

**Evaluation of setting a legal minimum age of
marriage as a method of preventing *zawaj al-
gaserat* in Saudi Arabia**

Husain Al Hakami

**A thesis submitted in partial fulfilment of the
requirements of the
Manchester Metropolitan University for the degree
of philosophy (Ph.D.)**

2014

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا
وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يُفَكِّرُونَ ﴿٣١﴾

[And of His signs is that He created for you from yourselves mates that you may find tranquillity in them; and He placed between you affection and mercy. Indeed in that are signs for a people who give thought.]

The Holy Quran 30:21

Abstract

This study evaluates and explores the concept of child marriage, known as *zawaj al-gaserat*, in Saudi Arabia. There is currently much debate taking place in Saudi Arabia about whether there is a need to set a legal minimum age of marriage in order to prevent cases of child marriage from taking place, with many of those who are against this legal precedent justifying their opposition on religious grounds. Despite the increasing public and political focus on this issue there are no available figures that show the prevalence of either forced, child, or early marriage in Saudi Arabia so it is unclear just how much of a phenomenon it is within that society.

A detailed literature review was undertaken to gain an understanding of this issue in order to situate the issue in its historical, political, social and religious context. This was complemented by an empirical qualitative-research methodological approach; semi-structured in-depth interviews were conducted with thirty-seven participants in Saudi Arabia, who comprised various professionals and members of the public, and these were analysed using thematic and discourse analysis.

The findings suggest that setting a legal minimum age of marriage is one means that may help prevent *zawaj al-gaserat*. However, other issues also emerged, with participants highlighting that *zawaj al-gaserat* between an older man and an adolescent female can give rise to social, psychological and medical issues for the girls, their families and society as a whole. One key issue arising from the research was that the term *gaser*, قاصر, which means here one who has not reached puberty, is misunderstood by many Saudi Arabians and Arabs.

Acknowledgements

I would first like to thank God “Allah” who helped me and gave me the privilege to pursue this work and successfully complete it in spite of many challenges faced. The journey has been quite remarkable and it is a unique stepping-stone to many exploits ahead.

It would not have been possible to do this doctoral degree without the encouragement, help and support of the kind people around me, to only some of whom it is possible to give particular mention here.

Above all, I would like to thank my mother Maryam Maashi and my father Mohammed Al Hakami, who have inspired and encouraged me all the time since I was born; my wife Nawal, who I cannot thank enough for her personal support and great patience at all times; and my sisters and brothers, who have given me their unequivocal support throughout, as always, for which my mere expression of thanks likewise does not suffice.

This thesis would not have been possible without the help, support and patience of my supervisor, Prof. Erica Burman, who has provided support and encouragement and thoughtful comments and advice throughout the work, even after she left Manchester Metropolitan University. I would like to express my profound gratitude to my supervisors: Dr Ken McLaughlin, for the good advice, support and friendship; and my second supervisor Ms Debbie Thackray, who supported me and provided me with materials and advice about domestic violence, for which I am grateful.

I would like to acknowledge the financial support of King Saud University, which sponsored me in this study.

Table of contents

Abstract.....	i
Acknowledgements.....	ii
Table of contents	iii
List of figures	vii
List of tables	viii
Glossary	ix
Conference Presentations.....	xi
CHAPTER ONE Introduction.....	1
1.1. Introduction	2
1.2. The aims of the study.....	4
1.3. Outline of the thesis.....	4
Chapter Two What is this research about?	6
2.1. Introduction	7
2.2. Why am I researching this issue?	7
2.3. Context.....	8
The discourse of the study.....	10
2.5. Theoretical perspectives.....	12
2.6. Research process.....	15
2.7. This research	16
2.8. The researcher	17
2.9. Resolving ethical issues	18
2.10.The issue of interviewing more women	19
2.11. Political situation and the Arab spring.....	19
2.12. Age these days is not like in the past.....	21
2.13. Is it child marriage, forced marriage or early marriage?	22
2.14. Methods	23
2.15. Participants.....	24
2.16. Methods of analysis.....	25
2.17. Not wanting to participate.....	28
2.18. Commitment.....	29
2.19. Advantages and disadvantages.....	29
2.20. Conclusion.....	30
Chapter Three Marriage and family.....	31
3.1. Introduction	32

3.2. What is a family?	33
3.3. What is marriage?	36
3.4. Partnership, cohabitation or marriage?	37
3.5. Marriage in the West	38
3.5.1. Marriage in the UK	38
3.5.2. Conditions of marriage in Saudi Arabia and the United Kingdom	39
3.5.3. Where can a marriage take place?	40
3.6. Marriage and the family in the Arab world	41
3.7. Marriage in Saudi Arabia	43
3.8. Studies about <i>zawaj al-gaserat</i> in Saudi Arabia	43
3.8.1. Setting a legal minimum age of marriage from a social perspective: Ali Al-Roumi (2012)	44
3.8.2. Child Marriage: Sheikh Abdullah Al-Mutlaq (2010)	45
3.8.3. Ruling on legislation on the prevention of marriage of girls under the age of 18 years: Abdulrahman Al-Shethri 2010	46
3.9. Debatable marriages	47
3.9.1. Forced marriage	48
3.9.2. Arranged marriage	49
3.9.3. Early marriage	49
3.9.4. Child marriage	50
3.10. Legal minimum age of marriage	52
3.11. Age of consent and legal minimum age of marriage	53
3.12. Puberty, religion, age and marriage	60
3.13. Conclusion	63
Chapter Four Methodology	65
4.1. Introduction	66
4.2. The research aims and questions	66
4.3. The methods	67
4.4. Analysis	68
4.4.1. Thematic analysis	69
4.4.2. Discourse analysis	69
4.5. Challenges while conducting the interviews	71
4.5.1 The timing of the interviews	71
4.5.2. Issues after the participant selection was made and questions about arranging the interviews	73
4.5.3. Further challenges and strategies taken to address these issues	74
4.6. Recording and transcription	75
4.7. Context of <i>zawaj al-gaserat</i>	76
4.8. The pilot study	77
4.9. Confidentiality and anonymity	78
4.10. Participation	78
4.11. Transcription	82
4.12. Why some people did not participate	84
4.13. Conclusion	85
Chapter Five Thematic analysis	87
5.1. Introduction	88

5.2. Forced marriage and early marriage are not the same	88
5.3. <i>Zawaj al-gaserat</i> is not an issue.....	89
5.4. Forced marriage and child marriage are rare but exceptions happen ..	90
5.5. Suitable age.....	91
5.6. Registering marriage in court as a way of preventing forced marriage .	92
5.7. Who has the authority to prevent <i>zawaj al-gaserat</i> ?	93
5.8. What is age?.....	95
5.9. Early marriage and forced marriage: When and where?	97
5.10. Reasons	99
5.11. Effects, short term and long term.....	102
5.12. Setting a legal minimum age is not enough	104
5.13. Role of <i>mazouns</i>	107
5.14. Divorce.....	109
5.15. Age gap	110
5.16. Benefits of <i>zawaj al-gaserat</i>	111
5.17. Forceful parents.....	114
5.18. <i>Zawaj al-gaserat</i> , child marriage and forced marriage of boys	116
5.19. Functionality.....	117
5.20. Religious and religion	119
5.21. Social control	122
5.22. Conclusion.....	125
Chapter Six Discourse Analysis.....	127
6.1. Introduction	128
6.2. A family group interview	129
6.2.1. Introduction.....	129
6.2.2. Who is in charge?.....	129
6.2.3. The age of marriage in Saudi Arabia.....	129
6.2.4. Perceptions of causes of <i>zawaj al-gaserat</i>	131
6.2.5. Accounting for whether <i>zawaj al-gaserat</i>, child and forced marriages are common in Saudi Arabia.....	133
6.2.6. The government's role	134
6.2.7. Conclusion.....	134
6.3. Interview with a <i>mazoun</i>	135
6.3.1. Introduction.....	135
6.3.2. <i>Mazouns</i> and <i>gaser</i> marriage	135
6.3.3. Who is the <i>gaser</i> ?.....	137
6.3.4. Age gap and customs	138
6.3.5. What <i>mazouns</i> do when registering marriages.....	139
6.3.6. Conclusion.....	139
6.4. An Interview with a professor of religion	140
6.4.1. Introduction.....	140
6.4.2. Who is the <i>gaser</i> ?.....	140
6.4.3. <i>Zawaj al-gaserat</i> , early marriage and child marriage.....	141
6.4.4. A legal minimum age of marriage.....	145
6.4.5. Conclusion.....	146

6.5. An online article.....	147
6.5.1. Introduction.....	147
6.5.2. Mentioning the name	148
6.5.3. The reason for writing this text	148
6.5.4. Using some verses from the Holy Quran to start from.....	149
6.5.5. Showing her experience of early marriage.....	150
6.5.6. The influence of the West	151
6.5.7. <i>Zawaj al-gaserat</i> in Islam	153
6.5.8. Conclusion.....	157
6.6. Chapter conclusion.....	157
Chapter Seven Discussion and Implications for Future Work.....	159
7.1. Introduction	160
7.2. Marriage.....	160
7.3. <i>Zawaj al-gaserat</i>	164
7.4. Forced marriage	166
7.5. Lack of figures.....	167
7.6. Age of marriage	167
7.7. Reasons, economic and cultural	170
7.8. Stopping <i>zawaj al-gaserat</i>	172
7.9. Means of preventing forced marriage of children.....	174
7.10. Not only in Saudi Arabia	175
7.11. Disadvantages.....	176
7.12. Benefits of child marriage	178
7.13. Divorce.....	179
7.14. Honour crimes, killings and forced marriages	180
7.15. Non-Western issues in the Western eye.....	183
7.16. <i>Zawaj al-gaserat</i> in Sharia	184
7.17. Debatable Marriages	186
7.18. Methodological reflection	189
7.19. The limitations of the study.....	189
7.20. Conclusion.....	190
7.21. Contributions and Suggestions.....	191
References.....	193
English references.....	193
Arabic references.....	205
Appendices	207
1. The on-line article in Arabic	207
2. The online article transcript	215
3. The questions of the interviews	217

List of figures

Figure 1 Legal minimum age of marriage in the world by gender (REP, 2010).....	58
Figure 2 The marriage process in Saudi Arabia.....	157

List of tables

Table 1 Conditions of marriage in Saudi Arabia (KSA) and the UK.....	38
Table 2 Age of marriage (REP, 2010) and age of consent (IHAC, 2012).....	53
Table 3 List of participants: Career, gender and date of interview	77
Table 4 List of careers and frequency	78
Table 5 The participants: Gender and frequency.....	79

Glossary

A'anes	A women who gets older and does not get married yet; on the shelf
Abaya	Cloak , robe-like dress, worn by some women in parts of the Islamic world including
Adolescent females	Young girls who are not mature
Alaadhel	When a father (the guardian) does not allow one of his daughters to get married
Al-bulugh	Reaching the age of puberty
Al-hulm	(Wet-dream) mentioned in the Holy Quran as a sign that means one is no longer a child
Al-melkah	A stage of marriage that starts after a registration of marriage and ends with the marriage ceremony
As-sagheer	A child
Biker	A girl who is a virgin
Board of Senior Ulema	The General Presidency of Scholarly Research and Fatwa
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
Dua'a	Praying to Allah – “God” – or supplication
Eftar	The food that is eaten at sunset to break the fast
Fiker saleem	Usually used to describe Muslim scholars
Fuqahaa	Islamic scholars or recognised theologians
Gaser/al-gaser	One who has not reached the age of puberty
Hadith	Descriptions of Prophetic traditions
Haram	Forbidden by Allah
HRA	Human Rights Association
HRC	Human Rights Commission

ICRW	International Centre for Research on Women
Khulaa	Application of divorce from a wife
KSA/SA	Saudi Arabia
Mahram	Is only needed for women and is anybody whom she is permanently prohibited to marry, because of breastfeeding, blood relationship, or relationship through marriage, such as her father, brother or son. He is an unmarriageable kin with whom sexual intercourse would be considered incestuous, a punishable taboo
Mazoun	A person who registers marriages
Mujamalah	Courtesy
Nafaqa	Money that a man must give to his ex-wife for maintenance of their children
NGO	Non-Governmental Organisation
Niqab	Veil
NSHR	National Society for Human Rights
OB/GYN	Obstetrics and gynaecology
Sharia	Islamic jurisprudence
Shura Council	The Consultative Assembly of Saudi Arabia, also known as Majlis as-Shura or Shura
UK/the UK	United Kingdom
UN	United Nations
Wali	Guardian
Wali alamer	Person in authority
Zawaj	Marriage
Zawaj al-gaserat	Marriage before puberty

Conference Presentations

During the time of doing this research I gave talks in conferences five times:

- 1- July 2010, *Debatable Marriages*, RIHSC conference, Manchester Metropolitan University, Manchester.
- 2- July 2011, *Challenges of Collecting Data Abroad*, Referring to forced marriage in Saudi Arabia in RIHSC conference, Manchester Metropolitan University, Manchester.
- 3- June 2012, *Zawaj al-gaserat from mazouns' perspectives*, 2nd Family Safety Awareness Day, De Montfort University, Leicester.
- 4- 2012, *Forced marriage, early marriage, and setting a legal minimum age of marriage in Saudi Arabia: A discourse analysis*, RIHSC conference at Manchester Metropolitan University, Manchester.
- 5- 2013, *Marriage in Islamic states and the West: Saudi Arabia and the United Kingdom as examples*, RIHSC conference at Manchester Metropolitan University, Manchester.

CHAPTER ONE

Introduction

1.1. Introduction

The desire to conduct this research arose from my interest in social welfare and social policy regarding domestic violence in Saudi Arabia at a time of substantial political and structural change on the subject of women and children. Walsh et al. (2000) claim that social policy is targeted at circumstances in which the family is seen as having “failed” to provide for their needs at the proper time. Domestic violence is one of the most common social issues that take place in Saudi Arabian society, and which can manifest in different forms including harm of a physical, psychological, sexual or economical nature. I started reading a social worker’s perspective about domestic violence and how it is a human rights issue that most commonly occurs against women and children (Thomas & Beasley, 1994). At the time in which I was applying for my Ph.D. the very sensitive issue of child marriage, which is known in the Arabic world as *zawaj al-gaserat*, started appearing in the media. Debates about the issue were brought to the fore and scrutinised as a result of cases of older men marrying young adolescent females. Another factor, namely that of not having a legal minimum age of marriage, was linked with the issue and some human rights activists called for the setting of legislation to prevent such marriages. As such, my interest in social welfare and social and domestic violence led me to conceiving my Ph.D. research about this type of marriage.

The media started discussing the issue of *zawaj al-gaserat*, and many people called for setting a legal minimum age of marriage as a way of preventing people who misuse the flexibility of Sharia regarding this matter. Focusing on this issue makes newspapers and television channels give it more attention. The Ministry of Justice was the department that was criticised for delaying setting legislation. As a result, the Minister of Justice has since 2009 been talking to the media about this issue and they are working to find a solution (العربية, 2009). In addition, the Grand Mufti and General President for Scientific Researches and Fatwa Shaikh Abdul Aziz Al Shaikh asked universities to study the issue from social and psychological perspectives (المخلفي, 2012).

The study mainly focuses on *zawaj al-gaserat* in Saudi Arabia and how setting a legal minimum age of marriage may stop such marriage. The study examines and explores this type of marriage and how it is linked to child marriage, forced marriage and arranged marriage. Moreover, people sometimes consider *zawaj al-gaserat* as one of these marriages, while it actually contains all of these marriages.

Saudi Arabia is not the only state that has not set a legal minimum age of marriage yet. There are seventy-four countries in the world that have not set such legislation, despite the fact some international conventions have called for the setting of a legal minimum age in order to protect children. Many states have set such legislation but they do not all have the same age, the common ages for these countries being eighteen and sixteen.

Zawaj al-gaserat can have a bad impact on individuals, families and society: for instance, adolescent girls, their families and their children. This impact can be social, psychological and medical. In addition, the effect may not occur when the marriage takes place but over the long term. For example, wives may not realise the issues surrounding the marriage until they reach the age of thirty or forty because they get mature and more aware of life and their rights.

This thesis contains seven chapters, followed by the references from English and Arabic literatures and concluding with the appendices. The first chapter is an introduction to the research, which describes what a reader will find next.

The second chapter “What is this research about?” is a reflexivity chapter, which briefs the following chapters from the researcher’s point of view. In this chapter, I give the reasons behind this study and its aims, and describe the process that the study went through; the chapter also shows the main ideas of this research and the methods that were used.

The following chapter “Marriage and family” is where the literature review takes place. Here I introduce literatures that discuss family and marriage and discuss the similarities and differences between them. Also, this chapter discusses marriage in the West and the Arab world and makes comparisons between them by using the UK and Saudi Arabia as examples.

For a smooth structure the methodology chapter comes directly after the literature review chapter. It explores how the study was conducted and which methods were used. In addition, it illustrates the analysis methods used in the research and how the participants were interviewed.

“Thematic analysis” and “Discourse analysis” are the fifth and sixth chapters, where I analyse the data. In chapter five I analyse the data using thematic analysis, which came up with twenty themes. These twenty themes emerged from the data that I got from interviewing the participants. Meanwhile, in chapter six I use discourse analysis in order to analyse three interviews in depth and one noteworthy online article which discusses *zawaj al-gaserat* from interesting points of view.

The last chapter in this research is “Implications and discussions”, where I bring up what has been found in this research and discuss it regarding the available data that I found and the literatures that linked to the study issue.

1.2. The aims of the study

This thesis is concerned with child marriage of adolescent females in Saudi Arabia, which it is known as *zawaj al-gaserat*, and how setting a legal minimum age of marriage may prevent such marriage. The study aims to evaluate and enhance understanding of *zawaj al-gaserat* and to evaluate arguments presented about whether setting a minimum age of marriage could prevent the forced marriages of children. In addition, the study aims to explore perceptions of Saudi Arabian females and males on the suitable age to get married. The study evaluates professional and popular opinion of the benefits and risks associated with setting a minimum age of marriage.

1.3. Outline of the thesis

This thesis contains seven chapters, followed by the references from English and Arabic literatures and the appendices. The first chapter is the introduction to the research. This chapter highlights the core research aims of the study and will address the background work and rationale for the choice of topic. It also outlines the structure of the thesis.

