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### Women in Saudi Arabia: And the Source of Rights and Restrictions

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# WOMEN IN SAUDI ARABIA

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And the Source of Rights and Restrictions



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By: Elise Nelson

The Kingdom of Saudi Arabia, located on the Arabian Peninsula in the Middle East, is a country that adheres to Sharia Law, or Islamic Law. Monarchy is its form of government; thus, the King and his council make all the legal and political decisions.<sup>1</sup> In Saudi, there is no separation of Church and State, or Mosque and State, rather. Therefore, all of their laws come from Qur'an and Hadith; there is no separation between the religion and the governmental system. Their religion is their governmental system. Muslims, or those who practice Islam and follow the Prophet Muhammed, believe that the Qur'an is the inspired word of God, given to the Prophet Muhammed around 610 A.D. when the angel Gabriel came to him in a cave and told him to "recite." Followers of the Prophet eventually recorded his recitations and compiled them into one source, known as the Qur'an, soon after the Battle of Yamamah in 633 A.D.<sup>2</sup> Muslims also follow Hadith, or sayings of the Prophet, because doing as the Prophet did is of extreme importance in their faith. Therefore, since the country of Saudi Arabia most strictly adheres to Islamic law among the other Muslim countries, one can use Saudi as a model of what a fully-Islamic society is supposed to look like.

Women's rights in Saudi Arabia has been a highlighted topic recently, as several human rights violations against women have come to light. The treatment of women in Saudi can seem quite misogynistic, especially from a Western perspective. From a Western perspective, there are some practices in Islam, and thus in Saudi, that seem sexist, such as separating women and men in the mosque and other places in society, like the workplace. However, from their view, certain practices in their religion and culture are absolutely necessary to their faith; in this instance, because sexual sin is of utmost defilement, and they have to merit paradise, separating

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<sup>1</sup> William L. Oechsenwald, "Saudi Arabia," Britannica.com, <https://www.britannica.com/place/Saudi-Arabia/Government-and-society>.

<sup>2</sup> A.B. Al-Mehri, Appendix of *The Quran*, (Birmingham: UKIM Dawah Centre International, 2017), 704.

men and women in the mosque and other places in society is a faithful step toward honoring God, not necessarily an attempt to degrade women. The role of women and the treatment of women in the home and in society is vastly different than in the West, especially since the West does not adhere to Sharia Law. Some of these things in Sharia Law may seem foreign to a Westerner, but they are culturally normal in Saudi Arabia. Though there are cases where a Western worldview will not make sense of the situation, there also are cases that are more widely recognized as injustices by most worldviews. Why have there been so many human rights violations in regard to women in Saudi? My argument is that Sharia law and Sunni, or more specifically Wahhabi, interpretations of Quranic teachings greatly contribute to the human rights violations and restrictions on women in Saudi Arabia. I will conduct a case study of the country, looking at their laws regarding women and looking at treatment of women as is portrayed in the Qur'an, Hadith, and Fatwa.

### **Literature Review**

Women's rights in the Middle East is a topic that actually has quite a bit written about it, especially with the relatively recent push towards women's equality in these countries. Much of the Islamic writings dealing with women's rights paint positive pictures, saying that women are equal to men according to the Qur'an. In fact, the appendix of my personal Qur'an highlights how women are to be viewed and treated in Islam. According to the appendix in my Qur'an, women have the same human spiritual nature as men.<sup>3</sup> The author, Al-Mehri, quotes Surrah 4:1 in support of this idea, which says, "Oh mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women. And fear

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<sup>3</sup> Ibid, 769.

God, through whom you ask one another, and the wombs. Indeed God is ever, over you, an Observer.”<sup>4</sup> Then, quoting Surrah 3:195, he states that men and women “have the same religious and moral duties and responsibilities.”<sup>5</sup> He also argues that Islam brought about several social changes regarding women in Arabia, such as ending female infanticide, reprimanding an unwelcoming attitude towards having female children, and encouraging education for women. Al-Mehri states that in the places where female circumcision is practiced, it is merely a local custom, as “other people, including Christians” practice it in those locations.<sup>6</sup> As far as marriage goes, he says that in Islam, marriage is founded on compassion and love for one another, as well as on peace. The woman “has the right to accept marriage proposals;” she also, according to Al-Mehri, cannot be forced into marriage.<sup>7</sup> He gives no reference to Quranic text or explanation regarding this statement, though he says that it is “according to Islamic Law.”<sup>8</sup> He says that both genders are entitled to appearing equal before the law because “justice is genderless.”<sup>9</sup> Al-Mehri concludes by saying that the status of women decreed in Islam was not decreed because it was the culture of the seventh century, but rather because of its “intrinsic truthfulness.”<sup>10</sup>

