

Reclaiming Jurisdiction Over the Law:
Society and Shifting Power Dynamics within Women's Huquq (Civil Law) Schools in
Jeddah

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Introduction

Two years into her pursuit of a huquq, or civil law degree, a student at Dar AlHekma University realized that women are not permitted to assume the function of a judge within Saudi Arabia. Her aspiration to become a judge was the reason behind her enrollment in the Huquq School. This anecdote provides an excellent representation of several issues in legal training, such as gender discrimination, awareness and activism, which are worth investigating. This study aims to examine the ways in which huquq schools and their students work to revitalize society's role in shaping the legal system and defining society's moral fabric. Saudi Arabia is a monarchy. Given the nature of the system of governance, many media portrayals of its legal processes are rigid and static, where change is effected in a top-down manner. Following my ethnographic research at the huquq schools in Dar AlHekma University and King Abdulaziz University in Jeddah, I argue that students, including the aspiring female legal professionals who are at the core of this study, have sought to redefine and transform society through their legal education. My analysis suggests that this emerging bottom-up force for change is a part of a larger shift in the dynamics of power, assuming a more decentralized nature, I will focus my study within the context of law schools within the larger context of the Kingdom's transformation as a globalized state with a civil society and civil participation as well as new forms of political expression. The journey towards change begins with questioning to the status quo, specifically the much discussed bargain between the 'ulama and the royal family. In this study I examine the ways in which the professionals and students trained in these huquq schools challenge the bargain and status quo. Then, it matures to

defining a vision of the future and actions towards that future, in turn, crafting a vision of a future they desire.

Saudi Arabia's establishment, the royal family and the 'ulama, have long promoted itself as a country ruling by the rule of God, with the Quran and Sunnah as the basis of its morality and law making. With the increasing demands of today's world and today's economy, Saudi Arabia's legal model continuously faces challenges in adapting to the needs of the country's development. The first chapter will investigate how the distinction and separation between "shari'a" schools and huquq schools, amidst a struggle in determining the degree of the incorporation of Islam and shari'a in legal education. The second chapter will be a micro-examination of the classroom culture in Dar AlHekma and King Abdulaziz University. This chapter will review some of the conversations and anecdotes within the universities, highlighting the power relations discerning who has and doesn't have the right to participate. The third chapter will explore the nexus between education, law and society. The role of society in law-making has long been absent, especially in proposing their needs and views. As a review of previous scholarship will demonstrate, the question of shaping the legal system has always been viewed as the concern of the ruling elite and the religious elite. The public has been marginalized from the discourse. This chapter will provide some example of some novel endeavors to engage society and often led by law students to bridge the gap between society and the legal system.

Research Questions

In my research and particularly in my ethnographic studies, I focused on four areas of legal education and attempted to answer specific question within each area.

- 1) Logistics + Distribution: What are the schools teaching law? How many schools are there for women vs. men? Are the numbers of law schools different in different regions? What is the difference between shari'a schools and huquq schools?
- 2) Content: What form does legal education take? What is being taught? Is there a uniform curriculum? How does the content translate to the practical reality of legal work in Saudi Arabia? What are the jobs available in the legal job market? What are they trained to be?
- 3) Actors: Whom is teaching the law? Who is learning? How are these two groups different in each case study (Dar AlHekma vs. Abdulaziz)?
- 4) Dynamics/Environment: What kind of relationship and dynamics exist between students and professors? Is there a free exchange of ideas and opinions? How do students from different schools perceive each other? How do these students perceive themselves, and how do they engage with their education? How do the professors engage with the material they are teaching?

Methods

Ethnographic Studies:

While the themes and trends throughout my research are common to all of the regions in Saudi Arabia, I will use the city of Jeddah as my empirical case study to portray these dynamics. To avoid extrapolation, I will point out points of difference

between Jeddah and other regions as they come up throughout the study and in my brief review of social and cultural differences amongst the major regions in Saudi.

Due to the dearth of information available on the specific question of legal education in the kingdom, I decided to conduct two ethnographic studies. There are only two schools of law in the city of Jeddah, the second largest city in the kingdom. King Abdulaziz Univeristy is a public university that administers two schools of law, one for women and the other for men. Meanwhile, the second university is Dar AlHekma University, which is a private women's-only university, with a huquq school. My ethnographic studies were restricted to the women's colleges, as education is mostly segregated in Saudi Arabia. A lack of access to the men's college in King Abdulaziz presented an obvious limitation to my research. Throughout this study, I will be examining issues that might be present in the legal educational system as a whole. However, I will have first-hand experienced the educational environment and dynamics existent in women's colleges only. Due to limitation of access to men's colleges as well as my study of colleges in Jeddah only, I will narrow the scope of my research and findings to women's law schools in Jeddah.

Field Site:

I chose Jeddah, as it was the city I lived in. My initial plan was to solely conduct an ethnographic study in Dar Al-Hekma University (DAH), a private institution. I chose Dar Al-Hekma as access to the school seemed easier on many levels. First, DAH is perceived as an extension of my high school, Dar AlFikr Schools. The same members founded it. A wall only separates the high school and college. Both Dar AlFikr School

and Dar Al-Hekma University cater to the elite of Jeddah. They charge one of the highest, if not the highest, tuition rates in the kingdom. The students of these institutions are by default exposed to the outside world more than the general public. With a conviction that a more westernized education, with a strong focus on the English language is integral, there is a demand for an international (American or British) education. Like Dar AlFikr, DAH offers the majority of its courses in the English language. In fact, the majority of the students attending the university are graduates of international schools, which Saudi nationals were once banned to attend, except for those able to get an order from the government permitting them to attend. Similarly, the majority of the teachers are foreigners. Students and faculty members are required to be fluent in both Arabic and English, albeit the majority is more fluent in the latter. It aims to offer its students a more international education than what is more commonly available in the kingdom.

Previously, graduates of Dar AlFikr Schools were not able to attend Saudi Universities, as they were not taught the Saudi curriculum imposed by the Saudi Ministry of Education and required to enter Saudi Universities. Therefore, the majority of the students continued their higher education abroad in the United States and the United Kingdom. However, unlike international schools like the British School or the American School, Dar AlFikr taught Islamic Studies and the Arabic language as mandatory subjects at all levels. They attempted to strike a balance between a demand for an internationally relevant education and maintenance of a Saudi identity. The same objective and aspiration is evident in Dar AlHekma University, conveyed in their mission statement: “Our graduates will be capable of bringing about positive change for the betterment of

self, society, and humanity with the aim of pleasing the Creator.” In recent years, Saudi Arabia as a whole seems to be adopting a similar vision for its educational system.

Following the terrorist attacks of September 11, 2001, a reluctance to pursue an education abroad emerged from fears of racism and persecution of Saudi students. Therefore, there was a pressure for Dar AlFikr Schools to alter its curriculum and enable students to enter Saudi Universities. Dar AlHekma became an ideal choice for those who desired a more westernized education, but were unwilling to study abroad. This was especially true for women, where parents already feared sending their daughters abroad. DAH advertises itself as a university that empowers women with a greater focus on the liberal arts. Moreover, it claims an international reputation and focus. On their website, DAH states that their mission and vision is to graduate “accomplished women, leaders and entrepreneurs.” The emphasis on leadership skills is depicted in every aspect of its schooling, from extensive presentation assignments to hosting speakers like Hilary Clinton.

Socioeconomic Differences amongst Students:

DAH is a private institution. Dar Al-Hekma University caters to the elite of Jeddah. They boast one of the highest, if not the highest, tuition rates in the kingdom. The students of these institutions are by default exposed to the outside world more than the general public. There is a conviction that a more westernized education with a strong focus on the English language is more valuable. Therefore, there is a demand for an international (American or British) education. DAH offers the majority of its courses in the English language. In fact, the majority of the students attending the university are

graduates of international schools or the likes, which Saudi nationals were once banned to attend, except for those able to get an order from the government permitting them to attend. Similarly, the majority of the teachers are foreigners. Students and faculty members are required to be fluent in both Arabic and English, albeit the majority is more fluent in the latter. It aims to offer its students a more international education than what is available in the kingdom.

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King Abdulaziz, in contrast, is a public institution, the only one of its kind in Jeddah. King Abdulaziz does not only cater to the population of Jeddah, but also to all the cities and villages neighboring it. The vast majority of its students come from the middle class or lower-middle class. Some students of DAH claimed that they wouldn’t have been able to survive or assimilate in King Abdulaziz because the people “are so different”. The issue the disparity between both schools creates is not only that the graduates of the schools lead completely different lives, but they also don’t blend and share experiences. Therefore, the students don’t cultivate an understanding of the difficulties and benefits of the other group’s experiences. Moreover, the programs of study in both schools are drastically different, exacerbating the problem. Shari’a was already viewed as the concentration of “bedouins”. The term “bedouin” also has a socio economic connotation,

suggesting that a person is from a modest background. Allegra Stratton alludes to this perception in her ethnographic work, “Muhajababes”. During her field study at a Kuwaiti university, she found herself in the midst of the university’s student elections. She started a conversation with one of the students campaigning who belonged to an organization called the “Democratic Circle”. The student pointed at the departed and said:

we’ll never take that one [their vote] over there. That’s law most students over there are Bedouin. [...] we know we’ll never take that: it’s the sharia college. [...] You can through both degrees and never have to be able to speak English, so that’s why Bedouins do it. Because they are not the most clever students and this degree never reveals that.¹

While no one I encountered seemed to hold such a severe judgment of shari’a or law students, it is still perceived as an easy concentration and one reserved for the conservative. In addition, there is a definite correlation between social class and religious observance and degree of conservatism. By nature of their environment and way of life, students from the upper-middle or upper class are more “liberal” in their perceptions. The majority of the students, in DAH for example, spend their break abroad, speak English and clearly hold Western-inspired ideas and conceptions of justice and fairness. While the Internet greatly diminished some of the gaps in exposure, language remains a barrier, and DAH students have an advantage.

Enrollment and Classes:

When I was I was connected to the dean of the law school at DAH. I explained my objective and my research topic. I also attached a brief summary of my qualifications.

¹ Stratton, Allegra. *Muhajababes: Meet the New Middle East--young, Sexy, and Devout*. Brooklyn, NY: Melville House Pub., 2008. P. 216-217

The dean was very cooperative. We decided that it would be best for me to attend the summer session as a student for me to observe classes and go through the experiences fellow students go through. She also suggested for me to hire a local advisor from DAH to guide me through the process. The dean also contacted the financial office at DAH to inquire about the fees I would have to pay as a summer student as well the fees for the local advisor.

As summer approached, I emailed the dean once again to follow up with our plans. I did not receive an answer. Therefore, as soon as I reached Jeddah, I headed to DAH, knowing the bureaucratic nature of any procedure in the kingdom. I wanted to make sure I was registered before the start of the summer session, especially since it only lasted for one month. The University consisted of one building with different sections; each section is a department. The building was surrounded with a high fence and male guards were at the door. However, my car was not stopped, and no one inquired about the reason for my visit.

I was directed to the dean's office. The dean had previously asked me to fill out a research proposal to submit to the research center at DAH for ethical approval and registration. She seemed impressed with my application and the details I included. I, on the other hand, was impressed with DAH for even having such an application. Systems of professional ethics monitoring are not well developed in various aspects of administration within the Kingdom. The dean gave me a list of the courses in the law department and recommended I audit a couple of classes. I informed her that I was interesting in taking a law class in the Arabic language versus a class in the English language. This was to expose myself to a wider range of experiences, knowing that the backgrounds of the

teachers teaching in the different languages would probably be different. I also assumed that some of the interactions would differ. I wanted to take an introductory law class, focused on Saudi law, and an upper level class. The introductory course was taught in Arabic; I registered for it.

Access to King Abdulaziz University was more limited than DAH. To enter the law school at King Abdulaziz, I claimed that I wanted to inquire about academic opportunities for students who pursued an education abroad and desired to pursue a legal career in Saudi Arabia. While this was an excuse to get access to the school, I was genuinely interested in finding an answer for my own purposes. First, my driver asked one of the guards by one of gates of King Abdulaziz about the location of the law school. He directed us to a building. While I was walking through the parking lot to reach the building, every girl around me had her face covered. This presented a stark contrast from the image of the parking lot at DAH, where many of the girls did not even have their hair covered. I pushed through the crowds to the front desk inside. The first apparent difference was the greater number of students in King Abdulaziz over DAH, which made even an organized space seem disorganized. I explained to the security guard at the front desk (a woman) the purpose of my visit. She asked me whether I was visiting a specific person, and I replied “no”. She, then, mocked my request and exclaimed that I can’t just waltz into the university. Her solution was to email someone online. I knew better than to give up. A lady next to me jumped in and explained that she traveled from a different city to process her enrolment. The security guard gave her a similar answer. Following more nagging, the lady referred me to another building. Thankfully, the security guard there was more easy-going. I got in!

It took me some time to reach the law school because it was located in the school of economics and was hard to find. When I finally reached, I discovered that it was registration period, which explained much of the chaos. I was not able to register for a class. Therefore, as an alternative, I resorted to sitting in one class and conversing with students. I exchanged contact information with a student, who aided me with distributing a survey I compiled. (See Appendix A for survey).

Explaining my Presence:

I was careful in the way I explained my presence and research. Students and faculty were wary of being observed and for anything to be recorded against them. The students seemed to be more concerned for social perceptions. Girls were expected to maintain a degree of anonymity; such attitudes are embedded in Saudi's conservative culture. Meanwhile, some teachers feared political discussions and criticism, as they would be risking deportation. For ethical reasons, I felt I needed to state the purpose of my presence in the classes. However, I decided against having individual interviews with the students and for those to be recorded. Nonetheless, I conducted one focus group session with a group of eight students, which was the only thing I recorded. Most of the information I gathered was from informal conversations I had with students and faculty as well as my observations inside and outside class. I would quickly go back home or to the side and record incidents in my notebook, fearing I would forget them. Students seemed to be more comfortable and confident in expressing their views than the majority of the faculty member were. I attributed that to their automatic trust in me, which stemmed from their trust of the common friends we shared.

Theoretical Framework

This study deals with education and the law as traditions of knowledge. In his article “An Anthropology of Knowledge,” Fredrick Barth urges scholarly and academics to develop “a comparative ethnographic analysis on how bodies of knowledge are produced in persons and in populations in the context of the social relations that they sustain”.² He suggests that we could achieve this by understanding institutions as “traditions of knowledge.” Barth claims that there are three aspects we must consider in analyzing traditions of knowledge. The first aspect is that any tradition of knowledge is made of a substantive corpus of claims and ideas about the world and our environment. The second is that it is conveyed through several media as representations taking the shape of words, imagery or gestures to others. Finally, knowledge is propagated and distributed through a succession of social interactions framed by social dynamics of power.

In this study, we will observe the interplay of these three aspects of knowledge, influencing the manner in which individuals within law schools understand and interpret morality and justice within a Saudi context. The intersection of the legal system and the educational system in formal training is manifested in the legal educational system, specifically in huquq schools with a civil focus. These schools are the focus of the study, with a particular interest in the position of women in these respective traditions.

In many cases within Saudi Arabia, the authority of the law is being used to legitimize societal principles and actions of individuals. This is achieved using the

² Barth, Fredrik. "An Anthropology of Knowledge." *CURR ANTHROPOL Current Anthropology* 43, no. 1 (2002): 1-18.

rhetoric of Islam and divine decrees, under a strict interpretation of traditional texts. Sometimes, the religion is used as a cloak to justify and conceal cultural norms. Let us take the example of women driving. There is a ban on women driving within the kingdom, and this ban has long been justified using religion and interpretations of Quranic texts. According to a Fatwa by Ibn Baz issued in November of 1990, women were banned from driving to protect them from vice, a conclusion they claim was made after much deliberation. (See Appendix B for image of article) Restrictions such as women driving amongst a plethora of other regulations are justified using Islam that is detached from the reality around the legal system and in today's world. The legal system promotes a vision of Islam that does not engage the society. It locks society in a vicious cycle that hinders development by reproducing entrenched cultural norms. In understanding the relationship between the law and society, many focus on the production of law from society's principles and conception of morality. However, little light is shed on the reproduction of those norms and principles by the law, as a source of moral authority.

The discourse on law as a source of moral authority and the reproduction of knowledge is very much related to the philosophical theory of the social contract and how it relates to the concept of justice. Perhaps the first to lay the foundations of this theory was Socrates. In his point of view, "a just man is one who will, among other things, recognize his obligation to the state by obeying its laws." However, he rejects this notion and proposes a condition for its validity. This system guarding the social contract and dictating the moral fabric of the society has to be "just", promoting equality amongst its subjects. Intrinsically, the legal system is meant to reflect the beliefs and morals of the

society as whole. If it fails to do so, the people will begin to reject the contract and express their dismay, proposing an alternative code that achieves their conception of a “just” system.

Within the Kingdom, the law is publicized as the law of God والقرآن دستون والسنة, and only those who are qualified to interpret the word of God and teachings of his prophet should question and critique the law. Regardless of whether the statement is valid or not, this is how the law is publicized. The moral freedom of civilians to question the content and actual terms of the contract or the system is largely constrained. When people begin to disagree with the law and the morals it promotes, instead of questioning the content, they turn to questioning the interpretation of the content and the people who instituted it. Sticking with the example of women driving, the majority of the time objections are voiced in the form of an objection to the religious scholar’s interpretation or his analytical skills. It is rarely ever an objection to the reference points used, which are the Quran and Sunnah.

