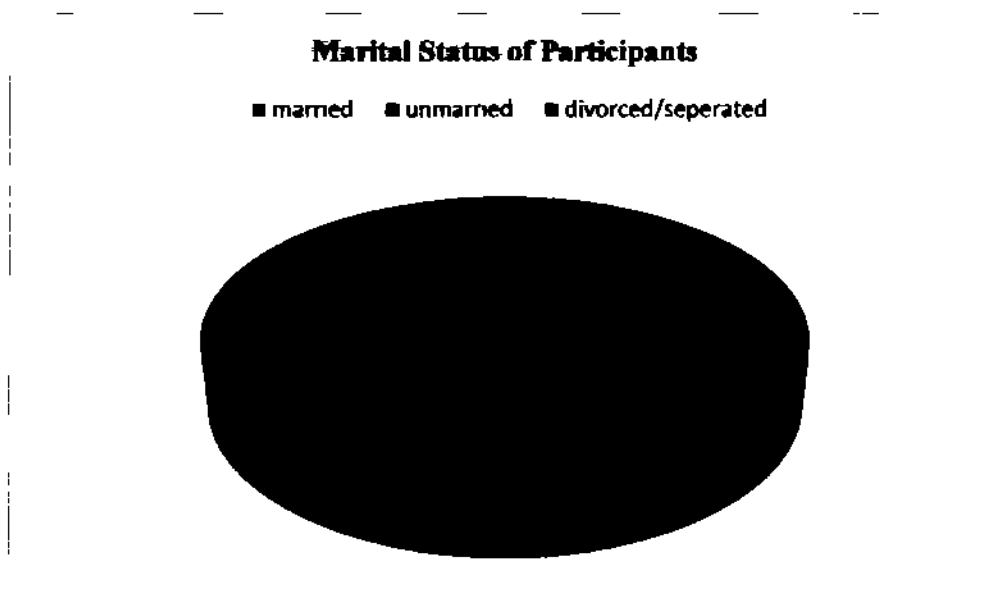
Table 2 Age of participants

Age	Frequency	Percent
less than 20 years	3	3
20-30 years	32	35
31-40 years	30	33
41-50 years	17	19
51-60 years	8	9
61-70 years	1	1
Total	91	100

### 3.1.3. Marital status

55% Participants were married, 34% unmarried and 11% were separated/divorced/widowed. The detail is given below in the figure.

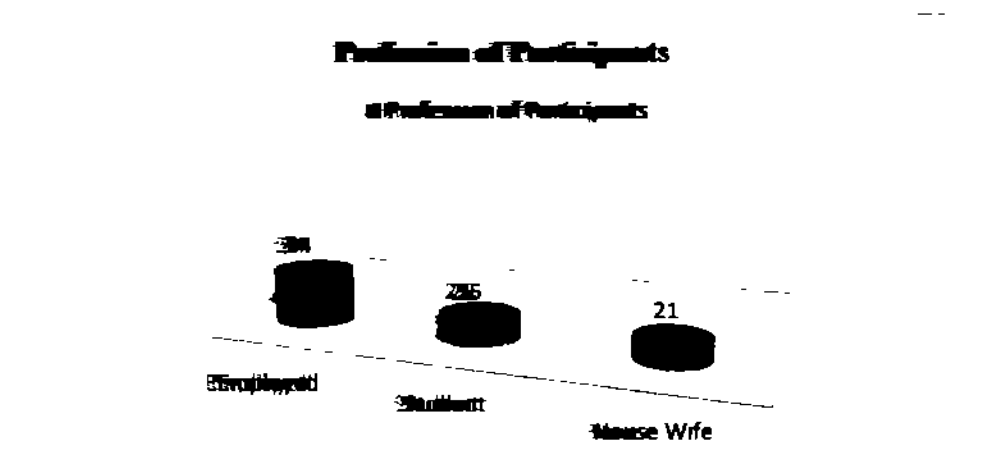
Figure 1: Marital status of participants



### 3.1.4. Participants' profession

54.0% are employed, 25.0% are students, and the profession of other participants is described below.

Figure 2: Participants' Profession



### 3.1.5. Work Experience

Half of the respondents were students and house wives having no experience. Experience of the participants is described in the table below.

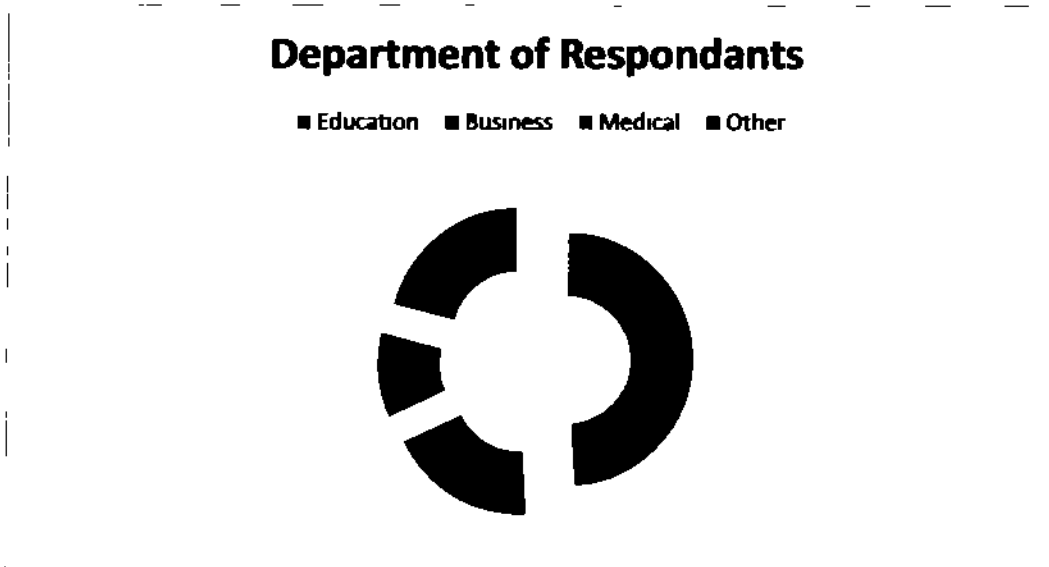
Table 3 · Experience of participants

Work Experience	Frequency	Percent
no experience	45	50
less than 10 years	22	24
11-20 years	18	20
21- 30 years	4	4
more than 30 years	2	2
Total	91	100

### 3.1.6. Department of Participants:

49% participants were from education department, 11% from medical department, 19% were having their own business, and the rest were from other departments

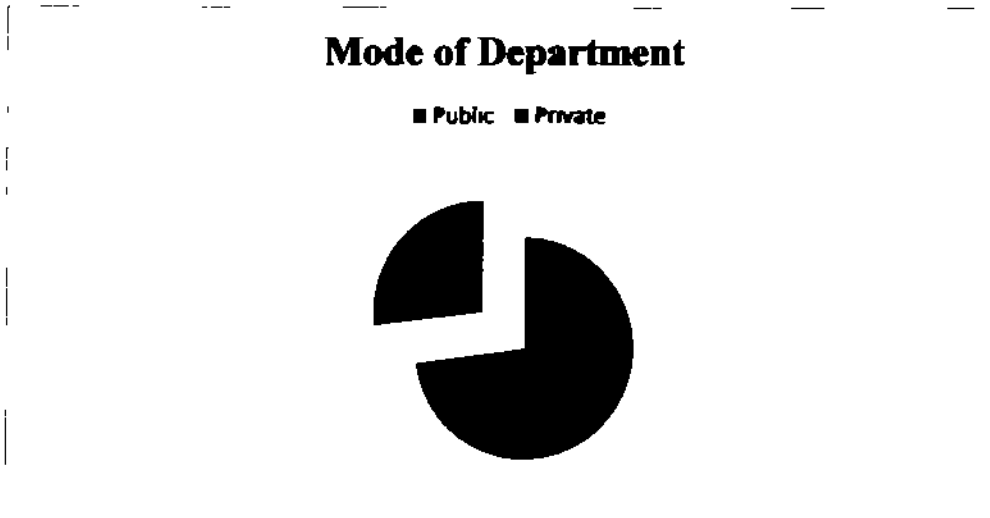
Figure 3: Department of Participants



### 3.1.7. Mode of Department:

Out of 91 participants 73% were from Government sector and 27% were from Private sector.

Figure 4. Mode of Department



## 3.2. SECTION II: Awareness of Women' Rights

### 3.2.1. Participants' awareness about women's rights

According to the results participants have notable awareness about the rights of women. The detailed results are shown below in the table.

### 3.2.2. Level of awareness of participants about Women's Rights

As the participants were aware of women's rights with different level of awareness so out of 91 only 4% participants are not aware about women's rights,18% were aware to some extent and all other were having good awareness which are discussed below. The table describes the level of awareness of participants who know about women's rights. Each question is discussed below

### 3.2.3. Awareness of women' rights

Response to the question number one is hundred percent, as described in the table below

There are two different perspectives with respect to mankind. According to one, all human are the same, therefore a sound social system is one that is based on the principle of absolute "equality". According to the other, all men or women are different in their intellectual, physical and emotional qualities, they are different in the opportunities life gives them and they are different in their natural strengths and weaknesses, so because they are different, a good society is not the one based on the principle of equality, but the one based on the principle of "justice".

Table 4 Foundation of a good society

Question	Frequency	Percent
Different	91	100.0
Total	91	100.0

Table 5 Participants' awareness of women's rights

No	Question	Options	Frequency	Percent
1	Social system of your country is based on	Equality	1	1.1
		Justice	89	97.8
		Not a and b	1	1.1
2	Is the continuum of women's rights in kingdom of Saudi Arabia a reality?	Yes	0	0
		No	78	85.7
		Sometimes	13	14.3
3	Is the violation of Saudi women's rights in the context of some international reports and news based on reality?	Yes	3	3.3
		No	59	64.8
		To some extent	29	31.9
4	Does the religious requirement to separate the genders lead to any discrimination in society?	Yes	10	11
		No	74	81.3
		Sometimes	7	7.7
5	Does a woman need male guardian to protect her?	Yes	67	73.6
		No	6	6.6
		Sometimes	18	19.8
6	Have you seen any case of early marriages in your region?	Yes	47	51.6
		No	44	48.4

7	What is your point of view on early marriages?	Acceptable	42	46.2
		Unacceptable	49	53.8

### 3.2.4. Satisfaction of Women Regarding their Rights

Table 6 Satisfaction of women regarding their rights

	Question	Options	Frequency	Percent
1	Is male guardianship system a barrier to your rights?	Yes	4	6.2
		No	61	93.8
2	How do you feel being in this system of guardianship?	Blessed	62	95.4
		Oppressed	3	4.6
3	Are you an employee?	Yes	29	44.6
		No	36	55.4
4	(If yes) Why do you work?	To make use of your degree	3	10.3
		Economic independence	11	37.9
		To help society	3	10.3
		To fill your time	1	3.4
		To help the family	11	37.9
5	Do you face any gender based discrimination from the employer?		3	10.3
			26	89.7

### 3.2.5. Satisfaction of Participants

Table 7 Satisfaction of participants regarding women's rights

No	Question	Options	Frequency	Percent
1	Is government providing you the security of your rights?	Yes	77	84.6
		No	0	0
		To some extent	14	15.4
2	Are you aware of the Islamic perspective of these five rights i.e. Male guardianship, Employment, Driving, Early marriages?	Yes	55	60.4
		No	1	1.1
		To some extent	35	38.5
3	Are you satisfied with the application of these five rights which Islam has provided?	Yes	86	94.5
		No	5	5.5
4	Does Islam elevate the status of women?	Yes	91	100
		No	0	0