The second chapter “What is this research about?” is a reflexivity chapter, which discusses the following chapters from the researcher’s point of view. In this chapter, I give the reasons behind the study and its aims, and describe the process that the study went through as it progressed.

The following chapter, chapter three, is the literature review. It reviews the literature related to family and marriage in Saudi Arabia and in the UK. It compares patterns of marriage to show that there are a variety of marriage types and how the context of marriage is different from the Arab world to Western countries. In this context, child marriage, forced marriage and arranged marriage are discussed.

Chapter four describes the study’s methodology. It explains why a qualitative study with semi-structured interviews was chosen, why the number of interviews was thirty-seven, and how the data was collected and analysed. This chapter also discusses the challenges of collecting data abroad.

Chapters five and six contain the data analysis and the research process. In chapter five I analyse the data using thematic analysis, which identified twenty themes. These twenty themes emerged from the data that I got from interviewing the participants. In chapter six I use discourse analysis in order to analyse three interviews in depth and one noteworthy online article that discusses *zawaj al-gaserat* from an interesting perspective.

In the final chapter, chapter seven, I end by highlighting the main findings and make suggestions for future change.

Chapter Two

What is this research about?

2.1. Introduction

This chapter presents the research and situates its progress during the time it was developed. Reflexivity is an essential aspect of all research but is particularly important in qualitative research (Willig & Stainton-Rogers, 2007). Therefore, this chapter aims to offer some reflexive perspectives on both the research issue and the context in which it was undertaken, in order to make it more understandable. Reflexivity is how the researcher locates himself or herself in the picture (Fook, 1999). Thus, it is how the researchers see themselves and their position in relation to the study. It is hard to define reflexivity; however, in general, it is about challenging the perception that research is objective, natural and value-free, concentrating instead on accounting for subjectivity (Burns & Chantler, 2011). Even though researchers try to be objective and avoid bias, in social science studies it is inevitable that their background and thoughts may influence their studies. The researcher's views and beliefs may affect the study conditions, analysis, and reporting of findings in qualitative studies (Al Awaisi, 2012).

In a reflexivity section researchers may give reasons for how tough they found it to perform the analysis, or to secure adequate contributors, or to acknowledge matters that they did not anticipate to help the reader better evaluate the rationale for and status of their claims (Burman, 2006). In this chapter, I illuminate the main reasons for doing this research, as well as the approaches taken to the analysis and the challenges of gathering the data and interviewing the participants. The materiality of knowledge as always produced within power relations is established by the production of discourse (Arribas-Ayllo & Walkerdine, 2008).

2.2. Why am I researching this issue?

In order to define the research question, doctoral students are usually advised to read, and read a lot (Kamlr & Thomson, 2011). Reading more and more about any issue helps the researcher to have a clear image about what they will write about. However, that may influence them to go in one direction, which may affect the way they interpret the issue.

Usually there is a reason, or reasons, behind researching any issue, and with this research there are a number of different reasons, the main one being the big debate about child marriage in Saudi Arabia and how it is connected with age. The other reason is that when I started the PhD this issue had just started to be discussed in the media, and some activists called for setting a legal minimum age to avoid the disadvantages of the issue, such as social, psychological and medical issues that may affect usually the young girl, her husband, her family and society. Since that time, 2009, some significant cases have been discussed in the media: for example, *fatat Buraidah*, Buraidah's girl, which is about a marriage between a man who is in his eighties and a twelve-year-old girl (BBC, 2010).

This research was conducted in Riyadh in Saudi Arabia. Semi-structured interviews and documentary analysis are the methods that were used for data collection and analysis. The interviews were conducted between August and September 2010, and the participants who were interviewed were linked to the issue from different positions, some in occupations relevant to the issue of the research from a professional position, such as social workers, *mazouns*, teachers and doctors (See table 4, page 78).

2.3. Context

This research cannot be fully understood without understanding the context in which it was conducted. In order to understand adolescent females' positions, it is important to know that Saudi society is male-dominated, which means women are usually under the control of men. Women are perceived as the "weakest link" in Saudi Arabia (Lacey, 2010), as they have to have a man with them in many cases in order to get what they want. For instance, Saudi women cannot travel abroad without a *mahram*, محرم, unless one of them gets a written paper from her *wali* (guardian) that allows her to travel. Furthermore, in some cases that *wali* is her son if he is an adult, despite the fact she is also an adult and his mother. Here, culture and customs put women in a position that suggests they are in need of a man to support them most of the time. In addition, children usually need support and someone to take care of them. Thus, the issue in this research includes the two parties (women and children), and the research examines the question of young married adolescent females. In other words, this study examines the relationship, to some extent, between marriage and age.

Recently, the question of what age is a suitable one for marriage became a heated topic of debate in many nation states (Blackburn & Bessell, 1997), including Saudi, where such debate emerged a few years ago in the media (Gazette, 2009). This was not only in English-language newspapers and television programmes, but in Arabic ones as well. Furthermore, some activists sent letters to the King asking him to intervene and set a legal minimum age of marriage in order to prevent child marriage. **“If the Ministry of Justice does not want to set a legislation [then] this issue [child marriage] should be solved by the King and I have sent a letter about this to the King” (Participant 29).**

Child marriage is generally seen by many as a big issue that affects society and harms children. In addition, some participants consider it an issue that may not have an influence immediately, but will have an effect in the future. A social worker stated that **“fifteen to twenty per cent of women who have family issues after marriage [do so] because they got married in an early marriage. The problems appear in the long term” (Participant 19).** In contrast, a good number of people claim that as the number of child-marriage cases is so small, thus, researchers, and Saudis in general, should not care about it, and they should try to focus on the **“big problems”** in society. As an employee of the Human Rights Commission (HRC) said, **“...in HRC we have to work with these sorts of issues. However, as a problem I do not think it is a problem because we have many bigger problems” (Participant 15).**

As discussed elsewhere (chapter five), almost all of the participants said that the number of cases of child marriage and forced marriage of children is very small. However, when the interviews came to discuss any disadvantages of child marriage, many of them brought up examples about some cases and admitted that it is an issue that needs to be solved. It is clear that child marriage is an issue and the good thing is that the number of people who practise it is still small, as most of the participants claimed. Nevertheless, the key issue is not about marriage between parties who are both children, but rather it is about marriages that occur between an older man and a minor girl (Black, 2008).

One of the main factors that has had a big influence on the issue of the research is the law in Saudi Arabia. Sharia is the law there, and there is nothing in Sharia

that prevents child marriage. There are some conditions for marriage, but the age of the parties is not one of them. There is a flexibility about age of marriage in Sharia; however, there is a condition that requires the father/guardian's consent to let the marriage take place (Wegner, 1982), and the consent of both parties is also required (Pahary, 2003). Despite the fact that there is a law, still there is an argument that this is not enough to protect children from forced marriage. **“The law is inadequate to protect children from forced marriage in Saudi Arabia because there is no legislation [children law]”** (Participant 2).

Zawaj al-gaserat or child marriage takes place in Saudi Arabia, but – as far as it is known – the available number of cases is still small. In addition, such marriage was common in the past for different reasons; for instance, there were no schools at that time, and people prepared their adolescent females for marriage as soon as they reached puberty. Moreover, customs and habits influence people in this matter; thus, they tried to marry their daughters off as soon as they reached puberty because of the idea that others would view her badly if she got older and no one had married her. In addition, early Saudi Arabia was a poor country and people did not have enough money to take care of a large number of children. Hence, fathers would usually accept any man who came and asked to marry one of their daughters, to help the father to take care of the rest of his children (Al-Khateeb, 1998). These days, especially after oil was discovered, life in Saudi Arabia has changed. There are many schools for both adolescent females and boys, and the income of families has increased (Quandt, 1981); thus, the mentality of Saudis has changed and they have started thinking differently. All *mazouns* who participated in this study claimed that in many different cities, especially those in the western and eastern regions, adolescent females marry after finishing university and now it is rare for a girl to get married while she is still studying at high school.

The discourse of the study

The issue of *zawaj al-gaserat* can be studied from different perspectives. It is a type of marriage and, as with any marriage, it usually has pre-set conditions and rules which are grounded in religion(s) and may even be legislated depending on the state. As we are looking at Saudi Arabia, Sharia is protected by law. With Sharia being an intrinsic framework of Islam, both Islam and Sharia need to be

studied hand in hand. The religious discourse rises in any issue in Saudi Arabia, because doing anything forbidden by religion, which is Islam, means doing something against the law. True justice for any crimes committed or any laws broken is believed to only be delivered by God who is “Allah” and not by the police, court or even the government. The punishment may not take place in our existence in this life but in the life after death, which is part of the Islamic faith. For this reason, I have interviewed some lawyers, Islamic scholars and *mazouns* in order to engage with their perspectives and understanding of the issue of this research.

In addition, marriage is the only legal way in Saudi Arabia for women to have children. It is now generally accepted that special care from specialists is required for a woman who is pregnant. In terms of a child’s pregnancy, more complex complications can occur. One such example is preterm birth, which can take place for a pregnant female between the ages of thirteen and sixteen in particular as a result of gynaecological immaturity (Horgan & Kenny, 2007). The medical complications are not only faced by the one who is pregnant, but the unborn child may also be subject to complications and issues such as prematurity and even deformity (Horgan and Kenny, (2007).

There is a social discourse, which is raised and discussed in depth by society, which especially concerns the issue of “how a child raises a child”. There is a known tradition in Saudi Arabia that the husband has responsibility for the family’s income and the mother is tasked with the responsibility of taking care of the needs of the children, especially in their infancy. Thus, the discourse is about the future of those children and how a young mother could take care of them responsibly. In addition, some have argued that *zawaj al-gaserat* is a way of selling adolescent females to men who pay a generous amount to the father of the adolescent females, something which is prohibited in Islam. This also indirectly illustrates how much power the fathers, and men in general, have in Arab society. Adolescent females who get married at an early age face a very different kind of abuse from their husbands without having been given the right to live their childhoods like other children.

2.5. Theoretical perspectives

As my study offers a critical approach to the discourse on *zawaj al-gaserat*, contributions from a range of theoretical perspectives are required. For instance, we will need to look at this from a legal perspective which should be based on religion and Sharia. Sharia does not set any specific age, either for adolescent females or for boys. There is also no grounding for it in their holy books, the Quran and Hadith, which are descriptions of Prophetic traditions, to specify directly a legal minimum age of marriage. However, since Muslims take what Prophet Muhammad (PBUH) said or practised as rules, many Muslim scholars take the age of nine as a legal minimum age of marriage, because the Prophet married Aa'ishah when she was at the age of nine. In contrast, some other Islamic scholars agree with this but argue that there were extraordinary reasons behind this marriage. For instance, the Prophet was ordered by Allah to marry her and it was legal and acceptable that adolescent females get married at that age at that time. So given the context of society at that time, this was accepted and not a cause for concern at that point in time. In contrast, men who marry young adolescent females in today's context have very little in character or otherwise which resembles Prophet Muhammad in more contemporary contexts – they are not of a divine nature as was prescribed for Prophet Muhammad – but this rationale has been unjustifiably abused for reasons like sexual enjoyment or to ransom the daughters of fathers who owe debt.

The issue of *zawaj al-gaserat* has another dimension, which is the psychological perspective. A social worker (one of the participants) claimed that some fathers marry their daughters off to older men because the fathers' mentality does not itself understand the disadvantages that may result out of this marriage. Young adolescent females who marry at a young age can suffer from anxiety and depression because the age difference between them and their husbands presents a psychological gap, rendering compatibility and understanding to be limited.

There is discourse of the medical perspective relating to child marriage. It indicates that child marriage has some disadvantages for both married adolescent females and their children. Hampton (2010) claims that as in some states girls get married before they reach adulthood they and their future children often experience a range of problems, from physical abuse to infection with HIV.

Notably, one of the most tragic effects is a stillborn birth. Amongst other ill effects, Horgan and Kenny (2007) state that anaemia, low birth weight, premature delivery and sexually transmitted infection can be caused by teenage pregnancy and more significantly, Mayor (2004) claims that child marriage not only results in injuries for adolescent females but in extreme cases may cause death.

The social perspective is one of the key factors affecting the research of child marriage. In the past, it was legal and acceptable for adolescent females to get married in the Arabic culture and other states too. This also has legal precedence as, until 1929, even in the UK the legal minimum age for marriage for females was twelve, and fourteen for males. Adolescent females in the majority of the states in the United States of America (USA) had the age of consent set at ten in 1880, with Delaware having the age of consent set at seven (CHNM). Even now, not all societies across the world agree on one specific age to be set as a legal minimum age of marriage. Indeed, the ages of sixteen and eighteen are the most common that the majority of the states have set as the age of consent, but there are seventy-four states that have not set any age at all (REP, 2010).

The social-perspective discourse highlights concern for the after-effects that may occur as a result of child marriage. A participant who is a social worker stated that she worked with some women who have issues with their husbands and after studying the cases she found that the issues are consequences of getting married at an early age. This discourse discusses the issue of child marriage occurring in Saudi Arabia, of which the most common type is not marriage between young adolescent females and boys, but between older men and adolescent females, which raises an entirely different set of issues. One of the most common contexts cited for older men getting married to adolescent females is in the form of them already being married and unjustifiably getting married to a second wife (permitted in Islam) (The Holy Quran, 3:4) – an adolescent female – for a short period of time without the adolescent female's knowledge (not permitted in Islam). It is not easy in Saudi Arabian society for divorced adolescent females to get married again as the reputation of divorced adolescent females is tarnished. Married adolescent females may not feel satisfied in their marriage and may cheat on their husbands. One such case is that of a twenty-four-year-old girl who was caught having a sexual relationship with a twenty-year-old nurse in a hospital.

When she was confronted and asked for the reason behind carrying out this act, the reason given was that she did not get this satisfaction from her relationship with her older husband and that she was forced into that marriage, which she was very keen to end (المنجومي, 2011). There are some participants who claim that there are some benefits for girls to get married early which are justified through the notion of social status, meaning that if a girl does not get married whilst she is young then the chances of her being married and subsequently being taken care of are significantly lower. Other benefits cited include that any children from that marriage will help her when she reaches old age if she has children when she is young. All these claims affect families and the adolescent females, which leads to some to be convinced of this, resulting in the acceptance of such marriage.

Child marriage in Saudi Arabia is rooted in its culture, and marrying daughters off is one of the most important concerns in some families and tribes which, at times, force these families to accept child marriage. For example, fathers are left in an impossible situation by the social ramifications of rejecting a proposal for their daughters, as it would lead to a severing of the relationship between families. On the contrary, accepting a proposal is a sign of respect. Marriage in its broadest sense is not just between a man and a woman, but it is also a means of creating a unifying relationship between two families and, at times, between two tribes. Changing these cultural traditions is very challenging (Hampton, 2010).

The discourse of age and how it links to marriage is clear in the debate on child marriage and forced marriage. Gangoli and Chantler (2009) claim that “Age is projected as a major factor in forced marriage debates” (p. 268). The Convention on the Rights of the Child (CRC) set the age of eighteen as the age that distinguishes between childhood and adulthood, and anyone who is under eighteen is categorised as a child (UNCRC, 1989). The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) (UN, 1979) agrees with that and called countries who have not set a legal minimum age of marriage to follow suit and set one in order to protect children.

In the first few months of my family living in Manchester, I took my daughter to a dentist and after giving her details and date of birth the receptionist said “happy birthday, your birthday is tomorrow”. In fact, until then my family and I had not

celebrated any birthday ever, and I did not know that my daughter's birthday was the following day. I am bringing this up as an example of how Saudi Arabians do not much care about age. In addition, when older people tell stories about some events in the past they do not give a date or how long it was since it had happened; they instead use some adjectives of a significant matter that happened that year. For example, "سنة السبلة", "sanat as-sablah", which means "the year of as-sblah", is one of the recognised years in the history of Saudi Arabia because of a war between King Abdulaziz Al-Saud and "the brothers" which took place that year and because "as-sablah" is the name of the place where the war took place.

In addition, Sharia does not set an age that could help to distinguish between childhood and adulthood. However, there are some signs that show when one is no longer is a child, at which point he or she has to fulfil the obligations of an adult in Islam, such as fasting and praying (amongst others). However, Sharia does set some parameters in the form of age. For example, parents should start teaching their children how to pray from the age of seven, and at the age of ten parents are allowed to punish them if the children do not pray. Another is that offspring should be suckled by their mothers for two whole years (Esak, 2012). From a legal perspective age is used to decide which type of punishment will be applied to the guilty as there is a difference in punishment between a child and an adult. More commonly, age is used in order to afford people certain privileges, such as the right to practise something such as driving a car, smoking and drinking alcohol where permitted. Setting prices is another example which can be seen in travel airlines, theme parks and cinemas. The same concepts apply in Saudi Arabia, with key distinctions such as not being able to travel abroad alone unless the traveller's age is twenty-one or they have their father/guardian's consent.

2.6. Research process

This research moved through different stages. A proposal was first submitted. Usually, there is a form that should be submitted with the proposal, which is called the ethics form. As my research is conducted abroad, I have not faced any delay with receiving the confirmation for my research. After doing some secondary research, preparing, and writing enough about the research issue, I

prepared the interview questions. The pilot study was conducted in Manchester, as there were some Saudi Arabian students who I interviewed before going to Saudi Arabia to conduct the research interviews. After revising the questions and discussing them with my supervisor, I began scheduling the interviews. The best time for me to conduct the interviews was in the summer of 2009, so I made some communications with selected participants from different disciplines in order to arrange to meet them during this period. Conducting the interviews went well but I could not interview all those who I would have liked to and had planned for. This in itself presented another set of challenges, which I describe later on in chapter four. As the interviews were conducted in Arabic, I transcribed the interviews into the English language. Thematic analysis was carried out followed by a selection of interesting interviews to carry out discourse analysis. The final stage involved writing the discussion and referring back to the literature review chapter (chapter four).

2.7. This research

This research is about how setting a legal minimum age may prevent forced marriage of children in the context of Saudi Arabia, where there is no legal minimum age for marriage. The research is situated from a social perspective, and the issue has a crucial other aspect, which is law. Law in Saudi Arabia is Sharia. As there is nothing in Sharia that prevents child marriage, some cases of marriage between older men and young adolescent females do happen. From 2008 onward the media started talking about the issue, not only about child marriage in general but also young adolescent females with older men. Moreover, some television programmes and newspaper articles encouraged activists to call for new legislation to stop this issue as it has many disadvantages for the adolescent females.

