Are the Male Guardianship Laws in Saudi Arabia, A Challenge to Human Rights of Women as Advocated in Islam?

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Abstract
The work attempts to analyze the Saudi Arabian policy regarding the “Male Guardianship” laws imposed on women in relation to what extent Islam, the state religion of Saudi Arabia, supports the law. The work sheds light on the human rights of Saudi women that are violated due to the male guardianship laws, which treats women as legal minors and incapable of experiencing state recognized independence of any sort. Human rights as an issue will be discussed solely with reference to their definition as per Islam. The paper shall explore the issue using sources from the Quran, the Hadith, the constitution of Saudi Arabia and news articles reporting the instances of grievances of Saudi women due to this policy.

Keywords: Saudi Arabia, Male Guardianship, Women, Islam

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INTRODUCTION
The rise of Islam as a religion can be traced back to 609 CE, the year when the Holy Quran was revealed to Muhammad PBUH, the last prophet of Islam. After the death of the prophet, Islam spread under the governance of the various Caliphs. The spread of Islam in the last 1400 years has been carried out from the Middle Eastern countries to the rest of the world. According to the BBC news reports of 2011, Islam was observed to be the fastest growing religion in the world with approximately 1.57 billion Muslims in the world [1]. The spread of any religion in particular is often a result of the qualitative change it brings into the lifestyle of its followers post conversion. The increasing number of Muslims in the world too, is an indicator of how the Islam as a religion, by virtue of its rather modern laws that intend to eliminate social evils, provides its followers personal and collective development. The reason why Islam has been seen to have such an impact on the personal and social development of its followers is not because it preaches the basics of humanity such as peace, brotherhood and charity, but also gives guidance regarding balancing an ethical conduct from an individual level to family level, and eventually influencing community as a whole. These small Muslim communities together are the composition of countries like Saudi Arabia, Pakistan, Bangladesh, Iraq etc.

Saudi Arabia, being the birth country of the Prophet Muhammad (PBUH), where the divine revelation of Quran had taken place and where the two holy pilgrimages of Islam, Mecca and Medina are situated in, is often considered to be the head of Islamic States. Being the country where the Islam that we know of today has originated from, Saudi Arabia automatically is put on the pedestal of carrying out the responsibility of setting an ideal for all the Muslims in the world. The purpose of the work is to analyze the extent to which Saudi Arabia has been successfully carrying out this responsibility towards its citizens and the Muslims of rest of the world, in terms of its policies. The job of the Saudi Arabian government, like all governments of the world, is to ensure that the rights of its citizens remain protected and free from violations. These rights that the government strives to protect are known as “Human Rights” inherent to all individuals namely, equality, liberty and dignity in all feasible forms.
Islam caters to the need of protecting the rights of people by the explicitly codified laws regarding them in Quran and the Sunnah of the Prophet. “Sunnah” refers to the practices, decisions, opinions of Prophet Mohammad. The Sunnahs, dealing with different issues have been recorded under the title of “Hadith”. As the leader of Islam, and the receiver and transmitter of the Qur’an, all practises and decisions in the private and public life of the Prophet have been declared to be in compliance with the Qur’an, hence making the Sunnah and the Hadith an integral part of the Islamic code of conduct. The laws stated in the Quran and the Hadith together form the Shari’ah. Shari’ah is the term given to the Islamic jurisprudence as demonstrated in the Qur’an and the Hadith through the Prophet’s Sunnah. As mentioned before, Islam is currently the fastest growing religion in the world [2] and with the future expansion of the religion kept in mind, the Shari’ah laws were created to provide the Muslims with flexibility in reference to time and cultural diversity. Hence, countries with their official state religion as Islam are under an obligation to preserve this modern approach that Islam brought with itself.