The issue becomes a matter of knowledge production and interpretation. In a legal system such as that of the Kingdom, where the law is dependent on the individual interpretations of judges and religious scholars, quality legal training is imperative. As future shapers and interpreters of the legal system, I predict that the highest level of engagement and critical inquiry with the legal system is seen in the law schools, or in the legal educational system. This study aims to look at the ways in which those who shape today’s legal educational system, professors and more importantly students, either bolster or challenge the reproduction of society’s so-called moral fabric. The study will view law

and education through the lens of control and power, which shape these bodies of knowledge and decide who has and does not have the right to partake in the system.

Literature Review

This thesis aims to bridge a gap in scholarly research. There is close to no research done on the specific topic of legal education in Saudi Arabia. There has been a growth in the research done on the structure of the legal system, especially following the controversy regarding codification. On the other hand, research on the topic of education in the kingdom is outdated. Its focus is on access of education, when education was being institutionalized and formalized and the prospect of educating women first started budding. There is little research done on a more nuanced examination of the educational system that depict the hidden challenges in education, especially with regards to knowledge transmission and the educational environment. Furthermore, the majority of western scholarship on Saudi Arabia assumes an almost patronizing and civilizing tone. It offers a simplistic investigation that dismisses the complexities of dynamics within Saudi societies as well as its values and priorities.

In my literature review, I will examine the educational and legal systems as traditions of knowledge, introducing the power relations that shaped them and continue to do so. First, I will explore the legal system through the question of codification, as a case study. Then, I will transition to the educational system and its evolution, concentrating on women's education. I attribute my attention to women's education to two factors. The first is that my ethnographic study is contingent on two case studies both of which were conducted in women's only universities, a limitation to my research. The second is the need to explore other politics driving education and knowledge production only present

in women's education. Finally, I conclude my literature review with an exploration of Saudi Arabia's geopolitical position.

Legal System:

Throughout my research, I have realized that the Saudi legal system is not clearly defined. It is subjected to constant change, in an attempt to achieve a better balance between a system Islamic in its nature, but able to keep up with the rapidly changing and globalized world. Abdullah AlAnsary's "A Brief Overview of the Saudi Arabian Legal System", published in 2008, probably provides the most clear and detailed overview of the Saudi legal system. Ansary's training in King Abdulaziz law school and in American Universities, such as Harvard, shaped his literature to reflect the very balance between Islam and modernity that the Saudi government has been trying to propagate.³

"Reasoning with God: Reclaiming Shari'a in the Modern Age" by Khaled Abou ElFadl demonstrates a similar rhetoric to that of Ansary's work. The author firmly situates Islam in the modern world. (Amazon) Being part memoir part an intellectual analysis, this book organically centers the author's biography to his views and academic work. ElFadl's book helps the reader better conceptualize the world through they eyes of Muslim societies. It conveys the desperate desire by many of the world's Muslims to prove Islam's relevance and viability in today's world, especially following the scrutiny Islam has been under following the rise of terrorist groups abusing the word of Islam to legitimize their heinous crimes. In the case of Saudi Arabia, recognizing the centrality of

³ Ansary, Abdullah F. "A Brief Overview of the Saudi Arabian Legal System." GlobalLex.

2008. Accessed November 20, 2015.

http://www.nyulawglobal.org/globalex/Saudi_Arabia.html#_Toc200894591

this impulse is integral to understand the nature and deciphering the complexities of the system.

On the other hand, “Islamic Law and Legal System: Studies of Saudi Arabia” by Frank Vogel and Muhammad Qasim Zaman’s “The Ulama in Contemporary Islam: Custodians of Change” frame the questions of Shari’ah and Islamic law using different controls or factors that influence these questions. Instead of a focus on the rapport between Islam and Muslims and the world around them, they focus on the relationship between the Ulama, or religious scholars, and the state. Both Zaman and Vogel define these two groups as the forces shaping the legal systems in the Muslim world and the Saudi kingdom specifically.

Vogel’s book provided the foundation on which I based my initial understanding of the Saudi legal system. Vogel’s book was published in the year 2000, yet it continues to be regarded as perhaps the prime and most rigorous reference on the Saudi Legal System in the English language. Vogel’s book is based on years of research in Saudi Arabia that shines through from his meticulous review of previous works, observation of court cases and interviews. Vogel assesses the practicality of the system by scrutinizing its application. Vogel’s expertise on the topic, following the publication of this book, qualified him to lead several initiatives focused on the application of Islamic Law, including establishing and directing the Islamic Legal Studies Program at Harvard University for twenty years. His book and other related articles offer a rough database of

names of some prominent Saudi Ulama and figures that proved to be a useful guide for me in my data collection process.⁴

Meanwhile, Zaman's book takes a comparative approach in highlighting the same power struggles throughout diverse regions of the Middle East and various time periods. Zaman, a Professor of religious studies, pays greater attention to the perspective of the ulama over the legal system as a whole, highlighting the role of religion and the political activism of the Ulama within Muslim-majority societies. The book helps portray the traditional fluid nature of Islamic law, constantly questioned and negotiated. It specifically highlights the role of Ijtihad, or individual striving in adjudication, in maintaining Islamic law's adaptability, where the ulama have the privilege of shaping social trends within the societies they influence. Establishing the mere existence of a relationship between society and the religious class, where one affects the other, is significant on its own. The majority of the literature on Islamic law survey each the society and the religious elite as separate polarized entities, instead of two parties in conversation with each other.⁵

The most significant finding these studies, specifically Zaman and Vogel's studies, come up with is defining the power balance that an un-codified Islamic legal system creates, and how this balance could be disturbed by codifying the law. In the classical Sunni constitutional balance, the shari'ah, moral code or religious law, serves as the basis of legal undertakings. The religious scholars were free to adjudicate cases, overlooking any regulation the ruler came up with and relying solely on shari'a, as the

⁴ Vogel, Frank. "Islamic Law in the Modern World: The Legal System of Saudi Arabia." Leiden: Brill, 1999.

⁵ Zaman, Muhammad Qasim. *The Ulama in Contemporary Islam Custodians of Change*. Princeton, N.J.: Princeton University Press, 2002.

strongest and most legitimate source of law. This dynamic portrays the significance of Islam as a legitimizing force. The legitimacy of the ruler is contingent on his adherence to the law of God. Religious scholars are the sole adept interpreters of the law. Therefore, they are the determiners of the competence of the ruler; the ruler derives his legitimacy from their recognition. This dynamic designates the scholarly class as perhaps the only executive check on the authority of the ruler.

The codification of the law simplifies the role of adjudication and interpretation to a more bureaucratic process. Legal processes become administered by western-trained elites in the field of law. This new role of adjudication does not require nearly as much expertise or skill as the role the scholars occupied. Therefore, the codification of the law eliminates the element that distinguished religious scholars and gave them their authority, their expertise and knowledge. The uncoded nature of the classical Sunni constitution gave the religious scholars a key legislative authority. While the ruler as well as some ministries and government bureaucracies had a degree of legislative power, it was only within the boundaries of what the ‘ulama deemed appropriate. The ultimate authority rested with the shari’a. By codifying the law, religious scholars become marginalized and greater authority shifts to the ruler.

In Saudi, this struggle of codification and these power struggles are ongoing. In his article, “The Role of Traditionalists and Modernists on the Development of the Saudi Legal System”, Ayoub Al-Jarbou’ takes on yet another method of categorization. He describes the power struggle as one between a group of traditionalists and a group of modernists. As Al-Jarbou’ lays out the structure of the system and discusses the issues present, we begin to notice that the labels he gave each group translate to the Saudi

government defined as modernists, leading the congregation. Meanwhile, the religious elite is defined as a group of traditionalist. Al-Jarbou's framing of the players shaping Islamic law seems to actually be synonymous to that of Zaman and Vogel.

Nonetheless, Al-Jarbou's characterization of each group sheds greater light on the issue with classification. It lumps those who constitute each group as monolithic entities, sharing identical views and ideologies, further polarizing the discourse. Al-Jarbou, however, was the first to allude to the conflict the issue of codification and this power struggle may cause in legal training and the legal system, confused between secular and shari'ah law. Having said that, no one examined the topic of legal education in depth, which prompted the idea behind this thesis with a particular interest in the effects the legal system and the legal educational system have on each other.⁶

Joseph Kéchichian book "Legal and Political Reforms in Saudi Arabia" could be viewed as a groundbreaking. It fills a gap in the literature on the history of domestic reforms within the Kingdom, especially in the judiciary amongst other sectors. As Kéchichian stated, his book was evermore imperative in the aftermath of 9/11 and when confronted with the need to collaborate with Saudi Arabia in conquering terrorism. He leans on a multitude of interviews with officials, giving an insight of factors motivating decision-makers. Kéchichian's purpose and motivating questions intrinsically consider the US-Saudi relationship, or more generally the Saudi-global dynamic, in understanding the progress and reforms made in the judiciary.⁷

⁶ Al - Jarbou, Ayoub M. *The Role of Traditionalists and Modernists on the Development of the Saudi Legal System*. 2007.

⁷ Kechichian, Joseph A. *Legal and Political Reforms in Sa'udi Arabia*. Abingdon, Oxon: Routledge, 2013. 23.

Similarly, Jan Michiel Otto's edited volume "Sharia incorporated: a comparative overview of the legal systems of twelve Muslim Countries in past and present" places Saudi's notion of Islamic law within a regional and global context.⁸ Due to the comparative nature of the book, it sheds light on the existence of different interpretations and renditions of Islamic law apart from the Saudi example, a point often dismissed in the literature on Saudi law. Like Kéchichian, Otto's review of the topic is historical. He offers a detailed and clear timeline of major reforms and events, which helps the reader pinpoint events within a wider historical timelines, where some events are cited in other literature without specific dates mentioned. However, both works refrain from providing an analytical review, past the facts.

On the contrary, Noah Feldman's book, "The Fall and Rise of the Islamic State", is highly analytical and interdisciplinary offering almost prophetic insights on Shari'a's role within Muslim societies. A Professor of law, Feldman explores the revived call for creating a state founded upon the pillars of Islam and the doctrines of Shari'a. In many ways, this book is an evaluation of the feasibility of an Islamic State, and its chances of survival and perseverance through the challenges of the modern world. Feldman compares the traditional conception of an Islamic constitution and the current state of Muslim-majority states, enacting laws inspired from Islam. He, finally, argues that, considering the priorities and values of Muslim societies, a modern Muslim state may deliver justice to its people, but only if these states establish entities that serve as checks to the executive branch, similar to that which existed in former Islamic civilizations. Feldman briefly reaffirms Saudi Arabia's uniqueness compared to other Muslim-majority

⁸ Otto, Jan Michiel. *Sharia Incorporated: A Comparative Overview of the Legal Systems of Twelve Muslim Countries in past and Present*. Leiden: Leiden University Press, 2010.

states, as it continues to resemble a traditional Islamic legal system in its maintenance of a power balance between the ruler and the scholarly class. Feldman's measure of the success of the state and its legal apparatus is defined by its ability to maintain the Sunni constitutional power balance identified by scholars like Zaman and Vogel.⁹ The majority of the work done in the field examines the legal structure from a top down approach rather than a bottom up approach. The latter is an important framework, as the claim of both the religious scholars and the ruling class is that their decisions and actions take the people's best interest as the priority. Where is the voice of the people?

Educational System:

For the educational system, scholarly research on the topic of education in the kingdom is mostly outdated. From my review of references and the literature on education, most of the works written are between the 1970s and 1980s. This growth in research corresponds the increased interest in the kingdom following the oil boom. Having said that, the focus of these works is on access to education, for both men and women. There is a second boom in the literature on education following the September 11 attacks, where the majority of the attackers were Saudi citizens and there was a belief that the root of their terrorism and extremism was in the Saudi educational system. However, this second wave of literature though it has a skewed lens there was a much greater focus on the quality of the education and on methods of knowledge transmission. Literature on education in Saudi continues to grow, as the number of Saudi students pursuing an education abroad grows.

⁹ Feldman, Noah. "The Fall and Rise of the Islamic State." Princeton: Princeton University Press, 2008.

I found my review of Saudi's educational system to be more strenuous both in terms of labor and the emotional toll. I had to sift through many journal articles lacking in academic rigor and loaded with bigotry or propaganda. The time periods witnessing the largest production of literature on the Kingdom are mostly characterized with desolation and confusion for the Saudi people and government, as mentioned above. The questions and focal points driving these publications preconceive a purposeful nurturing of intolerance by the government and propagated by the people. Some literature attempted to complicate these claims, but still they and were restrained within the same circle of inquiry. As a Saudi citizen, in many ways, I found it difficult to deal with common perceptions of my educational background, people and ultimately me. Meanwhile, I'm going through my Facebook newsfeed and watching videos of the new mosque bombed in Saudi by ISIL; or the girl asking about her family after an airstrike hit her home in Syria; or Trump, the first runner up in one of America's two sole political parties, calling to ban Muslims from entering the United States.

I was not able to find a book that was focused solely on education in Saudi Arabia; nonetheless, there are many articles that do so. Moreover, there exists a plethora of scholarly work on education and schooling in Islam. Perhaps, the most prominent of which is Robert Hefner and Muhammad Qasim Zaman's book "Schooling Islam: The Culture and Politics of Modern Muslim Education." The book is even advertised as "the most comprehensive work available in any language on madrasas and Islamic education."¹⁰ Yet, it was also born following the emergence of terrorist groups, such as

¹⁰ Hefner, Robert W., and Muhammad Zaman. *Schooling Islam: The Culture and Politics of Modern Education*. Princeton, N.J.: Princeton University Press, 2007.

the Taliban, who use the language of Islam. These groups created a fear of what Muslims saw as widespread institutions, where places of worship or place of educational attainment suddenly became symbols of extremism and “radical” Islam. Words like madrasa, which actually simply translates to school (both secular and religious), became alarming words that raise red flags.

The book depicts the diversity that exists within Islamic schooling manifested through case studies of various countries, such as Morocco, Egypt and Turkey. Zaman and Hefner assembled this work with the contributions of eleven internationally renowned scholars who helped assess and analyze modern Islamic education’s implications on the world around it, domestically, regionally and internationally. “Schooling Islam” also aids the reader in appreciating the scale and speed of change taking place in Islamic education and education in the Islamic world. The acceptance of the speed of this change is also essential for the readers of this dissertation to understand, as it is the source of many of the tensions I discuss later in thesis. The book treats schools as dynamic institutions where ideas flow and are exchanged. Essentially, this framework prompts the authors to consider all of the factors influencing education, whether political, societal or religious. I intend to use such a comprehensive framework when examining the topic of legal education.

As for the literature specific to the kingdom, let us first examine the literature produce between the 1970s and the 1990s. Rafeda Al-Hariri’s journal article, “Islam’s Point of View on Women’s Education in Saudi Arabia”, is a prime example of the type of

questions posed during that time period.¹¹ It is almost a letter to the west and perhaps to the people of Saudi introducing or reminding them, respectively, of Islam's position on women's education. Al-Hariri uses the example of female Muslim role models, such as the wives of the prophet, in addition to the teachings of the prophet to support her argument.

She reaffirms and promotes the claim made by many Saudis that society's attitudes towards women and the discrimination that might occur is not entirely a reflection of the religion, but is rather mostly a cultural innovation. This specific message is still relevant today, as Islam continues to define and shape the Saudi society. The desire to stress this distinction is evident in all of my interactions throughout my ethnographic studies, where many participants were certain to point it out. While Islam's influence on the educational system, especially concerning the place and role of women, is still significant, AlHariri's questions and debate on women's access to education do not hold much significance in the present-day, where the number of women exceeds that of men at the university level. In the case of legal education, however, access was still in question, as it was only available to men. Women have only been recently, in the year 2013, permitted to practice before the Saudi judiciary.

"Women and education in Saudi Arabia: Challenges and achievements" by Amani Hamdan, presents a more realistic reflection of the challenges that plague the Saudi Educational system as a whole.¹² Hamdan's all-encompassing approach takes into

¹¹ Al-Hariri, Rafeda. "Islam's Point of View on Women's Education in Saudi Arabia." *Comparative Education* 23, no. 1 (1987): 51 - 57.

¹² Hamdan, Amani. "Women and Education in Saudi Arabia: Challenges and Achievements." *International Education Journal*, 2005, 42-64.

consideration the historical, socio-economic and political conditions of Saudi Arabia as lenses of analysis. Unlike Al-Hariri, Hamdan refrains from taking a passive approach that denies the link between Islam and gender-based discrimination. Instead, she actively directs the blame on cultural conservatism, with a modest attempt of getting at the root of said conservatism. This article traces attempts by the government to overcome the issue of women's access to education and later on questions of quality. She identifies issues such as restrictions in access to specific subject areas, especially those involving mixing with men. The legal profession was one of the areas in question. The number of law schools for women is approximately equivalent to the number of law schools for men. In Jeddah, the city I focused my study in, there were two law schools for women and one for men. Hamdan contemplates the future past educational attainment and job limitations; all are pressing questions within contemporary legal education.

