

LETTER FROM JEDDAH

SISTERS IN LAW

Saudi women are beginning to know their rights.

BY KATHERINE ZOEPF



In September, 2014, Mohra Ferak, twenty-two years old and in her final year at Dar Al-Hekma University, in the Saudi port city of Jeddah, was asked for advice by a woman who had heard that she was studying law. The woman was the principal of a primary school for girls, and she told Ferak that she had grown frustrated by her inability to help children in her charge who had been raped; over the years, there had been many such cases among her students. Regardless of whether the perpetrator was a relative or the family driver, the victim's parents invariably declined to press charges. A Saudi family's honor rests, to a considerable degree, on its

ability to protect the virginity of its daughters. Parents, fearing ruined marriage prospects, chose silence, which meant that men who had raped girls as young as eight went unpunished, and might act again. And for some of the girls, the principal added, the secrecy only amplified the trauma. She asked Ferak if there was anything that she, as principal, could do to help them.

"I told her, 'You can go to court and ask the judge to make the proceedings private and save the girl's reputation,'" Ferak recalled one recent afternoon. We were sitting in a modish Lebanese restaurant near the Jeddah corniche, sharing plates of tricornered spinach

pastries and stuffed grape leaves across a black butcher-block table. The call to afternoon prayer had sounded several minutes earlier, and the restaurant, in accordance with law, had locked its doors and dimmed the lights. The "family section"—the secluded area for women that restaurants serving both genders must provide, where female diners who cover their faces can eat comfortably—was quiet. Except for a waiter, we had the place to ourselves. Ferak is slight, with a lilting voice and a round, bespectacled face framed by a tightly wound black shayla. Head scarves, which Saudi women typically wear unfastened, have a way of slipping off, and Ferak fidgeted with hers as she described her conversation with the principal, repeatedly tugging it back down into its proper position.

The principal was amazed to learn that Saudi plaintiffs can request closed court proceedings. She began peppering Ferak with legal questions, many of them about how to advise teachers who were in abusive marriages, or whose ex-husbands wouldn't allow their children to visit. The principal was in her early fifties, which meant that, as a school administrator, she was among the best-educated Saudi women of her generation. Well into the nineteen-eighties, according to UNESCO, fewer than half of Saudi girls between the ages of six and eleven had received any education outside the home. But, Ferak said, it quickly became clear that the woman knew little about the fundamental principles of Saudi law.

Ferak had been a middling student during her first three years at Dar Al-Hekma, an all-female university. A week after talking with the principal, she went to Olga Nartova, who chairs the law department, and described the conversation. Nartova, a thirty-six-year-old trade-law specialist from Moscow, had previously found Ferak to be bright but unmotivated, like many girls from well-off families. But Ferak spoke about women's rights with a seriousness of purpose that Nartova had never seen in any student at Dar Al-Hekma.

"It completely transformed Mohra," she said. One of the principal's stories, concerning a young girl at her school who was the target of persistent sexual abuse by one of her brothers, had

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particularly incensed Ferak, Nartova recalled: "The principal, she called the mother in and said, 'Do you know what your son is doing?' And the mother said, 'Yes, well, better that he do it to her than that he do it to a stranger.' So the principal asked Mohra what to do. She reports to the police? She reports to the court? What?"

With Nartova's encouragement, Ferak began planning a series of free public lectures at the university, aimed at women and delivered by distinguished legal scholars and lawyers. The presentations were designed to provide basic information about Saudi women's legal rights. "Since I was very young, and started noticing how women are treated in this country, I've had this feeling about women," Ferak said. "I don't like anyone to underestimate us." But women's rights aren't a subject of mainstream public discussion in the kingdom, and she wondered whether anyone besides the principal would attend. She also worried about how the experts would react to being approached by a student.

Ferak compiled a list of topics that she felt were of particular importance to local women, and she began contacting lawyers. The first lecture in the series, which Ferak called *Hawa'a's Rights* (*Hawa'a* is the Arabic version of the name Eve), was publicized on Twitter and took place on the evening of April 15th. Several dozen attendees learned about crimes perpetrated against women on social media, a topic of special concern in a country where single people of opposite sexes cannot spend time together without risking arrest, and where pressure on women to cover their faces in public can be so intense that the most innocent head shot can serve as a tool of blackmail.