Yvonne Yazbeck Haddad’s and John L. Esposito’s book *Islam, Gender, and Social Change* addresses the complex issue of the status of women in the Middle East. The authors point out that from the perspective of the West, women in Islam are treated as second class

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<sup>4</sup> *The Qur’an*, ed. A. B. Al-Mehri, (Birmingham: UKIM Dawah Centre International, 2017), 4:1.

<sup>5</sup> Al-Mehri, 769.

<sup>6</sup> Ibid, 770

<sup>7</sup> Ibid, 771.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid, 773.

<sup>10</sup> Ibid.

citizens subjugated to separation and obedience. However, one must look at the broader Muslim experience, as the diverse cultures have played a part in the determination of the role of women. They incisively say, “both non-Muslim observers as well as Muslims often fall into the same pitfall in cross-cultural affairs, comparing one’s ideal to someone else’s reality.”<sup>11</sup> They also point out that one must look at the interpretation of the Qur’an and Hadith, which are sayings of the Prophet, as well the actual state of women in the Muslim context. As far as the Qur’an goes, the authors believe that it is the infallible word of God, though it was interpreted by human beings. They believe, like Al-Mehri, that in the culture of the seventh century, Islam brought social change that “reinforced the status of women,” which greatly benefitted them.<sup>12</sup> The tribal societies that existed before Islam were extremely Patriarchal, as a woman’s identity came from her role as daughter, mother, or wife. Haddad and Esposito seem to be arguing that women are no longer seen this way in Islamic societies. They state that in society and the family, “the Qur’an was quite explicit in maintaining women’s religious and moral equality with men before God.”<sup>13</sup> Yet, they point out that women still continued to be secondary to men in society, as they received less inheritance, as well as had their testimony in court count only as half a man’s testimony. A chapter in their book, *Islam, Gender, and Social Change*, written by Barbara Stowasser, provides more details regarding gender issues and the Qur’an. As far as family law goes, there have been so many different interpretations throughout the Arab world; however, these laws that regulate child custody, marriage, divorce, and inheritance, do not give equality between men and women “because they have been developed within the Islamic framework in

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<sup>11</sup> Yvonne Yazbeck Haddad and John L. Esposito, introduction to *Islam, Gender, and Social Change*, (Oxford: Oxford University Press, 1998), xi.

<sup>12</sup> Ibid, xii.

<sup>13</sup> Ibid.

all Arab countries.”<sup>14</sup> Though this seems to be against women’s rights, the author points out that the problem in the Arab countries with trying to get on board with women’s rights is that it is seen as a Western effort to dominate their culture. Therefore, in order to protect their culture, they adhere to their own tradition. The author suggests that this debate about women’s rights in the Islamic world is more than just about women’s rights, but it is also bound with an Islamic identity and desire for political independence. Ultimately, the status of women depends on interpretation of Quranic texts and Hadith, as well as their traditional culture.<sup>15</sup>

In Stephen Schwartz’s chapter of *Radical Islam’s rules: the Worldwide Spread of Extreme Sharia Law*, he describes Wahhabism, which is Saudi Arabia’s form of Islam that they adhere to. There is more information given later in this paper on Wahhabism, but basically, Schwartz argues that it is not traditional Islam, but rather radical Islam. He condemns Saudi’s persecution of Shi’a and non-Wahhabi Sunni Muslims within the borders of Saudi, portraying just how conservative Wahhabism is. He addresses many issues with Wahhabism in Saudi Arabia, including lack of religious freedom, controversy over Sharia law, persecution of apostates, and the denial of women’s rights. This latter category is explained as the result of a Wahhabi imam named Abdul-Aziz bin Baz, who issued fatwa for the country in the mid to late 1900’s. He was known for his fatwa on restrictions against women. It was bin Baz that required there to be more than one woman in court to testify, as “the Prophet explained that their shortcoming in reasoning is found in the fact that their memory is weak and that their witness is in need of another woman to corroborate it. Therefore, it is related to non-proficiency in

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<sup>14</sup> Barbara Stowasser, “Gender Issues and Contemporary Qur’an Interpretation,” in *Islam, Gender, and Social Change* (Oxford: Oxford University Press, 1998), 46.