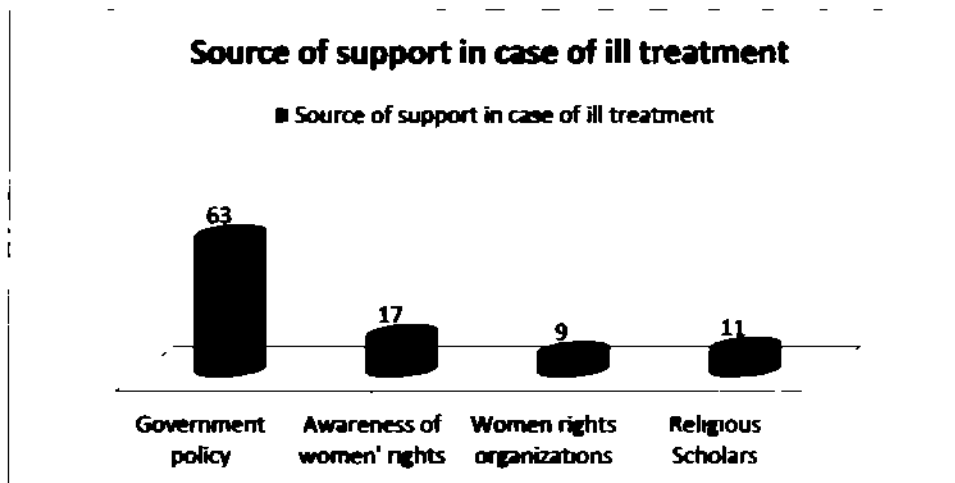
5	Are Saudi women the oppressed one?	Oppressed	0	0
		Not oppressed	70	76.9
		Sometimes	21	23.1
6	Are women elevated in an Islamic culture and oppressed in the western culture?	Yes	72	79.1
		No	19	20.9
7	Saudi woman is a role model for other women	Yes	75	82.4
		No	16	17.6

### 3.3. SECTION III: Reasons behind the issue of women in Saudi Arabia

#### 3.3.1. Source of support is case of ill treatment

Response to the question “which would be the source of support to Saudi women in case of ill treatment?” is shown in the following figure

Figure 5: Source of support in case of ill treatment

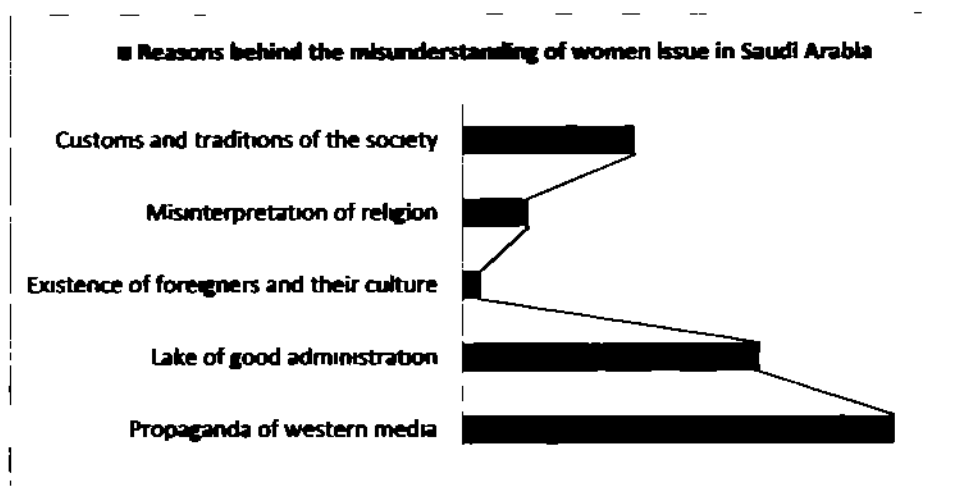


#### 3.3.2. Reasons behind the issue of women in Saudi Arabia

Respondents' views of the reasons behind women issue in Saudi Arabia are as shown in the figure below.



Figure 6: Reasons behind the issues of women in Saudi Arabia



### 3.3.3. Recommendations by Participants

Recommendation for awareness and practice of women's rights by the respondents were mainly improvement in administration and education through study course. These are:

- (a) Issues should be handled by implementation of Islamic law in accordance with authentic interpretation of the Qur'an and the Sunnah to help women not being misled by false interpretations of religion.
- (b) More effective steps should be taken to prepare new generation by the proper teachings of religion. By creating a culture of proper understanding of the women's rights as stated by the religion and comparing it to other religions, society can avoid the problems.
- (c) Community awareness of women's rights through educational and awareness campaigns in all forms and for all classes and segments of society can help to tackle the issues
- (d) There exists a need to intensify women's rights with the help of strong mechanism of implementation and enforcement of Islamic laws for women.
- (e) Regulations are required to be re-drafted in accordance with the correct concepts as set out in the Holy Quran and Sunnah
- (f) Saudi women should be aware of Western propaganda to achieve the interests of their agenda.

- (g) Efficient government policies revolving around women's position in accordance with the need of modern era are required to be introduced

### **3.4. Discussion:**

Irrespective of the declaration of human rights for all, the cognizance is still lacking in this regard the objectives cannot be met keeping into consideration the variety of socio economic, cultural, theological and political scenarios around the globe. But the west is demanding for full realization of the declarations while ignoring the above mentioned differences. Nowadays West is criticizing human rights in Saudi Arabia in general and women's rights in particular by ignoring the religion, custom and culture of the society. Reports and news are full of Western criticism on women's rights in Saudi Arabia. A survey was conducted in Riyadh, Saudi Arabia to probe into the reality of the issues. Findings are discussed below.

91 participants were included in this study out of which 65 were females and 26 were males with different age groups, they all were mature and well educated. Majority of the participants were employed, some of them were students, and the rest were house wives. 73% participants were from public sector and 27% were from private sector. 49% were from education department, 19 % were doing private business, 11% were from medical department and 21% were from other departments while rest of them were students and house wives.

According to the results, participants have remarkable awareness about the rights of women in Islam with different level of awareness, out of 91, only 4% respondents were not aware, 18% were aware to some extent and the rest were having a good sense of awareness of women's rights granted by Islam. 100% respondents were of the view that men and women are diverse in their intellectual, emotional and physical qualities and the life gives them different opportunities. So since they are distinctive, a good society is that which stands on the standards of justice and the system of Saudi state is based on justice.

Survey shows that the violation of women's rights in the context of national and international reports and news is somehow based on reality but most of them are just propaganda. Results show that 94% women in Saudi Arabia feel blessed in the system of male guardianship and they view themselves as role models for other women in the world. 85% respondents were satisfied with the government providing the security of the rights. Another issue which is indirectly related to male guardianship is the practice of the marriage of minor girls since the results show that half of the society viewed it as acceptable and other half viewed as unacceptable. When the issues comes of women employment 40 % of them do work for the help of their family and other do work for economic independence and to fill their time however they face a little discrimination from the employer but it was according to only 10% participants. When asked about the awareness of the Islamic perspective of the male guardianship, women employment, vote, and early marriages, 60% participants were having a good awareness, 39% were aware to some extent and only 1% was not aware. When asked about the application of these rights in Saudi Arabia 94% respondents show satisfaction and they are of view that Islam elevated the status of women. 100% women participants rejected the Western label on them as the oppressed ones, in need of help and they viewed the Western women as the oppressed ones.

According to the 44% participants, the reason behind the issues of women in the country is propaganda of western media, 30% claimed that the reason is lack of good administration, 15% see the misinterpretation of religion the reason and the rest see it because of customs of society and the existence of foreigners and their culture. The public trust their government and where there is situation of ill treatment, they prefer the involvement of their government for redress instead of any external support as 63% respondents were in the favour of government policy for the source of support in any kind of ill treatment, 17% said the issue could be resolved by propagating the awareness of women's rights through various means, 11% viewed the role of religious scholars as an effective source of support and the opinion of the rest centered on the role of women s rights organization.

**Chapter 4**  
**Islamic prospects for redress**

The reforms do not mean that the Kingdom of Saudi Arabia has moved away from its Islamic traditions and it is not a modest move towards Western style democracy but the state after achieving the targeted physical infrastructure of a current industrial society is attempting to develop its human assets. As a result a few problems took place inside the social system and there have been considered a need of solution to these issues. Shari'ah is capable of providing solution for those societal issues along with Muslims as mentioned in Al-Qur'an

*If we differ in anything among yourselves refer it to Allah and His Apostle* <sup>1</sup>

A superior judge in England, Lord Phillips has declared that Shari'ah, if implemented practically can resolve many of the problems existing along with Muslims. He said that there is "widespread misunderstanding as to the nature of Shari'ah law" and that Islamic legal principles could be employed to deal with family and marital arguments and to regulate finance". The mentioned jurist also declared that the rules and regulations established in this regard must follow Islamic, other than the Western law <sup>2</sup>

As for as the concern of women's problems in Saudi Arabia, Shari'ah is the main source for the redress so this chapter gives a brief note on the approach of women in the case of not fulfillment of their right, and women's right to raise for the rights. The chapter also describes the views and verdicts of scholars on the issues of male guardianship employment, early marriages, and right to vote. A discussion of these rights has been substantiated by the Holy Quran, the Prophetic traditions and by the interpretations of Muslim jurists

#### **4.1. Is it permissible in Islam for women to fight for their rights?**

In 1948, Universal Declaration of Human Rights (UDHR) declared the rights which are still not realized by everyone. Internationally recognized rights for human beings cannot

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<sup>1</sup> Al-Qur'an, 4:59

<sup>2</sup> Steve Doughty, "Shari'ah Law should be used in Britain" <http://www.dailymail.co.uk/news/article-1031611/Sharia-law-SHOULD-used-Britain-says-UKsjudge.html#ixzz0t8C1NW01> Accessed on April 3, 2015

be unanimously accepted by the entire regions around the world keeping in view the financial political, social, cultural and religious distinctions amongst the states. Same is the case with the rights of women, it is undoubtedly accepted that the rights awarded to women in the Holy Qur'an and by the prophet Muhammad ﷺ were an infinite improvement in contrast with the scenario of women in Arabia prior to the arrival of Islam. Muslim women have no reasonable need to dissent and exhibit for equivalent rights to men. Islam perceives and cultivates the common contrast between men and women despite their parity so they have no need to experience their lives in a meaningless way to get hold of possessions and wealth. Columnist Sabria Jawhar builds impression of Islam as patriarchal as circulated by Western stereotypical representations in this regard, the said writer states

*If all women were given the rights the Qur'an guarantees us and not to be supplanted by tribal customs then the issue of whether Saudi women have equal rights would be reduced.*<sup>1</sup>

With the excellence of Islam as the instinctive and only factual religion came with the noticeable accuracy that women and men are partners and custodian of each other. According to the divine dictates of the Holy Quran

*"So their Lord accepted from them, never will I allow to be lost the work of any of you, be they male or female. You are of one another, so those who emigrated or were driven out from their homes, who suffered harm in My cause, and fought and were killed. I will verily expiate from them their evil deeds and admit them into gardens under which rivers flow a reward from God, and with God is the best rewards."*<sup>2</sup>