The second *Hawa'a's Rights* lecture, on April 26th, addressed personal-status law, the category of Saudi law that governs marriage, divorce, guardianship, and inheritance. The lecturer, Bayan Mahmoud Zahran—a thirty-year-old Jeddah attorney who, in January, 2014, became the first Saudi woman to open a law firm—was scheduled to begin speaking at five o'clock, launching an evening of discussion that would run until nine. Late that afternoon, Ferak arrived at the university

to find a long black line of abaya-clad women waiting to be seated.

Institutions and businesses that serve Saudi women are carefully guarded, so as to prevent *ikhtilat*, illegal gender mixing, and the only male employees of a Saudi girls' school or women's college are its security officers, who are stationed at the checkpoint outside, inspecting identification cards and keeping watch for male intruders. The security guards were overwhelmed by the turnout for the second *Hawa'a's Rights* event. Ferak corralled several friends, and they spent the half hour beforehand rushing from classroom to classroom, looking for extra chairs to carry down to the space that had been reserved. They filled the aisles and the back of the room with additional seats, straining the hall's intended capacity of a hundred and twenty.

"There were students, mothers, teachers, lots of workers in shops—really, every kind of woman, even doctors from the university," Ferak told me. "All of us were just looking at each other, thinking, Is this even possible?" When Nartova came out of her office, a few minutes before Zahran's talk, she saw women struggling to find standing room in the back and on the stairs, while others sat on the floor by the dais. Ferak texted a photo of the packed hall to her father, who had shared her initial doubts about interest in the lectures. He teasingly texted back, "Are you trying to make women fight with their husbands?" The third *Hawa'a's Rights* lecture, a practical introduction to Saudi labor law for women just entering the workforce, attracted a still larger crowd. The university did not schedule a fourth event.

In 2004, Saudi Arabia introduced reforms allowing women's colleges and universities to offer degree programs in law. The first female law students graduated in 2008, but, for several years after that, they were prohibited from appearing in court. In 2013, law licenses were granted to four women, including Bayan Mahmoud Zahran. Journalists and legal scholars in the West wondered if a fresh contingent of female attorneys would champion women's rights. But, of the dozens of female lawyers and law graduates I spoke with on a visit to Saudi Arabia

in early November, only two would admit to any interest in expanding rights for Saudi women. So far, the greatest effect of the reforms seems to be a growing awareness, among ordinary Saudi women, of the legal rights they do have, and an increasing willingness to claim these rights, even by seeking legal redress, if necessary.

The lawyers conceded that, by international standards, these rights might not look like much. According to Saudi law, which is based on Sharia, a Saudi woman's testimony in court is, with few exceptions, valued at half that of a man. A homicide case, for example, normally requires testimony from two male witnesses; if only one is available, two female witnesses may be substituted for the other. The guardianship system—which requires an adult woman to get permission from her guardian before travelling overseas or seeking medical care—gives Saudi women a legal status that resembles that of a minor. In fact, the male relative with responsibility over a Saudi woman may be her own adolescent son.

A Saudi woman cannot leave her home without covering her hair and putting on a floor-length abaya. She cannot drive a car. Since 2013, women have been allowed to ride bicycles, but only in designated parks and recreation areas, chaperoned by a close male relative. The marriages of Saudi women are usually arranged, and it remains extremely difficult for women to obtain divorces. Husbands, in contrast, may marry up to three other women "on top of them," as the Arabic expression goes, and in some cases may end a marriage in the time it takes to repeat "I divorce you" three times—or to type the so-called triple divorce formula into a text message.

In December, 2007, I arrived in Saudi Arabia for the first time. Although I had read thousands of pages about Saudi laws and cultural conventions, it was a shock to confront the system as a lived reality. Abundant resources go into maintaining the women-only bank branches, government offices, shops, and other businesses that make up the infrastructure of gender segregation in the kingdom. I remember feeling a pulse of hope when I learned that Sarah, a

brainy, giggly seventeen-year-old I'd met on my third day in the country, on the women-only floor of a Riyadh mall, was a first-year law student at Prince Sultan University.