<sup>15</sup> Ibid, 48.

witnessing due to woman's forgetfulness or (that) she may add something in her witnessing."<sup>16</sup> It was also bin Baz who gave the fatwa against women driving, saying that women driving cars leads to them committing "indecentencies."<sup>17</sup> Schwartz claims that accord to the Saudi Information Agency, "Saudi laws consider women as minors needing the approval of their male relatives for college enrollment, purchase of mobile phones, and travel, among other things," which contributes to the fact that women in Saudi still do not have the freedom to drive.<sup>18</sup> Schwartz also states that until recently, even if a woman owned a business, she was not permitted to run it. This was due to bin Baz who wrote that women should not mix with men in public; also he said, "It is in clear opposition to the texts of the *Shari'a* that order the women to remain in their houses and to fulfill the type of work that is particular for her and upon which Allah has fashioned her nature, which is far from the place where she will mix with men."<sup>19</sup> Females also are not allowed to teach boys in Saudi Arabia, as, according to bin Baz, ". . . this suggestion has been inspired by Satan. . . it is, without doubt, something that is pleasing to our enemies and the enemies of Islam."<sup>20</sup> Schwartz also gives evidence of the suppression of reform efforts, as there have been several instances of human rights violations as a result of Wahhabi extremism. For example, in March of 2002, there was a fire at the Girls' Intermediate School Number 31 that killed fourteen young women because the religious police forced the ones who had not put on their full coverings back into the burning building. This was not reported in Saudi, nor in the West, but

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<sup>16</sup> Stephen Schwartz, "Shari'a in Saudi Arabia, Today and Tomorrow," in *Radical Islam's Rules: the Worldwide Spread of Extreme Shari'a Law*, ed. Paul Marshall, (Oxford: Rowman & Littlefield Publishers, Inc., 2005), 32-33.

<sup>17</sup> Ibid, 33.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid, 34.

<sup>20</sup> Ibid.



there were waves of protests after this incident, especially in Shi'a towns. Beatings and arrests was the response of the regime, as they attempted to suppress the protests. In conclusion, Schwartz argues, again, that Saudi's regime is not one of traditional Islam, but of radical Islam. The suppression of women in Saudi is real and is part of their fatwa that they adhere to.<sup>21</sup>

## Theory

Saudi Arabia is arguably the most important country in the Islamic world. As the birthplace of the Prophet Muhammed and location of the top two holiest sites in Islam, Saudi Arabia continues to be the most religiously powerful nation for the Islamic religion. Their religious leaders have more authority and influence than others over interpretations of the Qur'an and of Fatwa, which are non-binding answers to questions about Islam given by prominent religious leaders and scholars.<sup>22</sup> Therefore, when studying the treatment of women in an Islamic context and society, Saudi Arabia is a great model to study when determining the reality of Islamic beliefs and laws regarding women, as their government is based purely on Islamic law. Saudi's specific form of Islam is the puritanical Wahhabism, which came from a Muslim scholar named Muhammed bin Abd al Wahhab. Wahhab founded this movement to reverse the moral decline of his city in Arabia during the eighteenth century. He encouraged a return to "pure and orthodox" Islamic practices as stated in the Qur'an and Hadith.<sup>23</sup> The ancestral founder of the Al Saud dynasty in Saudi Arabia, Muhammed bin Saud, joined forces with Wahhab in the 1740s to unify tribes that had been disparate in Arabia, thus creating Wahhabism as a unifying movement.

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<sup>21</sup> Ibid, 35-37.

<sup>22</sup> *Islamic Fatawa Regarding Women*, comp. Muhammed bin Abdul-Aziz Al-Musnad, trans. Jamaal Al-Din M. Zarabozo (Saudi Arabia: Darussalam, 1996), 3-4.

<sup>23</sup> Christopher M. Blanchard, "The Islamic Traditions of Wahhabism and Salafiyya," fas.org, <https://fas.org/sgp/crs/misc/RS21695.pdf>, (April 27, 2019).