And

*' And whoever does righteous good deeds, male or female, and is a true believer in the Oneness of Allah such will enter paradise, and not the least injustice, even to the size of a speck on the back of a date stone will be done to them.'*<sup>3</sup>

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<sup>1</sup> [http://www.enotes.com/topic/women\\_s\\_rights\\_in\\_saudi\\_Arabia#cite\\_note-jawhar-11](http://www.enotes.com/topic/women_s_rights_in_saudi_Arabia#cite_note-jawhar-11)

<sup>2</sup> Al-Quran 3:195

<sup>3</sup> Al-Quran 4:124

It describes that men and women are the same before the Almighty Allah and there is no inequality in their reward on the basis of gender. They are equal partners and supporters of each other as mentioned in Hadith

*"Your lives and property are inviolable to one another"*<sup>1</sup>

An in-depth analysis of the seerah of prophet and the history unveils that women in the time period of the Prophet ﷺ, while following an elegant manner of expression used to ask about their rights. There are various records to this impact. The following are the examples

Ibn Abbas (may Allah be please with him) quoted that "a young virgin woman once came to the Prophet ﷺ and mentioned to him that her father had married her off to a man against her will, and the Prophet ﷺ gave her the choice to stay with him or to leave him"<sup>2</sup>

Other example is

The wife of Thabit ibn Qays approaches to the Prophet ﷺ and said, 'Messenger of Allah, I do not reproach Thabit ibn Qays in respect of character or religious dedication but I do not want to neglect my duties towards him after becoming a Muslim'. Allah's Messenger asked her if she would give back to Thabit his garden, the dowry he had given her. When she replied that she would, he told him to take back his garden and to accept the dissolution of marriage"<sup>3</sup>

'A'ishah, the Prophet's wife, (might Allah be pleased with her) described

Wife of Abu Sufyan Hind bint 'Utbah, came to the Messenger of Allah ﷺ and said,

Allah's Messenger, Abu Sufyan is a tight fisted man who does not spend enough on me or my children except for what I take from his wealth without his knowledge. Is there any

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<sup>1</sup> Sunan Ibn Majah, Book of Trials and Tribulations Hadith no. 3944 and Book of Pilgrimage Hadith no. 3055

<sup>2</sup> Sunan Abu Dawud, Book of Marriage, Hadith no. 2096

<sup>3</sup> Probably she meant she did not like him enough as a marriage partner and so was afraid she might not give him the respect and love due to a husband

<sup>4</sup> Al-Bukhari, Book of Divorce Hadith no. 4867

sin on me for doing so?” The Prophet ﷺ replied, “Take only what is sufficient for you and your children on a reasonable basis”<sup>1</sup>

Seeing as Islam has given the right to woman a woman to have children and if she comes to know that her spouse is sterile and it is not possible for him to have offspring, she has every right to look for separation

One example during the caliphate of ‘Umar ibn Al-Khattab (May Allah be pleased with him), describes that a sterile man married a woman and when he met the caliph he told him that he is sterile. The caliph then inquired as to whether he had told his wife the matter and he answered in the negative. Caliph ordered him ‘Go and tell her about it and give her the option of staying with you or seeking a divorce’<sup>2</sup>

Another incident occurred in the period of Umar ibn Al-Khattab (May Allah be pleased with him) while delivering a Friday sermon, he proposed limiting the acceptable dowry (mahr) that could be offered to wives in marriage and a woman stood up to interrupt him. She challenges his proposition by citing a verse in the Qur’an that makes it acceptable to offer wives a “heap of gold”<sup>3</sup> as mahr. Umar ibn Al-Khattab responded to this by saying ‘the woman is right and the Umr is wrong’<sup>4</sup>. Despite his strong personality, a woman was able to challenge and prevail against the caliph’s proposition<sup>4</sup>

History is full of the examples like this but the research has focused on specific examples of women who used to ask about their rights while following a proper conduct, achieving thereby the desired objectives. It was possible just because of undefeatable administration. If the administration violates the rights of women then what should be the attitude of women toward asking for their rights? Where Islam has granted full rights to women in a normal circumstances, there, it also gives specific privileges to women in case of ill treatment, it, however requires her to adhere to the proper manners while asking for rights, not through anti-Islamic means like strikes, protests, road blocking and

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<sup>1</sup> Encyclopaedia of Islamic Jurisprudence Vol 41 p 39

<sup>2</sup> Abd Ar-Razaq As-San’ani Musannaf ‘Abd Ar-Razzaq, 2nd edition, Al-Maktab Al-Islami Beirut, 1982 vol 6 p 162

<sup>3</sup> Al-Qur’an 4:20

<sup>4</sup> The Princeton encyclopedia of Islamic political thought, Princeton university press p 597



violating Islamic values by media campaigns. The guidance to deal with issues is achieved by the opinion of scholars.

## **4.2. Islamic ruling on the issues of women**

Among the Muslim traditionalists Sheikh Hasan Al Banna<sup>1</sup> who was the head of Muslim Brotherhood in Egypt and Sheikh Muhammad Mutawalli Sha'rawi<sup>2</sup>, an Egyptian scholar, maintain that Islam had elevated the role of women and made them partners with man in terms of civil rights and social duties. Discussing the problem of equality between men and women, Sha'rawi states that if a woman performs the man's job and keeps her basic responsibilities, then it means that they are putting a heavier burden on her. The Muslim reformists consider that the 'backwardness' of Arab women in Islamic countries is not due to the teachings of Islam but rather because of misinterpretation of the Qur'anic verses and the adoption of extra Islamic customs and traditions. The Muslim reformist Qassim Amin's call for the liberation of Arab women did not imply a rejection of Islam but only reform of customs and social practices that had distorted the real image of Islam. In his book 'Tahrir Al Maraa' he argued by stating that yes, "I come with an innovation however it is not the essence of Islam rather it is of customs and methods of interaction in which it is good to seek perfection ""

Renowned scholar Syed Qutb expressed the nature of equality between men vs women as

As for the relation between both sexes, woman has been assured complete equality with man. There is no superiority except in some incidental matters which are associated with natural aptitude, training, or responsibility, wherein the privileges of both sexes are not

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<sup>1</sup> Sheikh Hassan Ahmed Abdel Rahman Muhammed al-Banna known as Hassan al-Banna was a school teacher and imam best known for founding the Muslim Brotherhood, one of the largest and most influential 20th century Muslim revivalist organizations. Hassan al-Banna," The Biography.com website <http://www.biography.com/people/hassan-al-banna-9198013>. Accessed on February 12 2015.

<sup>2</sup> Muhammad Mutawalli Ash-Sha'raawi was an Islamic scholar and former Egyptian minister of Endowments. He has been called one of Egypt's most popular and successful Islamic preachers, and "one of the most-prominent symbols of popular Egyptian culture" in the decades of 1970-80s and 90s. Osman, Tarek, *Egypt on the Brink*. Yale University Press 2010. p. 77.

<sup>3</sup> Qassim Amin. *Tahrir Al Maraa*. Oxford University Press. London. 1970. p. 31.

affected. But whenever the natural aptitude, training, and the responsibilities are equal the two sexes are equal wherever they differ in any of these respects the treatment will differ respectively.<sup>1</sup>

A few issues come out with the social change which should be settled properly so that the Muslims might be protected from deceive of Western perspectives. Islam's attitude is positive, systematic and proactive. It does not wait for evils to happen. In this manner trying to find out solutions, the Holy Qur'an is full of the commands of constructive things to do. Methodology of Islam is precise as it talks about the change in the entire society, not just in the individual. Islam gives a framework for preserving a social environment in a society that is helpful for permitting individuals to accomplish the genuine objective of their creation which is the love and worship of Allah Almighty.

*"O ye men! Worship your Lord Who created you and those who were before you, that you may guard against evil."*<sup>2</sup>

The verse tells the real goal of human being so that he may become aware of it and go straight for it. To achieve the goal, he may suffer some problems. There is a systematic way to deal with the problems as per the teachings of Islam. The main sources of this organized way, *Shari'ah*, are the Holy Qur'an, the *Sunnah*, *ijma'* and *qiyas*.<sup>3</sup>

The Muslims jurists must always consult the Holy Quran and Sunnah to seek guidance, the practicing Muslims can also be followed. An unavailability of knowledge on the part of mentioned sources can give jurists a prerogative to use their own reasoning skills. *Ijtihad* thus manifests a struggle to take a law as mentioned in the Divine dictates of the Holy Quran and to implement it to an existing new situation. The resistance from traditional Muslims to social change in Saudi Arabia is not against the rights of women; however, the thing is that they saw a threat to the key to public morality, the modesty of women, which is vital to the survival of an Islamic order. Views of some scholars guide us to deal with the issues of women's rights so here are scholars' views to some solutions.

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<sup>1</sup> Sayyid Qutb, *Al-Adalat Al-Ijtima'iyyah fil-Islam*, Cairo: Maktabah Misr, 1954, p. 55.

<sup>2</sup> Al-Qur'an, 2: 22.

<sup>3</sup> Ebrahim Musa, *Perspectives on Islamic Law, Justice and Society*, Rowman & Littlefield Publishers Inc., 1999, p. 162-163.

of the issue of male guardianship and the issues interlinked to it either directly or indirectly as early marriages, vote and employment

#### 4.2.1. Male guardianship

Equality between women and men in everything is not affirmed either by Islamic law or manmade laws as Allah Almighty has made them different from each other in terms of physical structure, mentality and several other features. Allah has made men stronger than women and placed upon them the duty of maintaining women. For men are supplementary able to bear hardships and heavy duties. That is the reason Allah Almighty has made men the maintainers of women with a specific goal to protect and keep them from whatever may spoil them or go against their honor.

Allah Almighty has assigned to woman the task of being a tilth for man, therefore she is required to perform several tasks which are outside the responsibilities of man. Household tasks like taking care of her house and raising children prevents her from performing extra tasks.