I stayed in Riyadh, the Saudi capital, for two months. During that time, I spent many hours with Sarah and her fellow law students, visiting them at home in the evenings to toast marshmallows and watch costume dramas. (There was much argument among the girls about whether it was strictly necessary to cover your eyes during kissing scenes—or scenes involving Colin Firth on horseback, for example—so as to avoid irreparable harm to your modesty.) In the mornings, I went to the university to drink paper cups of Nescafé with them between their law classes. At the time, a woman could not obtain a license to practice law, and I'd supposed that this would be a subject of fierce discussion. But the girls seemed unconcerned. It was their first semester, and they were consumed by their nostalgia for high school, and by the increasing pace of weddings among their friends. (For girls in conservative Saudi circles, marrying soon after they finish high school remains common. Many women become grandmothers while still in their thirties.)

Sarah and several other students expressed a cautious hope that women might be allowed to apply for law licenses “by the time we graduate, if not before.” But more first-year students told me that they weren't sure they'd seek jobs, in law or anything else, after leaving Prince Sultan. Many of them seemed to be studying law in the same spirit of intellectual curiosity that might lead an American college student to major in classics. When I asked why they'd chosen the field, most said that it was because law programs for women were new—it was exciting to be a pioneer.

Today, several thousand Saudi women hold law degrees, and sixty-seven are licensed to practice, according to justice-ministry figures released at the end of November. In 2011, when Mohra Ferak entered the law department at Dar Al-Hekma, her immediate family was supportive, but others

were horrified. “People said, ‘Are you serious?’” Ferak told me, recalling their reactions. “They said, ‘You're a female. You won't go to court. You'll have nothing.’”

Two of the Jeddah firms where Ferak has applied for jobs in recent months indicated interest, but then told her that they lacked the license from the kingdom's labor ministry which authorizes a business to let women work in its office. The labor ministry requires firms that employ women to build separate areas for female workers, allowing them to communicate with male colleagues without the risk of being seen by them. In supermarkets, which have employed women since 2013, low partitions suffice, because semi-public spaces are easily monitored by members of the Committee for the Promotion of Virtue and the Prevention of Vice, the kingdom's religious police. But businesses that operate from enclosed workplaces, such as offices, face tougher regulations. One result of these restrictions, Ferak explained, is that, at present, only the largest Saudi law firms employ women.

Despite her frustrations, Ferak pointed out that women's efforts to gain more respect and influence in Saudi public life have been progressing rather quickly, considering the country's relative youth, and especially considering the Arabian Peninsula's tribal, deeply traditional culture. Ferak appeared to be echoing the “baby steps” theory of social progress, often put forth by Saudi leaders as a way of excusing rights abuses or the rhetorical excesses of government-backed clerics. It wasn't clear how sincerely she believed it. But her optimism had returned, and when the waiter passed our table she enlisted his help in finding a functioning electrical outlet so that she could charge her mobile phone.

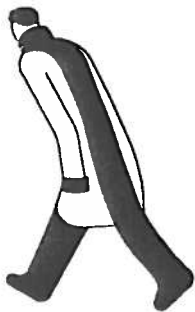
Saudi Arabia's first government-run primary schools for girls opened in the early nineteen-sixties, to ferocious opposition. Although attendance was not compulsory, conservatives viewed the mere existence of girls' schools as an offense against basic mo-

rality. In 1963, troops were sent to quell protests at the opening of a girls' school in Buraydah; the first year, the only pupil was the daughter of the headmistress.

Even now, it's hard to overstate the cultural bias against women assuming more prominent public roles. For a Saudi man with traditional values, the names of the women in his family are private, not to be spoken aloud. He never refers to his female relatives in public. Even between members of a close-knit family, these matters can be sensitive. In conservative Saudi circles, a man is unlikely ever to see the face of his brother's wife or hear her voice. In 2008, King Abdullah, who died last January, appalled some of his subjects when he announced that the Riyadh University for Women would be renamed Princess Nora bint Abdul Rahman University, in memory of a favorite aunt. Despite his example, the practice hasn't caught on; the university is the only major institution in the country that bears a woman's name.