Wahhabism is a Sunni form of Islam that “seeks to purify Islam of any innovations or practices that deviate from the seventh-century teachings of the Prophet Muhammed and his companions.”<sup>24</sup> This form of Islam originally demanded adherence by force, not necessarily out of belief. Anyone who did not profess this ideology was thought to be an apostate, which means that killing them or stealing their property was permissible. Wahhabism, according to the Islamic Supreme Council, was not overly militant until recently, as it now declares that the sword may be used to reform Islam in a confrontational way. The Council also argues that Islam itself was originally a peaceful religion and that the Qur’an itself says that people have the freedom to practice whatever religion they choose; the Wahhabis simply choose the Quranic texts that support their beliefs.<sup>25</sup> Wahhabism is only 250 years old, and it is quite radical in its views. It rejects any pluralist forms of government that is not entirely based on Sharia law, though Islam does not hinder the adoption of other forms of criminal, commercial, or civil law, as long as it does not come in conflict with Islamic ideologies.<sup>26</sup> In 1924, Wahhabis took Mecca and Medina. It was during this time that the Wahhabi-Saudi state “sought to eradicate customary law.”<sup>27</sup> In today’s kingdom, the royal family, Al Sa’ud is the state; the descendants of Al-Wahhab have control over institutions of education, religion, and justice. Both of these groups are Wahhabi, and they form the entire decision making body of Saudi Arabia.<sup>28</sup>

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<sup>24</sup> Ibid.

<sup>25</sup> “Islamic Radicalism: Its Wahhabi Roots and Current Representation,” Islamicsupremecouncil.org, <http://islamicsupremecouncil.org/understanding-islam/anti-extremism/7-islamic-radicalism-its-wahhabi-roots-and-current-representation.html>, (April 27, 2019).

<sup>26</sup> Ibid.

<sup>27</sup> Schwartz, 25.

<sup>28</sup> Ibid.

As a government based entirely on Shariah Law, Saudi Arabia attempts to maintain a perfect picture of what society would look like under a fully Islamic rule. Sharia, which literally means “the right path,” comes from the Qur’an, which, to reiterate, is the Islamic holy book which Muslims believe is the actual word of God.<sup>29</sup> Sharia is considered sacred by Muslims, since it comes directly from the words of God. Because Sharia is interpreted in different ways in different societies, Islamic legal scholars have had to reinterpret much of it due to changing circumstances. In modern times, “the influences of Western colonialism generated efforts to codify it [e.g. Sharia].”<sup>30</sup> The Quran does not offer a thorough code of law, though it does provide baseline standards of human morals and actions. During the period he was alive, Muhammed assisted in clarifying Islamic law as provided in the Quran, and he acted as a judge in many legal proceedings. Because he integrated Quranic beliefs into the government, Sharia became the standard law code in the region, and Muhammed made sure it was enforced. After his death in 632 A.D., the caliphs, or political-religious leaders and followers of Muhammed, continued to rule over Arabia for 30 years. As Sharia, again, is interpreted differently by different scholars at different times, these men also interpreted Sharia for their own context, developing Islamic law with their own verdicts. After them was the Umayyad dynasty of caliphs who were overthrown in 750, to be replaced by the Abbasid dynasty, who fully developed Sharia. Though the Umayyads had appointed *kadis*, or judges, to handle all cases regarding Muslim people, the Abbasids continued to use *kadis* only for family, religious, commercial, and property laws, giving the government rule over the criminal laws. Under the rule of the

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<sup>29</sup> “The Origins of Islamic Law,” CRF-USA, <http://www.crf-usa.org/america-responds-to-terrorism/the-origins-of-islamic-law.html>, (April 27, 2019).

<sup>30</sup> Ibid.

Abbasids, there was a feud between scholars over whether or not the opinions of qualified religious scholars should be included in Sharia. A man named Shafii, who was an intelligent legal scholar, attempted to reconcile the group by offering a solution. He argued that the Qur'an should first be consulted when determining a legal verdict. If the answer is not found in the Qur'an, judges can then look to Hadith, or sayings of the Prophet. If the answer is still unclear, then the consensus of prominent Islamic scholars is to be taken into consideration. Although Shafii's views sparked much controversy during his lifetime, his ideas were later accepted by the Muslim world. The classic Sharia "was not a code of laws, but a body of religious and legal scholarship" developed continuously for the next thousand years.<sup>31</sup> Thus, Saudi's laws come from the Qur'an, then from Hadith, then from religious scholars, based on the government's interpretations even to this day.