In Saudi Arabia, as in most countries, it is not easy to set one appropriate minimum age for all policies or issues. For instance, airlines set the age of twelve as the age that one has to pay for tickets in full as an adult. This policy and some others take place in Saudi Arabia, and some of them are set as a result of cultural and religious reasons. For example, when one has to stay at a hospital for any medical reason, anyone aged thirteen or more has to go into an adult ward. A consultant of obstetrics and gynaecology stated that “... we treat,

medically, people who are under the age of eighteen as children in hospitals, but people who are at the age of thirteen or above do not stay in children's wards in the hospital but in men's [or women's] wards" (Participant 11).

2.8. The researcher

The manner of our reflexive engagement in research can turn the only subjective into the deliberately assumed and conscious position. This position of the researcher makes subjectivity a vital resource in the research process, and into something that can be made visible to the readers (Parker, 2005). In standpoint theory there is no possible technique to have an unbiased viewpoint or perspective (Griffin, 2009).

In this research I position myself as a man within a male-dominated Saudi Arabian society and also as an academic researcher. Both of these positions could have influenced me in approaching the study. It was not easy for me, as a man, to interview women in such a gender-segregated culture. Also, as the study is related to women more than men I tried my best to bring up both men's and women's perspectives equally, since both men's and women's reactions in the social life are affected by the social location (Harding, 1987).

Furthermore, as an academic researcher the participants trusted me and were to some extent open to express their points of view and positions. It was clear that the respondents were interested in such study and influenced by my analysis. "The functional aspects of reflexivity refer to the topics one chooses to study and the theory and methods one utilizes" (Wilkinson, 1988 p 494). In addition, my background in social work and working as a social-work lecturer influenced me to try to understand and study the issue of *zawaj al-gaserat* from the standpoint of women as well. In the social-work field, when approaching and assisting clients standpoint has to be referenced as a concept that should be acknowledged and understood (Swigonski, 1993).

Having this position, my interest, and being a member of my family induced me to choose this topic and allowed me to have adequate contacts for reaching participants for this study. For example, my sister, who is a teacher, arranged the group family that I interviewed; the mother is her colleague in the school. These positions apply personal and functional reflexivity. "For the individual, his or her

research is often an expression of personal interests and values” (Wilkinson, 1988 p. 494).

2.9. Resolving ethical issues

Ethical issues are one of the important requirements that researchers have to be aware of. One of the requirements for doing a PhD research study in the UK is filling in an ethical form and gaining ethical approval from the respective authorities. **Thus, an ethics check form was submitted with the proposal of this study and got approved by MMU.** As I am a teacher at a university, I was given a letter by the university giving information about me and the research I work on to show to the interviewees. During the interviews I told the interviewees who I am, where I work and where I study, and gave them brief information about the research and its aims and why I was conducting it. The participants were told they can withdraw from the interviews and they could retract their comments at any future point. As the most convenient way to avoid losing any part of the interviews, I asked the interviewees to allow me to audio record the interview. As is discussed later in this thesis (4.6, p. 76), one participant refused to be recorded so I took notes and wrote down as much as I could from what he was saying.

Part of the difficulty of undertaking a study in the Saudi context via a western university is that ethical issues and procedures appropriate to one culture may not be so in the other. For example, with regard to written consent participants in the Saudi context may not want signed documentation to exist stating that they have met a member of the opposite sex in what the authorities could deem an inappropriate manner. For this reason verbal consent was considered appropriate. Even with this safeguard many participants would not identify themselves on tape. Also, whilst in the UK there has been a marked expansion of the concept of the vulnerable adult (McLaughlin, 2012), this is not so in the Saudi context. So for example, while I asked participants if they would like information regarding support if they became distressed during the interviews this tended to be met with bemusement.

As mentioned earlier a risk factor for myself was the ban on men meeting women without their mahram. To minimise this I met the majority of them in their workplace or with their husbands.

Most of the interviews were audio recorded and I made another copy on an external hard drive and kept it with the audio recorder in a safe place. All of the data will be destroyed following the completion of the PhD.

Consent was audio recorded. It was not felt appropriate to get written consent due to the risk factor of women identifying themselves in writing due to the nature of the study and implications for them if the authorities found out.

2.10. The issue of interviewing more women

In terms of the research process and the generating of materials for this thesis, it needs to be recalled that it is not easy for a man to interview a woman in Saudi Arabia. That is because Sharia does not allow a man and woman to meet each other alone without a *mahram*, محرم. In order to avoid breaking the law, except for the interview that was with the family when the father was there, the remaining interviews with women took place in their workplace and in a public area.

2.11. Political situation and the Arab spring

This thesis was written during a remarkable period in the Middle East. This is because it was conducted during the time that revolutions took place in some Arab countries, such as Egypt, Libya, Yemen and Syria. The effects reached all Arab countries, including Saudi Arabia. Even though there has not been a revolution or demonstrations in Saudi, the political situation and people were affected. For instance, in September 2011 King Abdullah announced the government's decision to appoint women members on the Shura Council "Advisory Council", and in January 2013 the King named thirty women selected for the Shura Council (AlJazeera, 2013). This decision was meant to prove that women in Saudi have influence and that the government is convinced that women should be a part of making decisions, especially those that are related to them. In addition, women become members of the Consultative City Councils from the next round of elections.

It is assumed that these decisions will impact on women's matters in Saudi Arabia, and one of those is marriage and the age of marriage. Similarly, the media has increasingly discussed women's and children's rights in Saudi Arabia and published some stories about some bad situations for children and women

(HRW, 2011). In addition, there are increasing calls for the law to solve these issues, or indeed to improve any existing relevant legislations. Alongside that, the Human Rights Association (HRA) and National Society for Human Rights (NSHR) are doing some work to support people who are in such situations.

I interviewed some participants from both of these organisations and found that the HRA has branches in many different cities and has dealt with some cases of child marriage. However, some people who work in these organisations still maintain that child marriage is not an issue and it should not have all this coverage in the media or indeed interest from researchers. So it should be noted that not all participants shared my view of the relevance and importance of this issue.

In terms of political context, the issue of child marriage and setting a legal minimum age of marriage is being discussed at a high level. There have been some news from and interviews with the Minister of Justice, who said that child marriage was being discussed and that legislation will be due soon (Emirates 24/7 Staff, 2011). Moreover, Princess Adela bint Abdullah, King Abdullah's daughter, is one of the activists calling for the setting of a legal minimum age, and she has talked to the newspapers and said that legislation is to be announced about this issue although, as yet, none has been (الغامدي, 2011).

As the law in Saudi Arabia comes from Sharia, which was brought by the Prophet Muhammad – peace be upon him – people usually support their claims by what he said or did. Hence, it is unusual to discuss child marriage without mentioning the Prophet Muhammad (PBUH) and Aa'ishah's marriage. What most people know about this marriage is that they became engaged when she was six and married after she reached nine, although some argue she was ten (Jones, 2008). However, recently, some researchers have disputed this and come up with a different age. They claim that she was at least eighteen. This new evidence¹ may change people's and decision makers' perspective about the age of marriage in Islam.

1 <http://www.youtube.com/watch?v=axkHZkZBiHc>

Age of marriage, especially for adolescent females, has become a political issue in Saudi Arabia recently. The marriage cases of older men with young adolescent females that appeared in the media led people to talk about the issue loudly. The other reason that encourages human rights activists to call for the setting of a legal minimum age is the Human Rights Watch reports about children's and women's rights in Saudi Arabia (HRW, 2011). That report and some other criticism from different government and non-government organisations have had an impact on the form of the policies which relate to women. For instance, in terms of women's contribution as a part of Saudi society, two female athletes participated in the London 2012 Olympics.

On the other hand, in practical terms there is not any law that prevents fathers from marrying their daughters off at any age. However, in Islam, the governor – who is the King in this instance – can set new legislation if there is a need for that, as a university teacher of religions who works as a *mazoun* claimed: **“There is no age in Sharia but the King can set a suitable age”** (Participant 4). Participants who were in favour of setting a legal minimum age of marriage do not expect that people will follow the new law if the government sets one, as one teacher commented: **“...but if the government sets legislation, some people will not obey it”** (Participant 3). Unless there is a strict sanction against one who does not obey the law, it is unlikely people will obey. This action could be a large amount of money (fine) paid by the father as a deterrent, as a member of the National Society for Human Rights who also works as a *mazoun* claimed: **“It is important to set big penalties against parents who marry their daughters at less than eighteen: for example, an amount that equals the dowry”** (Participant 18).

2.12. Age these days is not like in the past

As age is a vital aspect in this study, all the participants were asked about their point of view of its effect in terms of marriage, and they gave a diversity of claims in order to define their attitudes. Some of them made comparisons between young adolescent females these days and in the past in terms of skills. **“People's skills are different and maybe a girl who is fifteen is more mature than a twenty or twenty-one-year-old girl. In addition, ability is different from one girl to another. Therefore, age is not enough to decide if a girl is**

ready to marry or not” (Participant 10). However, some other participants set a specific age clearly: **“fifteen is the suitable age for a person to be ready for marriage, because the mentality and physiology are enough to help one to get married” (Participant 9).** **“In the past families readied their children for life at an early age, and that let them to be ready for marriage at an early age” (Participant 19).**

2.13. Is it child marriage, forced marriage or early marriage?

Even though the questions were specified as being about child marriage, some of the participants started to answer about child marriage and then drifted to talk about forced marriage. That shows how these two types of marriages overlap.

Child marriage in Saudi Arabia is a phrase that has no clear definition. However, in general, Saudis usually treat one who has not reached puberty as a child. However, as Saudi Arabia is a member of many international commissions, such as the United Nations International Children’s Emergency Fund (UNICEF),² and has signed some conventions, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),³ which calls for setting a legal minimum age of marriage, there are calls from some activists to apply this in reality. According to Article 1 of the Convention on the Rights of the Child (CRC),⁴ any marriage where one of the participants is under the age of eighteen is a child/early marriage (Assembly, 1989). According to this definition, early and child marriage are equal. However, it takes age as the only measure, regardless of the mentality, experience and health of the party, or even any other measure. Most of the participants highlighted some other factors that should be considered, such as the size of the body, the girl’s experience and her mentality.

Child marriage, forced marriage, early marriage and arranged marriage are all linked to each other, and at the same time, they are different. People may not recognise the differences between them, and indeed most of the participants shared the same difficulties. For example, one of them was asked about forced marriage and the answer was, firstly, about child marriage, and then forced marriage: **“child marriage in Saudi Arabia not only occurs but happens a lot,**

² <http://www.unicef.org>

³ <http://www.un.org/womenwatch/daw/cedaw/>

⁴ <http://www.unicef.org/crc/>

and forced marriage occurs as well” (Participant 31). The issue of child marriage in some countries such as Indonesia was highlighted by women who had studied abroad, and the issue was mostly described as “forced marriage” (Blackburn & Bessell, 1997). **“The perspective in relation to early marriage is different from one person to another and therefore we should take care of many aspects, such as religion, societies, and the researcher” (Participant 7).**

On the other hand, some participants claimed that forced marriage might occur at any age and under different circumstances. Moreover, some claimed that **“any marriage under the age of fifteen is forced marriage” (Participant 2).** Here the participant specified the age of fifteen, which in most of the participants’ accounts was the latest age that adolescent females may reach puberty. On the other hand, forced marriage can happen to any man or woman at any age (Gangoli et al., 2009), and some claim that **“... a seventeen- or nineteen-year-old girl could be forced into marriage, but [marrying] a fifteen-year-old girl [amounts to] forced marriage under any circumstances” (Participant 2).** Hence, forced marriage is different from child marriage, but both have similar disadvantages.

2.14. Methods

This section describes reflexivity aspects relevant to the data-collection methods, the interviews, selection of participants for interview, reasons for some not participating, translation and transcription. As described in chapter three, the main method that was used for generating materials for this research was interviews. In order to elicit the relevant answers to the main topic of the research, I prepared the interview questions in different categories. The diversity of the questions was not huge, but it was necessary as participants’ positions were not the same. There could be other ways of asking the questions, interpreting the findings, and presenting it to the reader (Gergen, 1999). Interviews are complex to conduct and have tricky issues which social-scientific researchers have, until recently, been inadequately equipped to talk about (Burman, 1994). Everyday conversation and the structure of the research interview are close to each other (Kvale & Brinkmann, 2008).

In terms of the interview process, all the interviews were conducted in the Arabic language, and then they were translated into English before they were analysed. Translation was one of the challenges that I faced, as there are some terms and expressions that need more explanation to be clear for readers and non-Arabic speakers. For example, *mojamalah* has two different meanings in Arabic. One of them means “courtesy”, but the other meaning is different; it means that the person cannot refuse a request from someone as a result of shame or because that person has a special attitude. For example, when the leader of the tribe asks to marry a daughter of a middle-class man, the father will be under great pressure if he and the girl disagree with that proposal because a refusal would have an unwanted impact on the father and his family.

As some participants were known to be linked to the issue from professional perspectives, there were some slight differences in the questions I asked. However, most of the questions posed considered child marriage, forced marriage, early marriage and age of marriage. There were also some questions asked about the law in Saudi Arabia and to what extent they thought it adequate to protect children and women.

2.15. Participants

It was planned that this research would be based on interviews with fifty participants. However, due to some challenges with accessing some participants I interviewed thirty-seven contributors.

The question of “how many interviews is enough” is one to which there is no clear answer, as in some studies one interview is enough. The number of interviews required depends on the research question and its purpose (Baker & Edwards, 2012).

It should be acknowledged that I could not interview the “victims” –the female children – as there would have been considerable difficulty to have access to them and also insuperable ethical problems. In addition, it is unlikely that a father or husband would allow a girl who was in the process of marriage, or who had been married as a child, to take part in such an interview, because this would put the men at risk of getting into trouble if the marriage was without the girl’s consent.

2.16. Methods of analysis

Thematic analysis and discourse analysis are the methods that were used in this study. With thematic analysis, the data is organised into twenty themes (see chapter five). In terms of discourse analysis, I used four texts and analysed them in-depth. Three of the texts selected for discourse analysis are significant transcripts of the interviews which were conducted. The last of the four texts is an article which was found online written by a Saudi woman in response to another Saudi woman who called for the legal minimum age of marriage to be set at the age of eighteen in Saudi. The process of the analysis is addressed in chapter four.

Whilst undertaking secondary research, which was during the period of creating the questions for the interviews, I found a number of reports and news about *zawaj al-gaserat* in Saudi Arabia and child marriage around the world. The majority of these were found in newspaper pages and on the Internet, and they discuss the cases of marriages that have taken place between older men and young adolescent females. The news and articles discuss the issue and whether there is a need for intervention from the Ministry of Justice by setting a legal minimum age of marriage in order to stop some fathers from misusing their right to marry their young daughters off to any man they want without even considering the feelings of the adolescent females they are marrying off. The articles argue about the effect of this kind of marriage on adolescent females, their families and society, including a debate about the legitimate perspective or justification for this. I have, therefore, used some of these articles in my research regardless of some being in different states (see chapters 3 and 7).

The discourse analysis contains analysis of three interviews. The first one is with a professor of religion. He rejected the idea of having an issue of *zawaj al-gaserat* in Saudi Arabia and then made an exception by minimising the issue to a few individual cases based on the merit or special circumstances of those cases. After talking about the issue in more detail, the definition became clearer. He presented his justifications:

- It is not only an issue for Saudi Arabia to face; the issue is more alarming in other countries such as Yemen.

- His position is clear that he is against setting a legal minimum age and his claims are based on the argument that the number of cases relating to *zawaj al-gaserat* is small and it is not as alarming as it has been made out to be.
- He claims that there are some benefits to this kind of marriage; for example, females' fertility reduces as they age and if they do not get married as soon as they become ready for marriage they may lose the chance of having children, and may also lose their chance of getting married.
- He perceives that there is a political and religious reason behind the media's agenda, whose aim is to publish the "abnormal" cases of child marriage. This will make a good story because it can be seen as sensational news and is therefore sellable.
- He also believes that this campaign can be misconstrued as an attack on Islam and Muslims, not because this is part of the Islamic faith, but because society is such that the only association made will be to the faith rather than the misgivings of a minority synonymous to any culture, faith, society or people.
- However, while he is against setting legislation, he expressed that he is against the notion of forced marriage and that it is prohibited in the Islamic faith. Consent of the female is required before marriage, without which the marriage can be invalidated according to Sharia.

The first section of the discourse analysis chapter is an interview with a family group, consisting of a father, a mother and two daughters. Both parents' professions are schoolteachers and the daughters are aged sixteen and eighteen respectively. Their response was typical of a Saudi family. For example, in all of the questions I asked, the one who usually responded first was the father, then the mother, and after that the older daughter. The youngest daughter did not contribute much, and when I asked for her opinion she only repeated what had been said by her parents or responded in agreement with what her parents had said on the subject earlier. I posed some questions directly to the daughters, such as trying asking whether there are any adolescent females who are married in their class or schools, in which case they both answered without waiting for the parents

to answer first. However, as the parents are teachers themselves, they also contributed with their answers to the same question after the daughters. Generally, they all agreed with setting a legal minimum age of marriage. However, there was a disagreement between the parents about the definition of *al-gaser*, child. The father focused on age as a measure to decide whether one is a *gaser* or not. In contrast, the mother focused on the skills and mental maturity of females and the way in which they perceive marriage, which itself has complications as it cannot be universal – every person is different. They agreed that *zawaj al-gaserat* takes place due to customs and habits in some families and tribes. In addition, it usually occurs among families who are not educated or have not finished school: in other words, in families which have a lower literacy level. Another disagreement occurred when the father stated that this type of marriage occurs in villages and far away from cities, whereas the mother and daughters disagreed and presented justified examples of cases where such a marriage had taken place in Riyadh, the capital city of Saudi Arabia.

The last text that was analysed with a discourse analysis approach is a text from an interview with a *mazoun*. This text is worth an in-depth analysis because it is with someone who had worked for more than thirty years in registering marriages. Moreover, he is married to more than one wife, one of which he married when she was *gaser*, as he said. The *mazoun* is a member of the National Society for Human Rights in Saudi Arabia, which has dealt with some cases of *zawaj al-gaserat*. Thus, he had enough knowledge and valuable experience to contribute to this study. He talked about the highest religious authority and how they are in power and authorised to set or reject legislation. He spoke about how they rejected a bill of setting a legal minimum age of marriage because child marriage was acceptable at the time of Prophet Muhammad (PBUH). He pointed out that *mazouns* do not have the power and the right to stop any marriage where one or both of its parties are still children. However, he suggested that doctors who do the pre-marital medical check could stop the marriage on the grounds of not being able to obtain information about both of the parties. This *mazoun* highlighted that *mazouns* only register marriages if they fulfil particular conditions. However, sometimes some *mazouns* do not follow the rules and register marriages without even asking the adolescent females about their consent. This participant indicated

an estimated proportion about *zawaj al-gaserat* when he said seventy per cent of the marriages he registers are for *gaserat*. However, he claimed the age gap between them and their husbands to be not too far apart.