RESEARCH METHODOLOGY
The research methodology used in the paper is based on three different types of data of the different sections the research question has used to derive conclusions. The first section being the analysis of Islam as a religion in terms of its approach to human rights, particularly to women was supported by instances from the life of the Prophet Muhammad PBUH as well as the holy Quran. Since this section aims to give the readers a general over view of the Islamic values, the research purely involves direct evidence supporting the claims made. The evidence included primarily of Hadith, instances from the Prophet’s life narrated by his companions. All Hadith in Islam can be divided into five categories based on their reliability. The categories are Sahih, Hasan, Mawdu, Maqlub and Da’eef. Hadith e Sahih are those that have been transmitted by those narrators who have been the Prophet’s companions and possessed strong morality. Moreover the accuracy of Hadith e Sahih cannot be challenged as one of the main qualities of these are that the narrator must be of sound and reliable memory. Hadith e Sahih must also qualify its verification with other narrators and their memory regarding the issue, hence forming an unbroken chain of narrators agreeing on its validity. Hadith e Hasan and Hadith e Da’eef are the Hadith transmitted by narrators whose righteousness or memory may not be in the most reliable position and hence the Hadith to an extent, must not be trusted. The paper however, has been backed by Hadith from the book of Hadith al Bukhari, a compilation of Hadith e Sahih by Imam Bukhari, for all attempts to show Islam’s approach to human rights and women. In addition to the Hadith, verses from different chapters of the Quran too have been taken into consideration for the same.

The second section of the paper deals with Saudi Arabia’s Islamic history, constitution and participation in developing human rights on a global level. All of these have been done firstly on the basis of Saudi Arabia’s position as an Islamic country, given its history and the Constitution according to which it is an Islamic country. The paper then discusses Saudi Arabia’s responsibility by virtue of its history and Constitution to maintain and protect Islamic values in its policies both nationally and globally. To discuss its participation to the same, global research has been done to show its position in the Organisation of Islamic Co-operation and Committee on the Elimination of Discrimination against Women proposed by United Nations. The research for the second section thus is purely based on the statements from the Constitution of Saudi Arabia and the texts of the two organisations.

The third section of the paper attempts to shed light on the challenges posed by Saudi Arabia’s policies to the idea of human rights of women as stated in Islam particularly due to the law of “Male Guardianship”. The section goes hand in hand simultaneously between two modes of explanations of this, firstly which is of using news reports and articles owing to the various setbacks of the law and its adverse consequences on the different aspects of the lives of Saudi Women and secondly the direct Islamic evidence, Hadith and Quranic verses showing the importance of these very aspects of life and suggesting that
immediate measures are to be taken in order to secure them hence discussing the contradictions between human rights in Islam and human rights in Saudi Arabia. The news reports and articles range from those provided by ‘Human Rights Watch’, ‘BBC’, ‘The Guardian’ and local Saudi news sources such as the ‘Saudi Gazette’ etc.

LITERATURE REVIEW

The research for the paper in addition to the constitution of Saudi Arabia, texts of the various international organisations Saudi Arabia has participated in, news reports, Hadith and Quran also includes literary editorials briefly touching upon the issues raised by the paper particularly in “Perpetual Minors” published by Human Rights Watch and the “Islam and Custom: Redefining Muslim Women’s Rights” by Azizah Al Hibri.

A significant observation made whilst conducting the research for the topic was that most editorials found on the topic only appeared to have focused on one side of the issue. In simpler words, they seem to either argue against the Saudi laws for women and its contradiction to human rights in general or they argue to support the popular notion of Islam being oppressive in nature or against it, to show the liberal ideas Islam bring about regarding women. Hence, failing to form a bridge between the three i.e., Islam, Saudi Arabia and Human Rights. Therefore, while there is a need to show the difference between humans rights in Islam and human rights in Saudi Arabia, most pieces struggle to show human rights in Islam from the eyes of Saudi Arabia and then attempt to bring about an argument for or against the liberal nature of Islam.

Addressing the observation, the paper aims to set apart human rights in Islam and human rights in Saudi Arabia, pertaining especially to their policies regarding women. The paper also does not show human rights in Islam in the same light as that of human rights in Saudi Arabia, in fact on the contrary, endeavours to show the two in the most distinct ways by highlighting the contradictions they pose to each other.