Due to colonization, many Islamic countries, especially since the 19<sup>th</sup> century, have adopted more Western-style courts, laws, and punishments and have thus abandoned Sharia law, some completely and some only partially. For example, Turkey completely secularized their government, while Egypt still is greatly influenced by Sharia. However, the fundamentalist countries such as Qatar and Saudi Arabia that still greatly adhere to Sharia have to decide how much change they are willing to make regarding Sharia in their countries. With the coming of modernization and Western ideals being spread across the globe, there has been much debate over whether these countries should reinterpret the Qur'an to adapt law into more modern times or if they should resist westernization and change. Most Islamic scholars say that Sharia can be modified without losing its religious foundations; yet many still disagree, especially in Saudi

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<sup>31</sup> Ibid.

Arabia.<sup>32</sup> The leaders in Saudi do not seem to desire changing their interpretation of Sharia due to social change. Because the Wahhabi royal family and their council make all the decisions, interpretation of Sharia is based solely on their Wahhabi ideals. They reject the other four schools of Sunni thought regarding jurisprudence, believing that their own jurisprudence “stands alongside criminal and commercial law based on Western models;” they reject any type of pluralistic government.<sup>33</sup> Therefore, their courts are based entirely on the Qur’an, Hadith, and Fatwa. If the same group of men are making all of the decisions, whether familial, legal, political, economic, social, or even sexual, there is not much diversity of thought, and they are very strict. The Grand Mufti is the group of religious leaders that make all of the religious decisions and issue Fatwa. If a group of women (or a man representing women) came to the religious leaders and asked them to re-interpret something from the Qur’an that could give women more rights, the male religious leaders will more than likely not make a decision in favor of the women. Therefore, even if women push for social change, it will not happen unless the Wahhabi government says so. They also have the authority to continue to oppress women and treat them as second class citizens, as there is no one keeping them in check. Because their law is based on Islamic texts and teachings, and there have been several human rights violations that their government does not outlaw, the latter variable is caused by the former.

### **Methodology**

To reiterate, I studied human rights violations occurring in Saudi Arabia, as well as the treatment and rights of women in the country, and its connection to Islam and the Qur’an as a whole. For this research paper, I read portions of several books regarding Islam, Wahhabism,

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<sup>32</sup> Ibid.

<sup>33</sup> Schwartz, 20.

Sharia law, and women in Saudi Arabia. These books gave historical accounts of these topics, as well as more recent accounts of them. As some of the books I used are actually from Saudi Arabian Islamic scholars in the Kingdom of Saudi Arabia, the ideas in them are not from Western perspectives, thus strengthening their validity. Some of the books were told from a Western perspective, but still from an Islamic perspective. This was a good method of research because I was studying Saudi Arabia; thus, I was using Saudi Arabian material for the most part. I also found news articles online addressing several human rights violations that have been occurring in Saudi, including lack of religious freedom or freedom of movement of women. By using websites such as Human Rights Watch and Amnesty International, I was able to access news sources that would not be released in the actual country. Finally, I studied Qur'an and Fatwa from Saudi Arabia's Grand Muftis in order to determine what these documents say about women and their rights (or lack of). Because Saudi Arabia adheres to strict Sharia law, by studying their own texts that make their laws and set a precedent for the treatment of women, I could read from the original source where the idea came from. This way of doing research is very important because many scholars have already written on this subject; therefore, gaining understanding of the situation from experts is very important.

### **Evidence**

There is no denying that there are human rights violations occurring against women in Saudi Arabia. There are ample amounts of news sources, online articles, and books that address the issue; there is no doubt they are occurring. However, why are they occurring? Why does Saudi's government seem to oppress and restrict women? Do the Quranic texts and teachings of the Prophet match up with the laws of Saudi Arabia? I will be providing instances in Saudi Arabia in which human rights violations have occurred, as well as pointing out Quranic Surrahs