2.17. Not wanting to participate

In general, it is likely that some people refused to participate in the research for many reasons. In this research, there were some such cases where people either refused to be interviewed or else appeared to do so with discomfort.

One of the participants, a paediatrician, withdrew from the interview after only five minutes. This appeared to be because he did not want to talk about something related to Sharia. When the interview was arranged, he had been given enough information about the research and its purposes. Therefore, he agreed to do the interview. However, when I met him to do the interview, and after telling him about the research, I asked his permission for using an audio recorder and he refused. So I told him I would like to take notes while he was talking, and gave him some examples from the questions of the interview. Then it was clear he was not happy to answer those questions, and he started to try to finish the interview. Plus, he brought up some reasons that indicated his view was that he was not the appropriate person to answer these questions because he is not a religious scholar.

The other reason for some people not contributing was that the data collection was during the summer holiday and some of the participants were on their holidays, despite the fact that they agreed to participate and were initially happy with the time. In addition, I met, separately, two of the participants who worked as obstetrics and gynaecology doctors, and after giving them an introduction about the research they asked to rearrange another appointment as they did not have enough time to do the interview and said they wanted to have all the questions before the interview. We agreed that I would email them the questions and, after that, they would set the interview meeting for a time which was good for them. I stopped contacting them after emailing them three times without any response.

2.18. Commitment

People usually have their own perspectives about anything, whether they are right or wrong. Research is one of the ways that may help them to prove their ideas or reject them. In this study, I started with a lack of knowledge about child marriage in Saudi Arabia. I knew that there were some cases of child marriages taking place, but I did not know its effects. By this I mean the social, psychological and medical effects on those adolescent females and their families.

Reading about the issue and researching about it, I found that the issue is complicated, and many people are confused about the differences between child marriage, early marriage, forced marriage and arranged marriage. These types of marriages are likely to happen in any state, culture or religion, but even though they happen, they are different. For instance, arranged marriage in Pakistan is not the same as arranged marriage in Saudi Arabia. Plus, the situation is different as well. Moreover, early marriage as a concept is not fixed in all societies. For example, a study in the US on early marriage defined the age below twenty-one as early marriage. However, among some tribes in Saudi that age means the girl is *A'anes*, عانس (on the shelf), and her chance of getting married is less than adolescent females who are younger than she is.

2.19. Advantages and disadvantages

One of the ways that people may support their arguments or criticise any argument is by bringing up advantages and disadvantages of what they are debating. In terms of *zawaj al-gaserat*, such means is used by the parties which are in favour of or against setting a legal minimum age of marriage in Saudi Arabia. The party that is in favour focuses on the social, psychological and medical impacts of this marriage on adolescent females who get married while they are still children, as well as the impacts on their children, their family and wider society. For example, the girl may experience some medical issues because some major organs of her body are not fully ready for being pregnant, such as the womb and hips. In addition, as the adolescent females are still young they do not have enough experience and skills to be responsible for children and for raising them properly. In contrast, the party that is against setting a legal minimum age concentrates on the benefits that the girl, her family and society may gain out of this marriage. For instance, some people claim that when a girl

gets married once she reaches her puberty, she can have children who will support her when she gets older because they will be mature and old enough. In addition, some state that when a girl of a poor family gets married, that helps financially and socially because the girl will then be the responsibility of another man.

The debate about this sort of marriage is not unexpected because there is no clear and right position that one can stand for. Both parties who are debating about setting a legal minimum age of marriage, or whether *zawaj al-gaserat* is legal or not, have some strong claims and could argue against the opposite point of view. However, while there is nothing from the Holy Quran that prevents such marriage, Islamic scholars have their own legitimate debate as well. However, all of them agree that when adolescent females get married but have not yet reached puberty, they should not be involved in sexual intercourse with their husbands.

2.20. Conclusion

In this chapter, I have tried to describe what this thesis is about, its process, and some information that may make the research more clear to the readers. As any issue cannot be understood out of its context, I have tried to give a brief account of the context of marriage in Saudi Arabia and some examples of how Saudis deal with them.

There were some challenges that I faced, especially when conducting the interviews, and it is assumed that indicating some of them here will help the reader get more information about this research and its process. Getting more women to participate and the process of translation were the greatest challenges which I dealt with.

Some factors can be assumed to have a strong effect on the issue of the research. For instance, Sharia, which has no clear stipulations to prevent child marriage. In addition, the political aspect has dramatically changed in the Middle East context at the time of doing this research.

As the research is about the relationship between age and marriage, this chapter has examined how the participants see age as an important factor in terms of marriage. In addition, I have tried in this chapter to highlight the differences

between child marriage, forced marriage and early marriage, as it was found that there is an overlap between them in some participants' perspectives and in general.

Chapter Three

Marriage and family

3.1. Introduction

This chapter reviews and examines the various forms, meanings and definitions of marriage and family that are recognised today. While the traditional idea of family is about a man, a woman and children, Girgis et al. (2010) argue that marriage is generally thought of as being a permanent and exclusive commitment to each other between a man and a woman. However, marriage is also framed by culture, religion, family, state and legislation.

There are many studies about forced marriage, early marriage and child marriage (Park, 2006; Gangoli et al., 2009; Warner, 2004). They aim to study the issues from different perspectives and in different situations. These studies have their limitations and it may not be appropriate to use them out of this specific context. However, as no project starts from scratch (Lewin & Somekh, 2004) it was helpful that I looked at some studies related to my research.

Each society has its rules and customs in terms of the relationship between men and women, as well as its preferred type of family. Cohabitation, boyfriend and girlfriend, civil marriage, religious marriage and same-sex marriage are different kinds of relationships that may be considered as “family” in some societies.

In this chapter I discuss the concept of family, how it is not the same in all societies and states, and how the form of family has changed over time. Thus, it is not easy to have one fixed definition of family. In addition, family and marriage are so close together in terms of definition and understanding in people’s minds, and as marriage has various patterns, thus I examine the most common forms, such as religious and civil marriages. Then I compare marriage in Western and Arab countries. The diversity of marriages and relations between men and women results in different perspectives of those marriages, which leads to a debate about specific sorts of marriage, such as forced, arranged, early and child marriage.

Human rights organisations and child-care conventions call for the setting of a legal minimum age of marriage in order to protect children from abuse. In addition, in order to protect children from sexual abuse many countries set an age of consent to sex; here I make a comparison between them and how these set ages differ from one state to another, and I consider how some countries set the age of consent lower than the age of marriage (see table 2, p. 53).

In the last section of this chapter, I discuss puberty as a sign of shifting from childhood to adulthood according to Sharia law. Then I talk about how religions such as Islam, Christianity and Judaism see child marriage, and also consider the disagreement between the main four Islamic schools (المذاهب الأربعة) about child marriage.

3.2. What is a family?

The notion of family is integrally tied to the social structure, values and norms of any society and is an essential part of it (Kağıtçıbaşı, 2007). Walsh et al. (2000) state that the term “the family” often leads to debates based on shared understanding. Once we hear the term “family”, we assume there is an obvious definition of it. In addition, the picture of “the family” that immediately comes to mind when hearing the term “family” is not the same in all of our minds. Muncie and Sapsford (1997) claim that one of the challenges that face those who want to study the family is its definition. Indeed, Muncie and Langan (1997) agree that, in the study of family, the definition of “family” is the greatest intractable issue. Moreover, they add, “the family” is not a simple notion that one can take for granted. In addition, many of us experience or have experienced a certain practice of family life, but finding a model of “family” that is accepted universally is impossible. Steel et al. (2012) claim that there is no worldwide accepted definition of family, and the altering nature of the structure of the family and household makes it a key source of research and wider political debate. Family and household are two terms which are often used to point to the same thing. “Household” is different from “the family”; household is one or more people living in the same dwelling, whereas a family is a group of people, related by ceremonial and/or blood ties, who live together or are in contact (Walsh et al., 2000).

However, even here it is not easy to distinguish between these terms. “Household” means one person or a group of people who are bound to a specific place and are a unit of sharing and individual resources (Ball, 1974). In the same way, Lawson and Garrod (2009) define “household” as one person who lives alone or a group of people sharing the same address. While some may describe this sort of living arrangement as a family (Steel et al., 2012), by contrast family is commonly seen as a group of people who are bound together by marriage and

blood ties. The notion of blood tie leads us to ask about another kind of relationship that is related to family, which is kinship. Families are as varied as the social and cultural characteristics that vary across societies and over time (Kağıtçıbaşı, 2007). There are many different ways of defining family. When Eshleman and Wilson (2003) tried to define “the family”, they asked: should the question be “what is the family?” or “what are families?”. This question indicates that there are different types of family, and there is no agreement on one definition of it. However, these definitions can be shaped by the way the society or societal subgroups are structured: that is, how they have been selected to achieve essential tasks for survival and how power is disseminated in the group (Eshleman & Wilson, 2003). However, Eshleman and Wilson state that the family can be defined as two or more people linked by marriage, birth, or adoption who reside together in a household. Similarly, Nimkoff and Middleton (1960) state that a unit that is consisting of a married woman and man with their children is the simplest form of family. However, many combinations of relationships have been designated or defined as a family – for example, by feminists and postmodernists – whereas traditional sociologists and socio-political theorists view that two heterosexual parents and their children comprise the nuclear family (Steel et al., 2012).

Muncie and Sapsford (1997) claim that an extended family might live in the same property but may not in all conditions regard themselves as one family. They may live in one house as more than one family, and in that case they might be divided into “nuclear” families. Some extended families in Saudi Arabia prefer to live near to each other, whether in one big house or in different properties which are in the same building or otherwise close to each other. That family usually contains the father and mother and some unmarried children, with any sons who have got married – who either have children or do not – living in houses with their wives next to the parents’ house or in a flat in the same building. Despite the fact that these families live in one residence they do not consider themselves a nuclear family. Steel et al. (2012) differentiate between the two forms of family by describing a father, mother and children who live together in the same home as a nuclear family, while the extended family includes the nuclear family and relatives together.

The nuclear family has been regarded as the basis of any society (Muncie & Sposford, 1997). However, as Haralambos and Holborn (2008) claim, it is a specific kind of family, which is based on a two-generation household of parents and their offspring. Giddens (2009) similarly states that the nuclear family consists of a mother, father and dependent children. In addition, Giddens claims that, historically, the size of the household today is smaller than the pre-modern household. However, it is not a great difference. For instance, in the UK the average household size is around 4.2 people today, whereas it was 4.75 people in England throughout the seventeenth to nineteenth centuries (Trends, 2004). On the other hand, the definition of family is not agreed and differs from one society to another. However, in general, the picture of marriage in Saudi Arabia is that of a man and woman who are married to each other and have one child or more. Thus, marriage is a main factor that shapes the family.

Giddens (2009) claims that, in the twentieth century, patterns of marriage and family have changed across the world, plus, since the 1960s, intimate relationships have become less bound by tradition and more open. This change in the form of family results in another type of relationship between people instead of marriage. This relationship, called cohabitation, is a sexual relationship between two people who live together without being married and has become prevalent in lots of Western societies. There are diverse types of family in contemporary UK society, characterised by things such as economic and social status, ethnicity, location and sexual orientation (Walsh et al., 2000).

Giddens (2009) states that it was normal that children worked and helped their parents from the age of seven or eight, on farms for example, in pre-modern Europe. The situation was the same in the countryside in Saudi Arabia until the early 1980s. Working with the family outside was necessary because the family needed help and support with their business, and as they could not pay labourers, they took the children with them to help them with the work. As a result, children gained some experience that showed they were mature enough to hold responsibility. Reflecting the traditional gendered division of labour, adolescent females learned how to deal with housework and, as families have many children, adolescent females also learned how to take care of babies. Moreover, a schoolteacher (one of the participants) claims that families tend to marry their

sons off as soon as possible in order to have a new person to help them with work. Hence, early marriage was common and acceptable at that time.

The term “family” is not easy to define as families have different forms. In addition, there are some new forms of families that are different from the historically common types, such as same-sex-relationship families. Even though these sorts of relationships are legal in many countries in the West, they are not in many Islamic states, and this is one of the main differences between these states, regardless of which of them is right.

3.3. What is marriage?

As family and marriage are linked together in different ways, and as marriage is one of the common means that creates a family, one may find it hard to define some terminology in a study such as this. For instance, is cohabitation a form of family or marriage? Some would ask is cohabitation a form of marriage or a stage prior to marriage? The result of the data that Manning (1993) used from the National Survey of Families and Households, a sample of 920 UK women, indicates that among white women who are in their twenties cohabitation with a male partner might function as a phase in the move to marriage. However, for teenage white women and black women cohabitation is a substitute to being single. Thus, Manning (1993) states that cohabitation does not seem to be an alternative for marriage. Walsh et al. (2000) agree with this and claim cohabitation appears to be a precursor to marriage in the UK.

Pregnancy in a cohabitation relationship is likely to happen for any fertile woman who is not using contraception. In addition, Manning (1993) claims that these women are unlikely to marry before the child is born, and nowadays in the UK cohabiting women are no more likely to marry than are pregnant single women. Since cohabitation and any other sexual relationships are illegal and forbidden in Arab and Islamic societies, this helps to clarify how marriage is so significant there. Moreover, women who get pregnant or have children out of marriage are unlikely to marry, except in some cases when the father of the child agrees to marry his child’s mother. Furthermore, people are likely to look down on these women, and do not respect them.

Until the nineteenth century, marriage was, in most societies, defined as a union between a man and woman who live with each other with a contract that has its conditions (Sonbol, 2005). In addition, it can be defined as a relationship between one or more men with one or more women distinguished by law or custom which involves certain rights and duties (Westermarck, 2003). However, forms of marriage differ considerably throughout the world (Steel et al., 2012).

3.4. Partnership, cohabitation or marriage?

In the West, for the majority of the population, adolescent females and boys can meet each other openly; making relationships between them is easy. In contrast, in Islamic and Arabic societies, men and women are not allowed to meet each other privately because of some cultural rules, and it is also forbidden in Sharia. One of the main reasons behind these rules is that making a friendship between males and females may lead to a sexual relationship, which is not allowed in these societies for religious and cultural reasons.

Weeks (1986) claims that arrangements for the organisation of erotic life take place in all societies; however, not all do it with the similar obsessive concern as the West. There are many legal sexual relationships in Western countries, such as boyfriend and girlfriend, or cohabitation in a heterosexual or gay/lesbian relationship. These relationships may occur even when one or both parties are underage. A case just happened in September 2012 in England when a fifteen-year-old high-school girl absconded with her thirty-year-old teacher to another country to live practicing their relationship as a wife and husband (Evans, 2012). Although sexual relationships between adults and underage people are illegal and considered as statutory rape, they still take place in many countries in the West. In Tennessee in the US in October 2012, the police caught a thirty-year-old having sex with a fifteen-year-old student (Daily Mail, 2012). Children may have sexual relationships and sometimes adolescent females get pregnant. In China in 2009 a nine-year-old girl recently gave birth to a healthy baby boy (Shears, 2010). This case is not the only one in which a girl under the age of ten has given birth. In Spain, among a Romanian family, another nine-year-old girl gave birth to a baby and the father was a thirteen-year-old boy. The girl's family seemed happy and the mother described the case as a "cause of happiness", stating that Romanians marry at this age (Shears, 2010). Contrarily, all pre-marital

relationships are illegal in Islamic societies. However, early marriage may take place in Islamic and Arab societies as marriage is the only legal means whereby one can satisfy his or her sexual desire.

Abdul-Rauf (1981) claims that the most powerful human inclination is, perhaps, the sexual urge. Sexual desire is one of the most important desires that human beings experience. Muslims are not allowed to fulfil that desire unless inside marriage. Hence, in order to have a legal sexual relationship and to make a family, Muslims have to get married. To get married there are some requirements, such as the boy should be ready to hold responsibility, should have an income, and should be trusted. On the contrary, in the West, beside the variety of ways that one can make one of the “household” relationships, it is possible to have casual sexual relationships. Those relationships can be temporary or long-term.

Laws, rules and customs are different from one region and state to another across the world, and can control people’s lives, and that can also be applied to all relationships between men and women, including marriage. Thus, to understand any social issue we should know its law and customs and understand the factors that may affect the issue.

3.5. Marriage in the West

Big debates amongst policymakers, scholars, and laypeople alike about the future of the family have taken place over the last sixty years regarding changes in marriage, cohabitation and divorce (Uecker & Stokes, 2008). These changes include an increase in different types of relationships between men and women. In addition, new sorts of “families” have emerged with legal and state regulation: for example, civil marriage, religious marriage and cohabitation.

The legal minimum age of marriage in most countries in the West is eighteen, whereas the age of sexual consent is lower in most of these countries (see table 2, p. 53). This makes for issues such as underage pregnancy and birth.

3.5.1. Marriage in the UK

One of the most noticeable social trends of modern times in Britain and other developed countries is family change (Beaujouan & Ní Bhrolcháin, 2011). For

instance, thirty years ago cohabitation was not socially acceptable (Sutton et al., 2003). The change affects even marriage and divorce. The figures indicate that between 1994 and 2004 the rate of marriage fell, and since 1960 the divorce rate has risen (Giddens, 2009). Even though the number of people who marry these days is fewer than in the past, they have to follow the rules and/or customs of the day. For example, until 1929 marriage could take place anywhere, plus the legal age of marriage was twelve. Moreover, the consent of parents or guardians was required for anyone under the age of twenty-one (Parliament UK, no date).

The common marriage pattern in Western societies is “monogamy” which means a person, at any one time, has only one spouse (Steel et al., 2012). People who get married have different motivations, and the main one expressed in Western societies is “love”. There are some other reasons, such as providing security for children, to progress an existing relationship and to please parents. In addition, for most women having children is the main reason for getting married (Yuval-Davis, 2005), as having children outside of wedlock is one of women’s primary concerns (Sutton et al., 2003). Steel et al. (2012) claim that the British tend to marry those of a similar social status and socio-economic and educational background, although the notion of romantic love may have an impact on their choice.