As the woman is an entity of aspiration for men, accordingly, she needs a man to guard her and keep her from being harmed by others. That is why, in spite of disagreement for change to the guardianship structure, various Saudi women have begun a movement against the demands to remove the guardianship system. The 'My Guardian knows what's best for me' campaign has achieved the signatures of over 5000 Saudi women and asks for to ensure the guardianship system is kept set up to guarantee observance to Shari'ah law and family norms.<sup>1</sup> Environment of intermingling of women with men in institutes, forces, laboratories and other different professions is not very acceptable. Yet it relies on upon complying with the tents of Shari'ah and on being protected, sticking to endorsed Islamic costume regulations, as well as keeping away from Khulwah. The Prophet ﷺ said

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<sup>1</sup> Katherine Zoepf, "Talk of Women's Rights Divides Saudi Arabia" The New York Times May 10 2010 < <http://www.nytimes.com/2010/06/01/world/middleeast/01iht-saudi.html?pagewanted=all> > Accessed on April 12 2015

*"Whenever a man stays alone with a woman, Satan will be their third companion"*<sup>1</sup>

And

*"No man should be alone with a woman unless there is a Mahram with her, and no woman should travel except with a Mahram"*<sup>2</sup>

Additionally Allah Almighty has made man the watchman of lady since He has made one of them to exceed expectations the other in body, character, and intelligence and in light of the fact that he is likewise required to spend on lady to bolster and look after her

Moreover, Allah Almighty has made man the guardian of woman while He has made one of them to exceed expectations the other in physique, character, and perception and because he is also required to spend on woman to support and maintain her As Allah Almighty says

*Men are the protectors and maintainers of women because Allah has given the one more [strength] than the other and because they support them from their means"*<sup>3</sup>

It means that Allah Almighty has given the responsibility to take good care of women to men 'In this Ayah, Allah Almighty declared man's guardianship over woman in general without limiting this to a certain time in her life for The Almighty is aware of all the happenings to be However, the situations existing at the current time, the detestable outcomes coming by ignoring the guardianship system and intermingling between women and men, obviously demonstrate the benefits of the instructions of Shari'ah and that it is our obligation to keep its decisions in all cases, at all times, all over, and to be careful with abusing it

In reality, guardianship does not concern to all phases of life According to the commentary by Sayyed Qutb in his book *"In the Shade of the Qur'an"* he mentioned that

Qur'an expresses that there are two components in Islamic culture, men are required to take care of women It is a task of obligations on the premise of natural capacities and

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<sup>1</sup> Musnad Imam Ahmad bin Hanbal, Hadith no. 114

<sup>2</sup> Al-jame' al-Sahih, Kitab Al-ehsaar wa jaza al-sayd, Hadith no. 1763

<sup>3</sup> Al-Qur'an, 4:34

<sup>4</sup> Mufti Muhammad Taqi Usmani: The meanings of the NOBLE QUR'AN, Maktaba Ma'ariful Qur'an, Karachi, Vol-1 p.155

reasonable dissemination of obligations. Both the parties are given the obligations to which he or she is most suited by nature,<sup>1</sup> accepting the men on the status of family leadership or guardianship (*Qiwamahh*) does not direct to the denial of the women's character and function in the family, in the home and in the public arena everywhere. nor does it mean the denial or dismissal of her social status.<sup>2</sup> They play the role of being leaders as well as guardians and maintainers of a family and do not violate the rights of women.<sup>3</sup>

To what extent a guardian has authority over women and in which case he has the authority? The family is a social organization, and Islam protects the family institution since it is a primary factor of society. To organize this basic unit, there must be certain rules and regulations that need to be followed in all cases. Men are obliged to fulfill all the needs of women and if they exploit this authority, they will be accountable before Allah Almighty. So this is a fair justice that women are accountable for the home tasks and men are responsible for outdoor earnings.

Islam prohibits a woman from travelling alone without *mehram*, as indicated by the *Hadith* of the Prophet ﷺ said

*A woman who hopes for Allah and the hereafter must not travel for one day and one night except with a mahram* <sup>4</sup>

An explicit reference in this regard makes some scholars hold the view that women must be refrained from travelling alone. The cause behind refraining them is the fear that they may not be harmed while travelling without any companion. Considering the dangers faced by the travelers in ancient times, some of the scholars argue that a woman can travel if she has the company of pious men and women with her. Logic is that Umar ibn Al-Khattab (RA) permitted the prophet's wives to travel to Makkah in the company of pious men and women including Abdur-Rahman ibn Awf and Uthman ibn Affan (may Allah be pleased with the both).<sup>5</sup>

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<sup>1</sup> "Our Dialogue" 6th edition Arab News Jeddah Vol-1 p 340

<sup>2</sup> Adil Salahi & Ashur Shamus, *In the Shade Of the Qur'an*, The Islamic Foundation 2001 vol 3 p 65

<sup>3</sup> Afzul Al-Rahman *Role of Muslim Woman in Society* Seerah Foundation London p 222

<sup>4</sup> Sahih Muslim, Book of Pilgrimage, Hadith no 1338

<sup>5</sup> Sahih Al-Bukhari Hadith no 1761

The guardianship among married partners is issues of controversy among the preachers of Islamic belief system. the scholars who stipulate the mentioned issue for concluding a marriage contract, seek evidences from the Holy Qura'n and the Hadith. They mentioned the verse from the Holy Qura'n

*"Marry them, then, with their people's leave"*<sup>1</sup>

Imam Al-Qurtubi (RA) viewed the guardian as a basic element to wind up marriage contract "the holy Qur'an addresses only men in the context. Had this not been the case the female gender must have been addressed instead"<sup>2</sup>

They cited the following *hadith* as well,

*"There is no marriage without [the permission of] the guardian"*<sup>3</sup>

The scholars like Imam Abu Hanifa do not consider the permission of guardian as necessary in marriage contracts or sale transactions<sup>4</sup>. The people not stipulating such guardianships also substantiate their evidences from the Holy Quran and the Hadith. They quote a verse from the Holy Qur'an

*"There is no blame on you if they dispose of themselves in a just and reasonable manner"*<sup>5</sup>

By this verse makes it clear that a lady has the privilege to finish up a marriage contract herself.

According to them the mentioned verse supports the woman as having the right to conclude marriage pact<sup>6</sup>. In another Hadith

*"A woman who has been previously married or a widow has more right to her person than her guardian, and a virgin's consent must be obtained from her, her consent being her silence"*<sup>7</sup>

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<sup>1</sup> Al-Qur'an 4:25

<sup>2</sup> Muhammad ibn Ahmad Al-Qurtubi, Al-Jami Li Ahkam Al-Qur'an, 1st edition, Mu'assasat Ar-Risalah, Riyadh, 2006, Vol. 3, p. 49.

<sup>3</sup> Sunan At-Tirmidhi, Hadith no. 1101.

<sup>4</sup> Ahmad ibn Ali ibn Hajar Al-Asqalani, Fath Al-Bari, Sharh Sahih Al-Bukhari, Taybah publishers, Riyadh, 2005, Vol. 9, p. 187.

<sup>5</sup> Al-Qur'an 2:234.

<sup>6</sup> Ibn Rushd Al-Qurtubi, Bidayat Al-Mujtahid Wa Nihayat Al-Muqtasid, 1st edition, Dar Ibn Hazm, Beirut, 2003, Vol. 2, p. 9.

<sup>7</sup> Sahih Muslim, Book of Marriage, Hadith no. 1419.

It clearly manifests his right to wind up the marriage pact in accordance with her approval. It, at the same time represents her prerogative to do so if she is married without her consent.<sup>1</sup>

The guardianship does not imply forcing a woman to perform the deeds she does not aim at doing, by constraining her in various ways, giving rise to a series of difficulties meant to harm her in myriads ways. Muslim jurists support woman's decision of choosing a life partner for her is preferred over a guardian's decision.<sup>2</sup>

In Saudi society, women are enjoying a particular admirable life that is apart from men. West portrays the Saudi women that they are dominated by men but they always ignore the blessings provided to women by Islamic law as people who are unfamiliar with shari'ah often have the wrong picture. If one desires safety and consistency in life and would like to have a spouse who looks after, one would not find it except in Islam. A misunderstanding regarding the notion of male guardianship makes one of the reasons of Western criticism. Some men misunderstand the concept of guardianship, while the guardianship does not entail domination, cruelty, and injustice, it rather implies a relationship based on care and affection for the family members.

Male guardianship is viewed as a right of women in Saudi society and women themselves see male guardian as protection provider. One of the members in a survey administered by a ex- lecturer Ahmed Abdel-Raheem in 2013 to female students at Al-Lith College for Girls at Um al-Qura University, Makkah, shared his thoughts of being honored in the system of male guardianship expressing that "in the country of the two holy mosques every woman is like a queen and there is someone who cares about her and a woman needs nothing as long as there is a man who loves her and meets her needs so let us be reasonable and thank Allah Almighty so much for the welfare we live in."<sup>3</sup>

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<sup>1</sup> Muhammad ibn Abdul-Wahid Kamal-ud-Deen Ibn Al-Humam. *Sharh Fath Al-Qadeer Ala Al-Hidayah Sharh Bidayat Al-Mubtadi*, 1st edition, Dar Al-Kutub Al-Ilmiyyah, Beirut 2003, Vol 3 p 259

<sup>2</sup> Sham ad-Din Abu Abdullah Muhammad ibn Abdullah Az-Zarkashi. *Sharh Az-Zarkashi Ala Mukhtasar Al-Khiraqi*. Dar Al-Kutub I chanon 2002, p 330

<sup>3</sup> "Word to the west many Saudi women oppose lifting the driving ban

[http / www.theguardian.com/commentisfree/2013/nov/02/saudi-protest-driving-ban-not-popular](http://www.theguardian.com/commentisfree/2013/nov/02/saudi-protest-driving-ban-not-popular) Accessed on November 3 2015

#### 4.2.2. Early marriages

Ignorance of the rules of Shari'ah and illiteracy are the main causes behind socio cultural credos as established in Saudi Arabia. The beliefs of the kind pertain to the marriage of minor females as well. Irrespective of her being too minor to be married, it is a common practice to marry a girl off to her cousin.<sup>1</sup> As a matter of fact, families indubitably go for marrying off the minor girls so as to settle their disputes related to paying their debts, the practice evinces its cultural other than theological essence. The legal authorities and the concerned ministries however have issued the directives whereby the girls under 16 must seek the consent of judiciary in this regard. One of the worth mentioning conditions in this respect requires a medical report, consisting a maternity specialist and the other experts related to the realm, the girl's as well as her mother's consents are given primarily significance.<sup>2</sup> To support the directive, *Sheikh Abdullah Al-Mani*, a member of the Council of Senior Scholars categorically stated that parents cannot arrange the marriage of their minor girls, he further maintained that such deeds cannot be substantiated by the laws of shari'ah keeping in view only the superficial knowledge some of the scholars including Ibn Qudamah and Ibn Hajar Al-Asqalani though do not regard it impermissible to marry the girls of the mentioned age groups.<sup>3</sup> The group who supports wedding minor girls argues on the basis of the verse

*"Such of your women as have passed the age of monthly courses for them the prescribed period, if ye have any doubts, is three months and for those who have no courses [it is the same] for those who carry [life within their wombs], their period is until they deliver their burdens and for those who fear Allah, He will make their path easy"*<sup>4</sup>

Marriage of minor girls have been criticized by many of the scholars, they quote the following verse to argue in favour of their views

*"Make trial of orphans until they reach the age of marriage"*<sup>5</sup>

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<sup>1</sup> A statement issued by the Minister of Interior's Directive no. 52181, 25 April 2010 to set up a committee from the Ministry of the Interior, the Ministry of Justice, the Ministry of Islamic Affairs and the Ministry of Social Affairs to discuss the issue of marriage of minor girls.

<sup>2</sup> Ibid.