that seem misogynous. To begin, there are several types of rights that women do not have in Saudi Arabia. The most evident example is the male guardianship law. In fact, most of the human rights abuses that are occurring in Saudi are a result of this law. Women are never independent; they always have a male over them, whether it is their father, brother, uncle, husband, or even son. This means that they cannot make important, binding decisions without first consulting their male guardian. He also must be consulted if the woman wants a passport, to receive education at a university outside her hometown, to travel, and to work. Many banks require the male guardian to approve of the woman opening a savings account or getting a loan; many employers require him to allow the woman to work. The guardian must give permission for the woman to get married; “without guardian consent, a Saudi court will not recognize a marriage.”<sup>34</sup> Essentially, Saudi women are treated as permanent legal minors. According to Fatwa of the Standing Committee, “if a woman wants to leave her husband’s house, she may inform him of where she wants to go;” a woman is unable to leave her home at her leisure.<sup>35</sup> Recently, Google and Apple have come out with a new app that allow Saudi men to track their women. This app, called “Absher,” which means “Yes sir” lets the men see the location of the women they are tracking, alerting them when the boundaries they set on the app have been breached by the women.<sup>36</sup> As an example of textual evidence for male guardianship, Qur’an 4:34 says, “Men are in charge of women by right of what God has given one over the other and what they spend [for maintenance] from their wealth. So, righteous women are devoutly obedient,

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<sup>34</sup> Margaret Coke, “How Guardianship Laws Still Control Saudi Women,” <https://www.nytimes.com/2018/06/22/world/middleeast/saudi-women-guardianship.html>, (April 27, 2019).

<sup>35</sup> Al-Musnad, 339.

<sup>36</sup> “Google and Apple Permit Saudi Arabian Women Surveillance App,” <https://feminist.org/blog/index.php/2019/03/06/google-and-apple-permit-saudi-arabian-women-surveillance-app/>, (April 27, 2019).

guarding in [the husband's] absence what God would have them guard. But those [wives] from who you fear haughtiness- advise them; [then if they persist], forsake them in bed; and [finally] strike them. But if they obey you [once more], seek no means against them. Indeed, God is ever Exalted and Grand.”<sup>37</sup>

In the Qur'an, women have the right to seek divorce if her husband abuses her, cannot give her children, or even if she is not happy with the marriage; yet, according to Fatwa from Shaikh ibn Jibreen, “it is not allowed to seek a divorce without the presence of a necessity.”<sup>38</sup> However, if she does wish to seek a divorce, it means that she must ask her husband for the divorce. According to Fatawa of Shaikh ibn Baz, if a husband is abusive, the wife can seek divorce. He says that “there is no harm also in ransoming yourself to pay him some wealth in order for him to divorce you.”<sup>39</sup> Women are unable to simply seek a divorce from the state on their own; because of the male guardian system, she must have her husband's permission to divorce him, and she must pay back her dowry in full. However, during the court proceedings, the woman is still under the guardianship of her husband, so he has the ability to control her decisions.<sup>40</sup> Therefore, if there is domestic violence in a relationship, a woman legally cannot get out of it without the permission of her abuser and without paying back her dowry. According to human rights watch, the Ministry of Labor and Social Development reported 8,016 cases of psychological and physical abuse in 2018, most occurring between husbands and wives. Although Saudi Arabia criminalized domestic violence only in 2013, there has been a lack of

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<sup>37</sup> *Quran* 4:34.

<sup>38</sup> Al-Musnad, 223.

<sup>39</sup> Ibid, 215.

<sup>40</sup> “Saudi Arabia: 10 Reasons Why Women Flee,” <https://www.hrw.org/news/2019/01/30/saudi-arabia-10-reasons-why-women-flee>, (April 27, 2019).



implementation. Human Rights Watch argues that “controlling a woman’s movements itself is a form of domestic violence that the government enforces.”<sup>41</sup> If a woman flees an abusive marriage and is put in a shelter, she cannot leave independently without either contacting a relative or agreeing to an arranged marriage. Women also have no right to be their own children’s legal guardians during a divorce, as they are treated as minor citizens. “Girls are usually transferred to the father’s custody at age 7, and boys may decide at age 9 which parent they want to live with,” according to human rights watch.<sup>42</sup> On a positive note, authorities issued in 2014 that mothers can gain documents and even conduct government business for her children that are required to live with her after a divorce. Thus, women could take their children to health care centers, obtain documents of their identity, and enroll them in school, though the father remained in the position to approve his daughters’ marriages and to grant permission for travel for his children.<sup>43</sup>

Inheritance rights in Saudi Arabia and in Islam in general are disputed fairly often. The Qur’an gives instruction that as far as inheritance goes, males receive “what is equal to the share of two females;” if a family only had daughters, they received two-thirds of the estate.<sup>44</sup> Qur’an 4:5 says, “And do not give the weak-minded your property, which God has made a means of sustenance for you, but provide for them with it and clothe them and speak to them words of appropriate kindness;” weak-minded being women in this case.<sup>45</sup> According to *The Saudi*

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<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> See *Qur’an* 4:11.