The period following the 9/11 attacks produced literature that identified completely different shortcomings in the educational system. Western scholarship on the topic greatly exceeded the scholarship produced by the region during that time period. This could be attributed to a desire by the west to pinpoint the root of terrorist tendencies within Muslim societies, specifically Saudi Arabia. Meanwhile, scholars from the region are familiar with their educational systems and are able to grasp the intricacies of the system and their societies. There isn't a spike in the scholarship from the region at the time; nonetheless, in literature following the attack, there is a clear defensive tone, justifying Islam's significance and its incorporation into the educational system. Having said that, western scholars possess a different set of experiences and different measures of

the quality of an education to that of scholars trained in the Middle East or the Muslim world that enables them to discern flaws, unrecognizable to those within the system.

Amongst these scholars is William Rugh, who was a former US diplomat who served in the kingdom. He wrote an article titled “Education in Saudi Arabia: Choices and Constraints” in June 2002.¹³ In his article, Rugh claims to offer a deeper understanding of the inner workings of the educational system to facilitate the discussion on terrorism and the intolerant environment the system fosters. An important criticism Rugh declared is the focus on rote memorization and the lack of critical inquiry. It is necessary for an educational environment to promote critical thinking and to encourage inquiry. This skill is fundamental in the legal field, evident from a simple survey of the standardized exam (LSAT) required for entry into law schools in the United States, where critical reasoning is one of the three sections of the exam.

While Rugh’s observation is true with the agreement of many scholars, such as Pavan, Onsmann and Hamdan, he assumes that the simple absence of critical inquiry within the classrooms and in the books connotes a complete absence of this critical within institutions and schools. Many Saudis have internalized this trope or assumption. The ethnographic portion of this thesis will portray the ways in which engagement and critical thought could be found in abundance if we only look past the traditional measures and settings of activism.

Like Rugh’s work, much of the literature examining Saudi Arabia treats it as an autocratic theocracy, purposely promoting an environment of intolerance and ignorance. However, I would like to challenge this impression by investigating the reasons behind

¹³ Rugh, William A. "Education in Saudi Arabia: Choices and Constraints." *Middle East Policy* IX, no. No. 2 (2002): 40-55.

Saudi Arabia's enormous and strategic investment in education. "In 2013/14, there were 66,408 more international students enrolled in U.S. higher education compared to the previous year. According to the institute of International Education, "Students from China and Saudi Arabia together account for 73 percent of the growth [in the number of international students in the United States]".¹⁴ An uneducated public is one that is easier to control. So, if our labeling of Saudi Arabia as a dictatorship stands, why is the government investing in education and actually seeing through the success of projects in the sector?

Andrys Onsman suggests a well-informed answer to this question. His answer is that the kingdom's survival as an economic and political power, regionally and internationally is contingent on its ability to lift its dependency on oil and shift to a knowledge-based economy. To achieve this goal, Onsman notes that Saudi Arabia must resolve several issues, such as gender-based segregation, within its educational system that would facilitate its acceptance into the "international academy".¹⁵ He also touches upon a grave issue tormenting the quality of much of the scholarship produced, which instruction in the English language. The choice to teach in English stems from Saudi's desire to become internationally relevant and to expedite the flow of information. As we investigate the engines driving changes in education, it is important to gain a better understanding of the country's geopolitical position.

¹⁴ Witherell, Sharon, and Elaine Clayton. "Press Release: Open Doors 2014: International Students in the United States and Study Abroad by American Students Are at All-Time High." November 17, 2014. Accessed December 2, 2015. <http://www.iie.org/Who-We-Are/News-and-Events/Press-Center/Press-Releases/2014/2014-11-17-Open-Doors-Data><http://www.iie.org/Who-We-Are/News-and-Events/Press-Center/Press-Releases/2014/2014-11-17-Open-Doors-Data>.

¹⁵ Onsman, Andrys. "It Is Better to Light a Candle than to Ban the Darkness: Government Led Academic Development in Saudi Arabian Universities." *High Educ Higher Education*, 2011, 519-32.

Saudi Arabia: Insight from within and view from outside

To comprehend the topic with all its complexities, one must look at the larger context in which the topic is situated. Therefore, it is impossible for me to fully understand legal education within the kingdom without a further examination of Saudi Arabia domestically and internationally. As we have seen from the review of literature on the legal and educational system independently, Saudi Arabia is in constant conversation with the world around it. It aims for regional hegemony and international recognition as a power.

“America’s Kingdom” by Robert Vitalis, Associate Professor of Political Science at the University of Pennsylvania, is an attempt to debunk the myths that surround the relationship between Saudi Arabia and the United States. The myth that Saudi and the US share a “special” relationship is in fact what inspired Vitalis’s study, where many believe that the US promises Saudi protection in exchange for oil. The book disrupts this mirage and shows the true disproportion and imbalance in the relationship. The first part of the book focuses on the organization of labor process in Eastern Saudi Arabia during the 1930s when the US owned ARAMCO and had started its search for oil reserves in the region.¹⁶

It goes on to outline the racist undertones in the order built by the company in Dhahran, based on the Jim Crow system of segregation and racism enforced by the American executives. Workers were even paid wages according to their race or what Vitalis refers to as “racial wage.” This system included ‘white supremacy’ in housing to

¹⁶ Vitalis, Robert. *America's Kingdom: Mythmaking on the Saudi Oil Frontier*. Stanford, Calif: Stanford University Press, 2007.

access to services and went unnoticed by anyone writing about the oil exploration. In the second half of the book, Vitalis outlines the failure of the Saudi ‘revolution’ in the 1950s to eliminate the injustice inflicted by the Jim Crow System. In fact it resulted in a reinstitution of American power in the region under King Fahd’s empire. Such racism is evident in almost every sector within the kingdom, whether it is racism against foreign workers or between different regions within the kingdom. Racial classifications dictate many of the power relations in the legal system as well, where each region seems to present a different ideology or even interpretation of the religion. Vitalis ’s book provides a solid foundation for unraveling the policies and modes of administration within the kingdom, much of which is inspired from the West, through the example of ARAMCO.

Bessma Momani’s book, “Arab Dawn: Arab Youth and the Demographic Dividend They Will Bring” is a fresh take on the region.¹⁷ It counters the dominant narrative of stagnation, intolerance and mayhem in the Middle East, which is disseminated in the media on a daily basis. Momani bases her analysis of current trends and prediction of future trends on the Arab youth between the ages of fifteen and twenty-four. Rather than a top down push for change, this book sheds light on the novel venues of political activism and social engagement. “The book’s premise is that an increasingly educated, cosmopolitan, and tech savvy Arab youth—including a growing class of urbanized women—are moving the region to the cusp of a major transformation.” Momani includes a comprehensive set of the latest statistics, observations and numerous interviews to provide evidence for her unfamiliar analysis. The book comprises diligent

¹⁷ Momani, Bessma. *Arab Dawn: Arab Youth and the Demographic Dividend They Will Bring*. University of Toronto Press, Scholarly Publishing Division, 2015.

research and data on the topic of education in the Middle East and Saudi Arabia, in particular.

For example, as the author points out, in comparison to other parts of the world, such as Asian, the Arab world attains more academic degrees. In particular, it should be noted that much of these numbers are supplemented by the fact that a number of rural Arab women now dedicate their youth to getting a post-graduate degree rather than establishing a family. The changes discussed above will significantly influence the composition of the ruling class by mandating greater equality in both the political and economic domains. Momani's book is the only book I found that discusses the types of discourse I detected in my ethnographic study, such as the power of media and the generational gap between society and decision-makers.

Having reviewed literature on these two systems, there is no work done on legal education in Saudi specifically. The discourse is focused on examining the relationship of the ulama with the state. There is no discussion of the relationship of the ulama and the legal system with society or the point where lawyers and legal scholars make the transition from being a part of the society at large and move to becoming a part of the legal scholarly class, and that point is during their training and in law schools.

Chapter 1: Shari'a vs. Huquq Schools

Perhaps the most challenging task in conceptualizing the legal educational system within the Kingdom is making the distinction between Shari'a and Huquq Schools. There are two sites of legal training within the Kingdom, Shari'a and Huquq schools. What is the difference between these Shari'a and Huquq schools? What did shari'a school train you to do? What about huquq schools? What is the difference between the two? Surely, there was a disparity in the teachings of shari'a and huquq, as there was a need to separate the two areas of focus. Both of the schools I conducted my fieldwork in were huquq schools. When I started writing my thesis, I was looking for a translation for huquq schools. A professor suggested the term "secular law". Having said that, I quickly realized that "secular" was an inaccurate description of the course of study in huquq schools in the kingdom. Perhaps, civil law schools would be a more apt translation. Another important term to define is shari'a. An interpretation of the word shari'a, and perhaps the predominant interpretation, is that shari'a includes the laws decreed by the ruler. However, within the Kingdom, Shari'a is mostly used as a synonym for fiqh.

Shari'a schools have been established decades before the establishment of civil law schools. Traditionally, Islamic education went far beyond instruction within colleges. The majority of instruction happened in informal settings and in both public and private spheres, such as mosques and madrasas or even private homes. In the early years of the establishment of Saudi Arabia, instruction of Islamic law or shari'a maintained an

informal tone.¹⁸ However, in 1949, King Abdulaziz established the College of Shari'a in Mecca, which later expanded to teach a wider range of areas and is now known as Umm Al-Qura University.¹⁹ Meanwhile, the first independent huquq school was only established in 2014.²⁰

As for the subjects taught in each school, as part of an attempt to digitize ministries and ease access to information, the Ministry of Higher Education pushed universities to improve their websites. Therefore, I was able to view the curriculum for the majority of colleges online. This enabled me to easily compare materials being taught amongst various huquq schools or amongst the huquq and shari'a schools of the same university. Evidently, a degree in Shari'a has a greater focus on religious education and the examination of the Quran and Sunnah. Meanwhile, a degree in huquq is much more focused on statutory law decreed by different government sectors that support the state bureaucracy. (See Appendix C for the bachelors degree curriculum in the Huquq College at King Abdulaziz University; See Appendix D for the bachelors degree curriculum in Shari'a College at King Abdulaziz University). Having said that, the curriculum in all of the huquq schools surveyed in this study, such as DAH and King Abdulaziz, are not completely free of religious instruction. Therefore, a chief question in studying huquq schools is the degree of shari'a and religious instruction incorporated into the curriculum.

¹⁸ Lapidus, Ira M. *A History of Islamic Societies*. 3rd ed. Cambridge: Cambridge University Press, 2014.

¹⁹ "الجامعة عن نبذة." *الموقع في البحث*. Accessed April 10, 2016. <https://uqu.edu.sa/main/AboutUs>.

²⁰ "السعودية مستوى على حقوق كلية أول تحتضن جدة." *السعودية*. February 7, 2014. Accessed April 10, 2016. <http://www.alarabiya.net/ar/saudi-today/2014/02/07/السعودية-مستوى-على-حقوق-كلية-أول-تحتضن-جدة>.html.

Section One: Ottoman Legacy

There is clear contention and controversy surrounding the degree of religion and shari'a to be incorporated in legal training, where proponents of shari'a and proponents of secularism are in constant squabble. Nonetheless, this conflict has roots far back in history. The separation of religion and the state or law is a struggle that defined many civilizations. Therefore, an examination of at least the recent Ottoman legal history is worthwhile. Under Ottoman rule, the Hanafi School of Law played a central role in governance. However, a drastic transformation in governance occurred following a series of "modernizing" developments.

The example of the Ottoman Empire is still fresh in many Saudis' memories. The 19th century in the Ottoman Empire was characterized by a series of reformist activities. The purpose of these activities was to modernize the empire and catch up with changes Western Europe was undergoing. An example is the push for the liberalization of Eastern markets. The liberalization of Middle Eastern markets and opening them to trade with the west locked them at a stage of economic development, where they serve only as exporters of raw materials. "Relationship between East and West took a different form: no longer between equal trading parties, but as between overlord and subjects."²¹

Economic endeavors were not the only attempts to "modernize", but such attempts were also imposed on the judicial system. The effects of judicial reforms had far-reaching implications, most of which were not anticipated by the Ottoman government and its subjects. In the classical Sunni constitutional balance, the shari'a (moral code or religious law) serves as the basis of legal undertakings alongside a body

²¹ Goh, Keng Swee. *The Economics of Modernization*. 2nd ed. Singapore: Marshall Cavendish Academic, 2004. P. 3

of regulations, called “kanun”. These regulations were not binding. They were issued by the sultan, ruler. They were based on Islamic grounds and did not conflict with shari’a. The religious scholars were free to adjudicate cases, overlooking the regulations and relying solely on shari’a. This dynamic portrays the significance of Islam as a legitimizing force. The legitimacy of the ruler is contingent on his adherence to the law of God. Religious scholars are the sole adept interpreters of the law. Therefore, they are the determiners of the competence of the ruler; the ruler derives his legitimacy from their recognition. This dynamic designates the scholarly class as perhaps the only executive check on the authority of the ruler.

A dramatic legal reform the Ottomans undertook is the creation of the Mecelle between 1869 and 1876 by a committee of scholars and experts. The Mecelle is a comprehensive code of civil law, based on the shari’a. The code reduced the “uncodified body of legal doctrines, principles, values, and opinions”²², which constituted the shari’a, to a set of codes. Previously, the religious scholars had been the only faction able to interpret the law. “Their store of knowledge, their judgment, and their techniques of interpretation actually constituted the law itself.”²³ The codification of the law simplified the role of adjudication and interpretation to a more bureaucratic process. Legal processes became administered by western-trained elites in the field of law. This new role of adjudication does not require nearly as much expertise or skill as the role the scholars occupied. Therefore, the codification of the law eliminated the element that distinguished them and gave them their authority, which was their expertise. The uncodified nature of the classical Sunni constitution, gave the religious scholars a key legislative authority.

²² Feldman, Noah. “The Fall and Rise of the Islamic State.” Princeton: Princeton University Press, 2008. P. 62.

²³ *ibid*

The ultimate authority rested with the shari'a. The Mecelle shifted ultimate authority to the ruler. This reform implied that the shari'a was only legitimate insofar as it is incorporated into the legal document. This development signaled the beginning of the marginalization of the scholars and the role of Islam in governance. Having said, perhaps the most significant development for our study was that due to the change in the nature of the legal system, legal training drastically changed and the demand for those trained in Western law and those familiar with codified law increased. The change in the nature of legal training is a very important signal for an impending change in the system and the marginalization of a specific group, in this case the 'ulama. A loss of a belief that constitutes the foundation of the Saudi state is a terrifying prospect. Though only small parts of Saudi Arabia were under Ottoman control, it was both surrounded by Ottoman territories and greatly influenced by the Ottomans. This deems the Ottoman experience as one particularly alarming to Saudis. Only nine years after the dissolution of the Ottoman Empire, the Saudi Kingdom was officially established.

The propagation of conservative rhetoric was central to the establishment of the Saudi state. Tribes were united under the word of Islam; it was key to the Saudi state-building campaign. King Abdulaziz, the first king of Saudi Arabia, would not have been able to achieve his ambitions without the support of Muhammed ibn Abd AlWahhab, a najdi sunni preacher and scholar. That alliance marked the beginning of the wedlock between the rulers and the Saudi religious scholarly class. The tribes that inhabited the Arabian Peninsula exercised relative freedom in governance and in their pursuit of a religious philosophy. Arab tribes fought for authority and command over other tribes or fought to capture and retain territory. Promoting a single "right" version of Islam with a

puritan inclination was an excellent method of legitimization and claiming authority over others. The message was spread in a strong tone, which resulted in its success. However, generations and large numbers of people digested these conservative ideologies. Some took the call to a new level and nurtured a culture of intolerance.

While it is easy for us to assume that the relationship between the religious scholarly class and the ruler is a marriage characterized by harmony and agreement, it would not reflect the reality between the Saudi royal family and the religious scholarly class. A breed of scholars grew and trained following the lead of ibn Abd Al-Wahhab and the school of thought he drew from. Overtime, the strict tone gained momentum and the Saudi state was growing with it. The survival of the state became increasingly contingent on its ability to assimilate and gain recognition from the international community. Saudi Arabia needed to remove trade barriers and open itself to other countries for economic and diplomatic survival. It was forced to entertain exchanges and sometimes concessions with other states. More importantly, the kingdom could not afford to maintain a culture of sensitivity and intolerance. However, it is now difficult to roll back from a traditional and austere milieu. Ever since the establishment of the kingdom, rulers encouraged and continue to encourage policies and projects that ensure their survival as a legitimate ruling power both internally and externally. Sometimes, such policies are unconventional and foreign, and the conservative religious scholarly class is not always on board. The stereotype of a submissive and passive Saudi religious scholarly class is disrupted when considering instances of discord and friction.

Prince Faisal, who would later become the third king of Saudi Arabia, devised a plan to install a comprehensive media infrastructure. This plan is essential to connecting a

fragmented community and tribal nation. The ability to broadcast allows the Saudi state to spread content that creates a conception of a shared national identity. Moreover, they can convey and display the repercussions of challenging or threatening the state. For example, broadcasting proved useful to the Saudi state during the capture and trial of Juhayman Al-Otaibi. Al-Otaibi stormed the holy mosque in Mecca in 1979 in an attempt to overthrow the Saudi royal family. Many might argue that Juhayman's movement was amongst the first manifestations "of a particular type of Saudi Islamism", which played a subtle role in shaping the country's political setting and philosophy to this day.²⁴ Images of Juhayman, following his capture, were broadcasted for days. This film showed him in custody with a disgruntled and vexed look and awaiting his sentence.