<sup>3</sup> "The National Family Safety Programme" Annual Report 2011 [http://nisp.org.sa/images/annual\\_report\\_2011.pdf](http://nisp.org.sa/images/annual_report_2011.pdf)

<sup>4</sup> Al-Qur'an 65:4

<sup>5</sup> Al-Qur'an 4:6



They maintain that marriages of the kind are deprived of the required affection required to ensure a good relationship, the Qur'an states

*'And among His signs is this that He created for you mates from among yourselves, that you may dwell in tranquility with them, and He has put love and mercy between your [hearts] verily in that are signs for those who reflect'*<sup>1</sup>

Shaikh Muhammad Ibn Uthaymin,<sup>2</sup> states while arguing against the marriages of the kind "Such a marriage is illegal", by giving the reference of the Hadith,

*A virgin should not be married off until her consent is obtained*<sup>3</sup>

Therefore a minor girl should not be married off until she becomes qualified enough to give her consent<sup>4</sup>

A father is not the slightest bit allowed to oblige his little girl to marry a particular man As the Qur'an states,

Parents are not allowed to oblige their daughter to marry a specific man As mentioned in the Holy Qur'an

*Do not inherit women against their will*<sup>5</sup>

A young girl once complained to the Holy Prophet (S A W) of being married against her consent, the prophet (S A W) annulled her marriage, so as to maintain the dignity of her consent<sup>6</sup> In another example a young lady complained to the Prophet that her father had constrained her to wed a man, and the Holy Prophet ﷺ gave her the option of staying married to him or looking for a separation<sup>7</sup> Consequently, that kind of marriage in Islam relies on upon the free choice and consent of both sides to a marriage

In April 2005, grand Mufti Shaikh Abd al-'Aziz Al al-Shaikh<sup>8</sup> stood in opposition to forced marriages expressing, "Forcing a woman to marry someone she does not want and preventing her from wedding that whom she chooses is not permissible in Islam"<sup>9</sup>

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<sup>1</sup> Al- Qur'an 30:21

<sup>2</sup> The late member of the Saudi Council of Senior Scholars

<sup>3</sup> Sahih Al-Bukhari kitab al-nikah, Hadith no 6567

<sup>4</sup> Muhammad ibn Salih ibn Muhammad Al-Uthaymin Ash-Sharh Al-Mumtin 'Ala Zad Al-Mustaqim 1st edition Dar Ibn Al-Jawzi Damman, 2007 vol 15, p 57

<sup>5</sup> Al- Qur'an 4:19

<sup>6</sup> Fath Al-Bari Sharah Al-Bukhari vol 9, p 194

<sup>7</sup> As-Sunan Abu Dawud, Book of Marriage Hadith no 2091

<sup>8</sup> The head of the Council of Senior Religious Scholars

<sup>9</sup> Saudi Arabia bans forced marriage BBC News Online, April 12 2005

[http://news.bbc.co.uk/2/hi/middle\\_east/4437667.stm](http://news.bbc.co.uk/2/hi/middle_east/4437667.stm) Accessed on April 4 20013

Human rights commission of Saudi Arabia denounced child marriage in 2009, declaring it "a clear violation against children and their psychological, moral and physical rights". It suggested that marriage authorities should observe the minimum age of 17 for girls and 18 for boys.<sup>1</sup>

The significance of having a specific age for marriage in Saudi Arabia is based on the wise saying concerning legal system in Islam "*la dharara wa la dhirar*", which means that there ought to be neither hurting (dharar) nor responding hurt.

Early marriage is not justified, it is severely prohibited by Islam as it is against the notion of having a choice in one's marriage. The conception of guardianship also seeks to protect and facilitate the female gender, it does not treat women as childish, without having any sense of decision making. Such a facility secures a woman against being manipulated in the name of cultural norms, guaranteeing a dignity pertaining to their choice of having suitable life partners for themselves.

Cases of marriage of minor girls have been seen in the Saudi society for which is accepted by half of the society as the survey has resulted and both the groups of scholars who are in favour of the marriage of minor girls and who are against it have the strong logics from Shari'ah.

#### **4.2.3. Women and work**

Islam entrusted both of the sexes with different duties and each has to fulfill his/her duties to help in building their community both inside and outside home. A man's task is to strengthen his family economically while a woman's duty is that of bringing up children with care and show empathy toward them, educating them, managing female school, participating medically as well as other tasks suitable for women. Giving up the domestic tasks destroys the entire family and, in the end, the society turns into an empty unit, a structure without reality or substance.

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<sup>1</sup> [http://www.enotes.com/topic/women\\_rights\\_in\\_Saudi\\_Arabia#cite\\_note-100](http://www.enotes.com/topic/women_rights_in_Saudi_Arabia#cite_note-100) Accessed on April 28, 2015

Allah Almighty fashioned women with a body completely different from men so that women might have the capacity to handle family affairs and additionally other duties related to women. Woman's engagement in men's job is not considered in favor of her physique and nature. It is an offense against women for it destroys her position. The effect goes on to her kids as they lose love and care. This is because nobody can perform the role of a mother when she discharges herself from her empire, she loses her stability, tranquility and will live restlessly.

So, it is more valuable to cite the confessions of the intellectuals in the East and the West regarding the adverse effects of free intermingling so the rivals might be convinced and find out that the laws of Islam are for the safety of women.

Guardianship is the obligation of men who provides the economic support to women and protects her from evils of worldly life as mentioned in the following Ayah:

*'Men are the protectors and maintainers of women.'*

It is for the reason that Allah has made one of them to stand out for the other's well being and because they pay out to maintain them from their resources. Letting a woman go out, is against her nature created in her by Allah. Letting women to take part in men's work is very risky for Islamic culture. Among these risks is the free intermixing of men and women, which is viewed as one of the extreme means to infidelity that crushes the values and ethics of society.

Allah has commanded women to stay in their homes and has prohibited them from free intermingling with outsider men in the same place, for example, in work place, marketplace, traveling and trips etc. Women's engagement in men's job will direct to committing prohibited acts and going against Allah's commands and ignoring the legal responsibilities assigned to a Muslim woman.

Free intermingling of males and females and the ways leading to it are forbidden in Islam. Allah Almighty says:

*'And stay in your houses and do not display yourselves like that of the times of ignorance and perform As-Salât (Iqamât-as-Salât) and give Zakât and obey Allah and*

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<sup>1</sup> Al-Qur'an 4:34

*His Messenger Allāh wishes only to remove Ar-Rijs (evil deeds and sins) from you, O members of the family (of the Prophet) and to purify you with a thorough purification*<sup>1</sup>

And

*“And remember (O you the members of the Prophet's family, the Graces of your Lord) that which is recited in your houses of the Verses of Allah and Al-Hikmah (i.e. Prophet's Sunnah - legal ways, so give your thanks to Allāh and glorify His Praises for this Qur'ān and the Sunnah) Verily Allāh is Ever Most Courteous, Well-Acquainted with all things”*<sup>2</sup>

Allah has instructed the Prophet's wives, may Allah be pleased with them, and all the Muslim women to stay in homes to save from harm and keep them far from the ways of evil. When a woman goes out without need, this might become the way to Tabarruj in addition to other incidents. Allah has commanded women to perform activities that protect them, such as offering prayer, giving Zakah, observing fasts and obeying Allah and His Messenger, which guard them from prohibited acts. In that case The Almighty guided them to what advantages them in this life and in the Hereafter, for example, recitation of the Qur'an and learning the Hadith regularly as these acts purify the hearts and lead them to the Truth. Allah Almighty says

*“O Prophet! Tell your wives and your daughters and the women of the believers to draw their cloaks (veils) all over their bodies (i.e. screen themselves completely except the eyes or one eye to see the way) That will be better, that they should be known (as free respectable women) so as not to be annoyed. And Allah is Ever Oft-Forgiving, Most Merciful”*<sup>3</sup>

Allah has commanded His Prophet (peace be upon him) to tell his wives, daughters, and the Muslim women to cover their bodies properly when they leave their homes in need to get away from the trouble of people with weak faith.

This is unfair for women to work in the same work places with men, free intermingling surrendering her femininity and losing her modesty for equality between the two genders.

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<sup>1</sup> Al-Qur'an 33:33

<sup>2</sup> Al-Qur'an 33:34

<sup>3</sup> Al-Qur'an, 33:59

that are distinctive in structure content. It is the duty of Muslim to avoid the means that show the way to evils. There is no doubt that gazing and free mixing of men and women in workplaces are horrible ways that lead to adultery. It is unsafe for women to work with men in the same place as it is unfeasible for them to lower their gaze, guard their parts and purify their soul while working in the same place. Islam has restricted all the sources that lead to prohibited acts. It is also forbidden for women to soften their discourse while conversing with men as this may stir the desires of men with weak faith. The Qur'an says:

*"O wives of the Prophet! You are not like any other women. If you keep your duty (to Allāh), then be not soft in speech, lest he in whose heart is a disease (of hypocrisy or evil desire for adultery) should be moved with desire."*<sup>1</sup>

It is difficult to observe the above mentioned instruction in an environment where there it is considered a part of communication skills. Certainly, the speeches will be softening during the conversation at the workplace and Satan will work to beautify their actions and attract them to commit illegal acts. The best act for women after covering her body and face is to stay in her home. Islam does not allow a woman to intermix freely with stranger (non-mehram) men so she may not cause of *Fitnah* directly or indirectly. It commands her to stay in her home and not go outside without need. In case a woman goes out for need she should observe the rules of Shari'ah as we can find out the etiquettes from the tale of two female shepherds described in the holy Qur'an. In this case, Prophet Musa (AS) met two young girls waiting for their turn near the well to give water to their herd. When he inquired them about their matter, the two young girls replied that their father is too aged to move toward the well so they needed to give water to his herd in his place.<sup>2</sup> Barbara Stowasser<sup>3</sup> asserted that the case of these two girls give the example of the modesty expected from Muslim women in the workplace, since they held up until the other shepherds had done. She furthermore makes it as evidence that Muslim women working outside their home in need is religiously acceptable.

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<sup>1</sup> Al-Qur'an, 33:32

<sup>2</sup> Al-Qur'an, 28:23

<sup>3</sup> Barbara Freyer Stowasser was a professor in the Arab and Islamic studies department at Georgetown University. She was an invaluable scholar on women's studies in the Qur'an and Hadith.

"This Qur'anic story, then here serves as scripturalistic proof that Muslim women's working outside of the home is religiously acceptable only as long as it is truly unavoidable and does not entail association with non related males "

While a woman stays in her home she becomes stable spiritually feels peace, and has confidence. On the other hand, when she leaves her home, she feels uncomfortable, restless, and stressed and she might be suffer to evil consequences. Islam does not allow being alone with a member of the opposite gender without a Mahram. This is to obstruct the ways to corruption, block the ways that lead to crimes and protect the believers from the evils of Satan. Allah's Messenger (peace be upon him) said

*I am not leaving behind me any trial more harmful to men than women*"<sup>2</sup>

*And*

*"So beware of (getting infatuated by) this world and women. The first trial of the Children of Israel was due to women"*<sup>3</sup>

Some supporters of free intermingling of males and females present the surface judgments of some legal contents as logic in favour of their claims. For instance they argue that few women were used to accompany the prophet (peace be upon him) in some wars. In respond, these women went in need and their Mahrams were with them. They went out for the cause of religion and for various interests of Ummah that did not lead to corruption, for their strong faith and Taqwa and their Mahrams used to take care of them. They would likewise be dressed in Hijab contradictory to ladies of the present time. It is clear that the issue of women going out to work is far different in relation to the female Sahabah. Those were just exceptional cases. Looking at the Islamic victories and the battles discloses that this fact was not there all through history. With respect to those who encourage women to join the military, other forces to fight in battles such as men, this is just an effort to destroy the ethics of the soldiers for the sake of entertainment. Men's nature is to feel calm with, and converse with women while being alone. It is good to block all the ways to Fitnah than facing evils later on. Shaykh 'Abd al-Aziz ibn Baz<sup>4</sup>

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<sup>1</sup> Barbara Freyer Stowasser, *Women in the Qur'an, tradition and Interpretation*. Oxford University Press, 1994, p. 61