<sup>45</sup> Ibid, 4:5.

*Gazette*, in 2017, legal experts reported that more than 50% of women, minors, and children experience injustice in inheritance cases. It typically occurs when a woman gives the power of attorney to someone who abuses their power. For example, a woman named Umm Raed gave her brother the power of attorney, but after her father's death, her brother stole her portion of her inheritance, as well as her sister's.<sup>46</sup> This type of injustice continues to occur in Saudi, as the woman is only allowed half of her brother's inheritance; but also the power abuse is common.

The effects of slavery are still an issue in Saudi Arabia, as the nation did not outlaw it until 1962. What is now occurring is families will "hire" an immigrant worker to do housework, but they take her passport, thus barring her from ever leaving. Lawmakers and police in Saudi Arabia fail to protect these immigrant women. "Female 'guest workers' employed as maids and nannies have little recourse against sexual coercion or harsh beatings;" these women are taken advantage of and abused.<sup>47</sup> In a related topic, concubinage in Saudi Arabia and the greater Arabian world was a common practice in the ancient world. Prior to slavery's abolition in the nineteenth and late twentieth centuries, men who could afford it had concubines. The Qur'an referred to these women as "those whom [your] right hand possesses."<sup>48</sup> Though the Qur'an limits the number of wives one can have to four, they could possess as many concubines as they wished.<sup>49</sup> The Prophet himself had eleven wives and many sexual partners in his lifetime; he also owned slaves. He also is the "standard for morality" for Muslims; they are to do as the Prophet

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<sup>46</sup> Fowz Al-Ghamdi, "Over 50 Percent of Women Lose Right of Inheritance," <http://saudigazette.com.sa/article/514843>, (April 27, 2019).

<sup>47</sup> Kecia Ali, *Sexual Ethics and Islam*, (London: Oneworld Publications, 2006), 53.

<sup>48</sup> *Qur'an* 16:71.

<sup>49</sup> See *Qur'an* 4:3.

did.<sup>50</sup> As far as polygyny goes, one can have up to four wives, but, according to Fatwa of Shaikh ibn Baz, this is allowed “because it leads to more chastity, lowering of the eyesight, and guarding of the private parts,”<sup>51</sup> If the man fears that “[he] will not be just, then [he] should marry only one or those [his] right hand possesses [i.e. slaves].”<sup>52</sup> Women in Saudi Arabia also do not have the right over their own sexual self, as they are required to always consent to their husbands. According to Fatwa of the Standing Committee, “women are a place of fulfillment of desire for men.”<sup>53</sup> Qur’an 2:223 says, “Your wives are a place of cultivation [i.e., sowing of seed] for you, so come to your place of cultivation however you wish and put forth [righteousness] for yourselves.”<sup>54</sup> According to Fatwa from Shaikh ibn Uthaimin, “it is obligatory upon the wife to respond to her husband if he calls her to his bed.”<sup>55</sup> Therefore, a wife must provide sex whenever her husband so desires.

Saudi women are not only facing inequality in society, but also danger and injustice. In early 2019, two young Saudi sisters, named Rawan and Reem, fled from their male family members who would repeatedly beat them and treat them as slaves. These girls fled to Hong Kong on their way to Australia, where the Saudi Arabian consular agents stopped them. Though they did end up safe in a third country, the fact that the girls would face criminal charges for leaving without their male guardian’s permission had they returned to Saudi is a human rights

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<sup>50</sup> Ali, 57-58.

<sup>51</sup> Al-Musnad, 178.

<sup>52</sup> See *Qur’an* 4:5.

<sup>53</sup> Al-Musnad, 338.

<sup>54</sup> *Qur’an* 2:223.