3.5.2. Conditions of marriage in Saudi Arabia and the United Kingdom

Table 1 Conditions of marriage in Saudi Arabia (KSA) and the UK

No	Statement	The KSA	The UK	Comment
1.	No one can be forced to marry against his or her wishes	✓	✓	
2.	Both members of the couple must be aged 16 or over	×	✓	
3.	You can't already be married	×	✓	
4.	You can't be too closely related	×	✓	In KSA close cousins can marry each other

5.	Under 18s must gain their parents' or guardians' written consent	×	✓	In the UK, otherwise it is a criminal offence, (legal minimum age of marriage in Scotland is sixteen), although the marriage would still be valid KSA has no legal minimum age of marriage
6.	Marriages involving under-16s are not recognised by law	×	✓	
7.	You need at least two witnesses to sign register on the day	✓	✓	
8.	Father or guardian consent is required	✓	×	If the girl/boy is under the age of eighteen and over sixteen, a parent/guardian is required in Wales and England.
9.	Medical check ⁵	✓	×	

Law in the UK allows a man and woman to marry if they are both sixteen years old or over and they are single, widowed or divorced, or if they were in a civil partnership which has been dissolved. Young people who are sixteen or seventeen have to get parental consent (Adviceguide, 2013).

3.5.3. Where can a marriage take place?

In Saudi Arabia, there is not a particular place to register the marriage. It can take place in a *mazoun's* office or any place the prospective husband, the prospective wife's father and the *mazoun* agree on. However, there are some common places

⁵ Both parties must undergo a pre-marital medical check-up. Because there is a large number of hereditary diseases spreading, this is required to prevent such diseases.

that marriage usually take place in, such as ceremony halls, hotels and houses. In contrast, in the UK (Adviceguide, 2013) a marriage can take place in:

- a registry office
- a church of the Church of England, Church in Wales, Church of Ireland, Presbyterian or Roman Catholic Church in N. Ireland
- a synagogue or any other private place if both partners are Jewish
- a meeting house if one or both partners are either members of the Society of Friends or are associated with the Society by attending meetings
- any other religious building provided that the person marrying the couple is registered by the Registrar General (England and Wales only) (see Religious marriage ceremonies)
- premises approved by the local authority (England and Wales only) (see Religious marriage ceremonies)
- a place where one partner is seriously ill and not expected to recover
- the home of one of the partners if the partner is housebound: for example, if they have serious disabilities or are agoraphobic
- a hospital, if one of the partners is unable to leave or is detained there as a psychiatric inpatient
- A prison, if one partner is a prisoner.

3.6. Marriage and the family in the Arab world

In Arab societies, the family has always been at the core of life (Rashad et al., 2005). Moreover, the family plays a crucial role in childhood, youth and during a person's whole life in all Muslim [and Arab] societies (Hermansen, 2012). In general, Arabs are keen to be a part of a family, whether as a dependant or independent. The courtesy of being a member of a family in Arab societies arises in part because it is the main social security system for those who are in need, such as the disabled, sick and elderly. Thus, marriage is an individual and a family matter. In addition, it is unlikely that one lives alone in Arab societies, as the family means protection, support and history. It is usual in Arab societies to

ask about anyone's family when wanting to know anything about him or her, especially in marriage matters.

Marriage and family in the Arab world have changed over time, as have most marriage and family forms around the world. The main clear shift that most societies have seen is the change from the extended to the nuclear family. However, there are some patterns of marriage and family that are not present or available in the Arab world, such as gay and lesbian marriage and families, and that is because of religious and cultural reasons. Early marriage and child marriage were common in the past and came about, in part, as a result of life needs. Rashad et al. (2005) claim that the extended-family structure and early marriage were supported by and supported on an agrarian system, and moving from this economic system to the industrial and services sectors has influenced family and marriage forms. Moreover, in some parts of the Arab region, such as the United Arab Emirates, Kuwait and Libya, early marriage has decreased sharply. Figures show that nearly forty per cent of women aged fifteen to nineteen were married in Libya and Kuwait in the early 1970s. However, by the mid-1990s the available figures suggest that this had fallen to one per cent and five per cent respectively (Rashad et al., 2005).

On the other hand, another issue, which is rarely encountered now in Western societies, is marriage between relatives. Rashad et al. (2005) claim that relative marriage – known as consanguinity – especially between cousins is distinctive in the Arab world, and in particular in Saudi Arabia, Sudan and Libya. This type of marriage may occur due to the way of choosing a wife, as there is a strict interpretation of Sharia law that says Muslim men and women should at no time be alone with persons whom they could marry (Hermansen, 2012). Even talking with boys may result in troubles for adolescent females in the Middle East (Ouis, 2005). This firm rule is applied strictly in Saudi Arabia; thus, one of the common methods of marriage in Saudi Arabia, for example, is arranged marriage, which means that when a man wants to marry he requests his mother and sisters to find a girl who matches his requirements. In general, the mother and sisters usually search among their close relatives. This kind of marriage may be considered as an arranged marriage. However, Rashad et al. (2005) claim that not all

consanguineous marriages among Arab societies are arranged marriages, as these may also reflect the parties' will.

3.7. Marriage in Saudi Arabia

In Saudi Arabia, as in any Muslim or Arabic society, talking about family means talking about marriage because marriage and family are strongly connected with each other. In Sharia, creating a family is based on a man and woman who are married to each other. In addition, marriage is a type of contract between the two parties and has some conditions, such as the consent of the two parties, the consent of the girl's father/*wali*, two witnesses, and a dowry.

The motivations for marriage in Saudi Arabia may be slightly different to those in Britain; in addition, puberty is considered differently in Saudi Arabia as well. The principal drive of marriage in the past and at present is the bearing and raising of children (Esak, 2012). In general, the reasons that may make one tend to marry are making a family, having children, finding fulfilment and/or satisfying sexual desire.

As there is no legal minimum age of marriage in Saudi Arabia, puberty becomes the main important factor that influences the decision of adolescent females' marriage. Even in the cases that happen for young adolescent females who get married before reaching puberty, the fathers of the adolescent females require that the wedding ceremony and the consummation of marriage take place after the girl has reached puberty.

3.8. Studies about *zawaj al-gaserat* in Saudi Arabia

Zawaj al-gaserat is one of the issues that human rights organisations tend to focus on. It takes place in many states because of different reasons and more studies are required to solve the issue depending on the contexts of those countries. *Zawaj al-gaserat* in Saudi Arabia is a sensitive issue; thus, people did not discuss it much until a few years ago when some remarkable marriages between older men and young girls took place. There has until now been no study about *zawaj al-gaserat* in Saudi Arabia; however, there are two conference articles and a book about setting the age of eighteen as a legal minimum age.

3.8.1. Setting a legal minimum age of marriage from a social perspective: Ali Al-Roumi (2012)

تحديد سن الزواج من منظور اجتماعي: د. علي بن عبد الرح من الرومي ١٤٣٣هـ

Al-Roumi (2012) presents the notion that marriage in the past, and contemporarily, has been used by some international organisations to try to control the increasing population in developing countries via the idea of family planning and setting a legal minimum age of marriage. He discusses age of marriage and age in some Western and Arab states, and how some Western countries differentiate between age of marriage and age of consent.

Al-Roumi (2012) claims that in the past, marriage was not dependent on a specific age but on some signs such as puberty, and that when puberty signs appeared in a person his/her family started working to make him/her get married.

Al-Roumi (2012) differentiates between some types of marriage before the age of eighteen: for example, child marriage or premature marriage, which take place before puberty; teenage marriage, which takes place during puberty; and early marriage, which happens immediately after puberty and may exceed the age of marriage to reach the age of twenty-four.

Al-Roumi (2012) argues that there is no need to set a legal minimum age of marriage in Saudi Arabia because it does not work in the Western countries that have set them. He claims that even though there is a law in these countries, the number of children under marriage age who have sexual relationships is big, which has led to these countries setting the age of consent lower than the age of marriage. Also, most countries that have set a legal minimum age of marriage have also set exceptions to allow people who are less than that age to get married, such as with their parents' consent. Thus, Al-Roumi suggests two options in terms of *zawaj al-gaserat* in Saudi Arabia: first, not to set a legal minimum age of marriage but to improve the concept of the benefit of marriage, with guardians being made aware of their responsibility to their children in front of Allah; and second, to set the age of fifteen as the legal minimum age of marriage because it is the age of puberty, and to allow marriage before this age with the father's/guardian's consent, bringing evidence of the benefit of the marriage to the court.

3.8.2. Child Marriage: Sheikh Abdullah Al-Mutlaq (2010)

زواج الصغار، الشيخ عبدالله بن محمد المطلق ١٤٣١هـ

Al-Mutlaq (2010) presents child marriage since the time of Prophet Muhammad (peace be upon him) and explains what the four Islamic schools say about it. In addition, he examines the disagreements between these schools regarding child marriage and how child marriage of boys is different to child marriage of girls in these schools' perspectives.

He states that child marriage has two types: a) when fathers or guardians sign the marriage certificate on behalf of the child, as all Islamic scholars agree that fathers have the right to marry their daughters to any man without asking their consent; b) when children sign the marriage certificate.

He states that marriage is a contract which to be valid has to have some conditions, and in child marriage without the girl's consent the conditions are as follows:

- 1- The main conditions of marriage in general. Plus, the husband should be a responsible and reliable man; the husband should give a dowry *مهر* that equals other girls'; the husband should not be poor; there should not be problems between the girl and her father; the husband should not be sick; the girl may not suffer any disadvantages as a result of the marriage or as a result of being wed to a much older man.
- 2- There should be a real need for this marriage, or a benefit that may otherwise be lost. For instance, the marriage of Prophet Muhammad (peace be upon him) with Aa'ishah.
- 3- There should not be any kind of harm caused.

However, despite the fact that child marriage in Islam is legal, legitimate marriage, it should depend on the benefit and the situation of the girl. People are not the same; some girls may look bigger than their age while they are still nine or ten, while other girls may reach puberty but still have small bodies not yet ready for sexual intercourse. Thus, we should not do all things that are allowed in Islam, and that is why *fukahaa* prefer not to allow children to get married until they reach puberty and understand the meaning of marriage. Moreover, in general, marriage is between two adults; this is what took place in the era of Prophet

Muhammad (peace be upon him), and the number of cases of child marriage was only few. Furthermore, *wali alamer*, who is the King in Saudi Arabia, has the right to set legislation if there are benefits or to prevent disadvantages.

3.8.3. Ruling on legislation on the prevention of marriage of girls under the age of 18 years: Abdulrahman Al-Shethri 2010

حكم تقنين منع تزويج الفتيات أقل من ١٨ سنة وتحديد سن الزواج، عبدالرحمن بن سعد الشثري، ١٤٣١هـ

In this book Al-Shethri discusses the issue of setting a legal minimum age of marriage from a religious perspective. He brings up what is in Sharia that allows marriage before the age of eighteen. In order to support his claims he focuses on verses from the Holy Quran, hadiths and some cases that happened in the era after Prophet Muhammad (peace be upon him) died, while highlighting the benefits of early marriage from Islamic and medical points of view. He claims that there are benefits of early marriage such as having children, which is valuable for any parent, and that it is not true that early marriage prevents continuing study or affects it. However, it is better for students to be married because that is good for them psychologically and they will find a partner who supports them.

He claims that there are disadvantages of delaying marriage after the age of twelve and thirteen. For example, girls will get more sexual desire, which may lead them to have illegal sexual relationships, or at least they will masturbate, which he claims takes place in states where the age of marriage is late. In addition, child marriage is common in hot countries like the Arab world and India because girls reach puberty early. In terms of benefits, marrying young girls who have reached puberty is good for weak men; he argues that it makes their bodies stronger, their sexual power better, and that they produce better offspring.

In addition, Al-Shethri states that early marriage, pregnancy and birth have some medical benefits:

1. Fertility in young girls who get married early is far better than girls at other ages.

2. Breast and womb cancer is less common in women who get pregnant and give birth at an early age.
3. Rubin (1983) claims that cases of ectopic pregnancy are 17.5/1000 among women who are more than thirty-five years old, reducing to 4.5/1000 among women aged between 15-24.
4. Hawen claims that the number of cases where women have an abortion increases 2-4 times after the age of thirty-five.
5. As the age of pregnant women increases, so does the number of caesareans, premature births and infant deaths.
6. The risk of mortality during pregnancy or immediately after birth increases with the woman's age.

Al-Shethri argues that there is nothing in Sharia that supports the setting of a legal minimum age of marriage, and that calling for setting an age to prevent marriage below the age of eighteen and criminalising marriage before this age is against what is in the Holy Quran, hadiths and what the majority of Islamic scholars and *fuqahaa* agree on.

3.9. Debatable marriages

Forced marriage, early marriage, child marriage and arranged marriage: these kinds of marriages may be looked at as both child abuse and violence against women at the same time. Anitha and Gill (2009) state that a critical focus on such marriages has not taken place until quite recently. In a number of European countries forced marriage arose as a matter of public concern in the early 1990s, with a series of high-profile cases reported in the media (Dauvergne & Millbank, 2010). Kelly (2005) claims that the concept of violence has changed too, with more and different types around the world. In addition, those types of marriages occur not only within minority communities or among working class or poor people, but also among the upper classes and educated people and within developed countries. Moreover, some customs and habits of families, clans and tribes encourage these sorts of marriages and in some cases force people who are members to follow some rules that they may not agree with, which has been termed “abuses of culture” (Dustin & Phillips, 2008). Uecker and Stokes (2008) claim that a noteworthy minority of Americans marry early, before the age of twenty-three, regardless of strong changes in the American family.

On the other hand, some may force their children to get married due to immigration matters. Some people use marriage as a means of getting the chance to live in a state so they marry one of the adolescent females who has citizenship of that country –usually one of the developed countries. In contrast, this way is not valid in Saudi Arabia, as the law is different. A non-Saudi who marries a Saudi girl cannot live in Saudi Arabia unless he has a work contract. In addition, non-Saudis can visit Saudi Arabia but have to have a visa for a specific time period and specific purpose, such as “Hajj” pilgrimage or attending conferences.

3.9.1. Forced marriage

On the face of it, there is a clear distinction between forced marriage and arranged marriage. In arranged marriages, the families of both spouses take a leading role in arranging the marriage, but the final choice remains with the young people. In a forced marriage, one or both spouses do not consent to the marriage and some element of physical and emotional pressure is involved. In practice, however, it can be hard to distinguish between the two types as in some cases it may be difficult for a young girl or boy to express, or even to know, her or his opinion.

Forced marriage may also influence adolescent females’ education. When the family needs money they may take the adolescent females out of school, as some parents with a traditional mentality accept primary education as being enough for her as she will stay at home in future and will not work (Ouis, 2005).

Forced marriage is *haram*, forbidden, in Islam. In marriage, the two parties’ consent is required. *Mazouns* have to ask both parties about their decisions and if a *mazoun* finds any type of force, he should not register the marriage. However, sometimes forced marriage takes place when the two parties do not say or show that they are forced to marry, and in some cases some parents/guardians deceive the *mazoun* and bring another girl instead of the prospective wife to talk. Who wants to marry? In some cases, *mazouns* may not ask the girl about her decision, even if she is in the next room, and just sends the registration book to her with her father or one of her brothers to sign.

Age is the main common measure that is used to distinguish between childhood and adulthood in many states. Thus, one means that the UK Border Authorities

used to prevent forced marriage in the UK was by increasing the age from eighteen to twenty-one for a spousal visa for a non-European Economic Area (non-EEA) spouse or for sponsoring a non-EEA spouse in November 2008 (Gangoli & Chantler, 2009).

3.9.2. Arranged marriage

Arranged marriage has different forms (Samad et al., 2002). The most common type of marriage in Saudi Arabia is arranged marriage (see picture 1). It is a tradition that has operated within many societies and many states for a long time (Foreign and Commonwealth Office and Home Office, 2005). Even in Western countries arranged marriage can be common: for instance, in British society (Samad et al., 2002).

Since arranged marriage is acceptable and some consider it as love marriage, Samad et al. (2002) claim that there is no clear delineation between arranged marriages and love marriages. I assume that no one supports forced marriage even though they may practise it, but people who practise it may give justifications in order to convince themselves and others they are not doing something wrong or against the law, such as conserving cultural or religious traditions, building a stronger family and protecting their children (Northumbria Police). On the other hand, there are some people who have a kind of misunderstanding of some sorts of marriage and label it as forced marriage: for instance, those who associate arranged marriage as forced marriage, which is unfair (Gangoli et al., 2011). In forced marriage, one or both parties are under duress and forced into a marriage against their will, but in arranged marriage both parties give their full and free will to the marriage (Foreign and Commonwealth Office and Home Office, 2005). However, as Gangoli and Chantler (2009) state, distinguishing between forced marriage and arranged marriage is not always easy.

3.9.3. Early marriage

The expression “early marriage” is shown in many studies that discuss forced and early marriage, and it considers the “early age of marriage”. However, as will become clear in the analysis in this thesis, “early” is an ambiguous term. What is considered an “early” age in one society may not be considered “early”

in another. In addition, what is “early” in one historical period may become “late” in another time. Thus, “early” marriage may be considered as an issue in one society but not in another. In societies and countries that categorise early marriage as an issue, many people may label it as a kind of domestic violence.

Domestic violence can be defined as any threatening behaviour, violence or abuse, whether psychological, physical, verbal, sexual, financial or emotional (Department of Health, 2006). Because all those kinds of violence could occur in the context of forced marriage in general, and forced marriage of children in particular, it is assumed that forced marriage is a form of domestic violence. In addition, Walsh et al. (2000) claims that when it comes to health and welfare, family is the most important institution. Similarly, Gangoli and Chantler (2009) claim that forced marriage is a type of domestic violence that can involve both children and adults. Also, Siddiqui (2003) suggests that framing forced marriage as a practice of domestic violence is essential. Forced marriage occurs and affects a large number of societies for many reasons (Hester et al., 2008).

Early marriage is not common in Saudi Arabia as a result of different factors, such as, education, finance, globalisation and social change. The current mainstream practice in relation to the age of marriage in Saudi Arabia is that it happens after the boy finishes university, which is not less than twenty years old, and not before the girl finishes high school at the age of at least eighteen years. Even when one asks to marry a girl who has not finished high school yet, and she and her family agree with the marriage, the ceremony usually will not take place until after the girl finishes high school.