<sup>2</sup> *Sahih Al-Bukhari*, Kitab Al-Nikah, Hadith no. 4808

<sup>3</sup> *Sahih Al-Muslim*, Kitab Al-Riqaq, Hadith no. 7124

<sup>4</sup> The head of the Council of Senior 'Ulama' and Grand Mufti

recommended that women ought not to work outside the home at all "Removing a woman from her home means removing her from what her natural state and her character require Women entering the realm of men are a danger for Islamic society that it leads to mixing of the sexes which is considered the main path to adultery which splits society and wrecks morals"<sup>1</sup>

Dr Mustafa Husny Al-Siba'y (may Allah be merciful to him) examined the outcomes of women going out for work in his book '*Al-Mar'ah bayn Al-Fiqh wa Al-Qanun*', in which he mentioned view of westerners on women's employment. Some of views are Lord Byron declared the present state of women as an artificial and unnatural one by stating "Thought of the state of women under the ancient Greeks convenient enough Present state, a remnant of the barbarism of the chivalric and the feudal ages, artificial and unnatural They ought to mind home and be well fed and clothed but not mixed in society" English writer Lady Cook said that men like and incline toward a mixed environment Women, therefore, are tempted to something that clashes with their human nature and the dominated co-ed system will results in more illegal children in society She named it as the greatest disaster encouraging people to instruct females that men are persuading to evil The British writer Samuel Smiles viewed the working women as the reason of the family destruction According to him, the society that allowed women to work in industrial zones results in breakdown of family system, the basic unit and institution of the home

Encouraging women to come out for wealth and fame disturbing her family life and depriving children of their rights of maternal care and love has affected women's morals Women's natural job and task is to raise a strong, healthy and honorable family She is mostly required to deal with household responsibilities, home financial matters, and other domestic needs but working in industries has stripped the woman and changed the looks and the realities of family system Women came under numerous influences and burdens that transformed the mindset and attitude according to the environment The increased rate of crime and family crises in many western societies are because women have disregarded her home and family for the sake of double income The income enhanced

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<sup>1</sup> Sheikh Ibn Baz "Women's Work is Quick Road to Adultery" Al Muslimun Information Access Company Arab Press Service Diplomatic Recorder IAC Newsletter Database APS Organization, vol 44 no 22 25 June 1996

but the ethics decline Woman's come back to her home is the only way to keep the generations safe from deterioration

These Westerners see the issue on the basis of reality and sincerity, but the others are the enemies of Islam, they eagerly wish women to go out and work with men For decades they have been striving and spending money to achieve this purpose, so we the Muslims should not support or facilitate their purposes A woman staying at her house is really serving her nation by carrying out her home tasks subsequent to performing religious duties as it suits her natural character She may use her extra time in fields that suit her nature such as nursing, teaching, and treating patients medically and cooperating with men in society's betterment In this way women should follow the role of the Mothers of the Believers (May Allah reward them the best) and those who try to be like them in educating, coordinating, directing the nation, and conveying the commandments of Allah Almighty May Allah help us carrying out our obligations in the best way that pleases Him and guard us from all the sources of Fitnah and satanic traps He is the Most Generous

#### **4.2.4. Right to vote**

Islam has given the freedom of expression to everyone and the women also have the right to share her opinion The Qur'an has approved the following rule in dealing with the issues related to the affairs of the Muslims

*"Those who hearken to their Lord, and establish regular Prayer, who (conduct) their affairs by mutual Consultation, who spend out of what We bestow on them for Sustenance"*

The above mentioned ayah describes that the opinion of most of the Muslims might be made the aggregate law in a Muslim state The government should be concerned to the joint issues of its nationals Therefore, in accordance with the teaching of the Qur'an, the system of government and its different affairs must be chosen through consultation where

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<sup>1</sup> Al-Qura n. 42:38



everyone participates in the consultation directly or indirectly by their selected legislative body

Similarly as the issue of the right to vote is concerned, the Qur'an has clearly given the right to participate in nation's affairs through consultation in the same verse with no distinction of men and women in the consultation process<sup>1</sup>

Western world have given women the right to vote less than 100 years ago without any religious support, only when they asked and fought for their fundamental rights. On the contrary Islam has given the voting right to women almost 1,500 years ago. Islam does not prevent a woman from holding the position suitable to her role and nature. For the selection of Uthman Ibn Affan (May Allah be please with him) for caliphate, Abdurrahman Ibn Affan (May Allah be pleased with him) consulted many women as they are encouraged in Islam to contribute through their opinions. There are numerous cases of the prophet's time which point toward that the women would pose questions directly to him and suggest him concerning religious, financial and other social matters.

The fatwa issued by the European Council for Research and Fatwa declares

'Muslim participation in elections is a national duty, it falls under co-operation on that which is good and righteous for the society and warding off harms from it.' Islamic belief system as based on the laws of the Holy Qura'n ensures that believers may cooperate amongst themselves so as to manifest righteousness and piety in their attitudes so as to ascertain the public interest referred to as "maslaha". The great scholar Imam AlShatibi further developed the mentioned notion into the conception of Objectives of the Shari'ah, which is consulted by Muslim scholars so as to shape the existing laws in accordance with the changing trends as elaborated by the Holy verses from the Holy Quran i.e. 'Allah does not wish hardship on His servants'.<sup>2</sup> The rules established by the True Divinity, aim at facilitating the believers and thus guarantee interest of the human souls in this world and hereafter. Al-Qardawi states that the teachings of the Qur'an and the

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<sup>1</sup> "Women's right to vote" <http://www.understanding-islam.com/q-and-a/politics/women-and-voting-rights-5409>, Accessed on February 18, 2015

<sup>2</sup> Al-Qur'an 2:173

Hadith are basically in accordance with human interest<sup>1</sup> Shaykh Nizam Ya'qubi, world's renowned scholar from Bahrain, states "In the matter of elections and voting we must look at what is in the best interest of the whole community (maslaha) and what is lesser of the two evils (Akhar ad-Dararayn)"<sup>2</sup> Shaykh Muhammad al-Kawthari (Dar al-Iftah – UK), states that the concept of voting at times become an essential social practice, the scholar takes reference from the Hadith in this regard as follows

*"If people see an oppressor and don't prevent him, then it is very likely that Allah will include all of them in the punishment"*<sup>3</sup>

Thus, if one sees the corruption, mistreatment, discrimination and violation of rights and have the capability to stop it by giving his/her vote but one does not do so then in the light of this Hadith one will be accountable. Women are not excluded from the above mentioned command so they have full right of voting in Islam. It is the obligation of a man and women to strive to choose good ruler who governs you the law of Allah Almighty and lead you to paradise.

Saudi women having acquired a 20 per cent of seats in consultative council are now contributing to national affairs. New laws were passed in favor of women since they joined the council, in addition to their right to vote and standing as contestants in elections of municipal council. Besides, women hold senior posts in the government sector where the number of female employees has maximized to 8 percent during the last year alone.<sup>3</sup> Saudi government had given voting right to women but still it is in the words and laws. December 12, 2015, this was the first election in Saudi Arabia in which women were allowed to participate as voters and were elected as politicians. It was a historic occasion. At least 18 women elected to municipal councils in Saudi Arabia's first elections opened for females. Salma bint Hizab al-Oteibi became the first female

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<sup>1</sup> Yusuf Al-Qardawi, *Al-Ijtihad al-Mu'asir Bayna al-Indibat wa al-Infiraf*, Dar al-Tawzi' wa al-Nashr, Cairo, 1994, p. 51.

<sup>2</sup> Musnad Imam Ahmad bin Hanbal, Hadith no. 112.

<sup>3</sup> United Nations, General Assembly, Human Rights Council, Twenty-fifth session, Agenda item 6, Universal Periodic Review, Report of the Working Group on the Universal Periodic Review, Saudi Arabia, 26 December 2013, A/HRC/25/3.

politician in *Madrakah, Makkah* province when she won a seat of councilor<sup>1</sup> Female candidates were banned from speaking to male voters and were required to segregate their campaigns for elections. They also face problems during elections of proving identity and because of limited number of registration centers<sup>2</sup> All over the world, there are people for and against things. Critics of the municipal elections have mentioned the lack of transparency and the limited authorities of the councils as signs of a lack of real political interest in power sharing<sup>3</sup> Observers do not see the usefulness of current elections, they see it as one more step towards westernization and a mere formality just because of European pressure. Many people think elections are just for show because the government wants to demonstrate that there are reforms. On contrary, there are people who viewed elections positively as necessary for the advancement of the country. One of them is Lama al-Sulaiman, a candidate in Jeddah, told Al Jazeera "The international media sometimes has narrow views, they only report the bad stories. We have them, we have weaknesses and every citizen goes through challenges, those shouldn't be belittled"<sup>4</sup> If there is no mixing with men and there is no violation of shari'ah then what prevents woman from voting.

## Conclusion

Throughout the twentieth century, the status, role, and objectives of women in the Arab world have been an integral part of the progressive and revolutionary strategies that has been a part of society as scholarly and political leaders tried to change its establishment and institution by putting into practice different plans of improvement, advancement and social change intended to get equality with the West. Challenge of the leading west to Islamic culture turned into became basic element of the ideological plans adopted as standards of progress and change by different groups. In this process, women have considered the symbols of the transformation of the social order, consequently gaining

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<sup>1</sup> "Saudi Arabia: First women councilors elected" BBC News, 12 December, 2015

<sup>2</sup> <http://edition.cnn.com/2015/12/13/world/first-women-elected-to-office-in-saudi-arabia/>

<sup>3</sup> <http://www.aljazeera.com/news/2015/12/analysis-women-voting-saudi-arabia-151213055435453.html>

<sup>4</sup> <http://www.aljazeera.com/news/2015/12/women-win-seats-landmark-saudi-arabia-elections-151213054750832.html>

status as transporters and maintainers of social and religious values. Advanced western man fell severely into mistake in blind acceptance of the notion of the equality of the genders without the concern of what equality meant for. Modern thinking shows that granting equivalent status to women is bringing them out of their homes and making them stand face to face with men in all aspects of life without any consideration of moral and social problems which may result.