Human Rights in Islam

Human rights in Islam, as discussed in the Quran and seen in the Hadith of the Prophet, are altruistic and unbiased in nature. The idea behind having the very concept of human rights as a part of the religion is simple, that liberty, dignity and equality to all adults have been granted universally and by God himself. Denying these basic human rights to an individual, according to Islam is a result of lack of faith and ill character. During the years when Islam was still a newly found religion, and was led by Prophet Muhammad PBUH, many social evils residing in Saudi Arabia were brought to an end, by virtue of the strict and defined human rights in Islam. As stated explicitly in 49:13 of the Quran, Islam forbids racism or discrimination of any sort. Diversities such as different races, cultures and even the two genders, in Islam must be looked at as a sign of God’s greatness and hence all variations in His creation are to be respected and embraced [3]. An example of this was seen in the ‘Charter of Medina’ [4], where the non-Muslims too were given equal political and cultural rights as the Muslims, including religious freedom and security. Another example of this was set by the Prophet’s decision of having Bilal ibn Rabah, an oppressed slave from Abyssinia, to give the first ‘Adhan’ [5] in the history of Islam. Bilal also went on to become one of Prophet’s most trusted and respected companions, showing that there is no place for racism and inequality in Islam. Thus the Prophet took the first step to bring an end to the practise of slavery in Saudi Arabia. Moreover, Islam also forbids discrimination based on other classes, gender, poverty etc. For instance, it is obligatory for every Muslim to give a certain percentage of his wealth to the ones financially weak, not as mere charity but as the right of the poor. This practise is known as ‘Zakat’ and is considered to be a Muslim’s duty to bring an end to inequality of any kind, including economic inequality between each other. Any form of discrimination and supremacy of an individual or a group of individuals over another individual or a group of individuals is considered to be a violation of the concept ‘Ta’ah’ as illustrated in 7:11 [6] of the Qur’an, when Satan defies God by declaring himself to be more superior to His other creation, humans, hence the practice of belittling of one creation by giving undue preference to the other or suppressing the rights of another, for
the sake of making them inferior, is considered to be sinful and is not supported by Islam in any manner.

**Human Rights of Women in Islam**
As mentioned before, Islam does not simply condemn discrimination but forbids it, whether it is based on social status, races or even gender for that matter. From 9:71 [7] of the Quran, it is evident that Islam imposes the two genders with the responsibility to acknowledge each other with respect and equality. Many of the Prophet’s most renowned companions were women, who stood by him in all historical struggles of Islam. The Prophet is recorded to have conferred the practise of undermining the women to be wrong- “It is generous (in character) who is good to woman and it is wicked who insults them” [8]. The Quran too recognizes the contribution and the status of women to be of respect, which is exemplified in cases such as the dedication of complete chapters in that Quran to women [9] and Mary [10], the mother of Jesus.

One of the many social evils that were brought to an end by Prophet Muhammad PBUH and Islam in the early Islamic period were the hardships that the women in Arabia were forced to undergo. For example introducing the concept of legally controlled polygamy and the specific reasons under which it was allowed. Prior to this, a man was free to take as many wives as he pleased but Islam defined a particular number. Islam also gave women the right to have a prenuptial agreement with the man and have clauses that may also include preventing him from indulging in polygamy after marrying her. “Mahr”, earlier referred to as bride price but with the Islamic laws and rights awarded to the wife, Mahr came to be recognized as a prenuptial gift given by the husband to the wife, allowing her not to be dependent on the husband for financial security in case of a separation etc. In addition this, Islam also gave women the right to own property, business, engage in political and legal affairs and financial matters, independent of her male companion.

**Saudi Arabia, Human Rights in an Islamic Empire**
The constitution of Saudi Arabia was adopted in March 1992, prior to which Saudi Arabia did not have a constitution of its own and only referred to the holy Qur’an and the Prophet Mohammad’s Sunnah as its constitution. Although from Article 1 [11] and Article 23 [12] it is evident that the current constitution is but an official reliance on religion for law and order in Saudi Arabia.