Nevertheless, Ferak, like every other female law graduate I spoke with, wanted me to understand that individual Saudis and local traditions, not Saudi laws, were the source of her struggles. Saudi laws, she insisted, were “perfect” (a word that I heard at least half a dozen times, from other women her age, in reference to the Saudi legal system). Saudi women's woes were merely the result of the laws' misapplication. The fact that I'd sought her out seemed to surprise her, and to raise concerns that foreigners might misunderstand. Although Saudi men sometimes mistreated women, the solution lay not in changing the system but in educating women about their rights within the existing structure.

Perhaps surprisingly in a country notable for its strict rules, relatively little of Saudi law is written down. The legal system has been augmented, during the eighty-three years since the kingdom was founded, by royal decrees, many of which overlap, or even contradict one another. This body of law is interpreted by senior clerics, who serve as judges, largely following the Hanbali School, the strictest of the four main schools of Sunni jurisprudence.



The notion of judicial precedent does not play a role in Saudi law, so judges enjoy considerable freedom of interpretation.

Yet the system's ambiguities also preserve the need for a monarch with final authority, and this means that the personality, moods, and tastes of the head of state are felt in the lives of his subjects in ways that would be unimaginable to citizens of a modern democracy. Absolute power, Saudis say, has a way of trickling down, of turning ordinary policemen and public officials into petty tyrants. Justice is often situational; the law is what a person in a position of power decides it is. If devout Muslims openly question Islamic teaching, they are vulnerable to accusations of heresy, which is a capital crime in Saudi Arabia. And the risks of questioning have grown in recent months. The current Saudi king, Salman, came to power following the death of King Abdullah. Since then, accusations of heresy and of apostasy—also a capital crime in Saudi Arabia—have increasingly been levelled against government critics. A few days after I left Jeddah, Ashraf Fayadh, a well-known local artist and poet, was sentenced to death after a judge deemed some of his poems blasphemous.

Little is known about a future Saudi king before the death of his predecessor. The succession may not be in doubt, but it takes time before the man's character can be felt through his exercise of power. Sharia emphasizes obedience to rulers. In Saudi Arabia, two Saudi human-rights activists told me separately, there is growing concern that all Saudi law—indeed, everything King Salman wishes—is, in a sense, Islamic law, and is thus automatically beyond question.

A sudden spike in the number of executions this year has heightened the general anxiety. On Salman's third day as king, he oversaw his first beheading, of an alleged rapist. By early November, the kingdom had already carried out more executions—at least a hundred and fifty—than it had in any year since 1995. In late November, two Saudi newspapers reported that the state would soon be executing at least fifty more prisoners, all convicted of terrorism, which under Saudi law includes

such offenses as damaging the reputation of Saudi Arabia or its king; a charge of terrorism is frequently used to try not only jihadists but also bloggers and lawyers.

The kingdom also executes an unusually high number of women, compared with other countries that practice the death penalty. This is typically explained by the fact that so many non-violent crimes are punishable by death under Saudi law. But some Saudi activists suggest that it is also because the list of capital offenses includes several that are effectively "women's crimes." Women are charged with adultery more often than men. In November, in an adultery case, a married woman was sentenced to death by stoning; her unmarried male partner received a hundred lashes. International human-rights groups have expressed alarm at the growing number of foreign women, typically housemaids, facing trial for sorcery. Sorcery is considered such a grave concern that, in 2009, the Commission for the Promotion of Virtue and the Prevention of Vice created a specially trained unit to conduct witchcraft investigations. Saudi citizens are encouraged to report suspected witches and sorcerers anonymously, to a hotline. (A writer for the *Saudi*

Gazette, an English-language newspaper, lauded the squad's ability to eliminate "magic the same way the security forces would defuse explosives.") Last spring, in Riyadh, ten government agencies took part in a state-sponsored sorcery-awareness workshop.

These shifts are not necessarily everyday concerns for Saudi lawyers, but they are felt at all levels of society. The previous king had raised hope among Saudi women that they would soon be granted the right to drive, but the subject is no longer publicly discussed. The young dissidents who emerged on Twitter in 2011, inspired by the Arab Spring, have fallen silent. Those who have avoided prison have "all become 'entrepreneurs,'" Fahad al-Fahad, a human-rights activist, told me, with bitter emphasis on a buzzword that has emerged as a clear favorite of the new Saudi leadership.