<sup>55</sup> Al-Musnad, 220.

violation.<sup>56</sup> This is just one example of possibly thousands of stories of women in Saudi who face this sort of danger in their own households. In this case, there was abuse on the family level and also the governmental level, as they would have imprisoned the girls had they returned to Saudi rather than the abusers.<sup>57</sup> Another abuse specifically from the government primarily occurred in 2011, though the consequences continue to be discussed. Saudi women are not allowed to drive and have not been since 1990. The government encourages women to have male guardians with them all the time by using methods of corporal punishment to ensure obedience, including flogging. In 2011, a group of women activists re-established an internet protest of the driving ban. Saudi women with international driver's licenses took the road, filming themselves and posting it on the internet in the process. Most of these people were arrested, and one was sentenced to ten lashes for her actions; for simply posting a video of her driving.<sup>58</sup> Even more recently in 2018, the Saudi government arrested several women's rights activists who worked in this "#women2drive" movement.<sup>59</sup> These activists had been charged with crimes of treason and suspicious activity, which is an attempt to scare off political activists, especially regarding sex discrimination.<sup>60</sup> While in prison, several have reported facing sexual harassment and torture

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<sup>56</sup> "Hong Kong: Sisters' lives in grave danger if sent back to Saudi Arabia," <https://www.amnesty.org/en/latest/news/2019/02/hong-kong-must-not-return-sisters-to-saudi-arabia/>, (April 27, 2019).

<sup>57</sup> Ibid.

<sup>58</sup> "Saudi Women Buckle Up For Their Human Rights," <https://www.amnestyusa.org/saudi-women-buckle-up-for-their-human-rights/>, (April 27, 2019).

<sup>59</sup> "Saudi Arabia Arrests Women's Rights Activists," <https://feminist.org/blog/index.php/2018/05/24/saudi-arabia-arrests-womens-rights-activists/>, (April 27, 2019).

<sup>60</sup> Ibid.

from Saudi authorities.<sup>61</sup> This suppression of human rights activists has increased since the Crown Prince Mohammad bin Salman has been in power. The arrests of the women's rights movement mentioned above was under the authority of bin Salman, which shows that his claims of moving the country toward freedom were a façade. Though this is not related to the topic of women, the Kingdom of Saudi Arabia in mid-April 2019, put 37 people to death, most of them Shi'a Muslims, on "terrorism" charges.<sup>62</sup> This order from Crown Prince bin Salman shows Saudi's "callous disregard for human life."<sup>63</sup> So far in 2019, 104 people have been killed by the State; in 2018, Saudi carried out 149 executions.<sup>64</sup> Thus, human rights abuses continue to occur in Saudi Arabia, all as a result of actions or laws from the State; thus, from Wahhabi Islam.

## Conclusion

To re-iterate, Saudi Arabia recently has been faced with much international attention over their human rights violations, especially regarding women. The country gets their laws from Sharia law, or Islamic law, which comes from the Qur'an, Hadith, and Fatwa, which means that their laws and views regarding women must also come from these sources, as there is no separation between the secular and religious, especially regarding law. I have provided a few cases of textual evidences in the Qur'an and Fatwa from the Saudi Arabian Grand Mufti that support my thesis; however, I have not looked specifically at Hadith, as there are thousands of them, and I did not allow the time. Some of my sources do, however, quote actions of the

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<sup>61</sup> "Saudi Arabia: Reports of Torture and Sexual Harassment of Detained Activists," <https://www.amnesty.org/en/latest/news/2018/11/saudi-arabia-reports-of-torture-and-sexual-harassment-of-detained-activists/>, (April 27, 2019).

<sup>62</sup> "Saudi Arabia: 37 put to death in shocking execution spree," <https://www.amnesty.org/en/latest/news/2019/04/saudi-arabia-37-put-to-death-in-shocking-execution-sprees/>, (April 27, 2019).

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

Prophet, which are provided in Hadith. Yet, there is still enough evidence from the other two sources to support my thesis.

Not only have there been many human rights abuses occurring, but there is also an unfair treatment of women in the country. Based on Wahhabi interpretation of the Qur'an and Islamic law, women are treated as minors who are not strong-minded enough to be independent. Men have a certain responsibility over women whether the women desire it or not. Due to the male guardianship laws, women are unable to make any major decisions on their own, nor can they travel without the permission of their guardian, whether they want to go get groceries or travel abroad. Most of the abuses against women come from this law, as their rights are greatly restricted by it. Although certain practices deemed necessary by them in their religion seem only misogynous from a Western perspective, other practices reflect a broader injustice that seemingly anyone would be astounded by. The treatment of women in Saudi Arabia by the men of the country comes from a view of them that is provided in their religious texts and, thus, in their own government. More research needs to be done about what is actually occurring in Saudi Arabia; however, Saudi news does not report it, and journalists face threat of imprisonment and even death.

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