Ironically, amongst Juhayman's many criticisms of the Saudi rulers, he believed that the television was "a dreadful sin that entered every home."²⁵ In 1963, Faisal announced plans for a national Saudi television service. Many conservative Saudis opposed the import of televisions, such as King Faisal's nephew, Khalid ibn Musa'id. Ibn Musa'id was killed by the Saudi police after he and a group of contenders burst into Saudi television facilities.²⁶ To pacify Saudi conservatives and 'ulama, or scholars, King Faisal advertised the television as a tool for religious instruction.

Even decades later, after the Saudi state realized greater stability and security, moments of contention arise. The late King Abdullah heavily invested in the King

²⁴ Hegghammer, Thomas, and Stéphane Lacroix. "Rejectionist Islamism In Saudi Arabia: The Story Of Juhayman Al-'utaybi Revisited." *International Journal of Middle East Studies* MES 39, no. 01 (2007).

²⁵ Lacey, Robert, and Robert Lacey. *Inside the Kingdom: Kings, Clerics, Modernists, Terrorists, and the Struggle for Saudi Arabia*. New York: Viking, 2009. Ch 1

²⁶ Champion, Daryl. *The Paradoxical Kingdom: Saudi Arabia and the Momentum of Reform*. New York: Columbia University Press, 2003.

Abdullah University of Science and Technology, KAUST. The university was established in an effort to become a scientific hub and move towards a more diversified economy. It is also the first public coed academic institution in the kingdom. King Abdullah faced criticism for KAUST's coed policy, as Saudi clerics scorn the mixing of genders.²⁷ The clergymen voiced similar criticism when the Ministry of Labor instituted regulations, allowing women to work in sales and as cashiers in supermarkets and retail shops.²⁸

Section Two: Shari'a versus Codified Regulations

The same struggle between "traditionalists" vs. "modernists" or "conservatives" and "liberals" is manifested in huquq schools in Saudi Arabia. This conflict shapes contemporary legal education, especially within huquq schools. It was apparent in both King Abdulaziz Univeristy and DAH. During my fieldwork at the two universities, I focused my attention and energy on finding a distinction between huquq and shari'a. My efforts were consistently met with failure and disappointment. The language used in all of our books was Islamic in nature. Moreover, much of the rationale and justification provided actually stemmed from fiqh and shari'a. It was definitely not secular; it was merely concentrated on the study of statutory law over the Quran and Sunnah, the law of God. When I quizzed the professors and students, their replies were harsh and sought to reestablish a clear contrast between the two fields. In my second class in "Introduction to Saudi Law" at Dar AlHekma, the professor was asked a question in the realm of shari'a. She seemed agitated. She asked the students to not ask questions on shari'a. After all, this

²⁷ Burke, Jason. "Saudi Arabia's Clerics Challenge King Abdullah's Reform Agenda." The Guardian. 2011. Accessed March 20, 2016.

<http://www.theguardian.com/world/2011/jul/01/saudi-arabia-clerics-king-abdullah>.

²⁸ "AlArabiya." Accessed March 20, 2016.

<https://www.alarabiya.net/articles/2010/11/01/124469.html>.

is not a class on shari'a. She made similar requests several times, but it was clearly difficult for the students to discern a difference in the first place, especially since statutory law is worded in the language of the Quran and Sunnah.

One of the first lessons we were taught in our "Introduction to Saudi Law" class was (an exact quotation) "عمل من القانون لأن دينية لاعتبارات بالقانون يسمى لا القانون." The translation is "Kanun should not be called kanun, and that is for religious considerations. That is because Kanun is a result of people's work [man-made], but the source of the kanun and our laws is the shari'a." Despite my numerous attempts to understand this statement, I failed. However, I understood the professor's objective, warning us from using the word kanun. The majority of laws studied in the class were, in fact, "man-made". They were regulations decreed by administrative sectors or the King. The fear of using the word seemed to be more of a concern of the stigma attached to it. In another part of the same lesson, the professor declared that shari'a was the ultimate source of law within the Kingdom. There was consistent mention of shari'a and its significance, but also a continuous rejection of delving into the topic of shari'a in class. Moreover, considering the statements made in the classroom about the importance of shari'a very little of it was taught in both Dar AlHekma and King Abdulaziz. As future analytics and critics of the law, the students' ability to interpret the law with little background in shari'a is doubted, at best.

The limbo between the maintenance of a strictly Islamic tradition and the need to keep demands of modernity creates confusion in priorities. Islamic rhetoric does not only hold religious significance but also cultural. For example, words like "inshallah" or "mashallah" are indispensable in the Arabic language and its speakers, both Muslims and

non-Muslims. To many Saudis, at least culturally and figuratively and largely literally, Islam is the center of their being. Therefore, ruling by God's words and decrees takes precedence over anything else. This conclusion is so sacred and ingrained in society's way of living and speech that challenging the preeminence of Islam is simply inconceivable. As previously discussed, shari'a courts and religious scholars possess the greatest power, even if this power is not awarded formally. They dominate the minds and souls of the people. Moreover, no one can challenge the united opinions of the scholars. The social and legal consequences could be grave for those who dare do so.

Two such examples are the cases of Raif Badawi and Ashraf Fayadh. The poet, Ashraf Fayadh, has been sentenced to beheading under the charge of apostasy. This decision was partly based on the contents of the poetry he published. This decision has been repealed. However, he still faces a sentence of 8 years in jail, 800 lashes and public repentance. Raif Badawi an activist was also sentenced to 10 years in jail as well as 1,000 lashes for "insulting Islam".²⁹ For both cases, some Saudi officials expressed criticism or reservation about the rulings. In Fayadh's case, "Some Saudi officials have said privately that the sentence was too harsh, the kingdom's judiciary is controlled by deeply conservative clerics who have great latitude to define crimes and issue punishments they deem appropriate."³⁰ As for Badawi, in an interview with CNN, Prince Turki AlFaisal³¹

²⁹ Hubbard, Ben. "Saudi Court Spares Poet's Life but Gives Him 8 Years and 800 Lashes." The New York Times. 2016. Accessed March 20, 2016. http://www.nytimes.com/2016/02/03/world/middleeast/saudi-court-spare-poets-life-but-gives-him-8-years-and-800-lashes.html?_r=0.

³⁰ "Jailed Saudi Blogger Raif Badawi on Hunger Strike." The Guardian. 2015. Accessed March 20, 2016. <http://www.theguardian.com/world/2015/dec/10/jailed-saudi-blogger-raif-badawi-on-hunger-strike>.

³¹ HRH Turki AlFaisal is the former head of the Intelligence Agency in Saudi Arabia. He was also a former Saudi ambassador to the US and the UK.

was asked about his opinion on the case. He responded with two chief possible approaches or views. First, highlighted the independence of the judiciary. He declared that the state is required to accept the decisions that come out of the judicial branch, if it was to maintain its independence. Nonetheless, he also affirmed the state's role in improving the judiciary through means such as education and training. Second, Prince Turki AlFaisal conveyed some of the consequences of interfering with the judiciary, leading to the collapse of the apparatus.³² The stories of Raif Badawi and Ashraf Fayadh further depict both the licence and power shari'a courts enjoy as well as the state's precariousness in interfering in the jurisdiction of these courts.

Though statutory laws are decreed by the monarch, they are renounced and disregarded, if the ulama deem that they undermine Islamic teachings. This is most clear in the case of banking. For Saudi Arabia to compete and survive economically, it found itself forced to deal with foreign banks that might be involved in activities of usury and interest, which are prohibited in explicit Quranic and Prophetic provisions. The ulama perceive the entire dealing as illegal. Consequently, they refuse to adjudicate disputes of such issues though there are regulations and statutory laws that permit the dealing, mostly overseen by the Board of Grievances or committees established by the executive power. In areas where the religious legality of issues is questionable and problematic, the government has set separate tribunals that are governed by people who might not even be educated in shari'a law. Having said that commercial issues are seen to be covered by shari'a and under the jurisdiction of shari'a courts.

³² "Former Saudi Intel. Chief Talks about Lashed Blogger - CNN Video." CNN. Accessed March 20, 2016. <http://www.cnn.com/videos/world/2015/03/17/intv-amanpour-prince-turki-al-faisal-extra.cnn>.

The establishment of committees and courts to review commercial cases is seen as a breach to the principle of “Siyasa Shari’yah”, where the ruler has the jurisdiction to regulate areas, only if they are not already regulated by the shari’a court and in the Quran and Sunnah. This results in a degree of interference by the shari’a courts in the rulings of these tribunals. The two courts could give very different rulings. An important aspect arising from this problem and contributing to the failure of these tribunals is the reaction of the public to them. Citizens could view these tribunals as illegitimate. The members of these committees and tribunals do not possess nearly as much influence or legitimacy as those of the qudat. “The society as a whole does not accept the functions of these committees as those of judges.”³³ Furthermore, most people are reluctant to get involved in a government initiative, program or committee until the ulama issued a fatwa of its legality. “It is common for a litigant who is not satisfied with a committee’s decision to submit the same claim to the appropriate Shari’a Courts.”³⁴ Evidently, this issue creates great confusion and discrepancy in the legal system. Yet, once again, the shari’a court is the victor.

The banking system portrays some of the issues in the legal system that transfer to issues in legal education and legal training. There is great overlap between shari’a law and statutory law and the jurisdictions of each, which renders the task of defining a course of study that separates shari’a and statutory law impossible. Even if we were to assume that the responsibilities of the Board of Grievances and shari’a courts are distinct,

³³ Al - Jarbou, Ayoub M. The Role of Traditionalists and Modernists on the Development of the Saudi Legal System. 2007. P.243

³⁴ Al - Jarbou, Ayoub M. The Role of Traditionalists and Modernists on the Development of the Saudi Legal System. 2007. P. 224

where one is secular and deals with commercial and foreign cases and the other deals with civil and criminal cases, legal education in huquq schools lumps the two branches together. Students are not given the choice between two tracks in their legal training. Since the jurisdictions of shari'a courts and administrative courts are not separated, the divorce of shari'a from statutory laws and regulations is impossible.

Section Three: International/National Focus

Perhaps to avoid the discrepancy displayed in legal education of national law, the students of DAH are provided minimal religious instruction, examining shari'a. Meanwhile, the students at King Abdulaziz have a more extensive offering of shari'a classes. However, the program of study of each school of law seemed to follow their respective visions and areas of focus. During my first day in DAH, the dean of the law school asked me why I picked DAH for my research. She found it strange, as DAH is not "typical". She explained to me that the direction DAH is taking with its law school is far more international than other schools. It is not really shari'a, unlike King Abdulaziz's national focus, which demanded greater knowledge of shari'a. After I conducted my fieldwork at King Abdulaziz University, I came to the conclusion that there seems to be no standardized huquq curriculum. Students from Dar AlHekma University and King Abdulaziz University graduate with the same degree title. Their degree titles do not specify which type of law they specialize in, overlooking the fact that the approach each school takes is seen common knowledge

Furthermore, Dar AlHekma students have a strong command of the English language. In fact, the majority of their classes are taught in English, while some are

taught in Arabic. An overwhelming majority of the students attending DAH are Saudis. Nonetheless, there is an Arabic Language Center established to aid students in overcoming their weak language skills. DAH teaches both national and international law in both the Arabic and English languages. Meanwhile, the legal program at King Abdulaziz is strictly focused on national law and taught only in Arabic. Excellent comprehension and command of the language in which the law is written is crucial. Therefore, the majority of the students at DAH are at a great disadvantage with regards to practicing law in Saudi Arabia due to their weakness in Arabic. On the other hand, the unfamiliarity of the majority of King Abdulaziz students of English stands as a great barrier in the face of their practice of International law or foreign cases.

Section Four: Listing Huquq Schools in Saudi Arabia

Below is a list of all the institutes that formally teach what we have defined as huquq, or civil law.

Public Universities:

- 1- Umm Al-Qura University (Mecca)
 - School of Judicial Studies and (Codes/Orders/Decrees?)
- 2- Imam Muhammed ibn Saud University (Riyadh)
- 3- King Saud University (Riyadh)
- 4- King Abdulaziz University (Jeddah)
- 5- King Faisal University (Hofuf)
- 6- Taibah University (Medina)
- 7- University of Hail (Hail)
- 8- AlJouf University (AlJouf)
- 9- Tabuk University (Tabuk)

Private Colleges:

- 1- AlQassim College for Languages (Qassim)
- 2- The college of the Arab East for Higher Education (Riyadh)

Private Universities:

- 1- Prince Muhammed ibn Fahad University (Khobar)
- 2- Prince Sultan University (Riyadh)
- 3- Dar Al-Ulum University (Riyadh)
- 4- Dar Al-Hekma University (Jeddah)

Types of Institutions:

Academy: معاهد Ma'had

College: كلية Kulleyah

University: جامعة Jame'ah

Notes on Geography:

With the rapidly growing population of Saudi Arabia, the demand for higher education and more universities grows. Let us take King Abdulaziz University as an example. According to an Arab News article, King Abdulaziz University was designed to accommodate 50,000 students. Almost four decades following its establishment, King Abdulaziz University has over 140,000 students on its rolls. The list above shows the number of universities that offer the study of civil law, or huquq. Moreover, it gives us an idea of the distribution of these universities across the kingdom. Though there seems to be a relatively even number of public universities in the North, South, West and East, the majority of these universities are in urban areas.

Regions:

While Saudi Arabia is actually formally divided into 13 regions, I will lump some of these regions together and divide the kingdom into 5 major areas: the West, the East, the South, the North and the central provinces.

1) Western: The Western region of Saudi Arabia, also known as the Hijaz, is the most cosmopolitan and heterogeneous of all regions. It includes the two holy cities, Mecca and Medina, as well as the vibrant city of Jeddah. The Hijaz has a special place in the hearts of many Muslims around the globe. Muslims over the centuries competed for control of the region. Due to its religious significance as the center for Hajj and 'Umra, the Hijaz has been a prime travel destination for Muslims. Simultaneously, the flow of people into and out of the region rendered the Hijaz a center for intellectual and commercial exchange. Many merchant families and scholars from all over settled in the hijaz,

bringing in different sects and interpretations of Islam. Now, hijazis descend from many different places of origin. Historically, the Hijaz saw itself as separate from the rest of the Saudi Arabia.³⁵ In fact, the Hijaz followed a different legal system and system of governance during the beginnings of Saudi Arabia; it largely resembled the Hanafi Ottoman system imposed on the region.³⁶

2) Northern: The northern regions of Saudi Arabia are the least populated. They include AlJawf and the Northern Borders. These regions are border Jordan and Iraq and are influenced by the national and religious cultures of these countries.

3) Central: The central region of Saudi Arabia is also known as Najd. It includes Ha'il, Qassim and Riyadh. Najd is where the majority of power is. The AlSauds originate from Najd. The current capital is Riyadh. Meanwhile, Ha'il is the homeland of the AlRasheed family, the historical rivals of the AlSauds. Qassim is where some of the most prominent Saudi businessmen and politicians originate. Moreover, the Qassim area, Buraydah specifically, is known for its conservatism. It was the root of many conservative resistance movements, such as the movement against girls' education.

4) Eastern: The Eastern province includes Dammam, Dahrhan and Qatif. It is also home to AlJubail Industrial City, an international hub for chemical industries. The region is most known for its large and rich oil reserves, fueling the entire kingdom's economy and facilitating its survival. Aaramco, the state-owned oil producing company, is based in the Eastern Province and is responsible for the majority of oil production policies affecting

³⁵ Walker, Jenny, Stuart Butler, and Andrea Schulte-Peevers. Oman, Yemen Emirati Arabi Uniti. Torino: EDT, 2014. P. 316

³⁶ Vogel, Frank. "Islamic Law in the Modern World: The Legal System of Saudi Arabia." Leiden: Brill, 1999. P. 174

the global economy. On another note, Shiites constitute approximately 10-15% of the Saudi population, the majority of who reside in the Eastern province.

Southern: The Southern Region, which includes Asir, Jazan, Najran and AlBaha, is a relatively fertile area. It is known for its mountainous geography, agriculture and heavy rainfall. Many would flock to the South for tourism, especially during the summer months. People would seek cooler climates on the mountains. The Southern Region is heavily influenced by the Yemeni culture. This is evident even in physical characteristics, such as the architecture of houses in the area.

Urban/Rural Divide:

All of the universities teaching huquq (listed above) are in urban areas. This is important to note for two primary reasons: 1) Populations of rural areas portray far greater conservatism than those in urban areas; 2) While males in rural areas can move to urban areas for their education, it is more difficult and almost impossible for girls.

The dissemination of stereotypes about Saudi Arabia and its populations is relatively easy. Despite the large numbers of Saudi students pursuing an education abroad as well as the globalization forced by the Internet and the modern world, travel to the Kingdom and obtaining a visa to visit the kingdom is very difficult, especially if you do not identify as a Muslim. Moreover, media and art as well as careers such as acting are looked down upon and considered taboo. While I argue that this is changing in recent years, previously, one can rarely find media propagating a Saudi narrative and reaching an international audience. Saudi voices were absent and western voices and narratives

rushed to fill the void with the power to paint a portrait of the kingdom on a clean canvas and with no moderator or editor to identify or retouch fault lines. Similarly, Saudi Arabian decision-makers would be able to draw their own picture of the outside world to the Saudi people. When the free flow and exchange of ideas is disrupted, it is easy to impose a single narrative or an image. After all, there is nothing to replace it.