3.9.4. Child marriage

Marriage is traditionally a time for celebration. Unfortunately, not all cases have that chance, such as those who are at an early age. As a result, their childhood is short. That type of marriage may have bad hidden effects on those children – adolescent females in particular. It is supposed that child marriage occurs due to economic reasons, especially in those societies and families which are under financial pressure. Harmful impacts could occur as a consequence of child marriage: for instance, physical, intellectual, psychological and emotional ill

effects, the cutting off of educational opportunities and chances of personal growth, and sometimes death in pregnancy (UNICEF, 2001).

I assume that it is unlikely to find cases of child marriages among people who live in the West and that is due to the law being strict with this matter; in addition, marriage in the West, in general, has a period before the registration and that period can take many years. Moreover, it is assumed that the main reason for the absence of child marriages in the West is that adolescent females and boys can live with each other as couples without being married. In contrast, Muslims are not allowed to have any kind of informal relationship between adolescent females and boys. Moreover, it is *haram*, prohibited, that they have a sexual relationship outside of marriage.

Child Marriage is known as *zawaj al-gaserat*, القاصرات زواج, in Saudi Arabia. *Al-gaser* is the singular term; *al-gaserat* is an adjective that describes any child who has not yet reached puberty. However, some human rights activists use this terminology to describe anyone who is under eighteen years old. This variation led to a debate about this kind of marriage and who is *gaser*. The debate took place in the media after some older men married young adolescent females in 2008. The media put big pressure on the government, particularly the Ministry of Justice, as it is that department which deals with marriage and divorce. After a judge refused to divorce an eight-year-old girl from a fifty-year-old man, in the case known as طفلة عنيزة “the child of Onizah” (القحطاني, 2009), the Minister of Justice Dr Alisa was interviewed by Alwatan newspaper and announced that the Ministry was working on a study that would organise marriage and prevent child marriage and forced marriage (العربية, 2009).

Since the law did not change, some more cases of *zawaj al-gaserat* kept occurring but because no one went to the media nobody knew about them. However, what raised the issue in the mainstream media again was the case known as بريدة فتاة “the girl of Buraidh”. In this case the wife was twelve years old and the husband was eighty years old. It appeared in the media after her divorced mother talked with a newspaper. After these cases the Ministry of Justice issued new marriage certificates that had a section to write the wife’s age (الشايح, 2010) as in the old version the age was not required and it was hard for

mazouns to know if the prospective wife was a child or not because they were all covered with *abayas* and *niqab* veils.

After more than two years now of working with the new marriage certificate, no one knows the number of adolescent females and boys who get married at ages below eighteen because no statistics have been published yet. However, according to the Central Department of Statistics and Information the number of married adolescent females aged twelve to fourteen in 1993 was 5,434, compared to 77 married boys; for age fifteen to nineteen there were 139,573 adolescent females and 8,510 boys (CDSI, 1993).

Child marriage is not only taking place in Saudi Arabia as a result of no legal minimum age of marriage but also in Yemen, which is at the southern border of Saudi Arabia. There are some cases of child and forced marriage. Three adolescent females – Arwa, who is nine years old; Nojood, who is ten years old; and Reem, who is thirteen years old – went through traumatising ordeals after being forced into marriage in Yemen, which led to a debate in the media, social sessions and conferences, leading on to Parliament to approve setting the age of seventeen as a legal minimum age of marriage for both adolescent females and boys (WLUML, 2009).

Child marriage is not only a cause of injury for adolescent females but there are also medical issues that may cause death (Mayor, 2004). Internal bleeding was a reason for the death of a twelve-year-old Yemeni girl after four days of marriage to a man older than her by more than ten years (Jamjoom, 2010). In addition, teenage pregnancy carries some risk as well: for example, anaemia, low birth weight, premature delivery and sexually transmitted infection (Horgan & Kenny, 2007).

3.10. Legal minimum age of marriage

The diversity of the ways of getting married is huge, not only within one society but also between one society and another. This variety can give rise to some misunderstandings and judgments on these matters, especially for human rights organisations and activists: for instance, in relation to arranged marriage. It occurs in many societies in the Middle East, the Indian subcontinent and some other Islamic societies. However, the process is different and the reasons behind

following this way are different as well. In addition, the current common ways of marriage in the Middle East, such as arranged marriage and early marriage, which are not acceptable in Western countries were considered normal a few decades ago and were one of the common ways of marriage in those societies. Ann, who was living in Bridgeport, US, eloped to New York from her family after they arranged a marriage for her, and married John in 1932 when she was seventeen years old (Sher, 2013).

In pre-modern times, when the individual's sexuality was a silent component of one's identity and when young people did not participate in conversations about sexuality, it was seen as a sign of maturity and responsibility, which meant that adolescents were ready for marriage (Hermansen, 2012). This concept is still active among many people in Saudi Arabia, especially those who live in villages and Bedouins and people who are not educated. However, consistent with international norms, most Muslim societies have set the age of eighteen as the legal minimum age of marriage (Hermansen, 2012). However, a few states such as Saudi Arabia, Yemen and Iran still follow Sharia law, which specifies reaching puberty as the minimum age of marriage.

3.11. Age of consent and legal minimum age of marriage

The decision to marry is important, as it means creating a family, having children and many other social and economic responsibilities; therefore one should be mature enough to make this decision. In recognition of this, many states use age as a measure to give one the right of having that choice. However, while the age of marriage is the same as the age of consent in some countries, there is a sort of complication in some states between age of marriage and age of consent when the age of consent is lower than the age of marriage. That means one can have the right to practise sexual relationships outside marriage, and this relationship may result in pregnancy and children. Waites (2005) claims that the boundaries of childhood are extremely culturally variable in relation to sexual behaviour. The contest on the boundary between consent and non-consent is in relation to concerns such as differential power, deception and coercion (Archard, 1998).

The age of consent may be one of those important debates between scientists, decision makers and teenagers because it means that the person should be treated

in diverse ways. While many people in the world consider the age of eighteen as the suitable age that one becomes an adult, others have their reasons to reduce or increase the age depending on the type of right under consideration: for instance, the right of marriage, drinking alcohol, smoking and voting. Aries (1962) claims that understandings of childhood have changed throughout history and according to different societies' views, and only in the seventeenth century did the concept of childhood emerge in Western countries. Pre-modern societies and non-Western cultures had, and have, a multitude of understandings of childhood. The recent work in sociology, anthropology and history all see that childhood should be evaluated in its broader social context (Waites, 2005).

At the time that some organisations call for the stopping of child marriage – marriage under the age of eighteen – there are some states that allow marriage below this age (see table 2, p. 53). In addition, the age of consent allows adolescent females and boys the right to practise sexual relationships, which may be inside or outside marriage; however, some states set ages below the minimum age of marriage, so young couples are allowed to have a sexual relationship but they are not allowed to marry. For instance, in Italy and Albania, the age of consent is fourteen (IHAC, 2012) and the legal minimum age of marriage is eighteen (REP, 2010). In addition, there are seventy-four states that have no legal minimum age of marriage, and among the rest – countries such as Mexico, Netherlands and Monaco – there is an exception of setting no minimum age regarding different circumstances (REP, 2010).

Table 2 Age of marriage (REP, 2010) and age of consent (IHAC, 2012)

Country	Age of marriage Girl/Boy	Age of consent Girl/Boy
Albania	16/18	14
Algeria	18/21	-
Andorra	16 and 14 with exception	16
Angola	15/16	-

Antigua and Barbuda	No minimum age	-
Armenia	17/18	16
Australia	18 or 16 with exception	16
Bahamas	15 and 13 with exception	16
Bangladesh	18/21	-
Belgium	18	16
Belize	18 and 14 with exception	-
Benin	15/18	-
Brazil	18 and 16 with exception	16
Burkina Faso	17/20 and 15/18 with exception	-
Cambodia	18/20	16
Chile	16	16
China	20/22	16
Colombia	18 and 12/14 with exception	12/14
Costa Rica	15	-
Côte D'Ivoire	21	15
Cuba	18 and 14/16 with exception	-
DPR Korea	17/18	-
Denmark	18 and 15 with exceptions	15
Ecuador	18 and 12/14 with exception	-
Egypt	16/18	18
Estonia	18 and 15 with exception	14
Ethiopia	No minimum age	-
Finland	18	16
France	18	-

Georgia	18 and 16 with exceptions	14
Germany	16	14
Ghana	18	-
Greece	18	15
Grenada	21	-
Guinea	18	15
Guinea-Bissau	No minimum age	-
Guyana	18 and 19 with exception	-
India	18/21	18
Indonesia	21 and 16/19 with exception	16/19
Iran	13/15	-
Ireland	18	17
Israel	No minimum age	16
Italy	18 and 16 with exception	14
Japan	16/18	13
Jordan	18 [15 with exception]	-
Kazakhstan	18 and 16 with exception	18
Kenya	No minimum age	16
Kuwait	15/17	-
Latvia	18	16
Lebanon	No minimum age	15
Libyan Arab Jam.	20 and 15 with exception	-
Luxembourg	16/18	-
Malawi	No minimum age	-
Malaysia	18	16

Maldives	18	-
Mali	15/18	-
Malta	16	18
Mauritania	18	16
Mexico	14/16*	12/18
Micronesia	No minimum age	-
Monaco	15/18*	15
Mongolia	18	16
Morocco	15/18	-
Mozambique	18 and 16 with exception	-
Nepal	21/18 and 16/18 with exception	16
Netherlands	18*	-
New Zealand	20 and 16 with exception	16
Nigeria	18*	-
Oman	18*	Must be married
Pakistan	16/18*	16/18
Palau	No minimum age	-
Panama	14/16	12/14
Papua New Guinea	No minimum age	-
Paraguay	16 and 14 with exception	-
Peru	18 and 14/16 with exception	16/18
Philippines	15*	18
Portugal	18 and 16 with exception	16
Qatar	16/18*	Must be married
Republic of	18	-

Korea		
Rep. of Moldova	16/18 and 14/16 with exception	-
Russian Federation	18*	-
Rwanda	21 and 18 with exception	18
St. Kitts & Nevis	16	-
Saint Lucia	18*	-
St. Vincent & Grenadines	15/16	-
Samoa	19/21*	-
Saudi Arabia	No minimum age	Must be married
Serbia	16	18
Sierra Leone	No minimum age	-
Singapore	18*	16
Slovenia	18*	15
Solomon Islands	12*	-
South Africa	21 and 12/14 with exception	16
Spain	14	13
Sri Lanka	18*	16
Sudan	21 and 10 with exception	18
Suriname	13/15	-
Swaziland	21*	16/14
Switzerland	18	16
Syrian Arab	18*	13

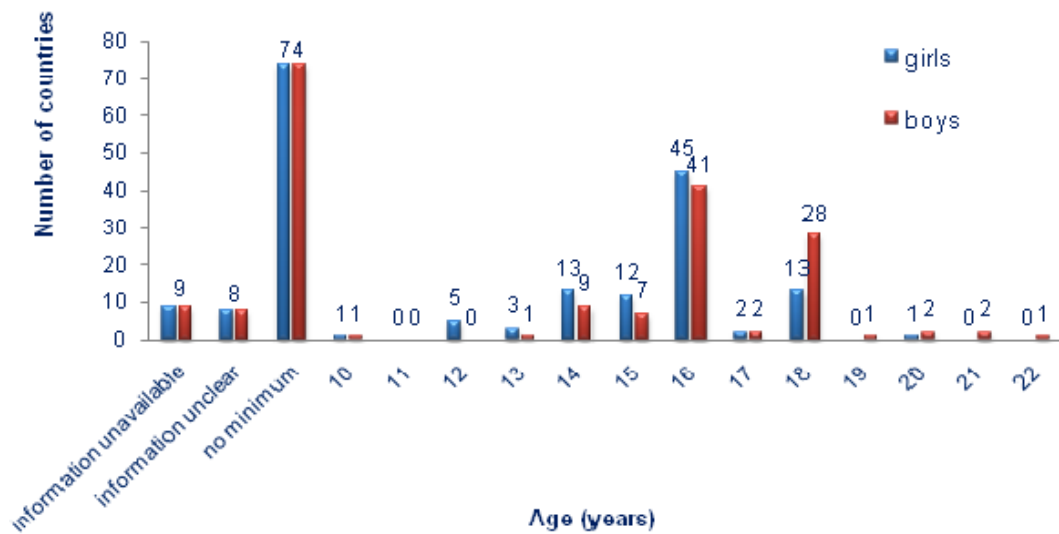
Rep.		
Thailand	17*	-
Timor-Leste	15/18	-
Togo	No minimum age	-
Trinidad & Tobago	12/14	16
Tunisia	18	20
Turkey	15/17	-
Tuvalu	21 and 16 with exception	-
Uganda	No minimum age	18
Ukraine	17/18*	-
United Kingdom	[18 in England, Wales and Northern Ireland and 16 with exception, and 16 in Scotland]	16
Un. Rep. Tanzania	15/18*	18
Uruguay	12/14	-
Vanuatu	21 and 16/18 with exception	-
Venezuela	18*	-
Vietnam	18/20	-
Yemen	No minimum age	-
Zambia	No minimum age	-
Zimbabwe	16/18*	16

“With exception” usually means with the legal consent of the parents.

* There is an exception of no minimum age.

Not all states across the world have set a legal minimum age of marriage; seventy-four of them have not set any yet. However, among countries who have set one the majority of them have set the age of eighteen or sixteen as the legal minimum age of marriage (REP, 2010) (see figure 1, p. 58).

Figure 1 Legal minimum age of marriage in the world by gender (REP, 2010)



3.12. Puberty, religion, age and marriage

Marriage, ethnicity, culture and age are a complex relationship (Gangoli & Chantler, 2009). Puberty as a process is one of the main factors that separate childhood and adulthood in Sharia – “teenage” does not exist in Islamic literatures. In the Holy Quran, attaining adulthood or attaining puberty *al-bulugh* is pointed out (Esak, 2012). In addition, Hermansen (2012) states that “youth” is not included in Islamic law as a specific category. Nevertheless, the point of view of this thesis looks at puberty as a part of our life and as a biological conational process. There is a book by Celia Roberts (in the process of publication) that explores puberty as a complex process rather than an event.

Puberty as a process and a part of people’s lives, *al-bulugh*, has some signs such as wet dreams or nocturnal emissions, *al-hulm*, which is mentioned in the Holy Quran as a sign that means a boy is no longer a child. Moreover, the physical developments that legally show reaching the stage of *bulugh*, physical puberty, are menstruation by females, the production of sperm for men, and the growth of the body, especially pubic hair and a deepened voice (Hermansen, 2012).

There is no precise age in Islam that shows when a child reaches maturity; however, the advent of sexual maturation is generally considered to be the mark in both boys and adolescent females (Esak, 2012). However, it is accepted as

“common sense” that one becomes more mature as he/she gets older (Gangoli & Chantler, 2009).

It is believed that the human body has some signs which may help us to know the person has moved to an important stage of his/her life and people should treat them in a different way. Thus, puberty and all of its process may become the clear sign which means that a person is no longer a child. Doctors state that when a girl reaches puberty and the onset of menstruation it means she is ready to get pregnant and have children, while psychologists claim that when a person reaches this period, his/her character, way of thinking and needs change and are not the same as when he/she was a child (Waite, 2005). Linking adulthood and marriage is common, and that is because adulthood means that one physically becomes mature. In Saudi Arabia, puberty defines maturity. However, Gangoli and Chantler (2009) claim that based on “common sense” maturity can be defined by age. While people who reach puberty are considered mature and old enough to marry among some people in Saudi Arabia, those who are twelve or fourteen are considered old enough to marry in India, and this shows the diversity of ways that societies define maturity (Gangoli & Chantler, 2009).

Honour killing is one crime that can take place as an issue linked with forced marriage in some Muslim societies, despite the fact that Islam forbids killing and considers the killing of one person to be the same as killing all people. In addition, parents are not allowed to kill their children for any reason. “Kill not your children for fear of want: We shall provide sustenance for them as well as for you. Verily the killing of them is a great sin” (The Holy Quran, 17:31). Thus, the honour killings that take place among some Muslim societies is shaped by their cultures and does not come from Islam.

As anyone less than eighteen years old is considered a child (UNCRC, 1989), and as some people do not adhere to this consideration but take puberty – which is generally reached by adolescent females before the age of eighteen – as a sign of maturity, there are some marriages across the world that are seen as child marriages, although early marriage could take place for many different reasons depending on social, ideological, economical, cultural and religious background.

Knowing the time of puberty may help to set an appropriate age of consent and/or marriage. However, Hopkins (1965) argues that specifying the exact time of puberty is not that easy. In addition, he states that some Roman doctors between the second and fifth centuries, such as Soranus and Caelius Aurilianus and Vindicianus, thought puberty occurred at about age fourteen, and he claims that some doctors have asserted that the age of puberty has decreased by four months per decade between the years 1830–1960.

There are three ages that are mentioned regarding children in Sharia in the following contexts: offspring should be suckled by their mothers for two whole years; children should start learning the performance of prayers and reciting the Holy Quran by age of seven and be able to perform prayer regularly from the age of ten (Esak, 2012). While tradition and religion have a big influence on family law in Islamic countries, communist states in the West and East have reformed family law in order to remove religious and traditional impacts (Htun & Weldon, 2012).

The definition of child is still not clear in Saudi Arabia. For example, one can work from the age of fifteen. However, anyone who is aged less than twenty-one cannot travel abroad unless with a father/guardian's consent. In addition, the mainstream view is that once one reaches puberty he/she is no longer a child; therefore, male "children" aged thirteen or more who are admitted to stay in a hospital should be hospitalised in an adult-male ward. Sharia considers puberty to be the measure that distinguishes between childhood and adulthood. In terms of marriage, according to Sharia, there are different perspectives that are based on the four main schools, المذاهب الأربعة which are *Hanbali*, *Hanafi*, *Shafi* and *Maliki*. In Saudi Arabia, the law follows the *Hanbali* school. According to this school, the father has the right to accept the proposal of a man who wants to marry his daughter who has not yet reached puberty. However, the girl stays to live with her parents until she reaches puberty, at which time she has the right to accept that marriage or reject it. If the girl refuses the marriage, they divorce.