Saudi Arabia is one of the significant members Organization of Islamic Co-operation [13] whose headquarter is situated in Jeddah, one the major commercial cities of Saudi Arabia. Through OIC, Saudi Arabia has shown its participation in various steps taken in order to protect human rights in accordance with the Shari’ah [14] such as in “Cairo Declaration of Human Rights” and “Plan of Action for Advancement of Women”. But both treaties faced the same concern as that of “Convention of the Elimination of all forms of Discrimination against Women” that was signed by all members of the United Nations which is Saudi Arabia’s vague approach to them due to its religious sensitivity. Saudi Arabia’s refusal to abide by all clauses of the treaty and its perception of being in contradiction to Islam leave the door of subjective treatment of human rights. Hence, these reservations give Saudi Arabia the liberty to not be under any international obligation to regard the subject matter of human rights of women sincerely.

**Male Guardianship in Saudi Arabia**
“Male guardianship” in Saudi Arabia is a legal compulsion imposed on the women by the government of Saudi Arabia. The law requires all women, regardless of their age, to acquire written consent from a male guardian, a ‘wali’ which can be her father, brother, husband, or son, of any age, for legal recognition and permission to carry out any sort of activity requiring interaction and exposure in public, such as in order to pursue an academic degree, apply for employment, travel, receive medical treatments in hospitals, file a police complaint as well as obtain an identity card. The male guardianship laws therefore, make women legal minors, leaving no control of their own on their decisions.

**Male Guardianship in Islam**
The male guardianship laws imposed on Saudi women seem to be based on the interpretation of the verses 2:228 [15] and 4:34 [16] of the
Quran. However, if looked closely, the interpretation of the two verses is a rather vague and subjective one. And if read together with verse 9:71 [17], one may observe that not only do the verses imply that the two genders are different from each other rather than being superior over each other but also that they are to live in harmony encouraging and supporting each other with their ‘differences’.

In order to provide guidance for such complicated verses in Quran one must refer to the Hadith of Prophet Muhammad PBUH. An example of the interpretation of the three verses can be seen in the example of the Prophet’s second wife Hazrat Aisha R.A, who after the death of the Prophet, not only became a major contributor in the recordings of Hadith but also a recognized Islamic leader. The death of the Prophet, did not lead to the confinement of Aisha due to the lack of a male guardian and hence, she was free to travel across regions to spread the word of Islam without having been required any permission from a male guardian.

Moreover, as stated before, the concept of supremacy and domination of the will of another, in Islam has been regarded as a sinful practise because the ‘Ta’ah’, solely refers to the obedience and submission of an individual to God and no other human being. An illustration of there being no compulsion of having a woman obey her male guardian is the wife of the Pharaoh, Hazrat Asiyah, who is regarded as one of the most highly honoured women in Islam. Asiyah, against her husband’s wishes, practised Islam, hence showing that Islam not only promotes free will but also free will having been granted by God to all humans in equality cannot be taken away by any form of authority.

In verse 4: 11 [18], the right to property to women has been granted explicitly, hence one may conclude that the notion of having a ‘wali’ (male guardian) is of no value in Islam because, if for instance women like in Saudi Arabia were supposed to have been considered as legal minors in Islam as well then they would not have been bestowed with this responsibility of owning property as their own, independent of a man. Similar to this verse, Saudi’s Male Guardianship laws contradict many other rights of women that Islam has granted to them in equality to men, such as the right to education, employment, political rights, right to equality before law and the right to life.

Right to Education
The Prophet declared it to be the duty of every Muslim to attain education [19] and in another Hadith the Prophet is recorded to have said “seek knowledge even if it is as far as China” [20], referring to the difficulties that may prevent one from performing this duty of attaining education. There is an absence of specification in the duty being only imposed on the men and not women therefore, favouring the fact that the Islamic law demands for an equal opportunity for both men and women to receive education.

Of the many obstacles faced by Saudi women in their struggles to accomplish education is the male guardianship law. A Saudi woman’s ambition to study is purely dependent on the decision of their male guardian. In most cases, they are denied the permission to pursue educational sectors which may not be considered “suitable” for them by their guardians. Another barrier standing the way of Saudi women from attaining education is the rule for them to be married in order to be eligible for a scholarship to study abroad, so a ‘wali’ is capable of accompanying them during the course of their education [21]. However, the case is not the same for male students who want to study abroad. The Saudi Government through this policy makes it difficult for women to achieve education, which is in fact a religious duty.