To a lesser extent, the relationship between rural and urban areas within the kingdom mirror the dynamics present between the kingdom and the outside world. Rural areas are relatively both physically and figuratively isolated. In an article in *The Atlantic*, writer Josh Kron identifies an ideological divide between the rural and urban populations of America. He attributes this rift to the difference in these populations' circumstances of living, rather than a mere locality. Analogously, rural population in Saudi Arabia lack the access to quality education, as most schools and universities are located in urban areas. Shari'a was viewed as a greatly respected and difficult field of study. To be a qualified and respected scholar, one is required to amass decades of knowledge and experience.

The study of shari'a is not restricted to mastering the Quran and memorizing the Sunnah. It also demands excellent analytical and language skills, amongst many other qualities and capabilities. Traditionally, "they [legal experts] receive highly specialized and rigorous training over a period of years in the Islamic canon along with research methodology and Islamic ethical teachings."³⁷ Contrary to the traditional study of shari'a, people now conceive the memorization of the Quran and the Sunnah as the only

³⁷ Abdur-Rashid, Khalil, Steven Woodward Furber, and Taha Abdul-Basser. "Lifting the Veil: A Typological Survey of the Methodological Features of Islamic Ethical Reasoning on Biomedical Issues." *Theor Med Bioeth Theoretical Medicine and Bioethics* 34, no. 2 (2013): 81-93. P. 85

necessary tools. The downgrade in the perception of shari'a rendered it an easy subject to teach and learn. However, the vitality of centralizing Islam in the lives of the people did not change. While shari'a and religion has been easily accessible, mastery of it was difficult. However, since the level of necessary tools or skills to teach was demoted, mastery of shari'a became relatively effortless and the number of teachers increased. A plethora of lower-skilled graduates who were not able to cultivate a following through sermons and lectures turned to teaching. Those with the worst qualifications are assigned to rural areas, away from the centers of learning in urban areas. These teachers and preachers possess a limited comprehension of shari'a, and their students adopt a similar perception and understanding.

With this kind of background, the imposition of a singular interpretation and view of Islam is simple. Unfortunately, access to the Internet and other resources that could counterfeit singular narratives is meager in rural parts of the kingdom. This results in a more conservative and closed rural population. People are less open to the opportunities and knowledge the Internet and other sources of information might offer. The penetration of rural population and introducing new types of knowledge is challenging. It is evident from the list above that huquq schools are concentrated in urban areas. The reluctance of conservative rural populations to accept a secular form of law might be one of the contributing factors to the lack of huquq schools in rural area. The chief issue that is arising is a divide in the type of law taught based on locality. Rural populations tend to focus on shari'a, while urban populations focus on statutory law with reinforced with shari'a.

Under the same analysis, it is important to note the absence of a public school offering huquq in Qassim. Qassim is one of the major regions within the kingdom, yet it is the only one that does not have a public huquq school. The only institution that teaches huquq is a language academy, not a college or a university. An academy is widely framed as the least prestigious type of academic institution. Qassim is historically infamous for its conservatism, especially Buraydah. King Faisal institutionalized the biggest push for women's education. However, the efforts of King Faisal and his wife, Queen Effat, were met with much dismay from conservatives. "In 1963, strong opposition to the education of girls broke out in Buraydah, and forces were sent to dispel it."³⁸ Finally, it is important to recognize that women are often targeted or marginalized in these situations. While men from rural areas can move to urban areas for education, women cannot. Situating and building huquq schools in urban areas effectively marginalizes and alienates rural women from huquq schools. Women cannot drive in Saudi Arabia. Furthermore, a public transport system is nonexistent. Therefore, women are completely dependent on a male for transportation and mobility, making travel for education exponentially more difficult. Moreover, the travel of women alone without a male guardian, even for education, is still looked down upon by the majority of the population. Law requires girls who are sponsored by the Saudi Cultural Mission and are studying abroad to have a male guardian accompanying them during their time abroad.³⁹ A segment called "الكنبة صوت", aired on a local channel, depicts similar sentiment. The interviewer asked young men in a

³⁸ Zuhur, Sherifa. Saudi Arabia. Santa Barbara, CA: ABC-CLIO, 2011. P. 55

³⁹ شروط "الخارجي للابتناء الشرقيين الحرمين خادما برنام على الابتناء شروط". Accessed March 20, 2016. <https://safeer.moe.gov.sa/sites/student/Pages/kasreuq.aspx>.

popular mall in Riyadh if they would marry a girl who studied abroad. The majority said they wouldn't. When the interviewer asked them to provide an explanation, they alluded to either a fear of others and a fear of a tainted reputation or an assumption that women studying abroad would come back with "liberal" ideas, assuming greater independence and power.

For the same reasons, rural women traveling and taking up residence in a city for the purposes of education is very rare. By sidelining rural women, their ability to participate in the system is taken away. Their voice is removed. They are not able to present their plights and push for solutions. Rural women might face problems different to those of urban women. Therefore, incorporating them into the legal system is integral.

The next chapter will draw from the two ethnographic studies conducted in King Abdulaziz University and Dar Al-Hekma University to examine the micro-politics within the law schools and classrooms from gender to religious observance to ethnicity.

Chapter 2: Classroom Culture

In this chapter, I will explore five chief tensions I have identified from my field study that add to the difficulties we have already discussed. These points of schism are: gender differences, regional differences, socioeconomic differences, a generational gap and obstacles to freedom of expression.

Section 1: Gender

Some of the deficiencies in advising and guidance in the schools I have examined could be attributed to the fact that the field of law has only been recently opened for women. Female professors teach girls. The expertise of these teachers is very limited in Saudi law. Their knowledge of the law is limited to theoretical knowledge and knowledge from readings over practical experience. As Jeddah is the most liberal of Saudi regions, segregation is less absolute and less stringent. For example, the phenomenon of partitions in restaurants giving diners a more private and “discreet” dining experience is widespread in Riyadh. Some might even argue it became “an integral part of the kingdom’s culinary experience.”⁴⁰ Meanwhile, in Jeddah, it is completely absent. In fact, more restaurants and cafés are refraining from separating the space into a singles section for men without their families and a family’s section. Men and women are increasingly sitting side by side in public spaces. KAUST, the King Abdullah University for Science and Technology, is the first coed university in the kingdom, and it is located in the outskirts of Jeddah.

⁴⁰ Al-Osaimi, Najah. "Restaurant Partitions - Part of Culinary Experience." Restaurant Partitions. Accessed March 20, 2016. <http://www.arabnews.com/node/300325>.

KAUST's coed policy and Jeddah's liberal culture gave greater room for the mixing of men and women in education spaces.

In DAH, male professors taught two of the summer law courses. They were not full-time professors. They only came for part of the day to teach the class and left right after. The male professor would be let in from the backdoor of the building. Girls wore their hijabs and attended class. The students were very pleased with their male professors and enjoyed their classes. Talking about her male professors, a student stated:

When he teaches us, he teaches us things that are practical and much more beneficial. It is not an education based on memorizing. It is because he experienced this thing; he is a lawyer. So, the course with him is really easy. Maybe if it were with someone else, it would've been a lot harder. He makes it interesting. He told us stories of what happens in court. For example, he tells you that there is so much bureaucracy and tells you how to deal with it. He tells you the truth, and you benefit.

The stories the professor relates provide the girls with real-life examples they could connect and apply their knowledge to. Male instruction is essential. Female professor can only offer a theoretical knowledge. Moreover, current female law students find it very difficult to gain practical experiences.

Students at King Abdulaziz seemed more oblivious of the discrepancy and inequality between men and women, even though this disparity seemed more pronounced in public schools, such as King Abdulaziz University. Six of the ten girls surveyed from King Abdulaziz denied the existence of any inequality or difference between the educational experiences of girls versus that of boys. They were defensive in their responses. One girl continued to explain "the curriculum for males and females is standardised and unified at King Abdulaziz". The girls seemed oddly complacent with the obvious discrimination against women within the legal system. In my conversations

with the girls, they did not question it.⁴¹ As an attempt to further provoke the girls on the topic of inequality, I asked them if they felt that there is a difference in the nature and number of job opportunities available to them compared to those available to males. Once again, they rejected such a disparity. This conclusion is contradicted by their dissatisfaction with practical training opportunities available to girls.

Following my interviews, I came to the realization that some of my questions might have been inappropriate or premature. The knowledge the female law students possessed of the job market was entirely based on what they have been instructed by their female professors. The female professors were also never exposed to the Saudi legal job market because it wasn't open to them. The first real encounter with gender inequality for the law students was their attempt to obtain internships and practical training in a, historically, male-dominated field.⁴² For years, the only option was to hire men as lawyers. In a culture of segregation, established offices still do not have the physical capacity to create a women's section in their offices to accommodate the new demand and generation of female lawyers. Moreover, there is still an awkwardness in professional interactions between the genders that is common to all professions in the kingdom.⁴³

While there are still many obstacles to overcoming the gender inequality gap, progress is being made. In my first visit to DAH, two security guards (women) sat at one

⁴¹ القضاءي التنظيمي، Muhammed AlFozan. Al-Tanzim AlQada'ei AlJadeed، الفوزان محمد. والاق تصاد القانون مكتبته. الجديد.

⁴² الرياض جريدة. Riyadh Newspaper "تحقق قد الامحامة في الس عودية المرأة حلم". Accessed March 20, 2016. <http://www.alriyadh.com/501792>.

⁴³ فقط للرجال إلا الس عودية في صالح غير الشخص ص هذا أن وأكتشفت قانون خريجة أن!" King Saud University Forum. Accessed March 20, 2016. <http://www.ksu.com/vb/showthread.php?t=431160>.

of the desks, while two receptionists were at the other desk. I approached one of the security guards and explained the purpose of my visit. She asked for my national ID. I wasn't carrying my national ID. I sheepishly smiled and said that I wasn't carrying it. So, they asked for any form of picture ID, and I didn't carry any. The ladies were surprised and asked me how I was walking around without a national ID. I was really surprised. My father has all of our passports and IDs locked, as we never needed them within the country and for fear of losing them and for penalties to incur. (A couple of days after, I went to my cell phone carrier to fix a problem in my phone, and he also asked for my ID.) After these two incidents, I realized that Saudi nationals were expected to carry their national IDs and to use it in many of their daily proceedings. Just a couple of years ago, this was not widespread or common in Saudi. Women being expected to own and carry an individual (independent) national ID gives them a lot more freedom in mobility and in accomplishing tasks without the need of a male guardian. Nationally, women are having a lot more freedom in mobility, and this seemed to start with education and at the university. This was more surprising to me since I was a female. However, women still need the permission and signature of their male guardian to issue a passport. Moreover, a woman needs a signed document from their guardian allowing them to travel called (سفر تصريح/tasreeh safar).

Such developments have great effects on the mobility of women and on altering common sentiments and rhetoric that denies and undermines the ability of women to act as independent agents. In my first visit to King Abdulaziz University, I also encountered perhaps a more visible example of small strides taken to improve mobility and shift existing attitudes towards the position and capabilities of women. Students transported

within the campus using a golf cart transportation system. Throughout campus, there were golf cart stops, and golf carts passed through stops every ten minutes. Women drove the golf carts. This is ironic considering the strict ban on women driving.⁴⁴ (Los Angeles Times, 2015)

Section 2: Regionalism and Religious Observance

The short supply of Saudi female law professors is reconciled with the employment of foreign professors. At DAH, there isn't a single full-time Saudi professor. The majority of the professors were from other Arab countries, such as Syria, Lebanon and Sudan. Having said that, non-Saudi professors are not only not familiar with the legal procedures within the kingdom, but also they lack an exhaustive understanding of the Saudi culture and the values that influence the law. Students pointed out an example of a professor who "literally just came from Egypt straight to DAH. She was an instructor in Syria and in Egypt, but the law is simply different there." Another student expressed her irritation at a professor who was "filling their heads with unrealistic claims and expectations of the law in the kingdom. *ميته اشربي و بليه*. [An Arabic idiom meaning 'you should just throw her words out the window'. It is a dismissive and disrespectful expression.]". In reference to yet another professor, a student also declared:

She is not a Saudi. So, she just memorized. It doesn't matter how many contracts you write or how many places you worked at, it is not like actually going to court and

⁴⁴ "Banned from Driving, Saudi Women Turn to Uber and Other Ride-share Apps." Los Angeles Times. May 7, 2015. Accessed March 20, 2016.
<http://www.latimes.com/world/middleeast/la-fg-saudi-women-rideshare-apps-20150507-story.html>.

knowing what actually happens in court. Let's give an example: women driving. When they opened this issue for discussion [at the shura council] and said that a woman could drive if she had a license and if a male guardian was with her, [Saudis know that it is not sincere.] You come to Saudi. Do we actually drive? Of course not! They will catch you.

The students lack respect for their professors, as professors of Saudi law. They see their knowledge as useless within a Saudi context. Students' sentiments towards their professors and what they have to offer might change in a non-Saudi context. The professor's place of origin and nationality plays a role in either awarding them or depriving them of the respect and regard that upholds the professional relationship between students and teachers.

Places of origin also play a pivotal role amongst students in determining the status of an individual and in shaping the power relations amongst social circles. The strongest regional conflicts are between the Najdis and the Hijazis. In my second day of classes, a girl walked in five minutes late to class and took a seat next to me. I recognized her as a friend of one of my high school friends. I will give her the pseudonym Sara. During the break, one of the first questions she asked me was exactly where I was from in Saudi and what my last name is. That was enough information to determine which social category I fit into. A conversation I had with Sara showed the kind of factors our friendship was based on. While waiting for class, Sara confided in me saying that she hates "hijazis". She said that she couldn't trust them and doesn't feel comfortable around them. She was "okay" with being friends with them. However, she didn't allow her relationship with a hijazi to go past formalities. She would also never marry a hijazi; her parents wouldn't approve of it anyways. She thought that hijazis were like leeches they stick to you only to

use you. Disregarding the extremely racist ideas and words, the worst part was that Sara did not shy away from “confiding” in me in a room packed with Hijazis. On the contrary, she was expressing her opinions in a loud voice. At that point, I didn’t really want to be associated with Sara, alienating more people. In another encounter, two Hijazi girls exclaimed to me that Najdis are backwards and closed-minded.

There often seemed to be a link between conservatism and the Najdis, especially since both the ruling family and the Al-Sheikh family, the descendants of Ibn Abd Al-Wahhab originate from Najd. All Najdis seemed to be labeled as tribal and conservative. The antagonism between the two groups is largely a struggle for power, where many Hijazis view their power and culture to have been subdued by the Najdis. Measures of power are now largely determined by descent, tribalism, political power and wealth, giving Najdis a greater advantage. The Hijazi students, in turn, emphasize the significance of cosmopolitanism and education as measures of progress and preferred measures of power.

Regional conflicts and racist sentiments are deeply ingrained in the social interactions within law schools, but a regional disparity is truly present within the legal system, evident in the drastically inconsistent court decisions amongst regions.⁴⁵ For When discussing chief flaws in the legal systems, the girls from both King Abdulaziz and DAH alluded to the inconsistencies in court decisions throughout the kingdom. These court decisions consolidate the stereotypes created by society. A student gave the example of a case in Jeddah:

⁴⁵ Publications, Usa Int’L Business. Saudi Arabia Company Laws and Regulations Handbook: Strategic Information and Basic Laws. Place of Publication Not Identified: Intl Business Pubns Usa, 2015. P. 74

Recently, in Jeddah, I think they caught an unmarried couple together. The judge decided to carry out disciplinary actions against the woman and the man. He told the man to attend five funerals, whereas the woman had to go to hospitals and visit the sick. [It is like community service.] The same case and details took place somewhere else in Saudi, and the punishment was much more severe. They were flogged and jailed. Do you see the difference? This is the difficulty of our job.

This example also highlights the degree of the judge's sovereignty in decision-making.

Section 3: Freedom of Expression:

Geography plays a role even in an individual's ability to express their opinions freely. Foreign professors were precautionous when conducting discussions in class. They often avoided controversial topics for fear of being persecuted or deported. However, Saudis felt far more entitled and comfortable expressing their viewpoints. In all of our class discussions, and to my surprise, students brought up highly contentious topics, such as homosexuality and discussions of the King's authorities. Professors allowed the students to engage in these topics. Nonetheless, they sometimes fearfully suspended the debate. During these conversations two primary subjects were off limits: (1) severe criticisms of the ruler, (2) severe insults against Islam. When one such heated debate was suspended in my "Introduction to Saudi Law" class, the professor justified her decision with "our duty to respect the country we were in". The majority of the classes in DAH were seminar-style classes, where the small number of students gave them the chance to initiate discussion and engage with the material they were absorbing. King Abdulaziz University students did not enjoy the same privilege. The majority of the classes were large lecture-style courses. Moreover, discussion and ability to ask questions were

dependent on the professors and their openness to student's input and feedback. However, the general impression was that there is not much room for discussion.