There is no one specific minimum age for marriage set either in the past or in the present for all societies. However, some set the minimum age of marriage according to one of the religions – such as Christian, Jewish, Hindu – and others

set different civil laws considering the reasons and benefits. In Jewish law the minimum age for marriage is thirteen for males and twelve for females as these are ages at which adulthood is recognised, but the *Kiddush* can occur before that (Rich, 2011). Under Hindu law the bride must be eighteen and the groom twenty-one before they are allowed to get married (Manushi, 2003). Getting married to a girl before she reached puberty was accepted by the Romans. Furthermore, puberty is defined by Longman dictionary as the stage of physical development during which you change from a child to an adult and are able to have children (Richards et al., 1992). However, maturity cannot be measured easily.

3.13. Conclusion

The term “family” these days is not the same as in the past. In the past, the extended family was the most common type of family, and many would think of it as the only type of family in those days. This perspective on the family changed once the nuclear family emerged and started to be the common type of marriage in the West and in many other societies. Some define family as a union of people comprising two adults, one of each sex, and children.

From an Islamic and Arabic perspective, one of the main concerns about the age of marriage is the age of consent and how the age of consent is, sometimes, lower than the legal minimum age of marriage. What many people in Western countries do not understand is that men and women in Saudi Arabia cannot legally satisfy their sexual desire by any means unless under the umbrella of marriage. Therefore, the age of consent means nothing if the couple are not married. In many societies across the world, there are many different legal ways that one can release his or her sexual desire. In addition, they can have children whether the couple is married or not. Therefore, they look at the issue of early marriage and child marriage from a different angle.

In order to understand family and marriage they should be examined in their social contexts. As the family is an essential part of society it needs to be studied within the social-structural-economic context (Kağıtçıbaşı, 2007). The number of cases of child marriage in Saudi Arabia is not known yet. In addition, there are cases where the age gap between wife and husband is huge, especially when the wife is a child.

Despite the fact that human rights organisations are calling for setting a legal minimum age of marriage, there are 74 states that have not set one yet. In addition, even some of the countries that have set one have exceptions that allow people to get married below that age, and such exceptions can even allow the marriage of young children.

Chapter Four

Methodology

4.1. Introduction

In this chapter I highlight the main theoretical resources informing the methodology in this study and its empirical research. This includes the research and data-collection-process analysis, and translation. This research offers a critical approach to the discourse around young female adolescents forced into marriage, which is embedded in *zawaj al-gaserat*.

I have explored the perspectives of 37 participants who are professional in different areas that relate to the research question, such as social workers, psychologists, *mazouns* and doctors (see table 3, p. 77). I describe the methods that I used and how the data was collected. I will also discuss the approaches that were used in order to analyse the data. These are thematic analysis and discourse analysis. As with any research, there are challenges or extraneous variables which require management, which I identified during the interviews in Riyadh in Saudi Arabia and have highlighted in this research.

Harding (1989) differentiates between methodology, method and epistemology. Methodology stipulates the theoretical context of how the study should progress; method is connected to the procedures for gathering the research material; and epistemology discusses the philosophical standpoint that indicates what is most probable and what can be known.

Participants have at times used the term “early marriage” to refer to “child marriage” and vice versa, and at times they have referred to the Arabic term *zawaj al-gaserat*. The definition of *zawaj al-gaserat* was not clear to some of the participants, as can be found in chapters five and six of this research.

4.2. The research aims and questions

The overall research aims at an evaluation of the setting of a legal minimum age of marriage as a method of preventing *zawaj al-gaserat* in Saudi Arabia. In order to address this, four key aims will need to be explored:

1. To evaluate and enhance understanding of forced marriage of female adolescents in Riyadh

2. To evaluate arguments presented about whether setting a minimum age of marriage could prevent the forced marriage of children
3. To explore perceptions of the suitable age for Saudi females and males to get married
4. To evaluate professional and popular opinion of the benefits and risks associated with setting a minimum age of marriage.

These aims refer to one of the debatable practices of marriage in many countries across the world, which is child marriage. This study will look into the issue in Saudi Arabia in relation to age of marriage and to understand whether setting a legal minimum age of marriage is a means to prevent such marriage or not. Qualitative research methodology was selected to collate data, which would ultimately allow us to understand the extent to which participants thought that setting a legal minimum age would actually serve as a barrier to child marriage (Mayan, 2009).

4.3. The methods

In this research, I used interviews as a method of collecting data. My focus was to retrieve the main answers to the research questions posed and I decided such answers were more likely to emerge with the use of semi-structured interviews (Kvale & Brinkmann, 2008). Semi-structured interviews have been the research technique most often associated with qualitative research (Maynard & Purvis, 1994). Interviews are useful as there are usually some experiences that participants can share, and for more information the interviewer can use the flexibility afforded in semi-structured interviews to pose more in-depth questions to gain more meaningful and qualitative answers at any time (McNamara, 1999).

There is no clear answer as to “how many interviews” are enough for a study; in some studies one interview is enough. The number of interviews depends on the research questions and its purpose (Baker & Edwards, 2012). However, the number of participants that I was planning to interview was fifty. I arranged the time of the interviews with them in advance. All of them were living and working in Riyadh, the capital of Saudi Arabia. I intended to interview both men and women in order to get both male and female points of view.

To complement this study I came across a good number of secondary researches about forced marriage and child marriage, *zawaj al-gaserat*, which I have utilised in this research.

4.4. Analysis

Thematic analysis and discourse analysis are the methods that were used in this study. In analysing qualitative data, it is argued that thematic analysis offers a reachable and theoretically flexible approach (Braun & Clarke, 2006). Using thematic analysis, my interview data can be organised around twenty themes (See chapter six). In terms of discourse analysis, there are different ways of using it, so the analysis that is used in this research was conducted in different forms. The texts which were selected for discourse analysis were three significant transcripts of the interviews that took place. They were analysed by using discourse analysis of Parker (1996), Potter and Wetherell (1987), Billig et al. (1988), Hodge and Kress (1993) and Foucauldian discourse analysis (FDA) (Arribas-Ayllo & Walkerdine, 2008); in fact, FDA can be applied to any type of text (Arribas-Ayllo & Walkerdine, 2008). The last of the four texts that were chosen for discourse analysis is an article which was found online, written by a Saudi woman. Her article was in response to a call for setting the legal minimum age of marriage in Saudi at eighteen. For the analysis of this text the researcher drew upon deconstruction (Burman & MacLure, 2005) and the analytic approach of Billig et al. (1988).

During the interviews, it was realised that a few of the participants were not feeling comfortable enough to say what they wanted. In most of these cases, these participants were not Saudi citizens. Their apprehension can be put down to them being afraid of being sacked from their jobs if they said anything politically conflicting. Two of the participants were doctors who worked in private hospitals, who talked openly about the medical factors and would suddenly close up when it came to the questions regarding the age of marriage, law and the rights of children and women.

Despite the fact that there are some qualitative-data-analysis software packages that could be used, such as NVivo and Atlas.ti (Lewis, 2004), the analysis in this

thesis was done manually as I was not aware of them until the analysis was almost done.

4.4.1. Thematic analysis

A thematic analysis is a coherent way of reading or organising some interview material in relation to a precise research question (Burman, 1994). Thematic analysis can help with correlating the data relevant to the research question (Braun & Clarke, 2006). Boyatzis (1998) claims that thematic analysis is not a single method, such as ethnography or grounded theory, but is something which is used to help the researcher to search or to gain insight. It is a procedure used as one amongst many other qualitative methods. In terms of qualitative analysis, thematic analysis is a translator, which aids those who use a range of qualitative methods to communicate with each other.

From the interviews there emerged many themes. These themes began to emerge during the interviews (Braun & Clarke, 2006) whilst I translated and transcribed the interviews into the English language and whilst coding the data that was discovered in each interview. I then searched for the themes that emerged after coding. There were some codes which were interesting and emerged in some interviews, while there were other codes that were not related to the research or not worth using in the study or with thematic analysis. Fifteen themes arose at that stage. I looked again at the codes and revised them. I found some different codes that were linked to the research question and I added them. The next step was collecting key indicative quotes that were coded, which were then categorised and named to distinguish between respective themes. The final stage was to produce the report, which had twenty themes (see chapter 5).

4.4.2. Discourse analysis

Discourse analysis can be understood as focusing on the textually mediated nature of action and experience (Parker, 1992). Language is not only seen as an individual activity but also as a social practice through a discourse-analytic perspective (Fairclough, 1992). In addition, Van Dijk (1997) claims that discourse might be described at several levels of structure, such as semantics, syntax, rhetoric and stylistics. Mountian (2004) claims that discourse analysis is not a

method or device in itself, but rather it aims to focus on the position of discourse in the construction of society and can be cited as an epistemological resource.

“Discourses are located in time, in history, for the objects they refer to are the objects constituted in the past by the discourse or related discourse” (Parker, 1992, p. 16).

Discourse analysis is applied in social theories and Foucault’s work is an essential theoretical resource. Foucault delivers a theory of the social and its change. He also offers a critical approach to the effects of theory by considering theory as a form of discourse (Parker, 2003). Mountian (2004) claims that discourse does not discuss speech only, but the social practice and construction of knowledge too. Knowledge and power in discourse are therefore joined together (Foucault, 1998). Discourses are not to be implied in only one specific manner but rather, as Foucault (1998) points out, “as a multiplicity of discursive elements that can come into play in various strategies” (p. 100). Thus, this work helps to analyse the distribution of such meaning, including what can be stated and what cannot be stated; that which is forbidden and that which is allowed; all of which depend on the speaker and his/her power position coupled with the context they are in. Moreover, “discourse can be both an instrument and an effect of power, but also a hindrance, a stumbling-block, a point of resistance and starting point for an opposing strategy” (Foucault, 1998, p. 100). These materials show the position that the participants put themselves in, which reflects how I have categorised them. Alldred and Burman (2005) state that when people speak they are positioned or position themselves in certain ways which serve a particular function, whilst in a different context they may occupy quite different subject positions.

The discourse analysis chapter in this research includes four texts – abstracts of three significant interviews and an article that was found through secondary research – which were worth analysing in-depth. Using discourse analysis with these data aims to invite readers into ways of perceiving the interview, the analytic process and the status of the account generated (Alldred & Burman, 2005).

Parker and Shotter (1990) state that there are at least three different senses in which “deconstruction” is employed. However, in this research I use two of them, which are ones derived from Jacques Derrida and Michel Foucault. A Derridean deconstruction approach offers a series of examples and techniques which display how text can be observed. They can all be exposed as containing “hidden”, internal contradictions and the absent or “repressed” meaning can be made apparent. A Foucauldian approach exposes a specific and local operation of the actual power relations at work in structuring social forms in the modern world. Both Derridean and Foucauldian approaches can be used to make noticeable “hidden” social and political processes in the orderly products of academia.

4.5. Challenges while conducting the interviews

Collecting data is one of the most important and challenging steps that researchers face. In this section, I am going to describe and discuss some of the issues and difficulties which I have encountered whilst collecting data for this research in Riyadh, Saudi Arabia. I will begin with the question of timing and then how the participants’ selection was made, as well as issues in arranging the interviews. Then I will discuss any particular challenges and what I did to go beyond them. As a consequence of conducting the interviews during the summer holiday and amidst the month of Ramadan, in which all Muslims are prescribed to fast, some participants were as a result less willing and less available to be interviewed. There was also the difficulty of interviewing women face to face owing to the law that does not allow a woman to meet a man who is not a relative without having a man from her family with her, otherwise known as *mahram*. Moreover, it was clear that non-Saudi potential participants were worried about saying something that would affect their jobs.

4.5.1 The timing of the interviews

It is important that researchers should consider the time of generating the data for account, especially with the interview method. This is because the time that may suit the researcher may not suit the participants and, of course, this makes sense because the key resource for the data is the participants themselves, without which we cannot substantiate anything meaningful. I managed to work with the participants to find and work to a time at which they could best participate. In my experience, interviewing people to generate data during the summer in Saudi

Arabia was a challenge, primarily because most Saudis usually go on holiday at that time.

Time should be considered by researchers and they should expect that setting an interview appointment might not be as easy as one thinks. Furthermore, researchers are the people who are in need, and so they should be the ones to be flexible with the time and date. The researcher should try to accept any time that a participant is able to arrange, which is actually quite difficult. In my case, four interviews were done in less than twenty-four hours when I was collecting my research data. The first one was around 11 p.m. on a Monday night with a lawyer in his office, followed by a police officer at a police station at 4 a.m. on Tuesday morning; the third interview took place at 1.30 p.m. that afternoon with a psychologist, finishing with the fourth one at around 6.15 p.m. that evening.

Ramadan is the month in Islam in which every eligible Muslim is prescribed to fast during daylight hours. The Ramadan of 2010 took place in the summer period with temperatures at 40 degrees Celsius, at times reaching up to 50 degrees Celsius, with night temperatures at no less than 35 degrees Celsius. It was during this period that I was generating my research data. One can imagine how difficult it is for one to work and conduct a normal life without food and drink over such a long time, and how it feels to interview a person under those circumstances. One of the participants, for example, told me that she could not organise her ideas because she was fasting.

Rearranging or cancelling the interviews is something that a researcher should expect. As soon as I arrived in Saudi Arabia, I contacted the participants again in order to confirm the appointments, for which I had already set a time and secured their consent in principle. Unfortunately, not all of them were available. Some of them had changed their plans and decided to travel and have their holidays during the time the interviews were scheduled. Some others had already travelled and were unreachable as a result. Fortunately, a good number of the participants who had agreed to do the interviews were still in Riyadh, some of which kept rescheduling, which was difficult to manage and keep up with. For instance, I met the secretary of a paediatric doctor who had scheduled a meeting for me with the doctor at 10 a.m. on Tuesday 7th September 2010, who told me to phone her an hour before the meeting to be sure that the doctor was available and not busy at

the hospital or had an operation at the surgery. I phoned as agreed, but unfortunately she was busy that day and we set another appointment for the following day, which was the last day before the Eid holiday (the annual holiday in Saudi Arabia). Unfortunately, she could not make that time either. Luckily, the doctor had something that had to be finished the following week, and she told me to come because she would not be very busy and she could be interviewed. Finally I met her, but only after waiting for her for over ninety minutes.

It is clear that, as the majority of Saudis prefer not to work during Ramadan's days, it was difficult to meet all participants who had agreed to do the interviews. Most of the interviews were held two to three hours after sunset, which was between 6 p.m. and 6.30 p.m., which is also the end of the working day for most businesses. Hence, to make any journey at that time would usually take a lot longer because of traffic congestion, which is further exacerbated as driving a car is the only visible mode of transport in Riyadh. This meant that a journey which was supposed to take me up to half an hour would take nearly three hours.

The rush hour and traffic jams occur between 9.30 a.m. and 10.30 a.m., 3 p.m. and 4 p.m., and 8 p.m. and 1 a.m. It was not easy to go anywhere, especially in a city like Riyadh which has more than five million people and almost one million cars driven every day.

4.5.2. Issues after the participant selection was made and questions about arranging the interviews

Because of the difficulty and sensitivity of the topic for some of the people who were involved in the issue, participant selection was not that easy. In my study, there were several different relevant types of people who I wanted to interview. These were people who were interested and dealt with forced marriage and early marriage cases, such as obstetrics and gynaecology doctors, paediatric doctors, lawyers, teachers at schools and universities, social workers and psychologists, amongst others. Originally, I aimed to do fifty interviews for my research. However, as a result of some of the aforementioned challenges, only thirty-seven interviews were conducted.

The process of arranging the interviews only commenced once participant selection had been made. As the participants worked in different fields and

organisations, I began contacting them almost two months in advance to set an appropriate time for the interviewees, with some asking for a brief about the study and what the questions would be about.

Here is an indicative example. Two female obstetrics and gynaecology doctors had agreed to participate and when I went to meet them in their clinic in the hospital reception, I was told that one of them had said she could not meet me because she was busy with patients and would not be able to meet me in the future either. Her colleague met me and asked more about the study, then apologised that she did not have enough time but said she could do it later. She gave me her email and asked me to email her the questions, stating that she would reply to me with a time that she could make an interview. The questions were emailed but I received no reply, and although I sent them again to remind her I have as yet not received any reply from her. There are many ways to interpret this, but it is difficult to know which interpretation is correct.

4.5.3. Further challenges and strategies taken to address these issues

Besides the time and participants' challenges, there were other challenges, which are related to the law, language and culture. One such instance is that the law in Saudi Arabia does not allow any man or woman to meet a person from the other gender without a male relative (*mahram*) accompanying the woman. Having decided it was necessary to have some female participants, I was worried that female participants and I would get in trouble as a result of this law. It was because of this that most of the interviews with female participants were at their place of work. The female participants worked as doctors, social workers and teachers, which involved them working with men in a public arena; therefore, there were no issues about meeting them in their workplace, except when it came to female participants who were teachers. As education in Saudi Arabia is segregated it was not possible to meet a female teacher in her workplace as this would be seen as breaking the principle and intention behind segregation. Therefore, this made it very difficult to decide where and how the interview could take place. One of the female participants who is a teacher allowed me to interview her at her home in the presence of her husband and children. This was perfectly acceptable as the husband (a *mahram*) was at home and present during the interview. However, there are some other issues which should be considered

with this interview, the reason being that the participant was not comfortable answering questions of such a nature in front of her husband, which became clear as she could not express her opinion openly. This could also have been because two of her teenage daughters were there, so she could not give more explanation of some points, and maybe because her husband was sitting next to her she did not want to talk about some controversial elements of the issue. Another example was interviewing a university teacher, and in that case the participant had chosen a coffee shop at a hotel as the venue. She came with her sister and the interview took place in an open public place. This situation is not allowed but luckily, nothing bad happened. The only issue was with the audio recording, which was not clear.

Translation is one of the main challenges that may face anyone who wants to collect data in Arabic and report it in English, because some words cannot be translated accurately. For instance, my research issue is called زواج القاصرات *zawaj al-gaserat*. *Zawaj* means marriage and *al-gaserat* is the plural of *gaser*, and it is not easy to translate it in one word where the meaning would be correct. When I asked some of the participants and Arabic friends about the meaning in Arabic they came up with different meanings, such as minor, under age, child and immature. This wide range of meaning is important to note as the study arises from the assumption that there can be a correct and unanimous interpretation of this word, which is left in a degree of ambiguity.