Muslim women's freedom, status and position have been the focal point of discussion in Western media and in political dialogues. Classification of Muslim women as "oppressed," "ignorant," "submissive," "uneducated" and the women who need rescuing from their violent families and communities are widespread in the Western media, especially the case of Saudi women. West presented the supposed dilemma of women living in Muslim countries as the symbol of Islamic persecution. Reality of women issues in Saudi Arabia is contrary to this exaggerated description. The reason behind this unsubstantiated portrayal is prejudice and unfamiliarity of West with the Saudi culture, values and symbols. There are two main sources causes misconceptions about the status and position of Muslim women, one is that some Muslims who might validate their dominance by abusing women on the premise of Islam and the other source is that non Muslims who aims to represent Islamic civilization as backward and abusive. So the leaders and religious establishment intended to protect nation from following the values of West blindly particularly following the life style of Western women.<sup>1</sup>

Islam separates the roles and circles of work for men and women since it is normal, reasonable and natural to do so. However Islam considers woman as woman and man as man, seeing the natural differentiation it divides work between the two genders as opposed to the equality of work. The natural tendency of women is to support, give comfort and please their men and the innate inclination of men is to maintain and protect their women lawfully. Islam commands human being to follow such natural inclinations by developing and supporting family relations and by rejecting ideas that are basically foreign to human nature. Saudi Arabian society wants to enjoy the modern facilities on

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<sup>1</sup> Abdallah ibn Muhammad Al-Dubaykh, General Supervisor Eastern Branch Committee for the Propagation of Virtue and Prevention of Vice. Circular #178/6T/1229/1 September 13 1982

all levels with the determination to save the nation's religious identity and its social customs. Since many intellectuals and a number of researches have proven that women's rights are 'critical to economic development, active civil society and good governance'<sup>1</sup> and the World Bank highlights that equality of women is a basic objective in its own right<sup>2</sup> so the issue of women's rights took place when the efforts were made to take women outside the home and to make use of them in country's development. One factor behind the issue of women's rights is the presence of American citizens in Saudi society with oil production in 1970s and with the foundation of "ARAMCO" (Arabian American Oil Company) in Dhahran. American officials brought their families and constructed several companies and started living in Western style. American women were enjoying the facilities which were forbidden for Saudi women, such as driving cars, shopping unveiled in the shopping centers, working with men and many other things. As a result Saudi women started asking for the same rights as their American partners. A study titled "Oil, Islam, and Women" told that "there is an inverse relationship between oil and women's social and political opportunities and the Middle East's dire record in women's rights and equality was not due to the legacy of Islamic culture but is rather attributable to oil." The recent motto in the Arab world promoting "borrowing technology but not ideology from the west"<sup>3</sup> tells the objective that the reform is only taking place in terms of country's development and the idea "development leads to equality" was not applicable in all cases but rather relied on upon the kind of development. So development for the preservation of society's norms, laws, and traditions is allowed in the country.<sup>4</sup>

Saudi individuals have their own moral perspectives and requirements. It is known that what is fit for one society, may not fit for other societies so to be very straight, the West should first inquire Saudi women about their views regarding change before starting movements to change laws related to women. For Saudi women, reforming cultural and social approaches against public discourse of social substances in order to promote

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<sup>1</sup> "The Payoff from Women's Rights" Foreign Affairs, Isobel Coleman, <http://heionline.org/HOLA/andingPage?collection-journals&handle-hein-journals/fora83&div-48&id-&page>

<sup>2</sup> World Bank, World Development Report: Gender Equality and Development, Washington DC, 2012, <http://siteresources.worldbank.org/INTWDR2012/Resources/7778105-1299699968583/7786210-1315936231894/Overview-English.pdf>, Accessed on Jan 24, 2015.

<sup>3</sup> Yvonne Yazbeck Haddad, Ellison Banks Findly, "Women, Religion, and Social Change", Suny Press, 1985, p. 297.

<sup>4</sup> Michael L. Ross, "Oil, Islam, and Women" American Political Science Review, 2008, p. 107-123.

authentic and long lasting change has proven to be more important than surface issues like dress and the right to drive. Saudi women already have a high degree of independence and they view that the kind changes would be opposed to Muslim values and an unwanted Western cultural influence. Western women appear as slaves, slaves of economic system, fashion industry and development plans. Western society viewed them as machines with no brain system working all the time for money and struggling for fame to look desirable and attract others. What about liberating mothers and depriving children from mother's love and care who are just six weeks old. What about leaving children in care centers to learn the values from strangers? Contrary to that what about calling women old fashioned and typical who prefers to stay at home to raise the family? Breakdown of the family unit causes the destruction of society's structure in West. Call for the freedom of women arose in these dissolutive communities that look like a misguided and weak endeavor to get protection. Such protection is accessible only when the person turns back to Allah and accepts the role for which he or she was created.

Dr. Mohammed Badahdah<sup>1</sup>, stated that the West have double standard to deal with human rights as they highlight the issue of a Saudi individual as a major issue while ignoring the killing of thousands Muslims, he said "It is the duty of all countries and societies to respect religious faiths, beliefs and cultures of different communities in order to promote peace and stability in the world," while disapproving "Swedish Foreign Minister Margot Wallstrom's" anti-Saudi invective, he said "We are not imposing Shari'ah on others. Why do then Sweden and other Western countries criticize the Kingdom when we are implementing Shari'ah in accordance with our faith? This is clear interference in our internal affairs and Saudi Arabia will not tolerate such attacks"<sup>2</sup>.

Through examining the status and position of women in the kingdom and that which is mentioned in reports and news, Islam's provisions for women and the results of survey I

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<sup>1</sup> secretary general of the World Assembly of Muslim Youth (WAMY)

<sup>2</sup> Behind Sweden's trade is a hidden western agenda to tarnish Islam Arab News Jeddah <http://www.arabnews.com/featured/news/720221> Accessed on April 21 2015

have become convinced that the west has some preconceived judgments about women's position. These judgments are the results of false, significantly exaggerated propaganda. When the position of Saudi women is placed under the scanner of Western principles and thoughts, then the said issues originate.

It is irrational to follow the West in every aspect, Western feminism, for instance, is refuted by many women in Saudi Arabia. There are some views of intellectuals regarding women's equality. One is Amany Abdulfadl<sup>1</sup> stated in "Al-Ahram Weekly" the West's "definition of equality cannot work in our Arab world because neither will our women find jungles to cut wood in, nor our men ever have breasts to feed babies."<sup>2</sup> Princess Loulwa Al-Faisal, a member of royal family, stated that Islam sees women's rights as equivalent but different simultaneously.

She argues "the ultra conservatives and the ultra liberals both want the same thing: the destruction of the Islamic way", the problem is with the interpretation of law. She claimed that Saudi women have more rights than western women "their property is inviolable and that men have a duty to look after them". West most of the time raises issues of human rights in Saudi Arabia not due to their care for the protection of rights but for the sake of their secreted agenda of tarnishing the image of Islam and Muslims. They want Saudi Arabia and other Muslim societies to follow their cultures at all levels. This leads to indifference to impending evils. As it is indicated by the Holy Prophet ﷺ in an agreed upon Hadith that there will be some people who will guide others in a way that is not according to my guidance. There will be people calling at the gates of Hell, and whoever respond to their call, they will throw them into it. So Shari'ah forbids all means leading to unlawful actions and makes them prohibited in themselves. Therefore, it is obligatory upon the Muslim leaders to pay attention to every crisis and conflicts that occurs and remind people to seek reason behind it, if the Muslims did not condemn committing misdeeds this will bring about the anger of Allah Almighty upon the Ummah and it encompasses both those who do good and those who do evil as Allah says

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<sup>1</sup> Member of the Egyptian Centre for Monitoring Women's Priorities

<sup>2</sup> <http://weekly.ahram.org.eg/> Accessed on May 6, 2015

<sup>3</sup> [http://www.enotes.com/topic/women\\_s\\_rights\\_in\\_saudi\\_arabia#cite\\_note-126](http://www.enotes.com/topic/women_s_rights_in_saudi_arabia#cite_note-126) Accessed on May 2, 2015

*'And fear tumult or oppression which affecteth not in particular (only) those of you who do wrong and know that Allah is strict in punishment'*<sup>1</sup>

And in Hadith in musnad Imam Ahmad bin Hanbal, as reported by Abu Bakar (RA) that the Prophet ﷺ said that "if the people see the munkar and they do not change it, Allah is about to inflict them all with His punishment" The above mentioned Ayah and Hadith make it clear that the Islam requires from Muslims to stand up against this evil

May Allah provide us all with understanding of the religion and determination in it May He protects and guard us all against misleading ordeals We also request Him to reform the rulers of all Muslims and bring about reform through them Indeed He is able to do this

#### **4.2.5. Recommendations**

Analysis of the data offered some recommendations

- a The 'Women's rights in Islam' should not be judged by the attitude of an individual Muslims do or what the Muslim society does
- b Measures should be taken including awareness raising campaigns to defend the Islamic perspective of guardianship and show the reality of western agenda to abolish the family system so that may enter to destroy Islamic ideology
- c Compatibility of tribal customs related to marriage should be examined in accordance with the obligations under shari'ah
- d To ensure that effectiveness application of laws should be monitored by the government
- e Raise awareness about the Islamic perspective of positive and valuable role that women play in the society Public awareness campaigns should focus on Islamic approach on these issues Media campaigns, seminars, and conferences should all be effectively used to convey fundamental messages based on Islamic view
- f Take measures to defend the Islamic perspective of guardianship and show the reality of western agenda
- g Examine the compatibility of tribal customs with obligations under shari'ah and to suggest that application of laws should be monitored by the government to ensure the effectiveness

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<sup>1</sup> Al-Qur an 8:25



- h Regular training programmes should be arranged for the members of the Committee for the Promotion of Virtue and Prevention of Vice to deal with cases of women in a gender sensitive manner
- i The need of time is that facts must be acknowledged and empowered by joining the discussion about the propaganda of women rights into religious preaching
- j Respect of religious and cultural differences between the nations is needed to avoid misconceptions
- k The right parameters should be used to bring about significant change and should be developed organically within the boundaries of what is acceptable and understandable to the Saudi society
- l There is a need to restore the balance between tribal customs and Islamic laws related to women
- m There is a need of scholarly work to differentiate between Islamic principles and Arabic traditional norms

#### **4.2.6. Findings**

This research study points to an explicit lack of knowledge about Islamic law

- a It is noticed that unawareness about Saudi culture and the intentional misrepresentation of facts by a biased media is the other factor behind the women issues
- b In most cases, laws already exist that guarantee women's rights are however the inconvenience is in their implementation or in their wrong interpretation by some establishment
- c Problem of shortage of employees cannot be solved by women's employment in men's jobs rather the proper solution is to create incentives for the thousands of youth who refrain from governmental work and turn to private businesses and organizations. Government should simplify the procedures and applications of employment and offer good packages for the employees
- d Where there is a need, change is taking place and new laws are passing in favour of women. The decision to allow highly educated, influential, brilliant women to join shura council and municipal council of Saudi Arabia is a significant step going on

- e Some facets of Islamic legal systems are not in coherence with the demands of international human rights and women rights law. It creates a notable clash among international human rights law and the Saudi Arabian national law. It is the main factor behind it is the unreliable reporting and news.
- f Females in Saudi society are victimized due to the lack of the social practices that are against Islamic belief systems and government's inability to implement Islamic laws properly.
- g Where there women suffer in the community where Muslims form the majority and are in authority, the fault lies not with Islam but with the custodians of the shari'ah. The implication is that, if women suffer inequality where there should be equality, the persons in authority rather than religion are responsible for the situation.
- h Saudi women have more freedom now than they did two decades ago but there are limits. There is the minority who would like to have the surface rights but one cannot provide the minority with such rights which will be challenged by the majority.