Within the classroom, there is often intolerance to unconventional opinions. An analogous environment of intolerance is also clear amongst the Saudi ulama. Last year, Sheikh Ahmed Al-Ghamdi, the former head of the Makkah Religious Police, received a question on a TV program about the issue of face covering. The caller was a young lady who asked the Sheikh whether she could post pictures with her face unveiled on social media. The Sheikh professed that he does not believe that women are obliged to cover their faces. Soon after, the Sheikh appeared on another TV program with his wife alongside and her face uncovered. The Sheikh further explained his viewpoint and added that he also is not against the mixing of men and women. The religious scholarly class and the general mufti of Saudi Arabia attacked Sheikh Al-Ghamdi. Furthermore, Al-Ghamdi was dismissed from his position.

Salman Al-Odah, perhaps one of the most influential Saudi ulama today, continues to face similar scrutiny. In the early 1990s, following Saudi's support of the American effort against Saddam Hussein, AlOdah was one of the primary instigators and drivers of an oppositional movement. He drafted several reform petitions. Eventually, AlOdah was imprisoned for anti-government activities.⁴⁶ Those who observed AlOdah through the years and read about his journey clearly see the drastic shift in his orientation and language. He is now the prime prototype of a "moderate" religious figure. For years, Salman promoted his moderate message, after years of experience and wisdom, through his popular show "Hijr Al-Zaweya". He gained an even larger following. In 2011,

⁴⁶ Jehl, Douglas. "After Prison, a Saudi Sheik Tempers His Words." The New York Times. 2001. Accessed March 20, 2016. <http://www.nytimes.com/2001/12/27/world/nation-challenged-a-critic-after-prison-a-saudi-sheik-tempers-his-words.html>.

Salman AlOdah discovered that a travel ban was placed on him in the airport, as he was heading to Egypt to film an episode of his show. AlOdah also receives a lot of pressure and criticism from the ‘ulama. An interviewer once remarked that there are people who justify his killing him following almost every episode. It is difficult to maintain independence within the scholarly scene without ascribing or pledging allegiance to a specific school of thought.

Analogously, rather than the intellectual independence that religious scholars historically enjoyed, Saudi ulama, or religious scholars, must conform to norms. This also comes as a natural byproduct of the inclusion of many ‘ulama in the state’s affairs, foregoing much of their independence. Yet, it is important to note that many of the most prominent and influential scholars, such as Salman Al-Odah or Muhammed Al-Oraifi, maintained their independence. These ‘ulama continue to hold sway over large numbers of people. An environment that encourages freedom of expression is central to the success of the Islamic legal system. Only a variation in scholarly views will create an overall balance in opinion. This variation can only exist in a safe environment. Perhaps one of the miracles of the Quran is the versatility in its interpretation. The legal system is based on the notion of *ijtihad*, meaning individual striving and independent reasoning, which “is the seminal idea that Islamic law uses to understand the application of Islamic law.”[1] Practitioners of law should be trained in an environment that promotes versatility in interpretation and safe disagreement. A judge, or *qadi*, in *shari’a* courts has the moral and religious responsibility to follow the interpretation he sees is most suitable

to the specific case at hand; this is done through a medium of conscience. They need the space and freedom to exercise independent thought.⁴⁷

Freedom of expression and the acceptance of disagreement do not seem to be factors that characterize debates and legal discourse within the Kingdom. A learning environment that promotes free discussion is integral to the creation of a balanced legal discourse. The limitations on free speech and expression are not entirely spawned by the government as much as severe pressures by society to conform to tradition and cultural norms. Some of the issues and cases proposed in the “Introduction to Saudi Law” class in DAH included homosexuality, dress and sexism in regulations. While these topics are not direct threats to political authorities, they were still awkward topics that were difficult to delve into. That was primarily due to the stigma attached to them.

For women, freedom of expression is exponentially more difficult. Saudi culture looks down upon women who are vocal and frank and are described as “difficult”, “not feminine” or “rude”. Ascribing to the widespread conception of gender roles, a woman is expected to be timid and docile. This judgment is augmented by the common belief that a woman’s voice is ‘awrah, which means that it should be protected and guarded for the opposite gender. It is not for the public. There is a general sentiment that a forward and vocal woman is indecent. One of the many lessons the male professor taught the girls at Dar AlHekma was “how to approach a judge, as a woman.” The judge has ultimate authority within the courtroom. If he does not like the lawyer's demeanor, he could kick him/her out of the courtroom. A judge is more likely to feel uncomfortable in the presence of a female lawyer. So, female lawyers have to exercise greater caution in the

⁴⁷ Vogel, Frank. “Islamic Law in the Modern World: The Legal System of Saudi Arabia.” Leiden: Brill, 1999. P. 79

courtroom than their male counterparts. The students at DAH quickly followed up this discussion with the note that not all judges are harsh. Some are indeed very considerate towards women.

The ability to clearly and confidently express oneself, as a woman, takes much effort and courage in going against the norm. Once again, the environment or culture within the classroom plays a key role in preparing the women to take on the outspoken and tenacious demands of a legal career. All of the women surveyed of King Abdulaziz University asserted that their education better prepares them for jobs dealing with Saudi law. The students of King Abdulaziz University are better versed in the Arabic language. Moreover, their course of study allots greater attention to the study of shari'a. However, they determined that Dar AlHekma students are given more opportunities for participation in competitions and other extracurricular activities. Meanwhile, in a conversation with a group of girls from DAH, they concurred with the girls of King Abdulaziz University concerning the strengths and weaknesses of each program. However, DAH students claimed that a major flaw in King Abdulaziz students is that they are not outspoken. They are unable to express their ideas clearly. DAH student related the events of a competition the students of King Abdulaziz and the students of DAH were participating. Below is an excerpt of this conversation.

Student A: Even though they studied in Arabic and knew a lot, DAH students were participating a lot more. They are so shy and wouldn't confidently raise their hands. We were confident, and we initiated discussions and interactions a lot more. Even though, we have some weaknesses and we don't know the language.

Student B: Abdulaziz they have the knowledge but not leadership. In Abdulaziz, they don't teach you how to be a leader because the professors in Abdulaziz don't give their students any value. If you told them that you had a personal situation and couldn't attend class, for example, the professor wouldn't care. That's it.

Student A: We were much more interactive. It seemed as though we knew more than they did, even though they actually were more aware of some things. She [the girl from Abdulaziz] would say the correct answer in a low voice, and we would tell her 'say it, say it!', but she was 'scared'.

Everyone laughs

Student C: Our University empowers us and teaches us skills that actually, maybe, aid us in life more.

Section 4: Generational Gap

Students seemed greatly concerned with generational differences within the legal system. "Saudi Arabia is one of the youngest countries in the world, with some 75 percent of the population under 30 and 60 percent under 21; more than one in three Saudis is under 14." A generational gap is clearly present both amongst the students and professors within law schools, but it also translates to the legal system where there is a gap between the judges and the new generation of lawyers or the judges and society, as a whole. One girl closed a discussion about inconsistencies within the legal system by

concluding: “Now, they also have to change old judges and replace them with young judges.” In another discussion about child custody, girls were passionately complaining about the unfair verdicts against women in cases of child custody. They were also discussing the transformation in rulings, where judges are now often sympathetic with the women. Currently, judges take other factors into consideration and focus on determining who is the person more fit to take care of the child. A girl gave an example of a father who is a pilot and is absent most of the time; a mother might be the better choice. Another student blamed unfair interpretations, especially against women on old age. She stated: “All the old judges we have interpret everything in a wrong manner.”; “They interpret it literally.”, her friend added.

The general consensus of the law students was that judges did not share a similar vision and conception of equality and justice to that of the rest of society, and particularly to the future lawyers. The girls were against relying on the study of shari’a as the sole qualification required to certify judges. The more the judges delve into the law and its intricacies, the more they lose sight of society’s values and priorities. Islam is conceived as a lifestyle; it shapes the way Saudis approach everything. However, judges seem to divorce Islam from life. According to the girls, Islamic law is becoming less relevant because a big group of the ‘ulama and legal scholars take a literal approach in focusing on texts and forget to take the realities of today’s world into consideration. In fact, the government realized the predicament the gap was posing and established training centers for judges, reconciling the demands of a young population and a modern economy. The law students were aware of these reforms and applauded them. In his interview with CNN, HRH Prince Turki AlFaisal was asked about his opinion on the verdict sentencing

Raif Badawi to jail and a punishment of 1,000 lashes. In the reply we previously discussed, he mentioned the training of judges, as one of the judiciary reform efforts Saudi Arabia is undertaking. The generational gap within Saudi society is amongst the most pressing problems, but also the one that carries through the most hope.

Chapter 4: Law, Education and Society Nexus

In this chapter, I will present illustrations of a shift in the power of determination from the state and scholarly elite to the society. In recent years, many efforts have been undertaken in an attempt to redefine the Saudi identity. Many of these endeavors directly or indirectly influenced the legal system in an attempt to establish a civil society that conceptualizes the moral social fabric and challenges existing centers of power and authority. Within the legal sphere, law students have put forth contributions that form the missing link between the legal system and society, in an attempt to facilitate the involvement of society in the legal system. “New media” as well as social networking websites played a pivotal role in catalyzing these endeavors.

Section One: Balance of Power

Contrary to popular belief, a system of checks and balances is not only valid within republics and democracies. It could also apply to monarchies. The writings of Locke and, later, Montesquieu determined that the separation of the executive, legislative and judicial are necessary for the creation of a fair and legitimate system of governance.⁴⁸ As stated, the conventional understanding of the balance of powers entails the separation of the executive, judiciary and legislative authorities. Montesquieu discerns that a monarchy does not uphold a complete separation of powers, especially as far as the legislative and executive powers are concerned. While judges play a pivotal role in a monarchy, the monarch or the King, exercises both the legislative and executive power according to the fundamental constitution.

⁴⁸ "Online Library of Liberty." Montesquieu and the Separation of Powers -. Accessed March 20, 2016. <http://oll.libertyfund.org/pages/montesquieu-and-the-separation-of-powers>.

Under the principle of the separation of powers, the legislative authority is awarded to more than one apparatus. In a free state, the legislative body should consist of two parts, checking each other by the mutual privilege of rejecting. They are restrained by the executive power, as is the executive by the legislative. Montesquieu's argument is that the executive power is curbed by the layers of social orders through which the power is channeled. In simple terms, the people would also act as a check to the power of the ruler. However, a formal representation is not necessary according to Montesquieu. The people's safeguard is in the notion of a monarchy, honor. A closer reading of Montesquieu's reveals a more nuanced and comprehensible identification of these authorities. He labels them as the King, Lords and Commons.

The relationship between the royal family and the religious scholarly class is generally complacent, but it was not free of some hitches over the years. Determining the dynamic between the 'ulama and the rulers is significant because it extracts and develops a system of checks and balances. The principle of the separation of powers, or checks and balances, is deemed integral to the distribution of power, expropriation of ultimate authority and the limitation of tyranny. The limitations of the king's legislative powers could be left open for debate in the Islamic tradition and in the case of Saudi Arabia. According to the Saudi Basic Law of Governance, the King has the power to decree statutes, only in so far as they do not conflict with the teachings of the Quran and Sunnah. The interpreters of these teachings are the religious scholars. The religious scholars were instituted as a check to the power of the ruler through the statement of this limitation in the constitution and the Basic Law of Governance. The Basic Law obliges courts to, ".apply the rules of the Islamic Shari'ah in the cases that are brought before them, in

accordance ⁴⁹with what is indicated in the Qur'an and the Sunnah, and statutes decreed by the Ruler which do not contradict the Book or the Sunnah.

However, as we have inferred from Montesquieu's theory, there is a missing source of authority in the review of the majority of literature on the legal system. There is little to no mention of the "Commons", or the public. However, in the study of law schools and legal education, discussion of society and the public's role is vital. I will review the role of the people, or the "Commons", led by law students, in completing this system of checks and balances within the Saudi kingdom later in the chapter. Nonetheless, in laying out an overview of the Saudi legal system, it is important to bear in mind the notion of separation of powers, which could clearly be noticed in the Saudi legal apparatus, especially following the 90s. "The political reforms of the 1990s expanded the domain of Saudi Arabian democratic values to the areas of decision making and checks and balances."⁵⁰ Moreover, the purpose of the following overview is to highlight the passive nature of even "consultative" bodies that are meant to represent the people.

The Basic System and the Public:

The Basic System is the most important constitutional document in the Kingdom of Saudi Arabia. It asserts that Islamic shari'a is the basis of the state, and that the Quran and Sunnah are the two sources of law that govern all administrative and legal undertakings. The document also serves to define the state's role and the relationship that

⁴⁹ Ansary, Abdullah F. "A Brief Overview of the Saudi Arabian Legal System." GlobaLex. 2008. Accessed November 20, 2015.

http://www.nyulawglobal.org/globalex/Saudi_Arabia.html#_Toc200894591.

⁵⁰ Ibid

connects the ruler and the people, a relationship of brotherhood, consultation and cooperation. Though such rhetoric might seem uncanny or untruthful to the Western reader, it clearly resonates with the Saudi people. Images of the late King Abdullah crying with the caption “Baba Abdullah”, or “Father Abdullah”, circulate in Whatsapp groups and broadcasts. Many Saudis feel this connection. It is reinforced by the ruler’s purposely informal speech. An example is King Abdullah’s request of the Saudi people to not forget him in their prayers, during his first official address as king. Prayers are a personal act, mostly reserved for the people you care about. Requests are asked of those you share a strong and intimate bond with. Furthermore, rulers and heads of states are usually the ones making promises, not requests. His death dominated regional media with an outpouring of sympathy and grief.⁵¹ The official title of the King on Saudi television is the Custodian (servant) of the Two Holy Mosques. The title is also a mechanism of bridging the gap between the ruler and the people. It is also a way to lighten the “imposing” image accompanied with the hierarchical nature of the King’s role. However, legally, the language is quite different. The people occupy a consultative role, at most.

Overview of the Distribution of Judicial or Legal Powers:

Executive:

King: The king has absolute authority over the executive branch. The king also takes on the role of Prime Minister. So, he has the authority of appointing and dismissing ministers.

⁵¹ BBC. "Saudi King's Death Dominates Regional Media - BBC News." BBC News. Accessed March 20, 2016. <http://www.bbc.com/news/world-middle-east-30949715>.

Council of Ministers: The council of ministers is the direct executive authority in the kingdom. It institutes all types of policy, such as educational economic and foreign, and also oversees its implementation, taking the measures needed for policies and projects to succeed.

Local Governments: Regional governments are established to ensure individual attention to all regions, improving development and ensuring security. These governments also enjoy considerable financial and administrative independence.

Legislative:

The legislative branch is better known as the regulatory branch. The word legislative implies secular undertones, which Saudi Arabia rejects in its constitution. Everything is below the word of God. He is the sole legislative authority.

King: As previously stated, the king can legislate at his discretion. He has the power to repeal, enact and amend any laws and regulations by Royal Order. However his legislative rights are limited in so far they do not conflict with the word of God. There is a ceiling to the “ultimate” legislative authority of the king. Moreover, the king’s decrees and regulations must be stemming from the notion of “al-Maslahah al-Mursalah”, or public interest.

Council of Ministers: Every minister has the right to propose a draft law related to the functions of his ministry. However, the draft must get the votes of at least two thirds of the council to pass. Having said that, no draft is final unless it gains the approval of the king.

Shura Council: The Shura council is a consultative council. It provides opinions regarding public policy and consists of 150 members. Resolutions are not considered valid without majority vote. Fifty percent of the members must be replaced every four years. The purpose of the council is to increase citizen participation in the decision-making process. The king reviews the resolutions of the council. In turn, he either rejects them or refers them to the Council of Ministers.

The Senior Council of Ulama: This board does not possess any real legislative power. However, the opinions of the scholars who make up this council influence legal decisions more than any of the other factors involved.⁵²

In the works reviewing the structure of the legal system and the relationships that shape it, the role of the public is completely dismissed. The literature, such as Vogel or Zaman's work, is focused on high authorities, namely the monarch and the religious scholarly class. Though these powers are the chief formal players in the system, they are both supposedly acting on behalf of the people and prioritizing the best interest and welfare of the people. More importantly, the legal system should reflect the values and morals of the people. In turn, the legislative authorities are required to translate these values in their decisions and actions. Law schools offer the education and frame of thought necessary to operate the legal system. They are the incubators nurturing the future generation of legal experts. They are designed to instill teachings and values that inform future legal policies. Law students are on the cusp of being fully integrated into the legal apparatus. They are not definite agents of the system. They are receiving legal knowledge, situating it within their own experiences and assessing its applicability. They

⁵² *ibid*

still haven't undergone the break between society and the elite legal scholarly class. Law students represent the best link between the legal scholarly class and society at large. Law schools and their students play a pivotal role in bridging the gap of access to justice. "Law schools play a significant role in providing the underserved with equal access to the legal system."⁵³ They are important centers that amplify the voices of the people.

The story of Mohra Ferak exemplifies the ways law students are engaging with present tensions and problems within law schools and the legal apparatus, while simultaneously including society at large in the discourse. Moreover, the story portrays how law students could act as the link between society and the system. Mohra Ferak is a student at the law school in Dar AlHekma University. Her professor and the chair of the school described her as a student from an affluent program who was not particularly motivated. Upon discovering that Ferak was a student of law, the principal of a school started asking Ferak some legal inquiries. The principal was frustrated about her inability to aid students in her charge who had been raped or sexually assaulted. The families of these girls feared for their reputations and the effects reporting the incidents could have on the girls' lives and their own lives, which only served to augment the trauma. " '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."⁵⁴ Moving on, she was bombarded with question from the principal about abusive marriages, amongst other topics of particular interest to women. Ferak found herself being the most motivated and engaged she has

⁵³ Millard, Karen. "THE ROLE LAW SCHOOLS SHOULD PLAY IN FILLING THE JUSTICE GAP." Ave Maria Law Review, 2013.