Right to Employment
About 59,948 Saudi women received postsecondary degrees in 2009 compared to 55,842 men and despite of having outnumbered men in fields of education, only ten percent of women in Saudi Arabia over the age of 15, are employed [22]. Like the women’s right to education, their right to employment too faces similar obstacles which are, firstly, the need for the consent of a male guardian and secondly the restriction of their freedom of movement due to their dependence on their male counterparts.
From 4:32 [23] it is clear that Islam therefore, in no way forbids the women from being employed, in fact the right to employment of women has been promoted unambiguously, and has been exemplified in the Hadith of the Prophet by his first wife Hazrat Khadijah R.A, who was a successful businesswoman before her marriage to the Prophet, during her life as a widow as well and the Prophet not once has been recorded to condemn her career or attempt to force her into asking for his permission to continue her profession. However, currently in the Kingdom of Saudi Arabia, a woman, in order to apply for a job in any sector requires the permission of her ‘wali’ in written.

In addition to this, it must be noted that the right of a woman to even acquire a business licence was not recognized by the Saudi law until 1990, after a significant amount of efforts. It is apparent from these amendments and re-introduction of the same policies which were previously condemned in the name of religion but have now been openly accepted, that the Saudi government does not administer rigidly and that these policies are open to reconstruction and changes keeping the welfare of the citizens in accordance with Islam in mind.

The second major obstacle that prevents the women from being hired or carrying out their professional duties is the restriction of movement by having denied the Saudi women the right to drive. Due to which, all working women must either depend on their male family members or on a male driver approved by their ‘wali’ to take them to their workplace. Saudi Arabia remains to be the only country in the world to have not given the women the right to drive. In their defence, the Government claims this decision to be in accordance with the Islamic law which prohibits the intermixing of the two genders, which will be the alleged result, if the women were permitted to drive. Ironically, this leads to women being left in the company of male drivers, who are not their wali and due to this dependence on an unrelated male, not only does the inter mixing of the two genders, as claimed to be forbidden in Islam by the Saudi Government itself, occur but also goes unquestioned by the government.

However, the real victims of this are the women from the lower economic class. Being from the lower economic class, these women fall prey to two major issues, created by the policy. First being their need to earn livelihood for economic support to their family and second being the inability to afford a driver to help them pursue an occupation to economically support their families. Due to this inability, the cost of hiring a woman for a job position becomes more, as it then becomes the company’s responsibility of providing them with a driver [24]. In 2005 when King Abdullah came to power, he promised there will be a day when women would drive but after 9 years of waiting, it is yet to be implemented.

The right to employment has been given to women by Shari’ah and as the government, it is the duty of the nation to protect the rights of the citizens, failure in doing so therefore, results in the violation of Article 23 [25] of the Saudi Arabian constitution, as well as its Labour Code, 2006, which states “All Saudi workers will have equal right to work in all parts of the Kingdom, without discrimination” [26].

**Political Rights**

In a surprise move, Saudi Arabia’s King Abdullah bin Abd al-Aziz had announced that women would be able to participate in municipal elections in 2015. The Saudi government has a long history of breaking promises to women. This year has been no different. When Saudi Arabia held its first municipal elections in 2005, women were excluded from voting and running as candidates. The government promised that women would be able to participate in the next elections, which were scheduled for 2009. A woman from Jeddah who attempted to register to vote was arrested for her trouble.

The Shura council, which women may now join as full voting members, is an appointed body that has the authority to review legislation and question ministers, but whose powers remain consultative. In 2006, the Shura council appointed six women as members, but they were not allowed to vote. The number has now risen to 12 [27].
As discussed before, by virtue of guardianship laws, the status of Saudi women has been reduced to that of a child. She is considered to be a legal minor and hence her voice is suppressed in all public matters as they are not considered to be rational thinking citizens of the country and fit for decision making. Saudi Arabia, despite being a monarchy, does conduct municipal elections at regular intervals. And, yet Saudi Arabia currently is one of the only three countries [28] in the world to have denied women political rights of any sort. Even though the right to vote and participate in public discussions was given to women by the Qur’an and the Prophet 1400 years ago, modern Saudi Arabia has failed to give them right to participate in any form of public discussion, decision making or even be recognized as a citizen without the permission of men.

