



Saudi Arabia Must Scrap its Male Guardianship System

by Caroline Montagu

Abolishing the mahram system is key to advancing women's rights in the kingdom

Saudi women still have far to go to achieve their rights but they are heading in the right direction. They are showing great energy and determination to advance the cause of gender equality. Their determination was recently on display at Davos 2018, when Princess Reema bint Bandar, head of the Saudi Federation for Community Sports and champion of sports facilities for women, called for greater women's rights in the kingdom. Princess Reema said gender equality is a driving force for positive economic change and that Saudi Arabia should not simply promote equality because of Western pressure but because it is the right thing to do.

She also said that from the standpoint of family dynamics gender segregation is ethically wrong.

Saudi authorities have to some extent heeded the calls of women like Princess Reema. Notably, officials announced that women would be allowed to drive starting June 2018. The kingdom has also announced it would soon permit cinemas, concerts, and sports programs in schools. A sexual harassment law that has been awaiting ratification since 2013 is also likely to pass before the driving ban ends in June. But these gains, despite benefiting Saudi women, do not address the unjust *mahram* (male guardianship) system. Only once it is fully abolished will women have achieved their most important goal.

Mahram and other legal matters

In April 2017, the Saudi government passed a Royal Decree banning the *mahram* system in certain circumstances. While this was a positive step, the decree has not been implemented. Tradition in Saudi society is very strong—probably half the population are conservative and see these moves as un-Islamic. That's too bad because nowhere in the Quran or Hadith is the use of *mahram* even mentioned.

To clarify the matter, a women's group from the Eastern Province studied the only 75 verses in the whole Quran that deals with women. Within the texts, there was no mention of a *wali al-amr* (male guardian) except for minors and the mentally disabled. Further, looking at recent legislation, the group highlighted Saudi Arabia's Basic Law Article 8 that says all people are equal regardless of gender.

Among legal matters, the *mahram* system is not the only issue Saudi women must contend with. Women have been penalized when appearing in court by the attitude of judges, the varying interpretations under sharia law, and the built-in bias that favors men over women. Increasing the number of women lawyers who go to court and represent women would help offset this issue.

Saudi leaders have recently enacted significant reforms in several areas that are benefitting

women. Alimony has become a state responsibility—with a fund that women can draw from even before divorce proceedings are complete. The new system transfers responsibility from the husband to the state—ensuring that women are taken care of even if husbands miss payment deadlines. The state has also made progress with children’s custody. Women no longer have to file a lawsuit to keep their children even if they plan to remarry.

And yet, achieving gender equality isn’t just about enacting new laws but enforcing those already on the books. If existing laws were enforced, Saudi women would be in a far better place than now. For instance, the need for a *wakil* (male power of attorney) was made illegal some years ago, even though companies often still demand it.

The issue of financial dependence

Beyond legal matters, empowering Saudi women financially would advance their rights by giving them more autonomy. Government initiatives such as the Small and Media Enterprises (SME) General Authority, the National Transformation Plan, and the Musharakah program for funding SMEs help. Women do not have a problem with making and managing companies—when given the opportunity, they are competent business leaders.

Yet there is still opposition to working women from conservative families, and they have authority over their daughters. Even when young women do manage to embark on professional careers, they are compelled to meet a number of unwritten codes that dictate appropriate behavior. While more economic sectors are open to women than in the past, they are sectors—such as retail—that are generally for less-educated women. There are not enough jobs for graduate Saudi women, and there is a serious labor market mismatch between women’s education and those jobs that are available to them.

That being said, it’s hard to get a balanced view of women’s status in Saudi Arabia. In the private sphere, women are powerful and choose the marriages and run the household. In conservative non-urban areas, women are less powerful in the

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public arena—and are often banned from leaving the house. But that does not mean they are less powerful in the private sphere or among extended family. In any case, the government’s reforms need to reach all Saudi women—including those outside the urban axis.

Prosperity for all?

Saudi Arabia is in a state of flux, partly due to Crown Prince Mohammed bin Salman’s Vision 2030 and the National Transformation Plan. These ambitious reform programs are a response to low oil prices, rapid population growth, a bloated public sector, and a small private sector that adds little to the kingdom’s GDP.

Women are central to Saudi Arabia’s efforts to reform and diversify the country’s oil-dependent economy and put the kingdom on a more sustainable footing. Many officials hope Saudi women—who already surpass men in educational attainment—will help supplant some of the more than 11 million foreign workers who are vital to the functioning of the Saudi economy. But the *mahram* system and other legal and cultural forces are preventing women, and thus Saudi Arabia, from reaching their full potential.

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