Although King Abdullah was criticized by international human-rights groups, he was assailed internally by conservatives for openly encouraging public discussion of social reform, particularly in the area of women's rights. Several activists told me that, under King Salman, this discussion has abruptly ceased. The public conversation about progress, they say, has been



FARLEY
KATZ

"Business isn't great. We could only afford the smallest air dancer."

forcibly redirected, and is now restricted to technology and entrepreneurship—an emphasis that, while not wholly rhetorical, seems gauged to impress foreign observers. Ten days after I left the kingdom at the end of my most recent visit, a human-rights activist gloomily forwarded to me a Thomas Friedman column, in the *Times*, rhapsodizing about the Saudi crown prince's interest in technology. Across the kingdom, the atmosphere is newly cautious, and a young law graduate who wishes to speak of her growing awareness of injustice in Saudi institutions knows that she must express herself with enormous care.

Several days after my conversation with Ferak at the Lebanese restaurant, I set out to meet Bayan Mahmoud Zahran, whose law firm has made her the most famous female Saudi lawyer in the world. I went down to the lobby of my hotel. A large group of pilgrims to Mecca, an hour's drive to the east, all wearing the seamless white robes that identified them as being in the state of ritual purity known as Ihram, were checking in.

I tapped the Uber icon on my cell phone and, after calling a car, searched for the WhatsApp message I'd just received from Zahran's younger sister, Nour, a recent law graduate. Nour had offered to join us, and was making arrangements on behalf of Zahran, who was busy with a case. Nearly all the

women I met during my November trip to Jeddah were heavy users of Uber or its Dubai-based competitor, Careem. The advent, in 2014, of car services that can be requested through mobile apps has given women a freedom of movement that had seemed impossible just months earlier. The long, sweltering waits for drivers, which had been a daily feature in the lives of educated, middle-class Saudi women—whose families didn't restrict their movements on principle—vanished, along with driver drama, in all its various, much discussed forms: drivers who spied and reported to fathers and brothers; drivers whose services had to be shared with sisters; drivers who refused to stop and ask for directions, despite the fact that many Saudi streets are unmarked.

Saudis do not work in many service jobs, including as Uber drivers. Oddly—or perhaps conveniently, given Saudi Arabia's dependence on foreign labor—the company of foreign workers of the opposite sex, particularly those from developing countries, is an unofficial but widely tolerated exception to the prohibition against gender mixing. A Saudi woman may ride in an Uber car driven by a man from Pakistan, and a Saudi man may have his breakfast served by a housemaid from the Philippines. But the same degree of proximity with another Saudi, or a Westerner—or, for that matter, a white-collar worker from a developing country—of the

opposite gender would be unthinkable.

Zahran covers her face. As I waited at the Japanese restaurant that Nour had selected, I tried not to peer too obtrusively at the veiled women who stood in the entryway. Saudis are accustomed to judging a covered woman's approximate age, profession, and social background from the cut of her abaya and the way she wears her head and face coverings, but for foreigners the niqab can lend a blind-date awkwardness to public meetings, even with women well known to them.

Zahran and her sister found me, and a waiter led us to a table in the family section. As he handed out menus in the form of tablet computers, Zahran uncovered her face. In 2004, she was a student in the human-resources department at King Abdulaziz University, in Jeddah, when the university announced that it would be opening a degree program in law for female students. It was the first such program in the kingdom, and Zahran immediately switched her concentration to law.

"It took me five minutes to decide," she said. The fact that women couldn't obtain law licenses wasn't a source of anxiety for Zahran and her classmates, but by 2008, when she graduated, the justice ministry still hadn't indicated that it would begin licensing female lawyers. Zahran began volunteering at a new women's shelter that her father, a businessman, had founded as a gift to the community. He considered various needy groups before deciding to create a center where impoverished widows and divorcées, of which there are many in the kingdom, could live.

There turned out to be a number of women at the shelter who needed unofficial legal advice. Although Zahran couldn't represent them in proceedings, she began accompanying them to court, telling judges that she was a supervisor from the shelter. Zahran hadn't planned to specialize in personal-status law, she said, but it was an opportunity to use her skills. Many of the court visits involved efforts by the women to force the ex-husbands to hand over their children's government records—passports, identification cards, and other official paperwork.