After the death of Prophet Muhammad PBUH, his second wife Aisha R.A not only went on to contribute in the religious, political discussions but also became their leader. Similarly, women in the history of Islam were included in decision making of the community by the Prophet. The famous verse from the Qur'an regarding the marital rights of a woman [29] was in fact created as a result of a woman’s argument with the Prophet regarding her own rights during one of the meetings of the Prophet with the community members [30]. Another incident is said to have occurred during the reign of Hazrat Omar R.A, when in a meeting while discussing the setting up of monetary limits on the marital gift, ‘mahr’, that a woman must receive as a security of her marital contract, a woman spoke courageously to the caliph, demanding him not to take away a right that God’s book has provided her with. The caliph’s response to this demand was not restraint but appreciation for the genuineness in her statement, and therefore refrained from allowing this infringement of right to occur [31].

As supported by the verse 42: 38 [32], the decision making in Islam does not in any manner specify the participation of men only nor does it forbid the participation of women. The quotation refers to the people as all Muslims, including Muslim men as well as Muslim women, and it also does not specify the category of affairs for which the inclusion of all Muslims must happen, hence the verse is meant to be interpreted as a right given to both all Muslims, regardless of their gender, Race or ethnicity. Qur’an’s 60:12 [33], demonstrate women to be making “bāy’ah” to the Prophet. In Islamic terms bāy’ah is a pledge similar to the modern day practise of election, a process under which one selects a head of state. After which the ‘bāy’ah’, led to the oath of allegiance taken by all men and women present, by the virtue of which the Prophet was elected as the head of state of Medina [34].

Right to Equality before Law
The first infringement of a woman’s right to equality before law due to the male guardianship laws is the subjective treatment of women as a legal minor in the eyes of the law according to the State’s conveniences. The guardianship laws in Saudi and the rigid need for the permission of male guardians for all activities and decisions of women leave no room for their own control of their lives, hence legally establishing them as minors incapable of carrying out any action without the instigation of her male guardian. However, in cases of crime, the same woman is considered to be equally liable for her actions as a mature rational citizen of the country. Saudi, by the virtue of not having an official written Penal Code, gives the undue freedom to its jury for carrying out partial and biased delivery of justice at its own will. Hence, the only event in which the existence of Saudi women as part of the nation and as a citizen, is acknowledged is in cases of crime, at the time of receiving punishment.

Verse 5:8 [35], commands the Muslims to carry out all processes of justice in all equality regardless of the race, ethnicity, social status or even gender of the victim. Therefore, denying women the right to equality before law is in fact the violation of this order.

The second infringement of this right takes place when a Saudi woman is not recognized fit to be the guardian of her own child. The male guardianship laws in Saudi Arabia not just treat women as minors in political and legal issues but also in family matters. Saudi
legal system only recognize the father of the child as his or her guardian, and for any decision making or legal procedures to commence, only the father is to be consulted.

The status and role of a mother in the child’s life has been coherently regarded as a crucial one in the Quran verse 31:14 [36]. Other references like the verses 46:15 [37] too must be taken in consideration while discussing this role in the Islam. This is also supported in a Hadith of the Prophet- “A man came to the Prophet asking- O Messenger of God, who among the people is the most worthy of my good company? The Prophet (peace and blessings be upon him) said, your mother. The man said then who else: The Prophet (peace and blessings be upon him) said, your mother. The man asked, Then who else? The Prophet (peace and blessings be upon him) said, your mother. The man asked, Then who else? Only then did the Prophet (peace and blessings be upon him) says, your father” [38]. Hence, the status of a woman in Islam is not just equally significant but also thrice of that of the man as a father. By taking away the mother’s rights over the child, this policy appears to be in contradiction to the Shari’ah.

**Right to Life**

In December 2006, a woman was brought to the hospital after having been shot twice by her alcoholic and drug addicted husband. However, she was not permitted to file a police complaint because she needed her husband’s written consent for it. She was sent back home to her husband. She was brought to the hospital again but could not be saved as her husband had shot her the third time and she died of the wounds [39].

Verse 5:31 [40] of the Quran demonstrates that in Islam the right to live and the right to be saved has been given to all humans equally. To not abide by this, is a defiance of both the religious and moral code of conduct of any civilized community.