⁵⁴ "Saudi Women Realize Their Rights." The New Yorker. Accessed April 10, 2016. <http://www.newyorker.com/magazine/2016/01/11/sisters-in-law>.

ever been. Therefore, after determining a list of topics of interest, she decided to start a lecture series on the rights of women in Islam titled “Hawa’a’s Rights”, which translates to “Eve’s Rights”. The event was advertised on Twitter and other social media networks. By the time the second event rolled in, the university was not able to fit the crowds the lecture attracted into their biggest auditorium. Following the inclusion and incorporation of women into the legal system, these young law students and young professionals are able to mobilize for their own rights.

Section Two: The Role of Media and Technology

At a time when a mélange of negative stereotypes and morbid realities about the Middle East echo in our daily lives, the region’s potential is conveyed and sustained through its dynamic and critical youth. Bessma Momani’s book “Arab Dawn” fills a gap in the narrative of a contemporary Middle East that I have long been searching for. It takes into account modern tools and developments, such as social media and the increasingly permeable state borders that have fundamentally transformed the way in which Arab societies mobilize and engage in the past decade, providing new forms of political expression.

Society is consistently dismissed in discussions on power and authority. The marginalization of the public in the discourse on power and the legal system within the kingdom of Saudi Arabia is troublesome. It almost assumes the absence of a dynamic and critical public. While, in reality, civic participation is very much alive. After all, the legitimacy of the ruling families stems from both the content of the tribes and people. Moreover, the legitimacy of the scholars does not stem from their formal appointments

and positions, but rather by the size of their following. It is the people who grant these groups the power they possess. With the emergence of platforms, like Twitter, and the inclusion of women into the legal system, the dynamics have changed, and civil participation is on the rise. Law students are at a stage of transition between being part of society at large and the legal scholarly class, positioning then at high level of critical inquiry and social engagement with the legal system. A bottom-up desire for a change in a certain direction is far more sustainable than a top-down push. It does not change with the change in government. When a new king takes over, his policies and agenda are put on the table, and the policies of the previous king do not necessarily carry over. However, a push from the people for change is consistent, regardless of changes at the top. Moreover, they are generally spurred by a genuine need for the change. The Internet provided the tools to collect the data necessary to get a sense of the demands and desire of the public. It changed the fashion in which people mobilize.

At the start of 2016, a video circulated social media networks of a prominent Saudi businessman from Jeddah. In the video, the businessman was directing a message to the Saudi people. The video was published following the rise in the prices of oil. The businessman claimed that the government, for years, has pampered the Saudi people. The businessman closed his statement by saying “دلع لكفاية”, which translates to stop the overindulgence, or stop being spoiled. A hashtag of this phrase was trending on twitter. His video was an endorsement of the government’s decision, but at the expense of the people. The clip went viral. People responded to the businessman’s clip with other clips or tweets reacting to it. Some circulated images of the businessman and his lavish lifestyle alongside images of Saudi soldiers at the border. One twitter-user tweeted a

Google Maps screenshot of the businessman's house, showing that the gate to his house took up part of the street. Perhaps thanks to his connections, the businessman got the clearance from the municipality to take up a part of the street and construct an entrance to his house. Therefore, the service road was cut short. This particular tweet received a lot of attention and retweets. By taking up a part of the road for his private use, he was infringing on the right of the people and population of Jeddah. A couple of days later, the prince of the region and the principality of Makkah sent bulldozers to demolish the entrance and resurface the road. Moreover, the street was named after the businessman. Rumors circulated that it was officially renamed to “العدالة شارع”, or the “Street of Justice”. After restoring the street as a service road, the Principality of Makkah published a tweet thanking the people for interacting with the case and the hashtag. Functions on platforms, such as Twitter or Facebook, enable people to see the number of individuals who liked a post or the number of times a specific hashtag was retweeted. The statistical weight of some topics deems them difficult to ignore. This dynamic creates a new form of accountability, which is accompanied by a new urgent need to respond. Therefore, there is greater surveillance on retribution and the achievement of justice.

Another example of activism and civic participation of both the youth and older generation is the preservation of the balad area of Jeddah, or Historic Jeddah. There is an annual festival in the Historic Jeddah area that occurs at the end of December and start of January and lasts for about 10 days. The festival is amazing not particularly because of how well organized it is. Rather, it is because it's a great representation of the present and future of Jeddah. The story of the festival is as follows. The principality was undertaking a huge project aimed at re-planning or re-organizing some neighborhoods, or slums. The

historic Jeddah area was in a sorry state and did not receive much attention. Therefore, it was part of the project. However, when the survival of these historic houses and neighborhoods was threatened, people decided to take action. Some of the prominent Jeddawi families, who owned houses in the area, were afraid that the heritage would be lost or compromised. Therefore, they organized and mobilized to create the first festival two years ago. This is one of the typical and chief ways the people in the kingdom mobilize and make their voices heard. The festival was largely a public effort to remind people of the Jeddawi heritage and in attempt to preserve it. Soon enough, the principality joined forces with these families. Both the government and the public are consistently putting in a lot of effort to make the festival a success, and it is growing every year. Now, the area is registered as a UNESCO world heritage site. The movement to preserve and conserve this site instigated a series of legislation that helped establish a legal framework supporting the conservation of heritage and historical sites and monuments.⁵⁵

It is also important to note that the government, too, is very active on social media websites, especially twitter. The government designs, advertises and delivers much of its public services through the use of social media. In these venues or platforms, you could see the interaction between the public and the government. Saudis are amongst the world's heaviest twitter users. Within the Arab world, Saudi Arabia has the highest number of active twitter users. This pushes us to revise and reevaluate some of the stereotypes we are accustomed to hearing. To understand how Saudi Arabia functions as a state, you must look beyond the traditional places of political and civil engagement, which are usually manifested in political parties and the likes.

⁵⁵ <http://whc.unesco.org/en/list/1361>

In recent years, there is a strong push towards the digitization of ministries, where the majority of the ministry's services are provided online and much bureaucratic process could be completed virtually. However, the majority of ministries and large public institutions have a strong presence in social networking websites. Once again, this presence opened the door for much greater exchange between government bureaucracies and society, allowing criticism and augmenting accountability. A great example is the Ministry of Commerce, which has been receiving much praise after the appointment of the new a relatively young minister, Tawfiq Al Rabiah. The ministry now has a hotline citizens could use to report commercial violations. This feature received a lot of attention not because of its creation, but because of the speed of response that is unconventional of government bureaucracies. Another example is the crackdown by the Ministry of Commerce on restaurants monitoring their adherence of to commercial and health regulations, even some of the most popular restaurants owned by some of the most prominent families were shut down. Most importantly, the Ministry published all of its closings of restaurants along with the reasons behind the closings on their website.

Legal Activism for Women's Rights:

Bayan Zahran was amongst the first four Saudi women licensed to practice law. However, due to her activism on social networks, she gained distinct popularity. Her twitter account is filled with daily advice on different aspects of the law, especially in cases concerning women (See Appendix E for examples of her tweets). Apart from the significant benefit of her advice, she is consistently supporting and getting involved in efforts by the general public and especially the creative youth within the YouTube

industry and mainstream media. Through these partnerships or endorsements, content that is more widely viewed is used to promote both the involvement of society in the legal system as well as raise awareness. As an example, in April 11 of 2016, Zahran retweeted a blog post by Hiba Qadi, a contributor to the show, “المسوة نون”, or noon alniswa, addressing the stigma accompany divorce, which renders many women reluctant to take the step even if they are in unhappy and sometimes abusive marriages.

Noon Alniswa is amongst the most popular YouTube shows presented by Hiba Qadi’s sister, Hatoon Qadi. The show treats many social issues. In an episode titled “#Huquq”, published in March 11th of 2015, with a comedic tone, Qadi relays perhaps the most accurate description of female activism following the emergence of twitter. In six minutes, she was able to critique the intricacies of the recent activism in women’s issues, showing the excessiveness and exaggeration of the movement at times but also showing the urgency in calling for women’s rights.

New images of a “Saudi” identity are being projected by these students and the youth, in general. In discussions of how social media transformed the Arab world, people focus on the effects of social media but dismiss or pay little attention to the input Arab youth are adding and the change in the way they present themselves. For so long, even the content and media produced by Arabs reproduced stereotypes and tropes. Now, content, such as YouTube shows achieved great success and show an entirely different image. Even Arab TV channels tried to adopt their ideas and content, but largely failed. In Saudi Arabia, online content and YouTube shows are ever more significant due to the censorship. While the Internet isn’t strictly regulated and censored, there are no Saudi series or shows, apart from the infamous Tash Ma Tash. Meanwhile, new media and

YouTube shows are quickly gaining a large following. For the first time, these shows present Arab experiences and humor that people actually relate to and identify with. Videos like the legendary “No Woman, No Drive” were featured in news channels and became viral internationally. This video was produced by one of what grew to be two main production companies in Saudi, Telfaz11 and UTurn. They show a different side of Arabs as funny, engaged and critical people. Unfortunately, to complicate the take on a contemporary Saudi scene, much of this content such as “Now Woman, No Drive”, “Wadjda” and the likes are still produced by the “elite”. Having said that, this is already rapidly changing. The content already produced reached large audiences, and people from all backgrounds are adding to it.

In 2013, a cleric claimed that driving risks “damaging a woman’s ovaries”. Meanwhile, the lyrics of the parody song “No woman, No Drive” are “ Say, say I remember when you used to sit .. in the family car, but backseat .. ova-ovaries all safe and well.” The song is taking a stab and mocking the cleric’s claims and other justifications put forth on the ban on women driving. Once again, the youth are promoting their own conceptions of equality and justice, much of which is influenced by the phenomenon of globalization.

Activism for Worker’s Rights:

Omar Hussein is a young man who was one of the leaders of the boom in YouTube shows. He is the presenter of the renowned YouTube show “3al6ayer”. It is a satirical show that uses comedy to ridicule social and political vices or shortcomings, scoring millions of views. His show, amongst those of a few others, inspired the boom in

creative fields and content produced by Saudi youth. His new show “ينقال الحق”, or truth be told, could be branded as a new rendition of John Quiñones’ “What Would You Do?”. It is a situational hidden camera show, where actors play out scenarios often involving conflict or illegal acts. The show monitors people’s reactions and whether people will step in and intervene. As an example, one episode titled “معاملة الدين”, shed light on the issue of the abuse of expatriates in the Kingdom. Several videos have been circulated in recent years of Saudis demeaning and abusing foreign workers. In the introduction, Hussein states that this episode is an attempt to either validate or refute the stereotype created as a result of these videos and to see whether society rejects or permits such behavior. In the episode, a customer at a diner harasses a waiter from Pakistan, with verbal insults to throwing packets of ketchup. The scenario was repeated three times. In every time, the customers in the diner intervened and clearly showed their dismay. Every time someone intervened, the aggressor made it a point to state that those who are from the same country and places of origin should side with each other. Every time, the person who intervened rejects this claim, stating that they side with the “truth”, regardless of where it lies. They also declare that the aggressor does not represent Saudi ideals in his actions. The organizers and presenters of the show organize with the concerned divisions of government in many of the episodes, consulting their legal advice. At the end of this episode, a closing slide was displayed with a barcode that leads to information on how to file a complaint along with other legal and procedural information. Similar to the mutual support between Bayan Zahran and Hiba Qadi, leaders within law schools and the young legal community are cooperating with young leaders in media to construct a new Saudi consciousness that is active and involved in defining society’s moral fabric.

An example of changing perceptions of morality and humanity that struck me is the experience of a Saudi student, who narrated:

Now, living in the West, without my family, I'm so homesick. I really wish that they could be here with me as I study. They have visited me in Canada, and I really appreciated that they could come to see me. I think back to all the Pakistani workers in Saudi who were not allowed to bring their families with them and I now see how this is so unfair. We should change Saudi rules to allow foreign workers to bring families with them.⁵⁶

The government was fast to catch on to the shift in both the centers of information and the authorities that promote and promulgate information. Moreover, there is a genuine need for a shift to a knowledge-based economy of Saudi Arabia was to maintain its leverage and power both nationally and internationally. Therefore, the government heavily invested in educational programs and projects. Bessma Momani touched upon the significance of educational attainment and quality education in her book. However, what is dismissed is that often times those with access to such opportunities are the elite of the country. This is evident in the study's examination of Dar AlHekma University and King Abdulaziz University showing clear socioeconomic differences. When only the elites are capable of getting access to quality education, they will also be the most qualified to take up decision-making positions and become the ruling elite. The vicious cycle will persist. Therefore, an important benefit of scholarship programs supported by many of the Gulf countries is that they break that cycle. Those qualified solely based on ability are given educational opportunities are later able to take up decision-making positions. It will not be restricted to elites and certain families. Thanks to oil money, a lot of these programs, such as the Saudi King Abdullah Scholarship Program, are extremely large-scale and

⁵⁶ Momani, Bessma. *Arab Dawn: Arab Youth and the Demographic Dividend They Will Bring*. University of Toronto Press, Scholarly Publishing Division, 2015. P.105

carried out at every educational level. Mawhiba, or The King Abdulaziz and His Companions Foundation for Giftedness and Creativity, administers standardized exams every year. The students with the highest scores are given scholarship programs to attend some of the top private schools in Saudi, perhaps to make up for the current state of public education. Moreover, these students as well as others who apply attend summer camps at KAUST or participate in the national robotics team, amongst other opportunities to further broaden their horizons. Some of these students go on to pursue higher education abroad. Apart from sponsoring their education, these students are sent to foundation year programs at some of the United State's top universities, such as Berkeley or the University of Pennsylvania, to prepare them for college and standardized testing. Many of the students carry on to top universities in the US or the UK. Another benefit of these programs is that they provide students greater exposure to different conceptions of humanity, justice and equality. Contrary to what Momani states in her book, the consequences of studying abroad and "opening the minds" of the people are very much so intended, though not entirely altruistic. It is a strategic move to control and catch up with power shifts and to transition to a knowledge-based economy.

Conclusion

We reform by evolution, as I said, and not by revolution. That is the way we are leading, by admitting we have shortcomings. Not only do we recognize our shortcomings, but hopefully put in place actions and programs that will overcome these shortcomings. I mentioned the fact that when you call Saudi Arabia a misogynistic country [...] women in Saudi Arabia can now not only vote, but also participate as candidates in elections and be members in the shura council.⁵⁷

In a press conference, a reporter directed a question to Prince Turki AlFaisal, doubting the legitimacy of the kingdom. The above quotation is part of his reply. It is a great representation of how the students I encountered perceive their present and future. The impending change in emanating from law schools shouldn't be characterized as a point of rupture; rather, it is a calculated and slow shift in power relations. While not entirely content with the current reality, the Saudi law students conferred in this study both gained an appreciation for the damages that instability could ensue following the events of the Arab Spring and its aftermath as well as respect for the history that led to their reality.

Throughout this study, many parallels were drawn between the micro politics of classrooms in law school and the macro politics of the legal educational system. Topics of contention such as religious observance, regional differences and gender differences were shared in both the micro and macro politics of legal education in women's law schools in Jeddah. If we retain the parallel between micro and macro politics, the future for change in the Kingdom seems to be promising. In the micro politics of Saudi daily life, the culture is very respectful of the elderly. Even if young people or children don't agree with the elders or their parents. They remain respectful and tactful. They could

⁵⁷ <https://www.youtube.com/watch?v=7JIMd2jQOU4> - Published in November 20, 2011

even still appreciate and admire the experiences of their grandparents and the older generation. This doesn't necessarily translate to their submission. Rather, they often act upon their own wishes and beliefs discreetly. Moreover, values, such as respect, exercised in the youth's daily lives provide them with the patience necessary to understand the perspectives of others and negotiate their own views. While conducting a different study on Saudi girls studying abroad, one of the students stated that it was difficult convincing her grandmother that she was going to study abroad, though her parents supported her. Now, her grandmother agreed under the assumption that she was at a girls-only school, while she was actually at a coed institution.

Expanding the same theory to macro politics, the Saudi youth understands Saudi history, the roots of its conservatism, its tribal foundation and history and the factors that shaped the country. This could be one of the factors contributing to the lack of a point of rupture. Again, this does not translate to submission. Some changes are clear and monumental, such as the recent shift in the line of succession⁵⁸, but some are obscure and slow in showing results. Having said that, change is underway.

⁵⁸ "In a Surprise Move, Saudi Arabia's Monarch Shakes up Line of Succession." Washington Post. Accessed April 10, 2016.
https://www.washingtonpost.com/world/king-salman-shakes-up-royal-family/2015/04/29/d1d803e9-8b42-49df-a9fd-6198ecfc6a29_story.html.

Works Cited

Abdur-Rashid, Khalil, Steven Woodward Furber, and Taha Abdul-Basser. "Lifting the Veil: A Typological Survey of the Methodological Features of Islamic Ethical Reasoning on Biomedical Issues." *Theor Med Bioeth Theoretical Medicine and Bioethics* 34, no. 2 (2013): 81-93.