Zahran's firm is expanding, with a half-dozen employees and a fledgling



"Er, all right, but I've already written 'Frankenstein.'"

QUAHOGS

It was for the wind as much as anything.
It was for the tidal flats, for the miles of bars
and the freezing runs between them,
blued and darkened in the withering gusts.
For the buckets, for the long-tined rakes.
For our skin burning and the bones
beneath, all their ache. For the bent backs,
for the huddle toward warmth beneath
our incapable layers, how we beat
ourselves with our arms. The breath
we blew, the narrow steam that spun away.
How we searched their tell-draggle marks.
Then the feel of them as we furrowed. Then it
was surgery and force together. Like stones.
Opal or pearl or plain rock, ugly except
they were beautiful, their whorls and
purple stains. The bucket's wire cutting
with their weight. For the sky blazing, its
sinking orange fire. For the sky's black streaks
with night rising, winter-sudden. Back,
shoreward, home, the tide creeping like a wolf.
For the little stove warming, its own orange fire.
The old pot, the steam, the air in savor,
the close room, the precious butter, the
blue fingers throbbing, our bodies in all
the customs of weariness, the supper,
succulent of the freezing dark sea come up,
and hunger, its own happiness, its own
domain immeasurable. It was for the hunger.

—Frank X. Gaspar

corporate department, which Nour joined after receiving her degree. But women with personal-status cases make up the majority of her client base. The judicial system puts women at a disadvantage, she said. "Women generally are more emotional, and they can't get their rights because they're so emotional, and they just cry," she told me. She seemed to suggest that the main obstacle was not the legal system but a tendency of women clients to become overwrought. Female lawyers can help, she said, because they can "understand the emotion and translate it into something valid for the court."

Some of the lawyers I met said that women increasingly insist on being represented when inheritances are divided. In early October, at the end of the Islamic calendar year, the Saudi

justice ministry announced that in the past twelve months there had been a forty-eight-per-cent increase in cases of *khula*, divorces initiated by women. A Saudi newspaper reported that such divorces now make up a "staggering" 4.2 per cent of the total. Most women are unsuccessful in their efforts, and those who do succeed must, at a minimum, repay their dowries to their former husbands; sometimes they must also repay the men for money spent on them during their marriages.

Yet in this privacy-obsessed society, with its weak traditions of individual rights, many Saudi women still struggle to obtain legal information. As far as any of the lawyers I interviewed were aware, the Hawa'a's Rights initiative has been the only organized attempt to educate Saudi women about the law. Eight months after the series

ended, Ferak continues to receive messages suggesting new topics and asking when to expect another event. Sometimes, Ferak said, her correspondents plead with her not to give up, telling her that the lectures changed their outlook—even the arc of their lives. During her last year at Dar Al-Hekma, Ferak found a new purpose in her studies, and her grades rose sharply. She told Olga Nartova, "I realized why I was studying law." She hopes to continue the Hawa'a's Rights lectures, but has not found a venue. Intrigued by the Western understanding of human rights, she has begun to explore graduate programs abroad, where she might study the subject.

On the afternoon of the first Hawa'a's Rights lecture, Salwa al-Khawari, a teacher at a girls' school, was heading home when her friend Nour mentioned the event. On learning that the subject of discussion would be women's rights within the Saudi judicial system, Khawari rearranged her evening in order to attend, and later rallied friends to go to the subsequent discussions. She told me that it had never occurred to her that Saudi women had any legal rights, and she had resented the way that the legal system treated women. "I always thought that the flaw lay in the laws," she told me. Now, like Ferak and many other lawyers I spoke with, she expressed new confidence in the justice of Saudi law. "Our laws concerning women's rights are among the best in the world," she said.

The real problem, she added, was lack of access to information. After the lecture series, Khawari began reading all she could about women's rights in Islam, and sharing what she learned with her twelve- and thirteen-year-old students. Last spring, she gave up her teaching job to study full time toward a master's degree in social work, with a concentration in human rights. Since then, she said, some of her former students have initiated discussions of women's legal rights with older women in their families and among their neighbors, and they have asked Khawari to help them assemble leaflets on the subject. Khawari said, "They tell me they want to do something for Saudi society." ♦