Picture of Saudi women presented by West in reports and news is not based on reality at all. In cases of right to education, vote, nationality issues, marriage of minor girls and some cases related to laws, it is based on fact. But by examining reports and news on the basis of survey, I can conclude that the current issues of women's rights in Saudi Arabia are generally based on the Western propaganda. It is just to destroy the Islamic values and to abolish the strong family system from Muslim society. For the kind purpose they raised the issue of some surface rights. Their main focus is on Saudi women as woman is the key to future generation. For the cause, they are trapping women by different movements. These so called movements are clearly the call for voice as indicated by our beloved Prophet (PBUH)

يَا أَيُّهَا الْمُسْلِمُونَ، إِنَّ مِنْ أَعْلَامِ السَّاعَةِ وَأَشْرَاطِهَا مُلْكُ الصَّنَائِرِ، وَمُؤَامَرَةُ النِّسَاءِ

is "the movements to corrupt the women". We can see these movements for the cause of women's rights everywhere around us. This is not the proper way to ask for rights, they do not need to go out for protests. By keeping it in mind I can say that their purpose is not the welfare of women, in fact, they want their wishes fulfilled as Dr Abdul Kafi said

انهم لا يريدون حرية المرأة، بل يريدون حرية الوصول الى المرأة

“They do not want women’s freedom, but want the freedom to access women”

So they are focusing on women to come out and serve them and leave the home and family for the cause of vice

Being a student of Da’wah studies, I have worked to show the reality of issues and provided the research to restore the accurate picture of women and their rights in Saudi Arabia as it is the duty of a preacher to fight against the call for vice. So the Muslim Ummah should pay attention to save their values for the betterment of future generations by making efforts to prevent issues taking place. Society should likewise give internal support for its members as in the Holy Qar’an, chapter 4, and verse number 6

*“And help one another in righteousness and piety, but help not one another in sin and transgression”*

May Allah protect all Muslims and Muslim countries from the evil plots and grant the officials success to help people rectify their affairs in this life and the hereafter

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## **ANEXURE I**

### **Consent Form**

I, student of International Islamic University, Islamabad doing a research and for that I need your cooperation I assure you that the information obtained from you will only be used for research purpose, the anonymity and the confidentiality of the participant will be maintained

Researcher's Signature

I am participating in this research with my full consent and I know that the information taken from me will just be used for the purpose of research

Participant's Signature

## ANEXURE II

**Questionnaire ( in English)****Statement of the Study:**

It is a part of research work of M Phil thesis at International Islamic University Islamabad. The following is a survey questionnaire on the subject of women regarding their rights i.e. Male guardianship, Employment, Driving, Vote, Early marriages. Kindly reply the following questions.

Note: Your response will remain anonymous. Your frank and straightforward response will be appreciated.

**Socio-demographic characteristics**

Please fill in the blank and tick the answer of your choice.

- 1 Gender  1 Male  2 Female
- 2 Age \_\_\_\_\_
- 3 Marital status  1 Single  2 Married  3 Widowed/Divorced/Separated
- 4 Your Position  1 Student  2 Employ  3 House wife
- 5 Your Specialization \_\_\_\_\_
- 6 Number of years since working \_\_\_\_\_
- 7 Department of work  1 Business  2. Education (teaching)  
 3 Medical  4 Other \_\_\_\_\_ (Specify)
- 8 Type of institute/ organization  1 Public  2 Private
- 9 Place of Residency \_\_\_\_\_, Saudi Arabia

**Awareness of women' rights**

- 1 There are two separate views regarding mankind. According to one, all human are equal, therefore a sound social system is one that is based on the principle of absolute "equality". According to the other, all men or women are different in their mental, physical and emotional qualities, they are different in the opportunities life gives them and they are different in their natural strengths and weaknesses, so because they are different, a good society is not the one based on the principle of equality, but the one based on the principle of "justice".

Your view

- (a) Equal (b) Different

2 Social system of your country is based on the principle of

- (a) Equality (b) Justice

3 Is government providing you the security of your rights?

- (a) Yes (b) No (c) To some extent

4 Is the continuum of women's rights in kingdom of Saudi Arabia a myth or reality?

- (a) Myth (b) Reality

5 Is the violation of Saudi women's rights in the context of some international reports and news is based on reality?

- (a) Yes (b) No (c) To some extent

6 Does the religious requirement to separate the genders lead to any discrimination in society?

- (a) Yes (b) No (c) To some extent

7 Does a woman need male guardian to protect her?

- (a) Yes (b) No (c) sometimes

8 Have you seen any case of early marriages in your region?

- (a) Yes (b) No

9 What is your point of view on early marriages?

- (a) Acceptable (b) Unacceptable

**For Female only**

10 Is male guardianship system a barrier to your rights?

- (a) Yes (b) No

11 How do you feel being in this system of guardianship?

- (a) Blessed (b) Oppressed
- 12 Are you an employee?  
(a) Yes (b) No
- 13 (If yes) Why do you work?  
(a) To make use of your degree  
(b) Economic independence  
(c) To help society  
(d) To fill your time  
(e) To help the family
- 14 Do you face any gender based discrimination from the employer?  
(a) Yes (b) No

### **Comments and Recommendations**

- 15 Are you aware of the Islamic perspective of these five rights i.e Male guardianship, Employment, Driving, Early marriages?  
(a) Yes (b) No (c) To some extent
- 16 Are you satisfied with the application of these five rights which Islam has provided?  
(a) Yes (b) No
- 17 Does Islam elevate the status of women?  
(a) Yes (b) No
- 18 Are Saudi women is the oppressed one?  
(a) Oppressed (b) Not oppressed (c) Sometimes
- 19 Are women elevated in an Islamic culture and oppressed in the western culture?  
(a) Yes (b) No
- 20 Saudi woman is role model for other women?  
(a) Yes (b) No

21 Which would be the source of support to Saudi women in case of ill treatment?

- (a) Government                      (b) Awareness of women's rights
- (c) Women's rights NGOs      (d) Religious scholars

22 Why the position of women in Saudi Arabian society is a complex and frequently misunderstood issue?

- (a) Propaganda of Western media                      (b) Lack of good administration
- (c) Existence of foreigners and their culture      (d) Misinterpretation of Religion
- (e) Customs and traditions of the society      (f) other \_\_\_\_\_

23 Your recommendation for effective solutions

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THANK YOU VERY MUCH FOR YOUR PARTICIPATION AND COOPERATION

### ANEXURE III

#### Questionnaire ( in Arabic)

نموذج تعهد

انا طالنة في الجامعة الإسلامية العالمية اسلام اناد و اكتب رسالة الماجستير واني في حاجة الى تعاريفكم و التأكيد ان المعلومات التي أحد منكم لن تستخدم الا لاعراض البحث العلمي فقط وسيتم الحفاظ على عدم ذكر الاسم وسرية المشارك

توقيع الناحئة

اتشارك في هذا البحث مع موافقتي التامة واعلم أن المعلومات التي توجد مني ستستخدم لأغراض البحث العلمي فقط

توقيع المشارك ، المشاركة



## الاستبيان

تعارف الدراسة:

هو جزء من كراسة الرسالة للمحستير الشرف من الجامعة الإسلامية العالمية اسلام اناد وفيما يلي الاستبيان حول موضوع حقوق المرأة يرحى الرد على الاسئلة التالية

ملاحظة سنتقى ركم مجهول الاسم والاحالة الصريحة والواضحة ستكون لها قيمة لدينا

### الخصائص الاجتماعية

- 1 يرحى ملء الفراغ وضع علامة (صح) امام الاحالة التي تحنارها
- 2 الحبر
- 3 العمر \_\_\_\_\_
- 4 الحالة الاجتماعية
- 5 ا متزوج ب غير متزوج ت أرملة / مطلقة / منفصلة
- 6 وطيفتك
- 7 التحصن الحاص بك \_\_\_\_\_
- 8 عدد السنوات مصبت وانت تعمل / تعملين \_\_\_\_\_
- 9 نوع العمل
- أ التجارة
- ب التدريس او وراة التعليم
- ت وراة الطب
- ح الاحر \_\_\_\_\_ حدد
- 10 نوع الموسسة او المنظمة
- أ حكومية
- ب غير حكومية
- 11 موضع الاقامة \_\_\_\_\_ المملكة العربية السعودية

## الوعي بحقوق المرأة

1 هناك وجهة نظر منفصلتان تتعلقان بالنشوية وفقا لإحداهما ، الناس سواسية امام ذلك النظام الاجتماعي السليم الذي نعوم على مندا "المساواة" المطلقة من غير تمييز بين الحسنيين

وروفقا للاحرى، الرجال و النساء مختلفون في الصفات العقلية والحسدية والعاطفية، فهم مختلفون في فرص الحياة التي تعطى لهم واهم مختلفون في قواهم الطبيعية ، و لانهم مختلفون. فالمجتمع الصالح هو ليس الذي يقوم على مندا المساواة فقط، بل و على مندا "العدالة" كذلك

وجهة نظرك

- 1 المساواة المطلقة
- ب المساواة المنبوية على العدالة
- 2 يستند النظام الاجتماعي في بلدك على مندا

- 3 هل الحكومة تراعي حقوق المرأة في بلدك؟  
أ المساواة ب العدل ج لاشي مما ذكر
- 4 هل شعار/ طرح حقوق المرأة في المملكة العربية السعودية حرافة أم حقيقة؟  
أ نعم ب لا ج الى حد ما
- 5 هل انتهاك حقوق المرأة السعودية في سياق بعض التقارير الدولية والأخبار يستند على أرض الواقع؟  
أ حرافة ب حقيقة
- 6 هل المتطلبات الدينية للفصل بين الحسنيين تؤدي إلى أي تغيير في المجتمع؟  
أ نعم ب لا ج الى حد ما
- 7 هل تحتاج المرأة ولي امرها لحمايتها؟  
أ نعم ب لا ج في بعض الأحيان/ احيانا
- 8 هل رأيت حالة من الرواح المنكر في منطقتك؟  
أ نعم ب لا
- 9 ما وجهة نظرك في الرواح المنكر؟  
أ مقبولة ب غير مقبولة

## للاتات فقط

- 10 هل نظام ولاية الرجل مانع لحقوق المرأة؟  
أ نعم ب لا
- 11 ما شعورك في نظام ولاية الرجل؟  
أ صحيح ب غير صحيح
- 12 هل انت من الموظفات او العاملات  
أ نعم ب لا
- 13 (اذا كنت من العاملات) فلماذا تعطين؟  
أ الاستفادة من الشهادة ب الاستقلال الاقتصادي
- ت مساعدة المجتمع ج لملء وقت الفراغ د لمساعدة الاسرة
- 14 هل تواجهين اي تمييز على أساس الجنس من صاحب العمل؟  
أ نعم ب لا

## تعليقات وتوصيات

- 15 هل انت عارفة/ عارف لوجهة النظر الإسلامية لحقوق المرأة؟  
أ نعم ب لا ج شيئا ما
- 16 هل أنت راضية/ راض عن تطبيق الحقوق التي يعطيها الإسلام؟  
أ نعم ب لا
- 17 هل رفع الإسلام مكانة المرأة؟  
أ نعم ب لا
- 18 هل المرأة السعودية مظلومة حسب رأيك؟  
أ مظلومة ب غير مظلومة ج احيانا
- 19 هل مكانة المرأة مرتفعة في الثقافة الإسلامية ومظلومة في الثقافة العربية؟

- 20 المرأة السعودية قوة للنساء الاخرى  
ا نعم ب لا
- 21 ما ينبغي ان يكون مصدر دعم للمرأة السعودية في حالة المعاملة السيئة؟  
ا نعم ب لا  
ا الحكومة ب الوعي بالحقوق ج منظمات حقوق المرأة د العلماء
- 22 لماذا مكانة المرأة في المجتمع السعودي قضية معقدة وبيضاء فهمها في كثير من الاحيان؟  
ا دعاية وسائل الاعلام العربية ب عدم وجود نظام اداري جيد ج وجود الاحاب وثقافتهم د التفسير الحاطى للدين ه عادات وتقاليد المجتمع و اخرى (حدد)
- 23 التوصية الخاصة بك عن حلول فعالة (يمكن استعمال ورقة اصابعه اذا احتجت)  
حراكم الله حيرا واشكركم على مشاركتكم والتعاون