On August 26 2013, Saudi Arabia’s council of ministers broke new ground, by passing a draft law criminalizing domestic violence [41]. However, due to the male guardianship laws, a woman cannot make use of this law because in most cases, the Saudi woman is the victim of the domestic violence of her ‘wali’, male guardians such as her husband, father, and brother and in some cases even son. In order to have an action taken against the guardian she is required to take the permission of the same guardian. Therefore, it may seem that the Saudi laws have been reconstructed for the welfare and security of the women, but once observed in details, these laws fail to serve the very purpose of their creation and hence suppressing the Saudi women’s right to life.

**CONCLUSION**

Saudi Arabia by virtue of being the homeland of both the Quran and Prophet Muhammad PBUH is inherently placed on an idealistic platform of influence and inspiration in the Muslim world. Since, the Kingdom is also the oldest Islamic civilisation, it is essential for it to continue its rule in a manner that is complimenting to the laws laid out in Islam. Having explicitly stated in its constitution, in Article 23 [42], the kingdom establishes its reliance on the Shari‘ah for all its policies, decision making and legal procedures. Therefore, Saudi Arabia is under an obligation to frame its policies that in circumstances, not just on the surface, go hand in hand with the Islamic laws.

As discussed throughout the course of this work, the male guardianship laws of Saudi Arabia precisely lack an Islamic base. In addition to the inconsistency the policy in general poses to Islam, it is also one of the chief causes for the various violations of the Saudi women’s human rights. From the different instances in the history of Islam, its views on human rights, especially of women, appear to have been misinterpreted by Saudi Arabia whilst making its policies regarding women. Hence, in order to abide by its reliance purely on Islam for guidance during decision making, it is recommended that Saudi Arabia takes steps to introduce policies that have a stronger Islamic base than that of male guardianship.

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15. The Holy Quran. (n.d.).


18. (Muslims in Europe, 2005).

19. Quran 49:13 “People, We created you all from a single man and a single woman, and made you into races and tribes so that you should recognize one another. In God’s eyes, the most honored of you are the ones most mindful of Him: God is all knowing, all aware”.

20. Charter of Medina- The constitution of Medina was drafted by Prophet Muhammad PBUH for the peaceful coexistence of different tribes and religious groups in Medina in 622 CE.

21. Adhaan- The call for prayer. The ‘muezzin’ calls out the adhaan five times a day from the minaret of the Mosque.

22. Quran 7:11-[ Allah ] said, “What prevented you from prostrating when I commanded you?” [Satan] said, “I am better than him [Adam]. You created me from fire and created him from clay”.

23. Quran 9:71 “The believing men and believing women are allies of one another. They enjoin what is right and forbid what is wrong and establish prayer and give zakah and obey Allah and his messenger”.

24. (Hadith- Al Bukhari).

25. Surah An Nisa- The women, Chapter four and Surah Al Mumtahanah- The woman to be examined. Chapter 60.

26. Surah Maryam- Mary, Chapter number nineteen.

27. (National Constitution Kingdom of Saudi Arabia, 1992) “The Kingdom of Saudi Arabia is a sovereign Arab Islamic state with Islam as its religion; God's Book and the Sunnah of His Prophet, God's prayers and peace be upon him, are its constitution, Arabic is its language and Riyadh is its capital”.

28. (National Constitution Kingdom of Saudi Arabia, 1992) “The state protects Islam; it implements its Shari‘ah; it orders people to do right and shun evil; it fulfils the duty regarding God's call”.

29. “The Organisation of Islamic Cooperation (OIC) (formerly Organization of the Islamic Conference) is the second largest inter-governmental organization after the United Nations which has membership of 57 states spread over four continents. The Organization is the collective voice of the Muslim world and ensuring to safeguard and protect the interests of the Muslim world in the spirit of promoting international peace and harmony among various people of the world.” (About OIC).

30. IOC Charter Article 15- “The Independent Permanent Commission on Human Rights shall promote the civil, political, social and economic rights enshrined in the organisation’s covenants and declarations and in universally agreed human rights instruments, in conformity with Islamic values.” (About OIC).