"AlArabiya." Accessed March 20, 2016. <https://www.alarabiya.net/articles/2010/11/01/124469.html>.

Al-Hariri, Rafeda. "Islam's Point of View on Women's Education in Saudi Arabia." *Comparative Education* 23, no. 1 (1987): 51 - 57.

Al - Jarbou, Ayoub M. *The Role of Traditionalists and Modernists on the Development of the Saudi Legal System*. 2007.

AlMunajjed, Mona. "Women's Education in Saudi Arabia: The Way Forward." Booz & Company. January 1, 2009. Accessed April 10, 2015. http://www.ideationcenter.com/media/file/Womens_Education_in_SaudiArabia_Advance_Look_FINALv9.pdf

Al-Osaimi, Najah. "Restaurant Partitions - Part of Culinary Experience." *Restaurant Partitions*. Accessed March 20, 2016. <http://www.arabnews.com/node/300325>.

Al-Sudairy, Ziad. "The Constitutional Appeal of Shari'a in a Modernizing Saudi State." *Middle East Law and Governance* 2, no. 1 (2010): 1-16.

Ansary, Abdullah F. "A Brief Overview of the Saudi Arabian Legal System." *GlobalLex*.

2008. Accessed November 20, 2015. http://www.nyulawglobal.org/globallex/Saudi_Arabia.html#_Toc200894591.

"Arab Digital Platforms Race to Fill Content Gap." *Arab Digital Platforms Race to Fill Content Gap*. Accessed March 20, 2016. <http://www.screendaily.com/festivals/dubai/arab-digital-platforms-race-to-fill-content-gap/5081120.article>.

Barth, Fredrik. "An Anthropology of Knowledge." *CURR ANTHROPOL Current Anthropology* 43, no. 1 (2002): 1-18.

BBC. "Saudi King's Death Dominates Regional Media - BBC News." *BBC News*. Accessed March 20, 2016. <http://www.bbc.com/news/world-middle-east-30949715>.

Burke, Jason. "Saudi Arabia's Clerics Challenge King Abdullah's Reform Agenda." *The Guardian*. 2011. Accessed March 20, 2016. <http://www.theguardian.com/world/2011/jul/01/saudi-arabia-clerics-king-abdullah>.

Champion, Daryl. *The Paradoxical Kingdom: Saudi Arabia and the Momentum of Reform*. New York: Columbia University Press, 2003.

"Education in the Arab States." UNESCO: Education for All Global Monitoring Report.

January 1, 2013. Accessed April 7, 2015. <http://en.unesco.org/gem-report/sites/gem-report/files/219170e.pdf>.

Fadl, Khaled. *Reasoning with God: Reclaiming Shari'ah in the Modern Age*. Lanham, Md.: Rowman & Littlefield, 2014.

Farhat-Holzman, Laina. 2012. Modernization or westernization: The muslim world vs. the rest. *Comparative Civilizations Review*(67): 50.

Feldman, Noah. "The Fall and Rise of the Islamic State." Princeton: Princeton University Press, 2008.

"Former Saudi Intel. Chief Talks about Lashed Blogger - CNN Video." CNN. Accessed March 20, 2016. <http://www.cnn.com/videos/world/2015/03/17/intv-amanpour-prince-turki-al-faisal-extra.cnn>.

Goh, Keng Swee. *The Economics of Modernization*. 2nd ed. Singapore: Marshall Cavendish Academic, 2004.

Hamdan, Amani. "Women and Education in Saudi Arabia: Challenges and Achievements." *International Education Journal*, 2005, 42-64.

Hefner, Robert W., and Muhammad Zaman. *Schooling Islam: The Culture and Politics of Modern Education*. Princeton, N.J.: Princeton University Press, 2007.

Hegghammer, Thomas, and Stéphane Lacroix. "Rejectionist Islamism In Saudi Arabia: The Story Of Juhayman Al-'utaybi Revisited." *International Journal of Middle East Studies* MES 39, no. 01 (2007).

Hubbard, Ben. "Saudi Court Spares Poet's Life but Gives Him 8 Years and 800 Lashes." *The New York Times*. 2016. Accessed March 20, 2016. http://www.nytimes.com/2016/02/03/world/middleeast/saudi-court-spares-poets-life-but-gives-him-8-years-and-800-lashes.html?_r=0.

Jehl, Douglas. "After Prison, a Saudi Sheik Tempers His Words." *The New York Times*. 2001. Accessed March 20, 2016. <http://www.nytimes.com/2001/12/27/world/a-nation-challenged-a-critic-after-prison-a-saudi-sheik-tempers-his-words.html>.

Kechichian, Joseph A. *Legal and Political Reforms in Sa'udi Arabia*. Abingdon, Oxon: Routledge, 2013. 23.

للرجال إلا السعودية في صالح غير التخصيص هذا أن وأفتشفت قانون خريجة أن" فقط King Saud University Forum. Accessed March 20, 2016. <http://www.cksu.com/vb/showthread.php?t=431160>.

Lacey, Robert, and Robert Lacey. *Inside the Kingdom: Kings, Clerics, Modernists, Terrorists, and the Struggle for Saudi Arabia*. New York: Viking, 2009.

"Literacy Rates: Global Rankings." UNESCO Institute for Statistics. Accessed April 10, 2015. <http://www.uis.unesco.org/DataCentre/Pages/global-ranking.aspx>.

"Mawhiba Adopts More Institutions for Summer Enrichment Programs." Riyadh Municipality. Accessed April 6, 2015. <http://www.alriyadh.gov.sa/en/news/Pages/news9595.aspx>.

"MAWHIBA." KAUST Gifted Student Program -. Accessed April 6, 2015. <http://kgsp.kaust.edu.sa/Pages/mawhiba.org.sa.aspx>.

Momani, Bessma. *Arab Dawn: Arab Youth and the Demographic Dividend They Will Bring*. University of Toronto Press, Scholarly Publishing Division, 2015.

"Banned from Driving, Saudi Women Turn to Uber and Other Ride-share Apps." Los Angeles Times. May 7, 2015. Accessed March 20, 2016. <http://www.latimes.com/world/middleeast/la-fg-saudi-women-rideshare-apps-20150507-story.html>.

"Not the Saudi Arabia You Hear About: The Students Abroad Factor – Hausheer | SUSRIS." SUSRIS. Accessed April 7, 2015. <http://susris.com/2014/02/26/not-the-saudi-arabia-you-hear-about-the-students-abroad-factor-hausheer/>.

"Online Library of Liberty." Montesquieu and the Separation of Powers -. Accessed March 20, 2016. <http://oll.libertyfund.org/pages/montesquieu-and-the-separation-of-powers>.

Onsman, Andrys. "It Is Better to Light a Candle than to Ban the Darkness: Government Led Academic Development in Saudi Arabian Universities." *High Educ Higher Education*, 2011, 519-32.

Otto, Jan Michiel. *Sharia Incorporated: A Comparative Overview of the Legal Systems of Twelve Muslim Countries in past and Present*. Leiden: Leiden University Press, 2010.

Portnoi, Laura M. "Higher Education, Policy, and the Global Competition Phenomenon." New York: Palgrave Macmillan, 2010.

Publications, Usa Int'L Business. Saudi Arabia Company Laws and Regulations Handbook: Strategic Information and Basic Laws. Place of Publication Not Identified: Intl Business Pubns Usa, 2015.

Quran, Ali-Imran, 3: 130

"King's Changes Make Saudi Policy Less Predictable." Reuters. 2015. Accessed March 20, 2016. <http://www.reuters.com/article/us-saudi-politics-analysis-idUSKBN0NR0NH20150507>.

"الرياض جريدة." Riyadh Newspaper. Accessed March 20, 2016. <http://www.alriyadh.com/501792>.

Rugh, William A. "Education in Saudi Arabia: Choices and Constraints." Middle East Policy IX, no. No. 2 (2002): 40-55.

"Steps of the Devil." Human Rights Watch. February 15, 2012. Accessed April 11, 2015. <http://www.hrw.org/fr/node/104971Women>.

"Jailed Saudi Blogger Raif Badawi on Hunger Strike." The Guardian. 2015. Accessed March 20, 2016. <http://www.theguardian.com/world/2015/dec/10/jailed-saudi-blogger-raif-badawi-on-hunger-strike>.

"Saudi Women Realize Their Rights." The New Yorker. Accessed March 20, 2016. http://www.newyorker.com/magazine/2016/01/11/sisters-in-law?mbid=nl_160105_Daily.

Vitalis, Robert. America's Kingdom: Mythmaking on the Saudi Oil Frontier. Stanford, Calif: Stanford University Press, 2007.

Vogel, Frank. "Islamic Law in the Modern World: The Legal System of Saudi Arabia." Leiden: Brill, 1999.

Walker, Jenny, Stuart Butler, and Andrea Schulte-Peevers. Oman, Yemen Emirati Arabi Uniti. Torino: EDT, 2014.

Witherell, Sharon, and Elaine Clayton. "Press Release: Open Doors 2014: International Students in the United States and Study Abroad by American Students Are at All-Time High." November 17, 2014. Accessed December 2, 2015. <http://www.iie.org/Who-We-Are/News-and-Events/Press-Center/Press-Releases/2014/2014-11-17-Open-Doors-Data><http://www.iie.org/Who-We-Are/News-and-Events/Press-Center/Press-Releases/2014/2014-11-17-Open-Doors-Data>.

World Trade Press. Saudi Arabia Women in Culture, Business & Travel a Profile of Saudi Women in the Fabric of Society. 2nd ed. Petaluma: World Trade Press, 2010.

"Juhayman (اصحابه وبقيّة جهيمان) السعديّة" YouTube. Accessed March 20, 2016. <https://www.youtube.com/watch?v=gV2yMN5T7lA>.

Zaman, Muhammad Qasim. The Ulama in Contemporary Islam Custodians of Change. Princeton, N.J.: Princeton University Press, 2002.

Zuhur, Sherifa. Saudi Arabia. Santa Barbara, CA: ABC-CLIO, 2011.

شروط "الخارجي تعاتللاب الشريفيين الحرميين خادم برنامج على الابتعات شروط" الخارجي للابتعات الشريفيين الحرميين خادم برنامج على الابتعات. Accessed March 20, 2016. <https://safeer.moe.gov.sa/sites/student/Pages/kasreuq.aspx>.

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Appendix A

استبيان (مجهول الاسم)

1. في أول أسابيع الدراسة، هل أعطتكم الجامعة فكرة عامّة عن التخصص و ما يتضمّن دراسة الحقوق؟
 2. هل وضّحت لكم الجامعة ما هي الأعمال المتاحة لكم بعد التخرّج (خاصّة الأعمال المتاحة للمرأة و هل تختلف عن الأعمال المتاحة للرجل)؟
 3. هل يوجد اختلاف بين دراسة الحقوق للبنات و للبنين؟
-
4. لماذا اخترت جامعة الملك عبدالعزيز؟
 5. ما رأيك في طالبات دار الحكمة؟
 6. في رأيك، ما الفرق بين دراستك و دراسة طالبات دار الحكمة؟
-
7. لماذا اخترت تخصص الحقوق أو القانون؟
 8. هل تتضمّن دراستك لتخصص الحقوق دراسة شريعة؟
 9. هل تعتقدين أن الشريعة منفصلة عن الحقوق أو القانون؟
 10. هل تدرّبت في مكاتب محاماة؟ كيف كانت تجربتك؟
-
11. صفي لي علاقتك مع أستاذاتك؟
 12. هل تشعرين أن لديك حرية التعبير عن آرائك في الحصص و المحاضرات و في الأعمال التي تنتجيتها؟ صفي تجربة مررت بها.

Appendix B

بناءً على فتوى هيئة كبار العلماء :
وزارة الداخلية تؤكد منع جميع النساء من قيادة السيارات في المملكة

صدر عن وزارة الداخلية البيان التالي :

تود وزارة الداخلية ان تعلن لعموم المواطنين والمقيمين انه بناء على الفتوى الصادرة بتاريخ ١٤١١/٤/٢٠ هـ من كل من سماحة الشيخ عبد العزيز بن عبد الله بن باز الرئيس العام لإدارات البحوث العلمية والإفتاء والدعوة والإرشاد وفقيلة الشيخ عبدالعزيز آل عفي تكتب رئيس اللجنة الدائمة للبحوث العلمية والإفتاء ومعضو هيئة كبار العلماء وفقيلة الشيخ عبد الله بن عبد الرحمن بن غديان عضو اللجنة الدائمة للبحوث العلمية والإفتاء ومعضو هيئة كبار العلماء

وفقيلة الشيخ صالح بن محمد بن الحميدان رئيس مجلس القضاء الأعلى بهيئته الدائمة ومعضو هيئة كبار العلماء.. بعدم جواز قيادة النساء للسيارات ووجوب معاقبة من يقوم منهن بذلك بالمعصية التناسبية التي يتحقق بها التزجر والمحافظة على الحرم ومنع بؤادر الشرأ ورد من أدلة شرعية شوجب منع أسباب ابتذال المرأة أو تعريضها للفتن.

ونظرا الى ان قيادة المرأة للسيارة يتناقض مع السلوك الأسلامي القويم الذي يتمتع به المواطن السعودي الفيسور على محارمه.. فإن وزارة الداخلية طبقا لـ (هـس) توضح للعموم تأكيد منع جميع النساء من قيادة السيارات في المملكة العربية السعودية منعا باتا ومن يخالف هذا المنع سوف يطبق بعقه العقاب الرادع.. والله الهادي الى سواء السبيل.

Appendix C

الفصل الدراسي الخامس			
اسم المقرر	رمز المادة ورقمها	عدد الوحدات	المتطلبات السابقة
أحكام الالتزام	نظم 321	3	نظم 220
قانون العمل والتأمينات الاجتماعية	نظم 340	3	نظم 220
القانون الدولي العام والمنظمات الدولية	نظم 350	3	نظم 101
القانون الجنائي الخاص	نظم 361	3	نظم 260
III الثقافة الإسلامية	سلم 301	2	سلم 201
المواريث والوصايا	سلم 437	3	
		17	
الفصل الدراسي السادس			
اسم المقرر	رمز المادة ورقمها	عدد الوحدات	المتطلبات السابقة
الأوراق التجارية والإفلاس	نظم 314	3	نظم 211، نظم 220
الإثبات	نظم 322	2	نظم 321
العقود المدنية	نظم 323	3	نظم 321
العقود الإدارية	نظم 331	2	نظم 230
القواعد والنظريات الفقهية	سلم 343	3	نظم 321
I مقرر اختياري	اختر 302	3	

الفصل الدراسي الثالث			
اسم المقرر	رمز المادة ورقمها	عدد الوحدات	المتطلبات السابقة
تحرير كتابي	عرب 201	3	عرب 101
مبادئ القانون	نظم 101	3	
القانون الدستوري	نظم 233	3	
I أحوال شخصيه	سلم 333	2	
I أصول فقه	سلم 341	3	
I مقرر حر	حره 301	3	
		17	
الفصل الدراسي الرابع			
اسم المقرر	رمز المادة ورقمها	عدد الوحدات	المتطلبات السابقة
القانون التجاري	نظم 211	3	
مصادر الالتزام	نظم 220	3	نظم 101
القانون الإداري	نظم 230	3	نظم 101
القانون الجنائي العام	نظم 260	3	نظم 101
II الثقافة الإسلامية	سلم 201	2	سلم 101
II مقرر حر	حره 302	3	
		17	

الفصل الدراسي السابع			
اسم المقرر	رمز المادة ورقمها	عدد الوحدات	المتطلبات السابقة
العقود التجارية وعمليات البنوك	نظم 412	3	نظم 211، نظم 322
قانون الموارد الطبيعية	نظم 451	2	نظم 350
الإجراءات الجنائية	نظم 463	3	نظم 322، نظم 361
قانون المرافعات	نظم 470	3	نظم 322
بحث وتدريب	نظم 491	3	نظم 314، نظم 323
II مقرر اختياري	اختر 302	3	
17			
الفصل الدراسي الثامن			
اسم المقرر	رمز المادة ورقمها	عدد الوحدات	المتطلبات السابقة
الملكية الصناعية والتجارية	نظم 415	3	نظم 314، نظم 322
الحقوق العينية	نظم 424	3	نظم 322
القضاء الإداري	نظم 432	3	نظم 322، نظم 331
إجراءات التنفيذ القضائي	نظم 471	3	نظم 470
القانون الدولي الخاص	نظم 472	2	نظم 322
III مقرر اختياري	اختر 303	2	
IV الثقافة الإسلامية	سلم 401	2	سلم 301

Appendix D

الخطة الدراسية			
الفصل الدراسي الأول			
اسم المقرر	رمز المادة ورقمها	عدد الوحدات	المتطلبات السابقة
مهارات لغوية	عرب 101	3	
مهارات الحاسب الآلي	حاسب 100	3	
I اللغة الإنجليزية	انجل 101	3	
I الثقافة الإسلامية	سلم 101	2	
رياضيات	ر 111	3	
		14	
الفصل الدراسي الثاني			
اسم المقرر	رمز المادة ورقمها	عدد الوحدات	المتطلبات السابقة
مهارات الاتصال	مهر 101	3	
تنمية مهارات التفكير	معلم 101	3	
II اللغة الإنجليزية	انجل 102	3	انجل 101
إحصاء	ص 111	3	
		12	

Appendix E

