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Female Saudi doctor appeals to top court for right to choose a husband

Samia fled to a women's shelter rather than be forced by her male relatives to marry a less educated cousin. Her case illustrates women's growing fight against Saudi Arabia's guardianship system.



A Saudi man walks past women in a crafts tent at a fair in Riyadh. Women face a host of strictures.

(Hassan Ammar/Newscom/File)

By Caryle Murphy, Correspondent

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Riyadh, Saudi Arabia

Samia is a surgeon who, as she says, is "supposed to be a grandma by now."

But she's not even married yet. As with many women in Saudi Arabia, choosing a husband was not solely up to her. Her father and brothers demanded that she marry a cousin, and, she says, beat her when she refused. For the past five years, she has lived in a shelter for battered women.

"I'm a surgeon. I'm responsible for people's lives," says Samia, now in her 40s. "I want to be responsible for my own life."

Samia's situation, described in multiple interviews both in person and via phone and e-mail, is not

unusual in Saudi Arabia. It illustrates how this country's guardianship system gives men almost complete control over female relatives, as well as how little recourse women have to escape abusive guardians. She has taken her case to two courts, which both ruled against her, and she and her lawyer now seek a hearing in the country's Supreme Court.

IN PICTURES: Behind the veil

Under Islam, a woman has the right to choose her partner, provided he is morally upright.

But the guardianship system, which stems from tribal traditions and is deeply entrenched in Saudi Arabia's culture and legal system, requires women to get their guardians' permission to marry. Although many men respect their female relatives' wishes, others do not, despite warnings from Muslim leaders.

"Forcing a woman to marry someone she does not want and preventing her from wedding [the man] whom she chooses ... is not permissible," Grand Mufti Sheikh Abdul Aziz al-Asheikh, the kingdom's top religious authority, has said.

Samia's ordeal – and escape

Samia, who comes from the holy city of Medina, asked that her real name be withheld because Saudis consider it shameful to air family disputes in public. She says that her father insists she marry one of her male cousins, even though she loves none of them. They are all much younger and less educated than she is.

When Samia challenged her father, she was locked in her bedroom for weeks, she said, and beaten with a hose by her father and brothers. She keeps pictures of her bruises on her iPad.

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Fearing for her life, she sought refuge in the government-run shelter where she still lives. She also filed a complaint against her father in a Medina court.

But like most Saudi judges, Ali Abdulaziz al-Sudais fervently believes in guardianship. In December 2009, he dismissed her case, describing her as a "disobedient" daughter who should see a psychiatrist "to help with her problem in being stubborn with her father and not listening to him because he knows what's best for her," according to his written ruling. An appeals court recently affirmed Mr. Sudais's ruling.

"This is an exceptional case," says her lawyer, Ahmed al-Sudairy, in an interview in his Jeddah office, noting that her father has also refused to let three other daughters – all in their early 30s –

marry anyone but a cousin.

The money factor

Samia says her father also had taken her salary for years, leaving her just a small monthly allowance.

Money is often a motive for abusive guardians' behavior, says Hussein Nasser al-Sharif, manager of the Jeddah branch of the National Society for Human Rights, even though Islamic precepts stipulate that a woman's earnings are her own.

Sheikh Asheikh has said that "fathers who make it a condition to have their daughters' salaries before they give their consent for marriage are ... wrong."

Efforts to hear the father's version of events were unsuccessful. Reached by phone, he hung up after saying, "I will not allow any press to interfere. If I get further calls I will take action against you people from the press. You are not allowed to talk to [my daughter] or discuss this."

He later sent a text message saying, "We are a respectable tribal family and this is a private family matter. Respect yourself and don't butt into our business."

Her defense

Mr. Sudairy, who took on the surgeon's case pro bono, says he presented the appeals court with affidavits of past suitors who had proposed marriage to Samia but were turned down by her father, even though some shared his tribal background.

He also submitted a summary of the consensus of Islamic religious scholars that the qualities to consider in a suitor are his manners and reputation, his ability to provide for a family, and a known family lineage, meaning that he should not have been born out of wedlock.

A woman is not legally independent under the guardianship system, however. If unmarried, her father (or, if he is deceased, another male relative – usually a brother or uncle) must give permission for her to travel abroad, accept employment, get certain types of medical care, go to university, and, in many cases, conduct business in government offices. If she is married, her husband is her guardian.

Women increasingly challenging abusive guardians

In its 2008 report "Perpetual Minors," New York-based Human Rights Watch called guardianship "the most significant impediment to the realization of women's rights in the kingdom."

Riyadh accepted a recommendation from the United Nations Human Rights Council in 2009 to abolish guardianship, but has not done so.

Increasingly, women are challenging abusive guardians in court, according to the National Society for Human Rights. Last year the society reported that 86 such cases had been filed in the previous five years.

Women are also using Facebook to campaign against fathers who refuse to let them marry. Hundreds joined a group called "Enough Adhl!" created last year by a female professor in her mid-30s whose father has rejected all her suitors. "Adhl" means a guardian's suppression of women's rights.

The professor, who uses the pseudonym Amal Saleh because she says her father threatened to harm her if she sought outside help, says in an interview that she wanted to encourage women to demand their rights.

"If we complain against our fathers, the first thing that will happen is they will imprison us, not let us go to our occupation, and they may hit us," says Ms. Saleh, who confides that she had contemplated suicide but ultimately decided it "is not a solution." The Saudi press has reported similar instances, including women who defied their fathers and had been locked in their rooms for weeks.

Cultural tradition trumps Islam

"I am like a horse" to my male relatives, Saleh adds. "They don't treat me as a human being. They treat me as if I belong to them, and they should decide what to do with this thing." Many women never complain because they believe they must obey their parents in all matters, she adds.

Unfortunately, says Saudi journalist Nassrin Najmadine, cultural tradition still trumps Islam.

"They say they are following Islam, but the truth is they do not. They do what society believes and thinks," she says.

The surgeon, who broke down in tears during interviews, says she is pressing her case for the sake of her sisters and "for all the girls who are treated like animals in the name of guardianship.

"It's not like I'm asking for a treasure. I'm just asking for my rights," she says. "I just want a normal life, to get married, have a child with a guy I chose."

IN PICTURES: Behind the veil



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