31. Quran 228- ‘And women shall have rights similar to the rights against them, according to what is equitable; but men have a degree over them’ The verse refers to this ‘degree’ in terms of physical strength and hence imposing more responsibility on men.

32. Quran 4:43- ‘Men are the {qawwam} of women, because Allah has given the one more than the other, and because they support them from their means. ’The verse only refers to the role of a man’s life in a woman’s as advisors and maintainers provided they support them with their livelihood.

33. Quran 9:71 “The believing men and believing women are allies of one another. They enjoin what is right and forbid what is wrong and establish prayer and give zakah [1] and obey Allah and his messenger”.

34. Quran 4:11- Allah instructs you concerning your children: for the male, what is equal to the share of two females. But if there are [only] daughters, two or more, for them is two thirds of one's estate. And if there is only one, for her is half. And for one's parents, to each one of them is a sixth of his estate if he left children. But if he had no children and the parents [alone] inherit from him, then for his mother is one third. And if he had brothers [or sisters], for his mother is a sixth, after any bequest he [may have] made or debt. Your parents or your children - you know not which of them are nearest to you in benefit. [These shares are] an obligation [imposed] by Allah. Indeed, Allah is ever Knowing and Wise.

35. (Hadith- Al Bukhari).

36. (Hadith- Al Bukhari).

37. (Ministry Enforces Travel Rules for Women Students, 2007).

38. (Nasr, 2013).

39. Quran 4: 32- “Whatever men earn, they have a share of that and whatever women earn, they have a share in that”.

40. (Perpetual Minors, 2008).

41. (National Constitution Kingdom of Saudi Arabia, 1992). The state protects Islam; it implements its Shari'ah; it orders people to do right and shun evil; it fulfilis the duty regarding God's call.

42. (Saudi Labor Code, 2006).

43. (Khalifa, 2011).

44. Brunei: Neither men nor women are allowed to vote, as Brunei is an absolute monarchy and does not hold elections on a national level. Adults (men and women) although are allowed to vote for village leaders.

Vatican: The country is ruled by the pope, who is chosen by the cardinals. Since Christianity does allow women to become priests, women cannot participate in the elections.

45. Quran 60:10- 60:12.

46. (hibri, 1997).

47. (hibri, 1997).

48. Quran 42:38 “Their (Muslims) affairs are decided through consultation among them”.

49. Quran 60:12- “O Prophet, when the believing women come to you pledging to you that they will not associate anything with Allah, nor will they steal, nor will they commit unlawful sexual intercourse, nor will they kill their children, nor will they bring forth a slander they have invented between their arms and legs, nor will they disobey you in what is right - then accept their pledge and ask forgiveness for them of Allah. Indeed, Allah is Forgiving and Merciful”.

50. (Women's Rights in Islam, 2006).
51. Quran 5:8- God says in the Quran, “You who believe, be steadfast in your devotion to God and bear witness impartially: do not let hatred of others lead you away from justice, but adhere to justice, for that is closer to awareness of God. Be mindful of God: God is well aware of all that you do”.

52. Quran 31:14- “And we have enjoined upon man (to be good) to his parents: his mother bears him in weakness upon weakness”.

53. Quran 46:15 “And We have enjoined upon man, to his parents, good treatment. His mother carried him with hardship and gave birth to him with hardship, and his gestation and weaning [period] is thirty months. [He grows] until, when he reaches maturity and reaches [the age of] forty years, he says, “My Lord, enable me to be grateful for Your favor which You have bestowed upon me and upon my parents and to work righteousness of which You will approve and make righteous for me my offspring. Indeed, I have repented to you, and indeed, I am of the Muslims”.

54. (Hadith- Al Bukhari) and the Muslim.

55. (Perpetual Minors, 2008).

56. Quran 5:32-“Whoever kills a soul unless for soul or for corruption [done] in the land- it is as if he had slain mankind entirely. Whoever saves one-it is as if he had saved the mankind entirely”.


58. (National Constitution Kingdom of Saudi Arabia, 1992) “The state protects Islam; it implements its Shari’ah; it orders people to do right and shun evil; it fulfils the duty regarding God's call”.

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