In terms of cultural challenges, a university teacher of religion did not agree to do the interview unless I met him at his house and shared *eftar* (the food that is eaten at sunset to break the fast) with him. It is a sign of generosity when someone insists on inviting others to his or her house for food, and because it was Ramadan it is believed that the reward from Allah for such an act of kindness would be great.

4.6. Recording and transcription

In order to capture all of what the participants had to say, I audio recorded most of the interviews. Only one participant did not allow me to audio record, which I respected, as he said he was afraid. It was not easy to have participants who agreed to do an interview without them asking me why I had not conducted a

survey (quantitative by nature) rather than interviews. This is one of the reasons why each interview meant a lot to me because every single participant was difficult to replace. During the interviews, I used two audio recorders and also made notes to avoid losing any quality in interview data. Using two audio recorders helped me with some interviews by way of getting clear recording in some parts that were not clear enough on the other recorder. In addition, taking notes during the interviews helped in the way of having a clearer picture of the entire interview and with transcribing too.

During the period of conducting the interviews I kept writing the main points and ideas of what the participant said, and I emailed them to my supervisor (Professor Burman) every week, which kept her apprised of what I was doing. Professor Burman advised me along the way to help me overcome some of the issues and challenges I faced.

The interviews were conducted in the Arabic language, which meant that after I had finished conducting the interviews I needed to transcribe them in Arabic and then translate them into English. It was not easy to translate all 37 interviews; this took me over three months to complete. In order to get an appropriate translation I translated the interviews myself because I was the one who did the interviews and was aware of the context of the given answers. I also sought assistance from some of my Arab friends who study in Manchester, and other friends who are British but are originally from the Arab subcontinent.

4.7. Context of *zawaj al-gaserat*

Just recently, many people in Saudi Arabia started voicing their concerns about *zawaj al-gaserat*. Their concerns were that this type of marriage was taking place and was accepted until some organisations such as Human Rights Watch labelled them as child abuse. In addition, the revolution of information sharing, the internet and social media have had a huge influence upon societies across the world. Saudi Arabia is part of this world and these aspects have an influence on it. The government started a scheme to send Saudis to study at universities abroad nearly eight years ago. The number of Saudi students who are studying in the US is almost fifty thousand, and there are more than ten thousand Saudi students in the UK. So anything these students hear or are exposed to will affect Saudi

society and change the way they look at and perceive issues. A few years ago, Saudis were only influenced by two resources: the government and the religious authority; but now people can search on the internet about any subject and they will find a variety of opinions and different claims.

The context of Saudi Arabia has changed and is still changing. However, dealing with any issue in the context of Saudi Arabia should not be done in the same way as in other societies or states that will have their own unique set of issues to deal with. In terms of child marriage Saudi Arabia has a law, and changing the law is very difficult within any country, especially when the law is firmly grounded in religion. In essence, a change in law would mean a challenge to religion, which could be perceived by society as blasphemous and beyond comprehension. Therefore, when some international conventions and human rights organisations call for setting a legal minimum age, they should consider all these factors.

4.8. The pilot study

Before going to the field and conducting the data of this research, I tested the questions of the research and did some interviews with some Saudi Arabians here in Manchester and in Saudi Arabia while I was on a holiday. I had 19 general questions that I could ask any participant and some more specific questions which are related to the profession of each participant. There were six participants. In order to answer the research question and reach the aims of the thesis I prepared questions that covered the areas of how the issue of *zawaj al-gaserat* is spread, its disadvantages and benefits, what should be done to prevent the disadvantages of this type of marriage, and what the marriageable age is in Saudi Arabia (questions list in the appendix).

As I was planning for the sample of the study to cover people who are linked to the issue of the study and who work in different disciplines to get various perspectives, the sample of the pilot included a social worker, a *mazoun*, a lawyer, an obstetrics and gynaecology doctor, a professor of religions, and a professor of social work who works in the Ministry of Social Affairs. The pilot contained a woman and five men; I met them in their houses here in Manchester and the rest in their workplaces in Saudi Arabia.

The questions, in general, covered the aims of the study and helped to answer the research question. However, I found that there was a need to add some more questions, especially in the process of dealing with cases of *zawaj al-gaserat*. As the interview is semi-structured, that helped me to produce some more questions during the interviews. In addition, I found some questions were not, as I had thought, relevant to some participants, so I omitted them.

One of the benefits of conducting the pilot study was that the participants named some other participants to interview in the study because they are interested about the topic of my research, such as some well-known women who talked about the issue of *zawaj al-gaserat*.

4.9. Confidentiality and anonymity

In every single interview I used a set structure, which is as follows:

1. I informed the participants of the research question.
2. I introduced myself so that they understood why I was conducting the interview.
3. I informed them that they had the right to withdraw from the interview at any time.
4. I guaranteed anonymity.

If they felt uncomfortable at the end of the interview, I gave them the right to cancel the interview and assured them that any recording or notes would be deleted.

4.10. Participation

Thirty-seven participants were interviewed between August and September 2010 (see table 3, p. 77). They were from different professional areas (see table 4, p. 78), which helped to have a wider variety of views about the issue of *zawaj al-gaserat*. For instance, from interviewing police officers I found that there is not any law or procedure that deals with issues of *zawaj al-gaserat*. In addition, if an adolescent female called the police or went to the police station to complain she was being forced into marriage, or if a mother or any member of a family seeks help from them to stop a child from getting married, the police cannot do anything. On the other hand, *mazouns* are men who register marriages but even

they cannot do anything regarding *zawaj al-gaserat* as it is legal to be practised. Although participants emphasised lack of urgency and responsibility, they provided useful information about the issue and how it has an influence on adolescent females, families and societies (see chapter seven for more findings).

The participants were interviewed in places they themselves had chosen as I intended to meet them in a place where they felt comfortable. Some participants were interviewed in their houses. For example, one of the participants was a teacher and as it was difficult to meet her in her workplace she invited me to her house, where I also met with her husband and daughters, providing an opportunity to interview all of them as a group. Another participant was so busy that he rearranged his interview three times before I could interview him in his house, when he gave me a part of his family time. I went to his house and his driver opened the door for me and let me in to the reception, where I waited for almost half an hour before the participant had time to see me. I needed to interview as many females as possible. With child marriage being common amongst adolescent females, I felt it was important to discuss with female participants more than with males. Out of 37 participants, I could only interview nine females (see table 5, p. 79).

Table 3 List of participants: Career, gender and date of interview

Interview no.	Career	Gender	Date of the interview
1	lawyer	Male	8 th Aug '10
2	psychiatrist	Male	9 th Aug '10
3	school teacher	Male	11 th Aug '10
4	professor of religion at a university	Male	15 th Aug '10
5	lawyer	Male	15 th Aug '10
6	<i>mazoun</i> /school teacher	Male	16 th Aug '10
7	professor of psychology	Male	17 th Aug '10
8	two school teachers (a couple) and their two daughters (16-18yr)	1 Male + 3 Females	18 th Aug '10
9	professor of psychology/human rights	Male	29 th Aug '10

	organisation member		
10	professor of religion who is a lawyer	Male	29 th Aug '10
11	consultant of obstetrics and gynaecology (OB/GYN)	Male	30 th Aug '10
12	consultant of obstetrics and gynaecology (OB/GYN)	Female	30 th Aug '10
13	consultant of obstetrics and gynaecology (OB/GYN)	Male	30 th Aug '10
14	board member of Human Rights Commission	Male	30 th Aug '10
15	staff of Human Rights Commission	Male	30 th Aug '10
16	staff of Human Rights Commission	Male	30 th Aug '10
17	staff of the National Society for Human Rights	Male	31 st Aug '10
18	<i>mazoun</i> /member of the National Society for Human Rights	Male	31 st Aug '10
19	social worker in a hospital	Female	31 st Aug '10
20	two social workers who work in a hospital	2 Females	31 st Aug '10
21	lawyer	Man	4 th Sep '10
22	board member of human rights commission	Male	4 th Sep '10
23	professor of social work	Male	4 th Sep '10
24	paediatric consultant/executive director of the National Family Safety Programme	Female	8 th Sep '10
25	consultant of obstetrics and gynaecology (OB/GYN)	Male	25 th Aug '10
26	paediatric doctor	Male	25 th Aug '10
27	police officer	Male	27 th Aug '10
28	professor of sociology	Male	25 th Aug '10
29	feminist activist/human rights member	Female	17 th Sep '10
30	police officer	Male	26 th Aug '10
31	consultant of obstetrics and gynaecology (OB/GYN)	Male	16 th Sep '10
32	professor of religion	Male	16 th Sep '10

33	police officer	Male	26 th Aug '10
----	----------------	------	--------------------------

Table 4 List of careers and frequency

No	Career	Frequency
1	law	4
2	psychiatrist	1
3	school teacher	3
4	<i>mazoun</i>	3
5	religion	3
6	psychology	2
7	human rights	8
8	obstetrics and gynaecology (OB/GYN)	5
9	social work	4
10	paediatric	2
11	sociology	1
12	police officer	3

Table 5 The participants: Gender and frequency

Gender	Frequency
Female	9
Male	28

Three females were interviewed at one time, as they are a mother and two daughters. An activist woman and a National Society of Human Rights member were interviewed in the hall of a hotel. In addition, the rest of them, who are doctors and social workers, were interviewed in their workplaces, which were hospitals.

My own position in relation to some participants was fairly complex. I conducted interviews at the university which sponsors me, and where some participants are now my colleagues. They have been teaching since my studies in a bachelor degree from the same department. In some parts of the interviews,

they behaved as if they were teaching me and started giving me some advice regarding what to do in my research.

One of the participants was living in our neighbourhood and worked with my father in the same sector. His children, my brothers and I are friends who used to play with one another when we were younger and he insisted on participating in the interview but only in his house and only after me having dinner with him. The interview was conducted after dinner, and during the interview he was treating me as one of his sons – in a very paternalistic fashion. For example, he referred to me as his son when he talked to me by saying “listen son” and “this is better for you, my son”. In that context, I was careful to choose my words with more respect, while I felt free to ask him more specific and detailed questions (i.e. about his marriage to a sixteen-year-old girl).

I am from a city that is situated in the southern region of Saudi Arabia and on the border with Yemen. Some participants have a stereotype that *zawaj al-gaserat* is an issue in that city and in Yemen. They knew from my surname that I was from that area. Therefore, they mentioned my city as a city where this type of marriage is common. In addition, some of them thought I am doing this research because it is taking place on a greater scale in my city.

It should be acknowledged that I could not have the “victims” – that is, the adolescent females – as participants as there would have been considerable difficulty in having access to them and it would also have posed insuperable ethical problems. It would also be unlikely that a father or husband would allow a girl who was in the process of marriage, or who had been married as a child, to do such an interview, as they, the husband or father, may be in trouble if the marriage took place without the girl’s consent.

4.11. Transcription

Bucholtz (2000) claims that a focus on transcription is essential to the methods of discourse analysis, and that it is an action of representation, interpretation, and also an act of power. As this research was conducted in Saudi Arabia and all the participants were Arabic speakers, the interviews were also conducted in the Arabic language. It is therefore important to give some account in relation to the process of translation. Furthermore, child marriage as a term is not used or

recognised much in Saudi Arabia and the Arab states. However, the term that is used and is common is *zawaj al-gaser*. *Zawaj* means marriage and *al-gaser* describes either a boy or a girl. However, the common terminology to describe the issue of adolescent females' marriage is *zawaj al-gaserat* because the key issue now is only among adolescent females.

As I used interviews as a method of collecting data, transcription was one of the tasks that needed to be done before analysing the data. First, the interviews were transcribed in Arabic, the language that the interviews were conducted in. Then I translated only summaries of those interviews into English, subsequently translating a significant volume of extracts that were considered to be relevant. It must be acknowledged that in this process of editing, selection and consolidation of material, some key features may have been overlooked. However, it is hoped (and claimed) that the work presented here nevertheless takes the investigation of this topic forward significantly. Since I am a non-native speaker of English I sought some help with translation from my previous supervisor (Professor Burman) and some friends. The interviews were coded and then divided into themes, to which, as described in chapter five, the approach of thematic analysis was then applied. As there are usually some materials that need to be analysed in depth because of their worth to the research, some were analysed using a discourse analysis approach. As part of a reflexive discourse analysis, a reflexive transcription practice requires acknowledgment of the limitations of one's own transcriptional choices (Bucholtz, 2000).

In relation to the wide range of interviewees, such as social workers, doctors, psychologists, *mazouns* and police officers, it is vital to take into account that different terms were used, not only in relation to the subject matter but also in the expressions utilised. Some Arabic terms have no synonyms in the English language, which meant that I needed to give a more detailed explanation. For instance, the expression *فكر سليم* or *fiker saleem* is one of the terminologies that should be highlighted as it has special meaning. *Fiker saleem* was discussed in one of the Discourse Unit seminars at which I presented, as it was not clear enough to some of those in attendance. This made me look into and research its meaning again, whilst also consulting with some who have an Islamic academic background and study in the UK. They agreed that *fiker saleem* is an expression

usually used to describe Muslim scholars as they know enough about Islam and can speak accurately given their accurate understanding of Sharia and its purpose.

Another term, عيب, *A'aep*, is most translated as “shame”, which is correct in some contexts but in the context of Saudi culture it has various other meanings. When a father rejects the proposal of a man who wants to marry his daughter and if that man has a special position in relation to the father or in the tribe, or because of his position in society, some will criticise that rejection as an *A'aep* act. Then people may look down upon the father and his family. Thus, *A'aep* could be interpreted as a defect.

4.12. Why some people did not participate

In general, it is likely that some people refuse to participate in research for many reasons. In this research, there were some such cases where people either refused to be interviewed or else appeared to do so with discomfort.

One of the participants, a paediatrician, withdrew from the interview after only five minutes. This appeared to be because he did not want to talk about something related to Sharia. When the interview was arranged, he had been given enough information about the research and its purposes, upon which basis he agreed to do the interview. However, when I met him to do the interview, after telling him about the research, I asked his permission to use an audio recorder, which he refused. Therefore, I told him I would like to take notes whilst he was talking and gave him some examples from the questions of the interview. It became clear then that he was not happy to answer those questions, and he started to try to finish the interview. Plus, he brought up some reasons that indicated that his view was that he was not the appropriate person to answer these questions because he is not a religious scholar.

The other reason for some people not contributing at all was, as previously discussed, that the data collection occurred during the summer holiday and some of the participants were on their holidays, despite the fact that they had agreed to participate and were initially happy with the time. In addition, I met, separately, two of the participants who worked as obstetrics and gynaecology doctors, and after giving them an introduction about the research they asked to rearrange

another appointment as they did not have enough time to do the interview and they additionally said that they wanted to have all the questions before the interview. We agreed that I would email them the questions and, after that, that they would set the interview meeting for a time which was good for them. I stopped contacting them after emailing them three times without any response.

As well as these practical issues, some participants also had concerns about being involved in the research. Since careers are important to people, some participants were worried about doing the interviews. Some of them were not Saudis and tried to avoid giving an extreme opinion, and were not willing to be audio recorded. For example, one of the participants had agreed to be interviewed and when I met him and answered his questions, which were about my research topic, he refused to do the interview. One of the things that made him worry more was when I said I wanted the interview to be audio recorded; even when I told him I only wanted to have the medical point of view he tried not to answer the questions, or simply answered “I do not know”. He gave me a clear opinion about the side effects of marriage for older women, but nothing about child marriage or early marriage. When I asked him “why do you worry and do not want to participate?”, he answered that he wanted to participate, but because the topic involves a controversial religious debate and he is not a religious scholar, he did not want to continue.

4.13. Conclusion

In conclusion, this chapter has discussed the methodology, epistemology and methods involved in this research. In addition, it is important to clarify the standpoint of the researcher. Key facets highlighted here include the discourse of child marriage and the addressing of questions of power in terms of child marriage. In addition, the chapter describes the process of this research – for example, the process of translation – plus the challenges that faced the researcher while conducting the interviews.

Any researcher should give much consideration to the resources informing their data, especially in interviews because they deal with human beings who have different opinions and circumstances. Plus, even after we plan for and prepare for the interviews, we should expect some changes such as start time or sometimes

cancellation. Thus, having back-up plans (in terms of flexibility of time and other possible participants) is a good idea. In addition, knowing the culture and customs of the participants may help the researchers with their interviews.

Chapter Five

Thematic analysis

5.1. Introduction

The previous chapter outlined the methodology I have used in this thesis and the methods that were used for collecting the data. In addition, the chapter discussed the challenges I faced while gathering the data and how the data was analysed. In this chapter, I present the themes that came out of the data using thematic analysis (Braun & Clarke, 2006). Out of the data, after transcription of the interviews, twenty themes emerged. As some quotes from the transcripts fit in different themes, I used them more than once.

5.2. Forced marriage and early marriage are not the same

All participants were emphatic in highlighting that not all forced marriages are early marriages but all early marriages are forced marriages. People of any age could be forced to marry, both young people and adults. But the discussion turned around the assumption that the issue almost exclusively concerned adolescent females:

There is no relationship between forced marriage and age because a seventeen- or nineteen-year-old girl could be forced [into marriage]. On the other hand, marrying a fifteen-year-old girl is forced marriage under any circumstances. (Participant 2)

Since age is the easiest way to distinguish between childhood and adulthood, this participant stated that there is no link between forced marriage and age. Moreover, elsewhere it is emphasised that any marriage involving a girl of fifteen or less is a type of forced marriage. The following participant claimed that forced marriage and child marriage are two issues.

Forced marriage and child marriage are two complicated problems but forced marriage is clearer than early marriage and forced marriage happens with young adolescent females more than adult adolescent females. (Participant 24)

It was stated that forced marriage and child marriage are not only problems but also that they are “complicated” and forced marriage can be identified more easily

than child marriage. Furthermore, while forced marriage could occur at any age, they suggested it happens with young adolescent females more. So both of them – forced marriage and early marriage – are regarded as problems and complex, but they are not considered to be the same.

5.3. *Zawaj al-gaserat* is not an issue

Despite the fact that the majority of the participants claimed that *zawaj al-gaserat* is an issue, a few of them disagreed with this. Moreover, some even drew attention to some benefits, whether to the girls or their families. A member of the Human Rights Commission claimed that the number of *zawaj al-gaserat* cases is small, and that there are more important issues for society to deal with than *zawaj al-gaserat*. Moreover, he added that people are talking about those cases only because the media does so.

A member of staff from the Human Rights Commission agreed that they have worked with some forced- and child-marriage cases but he “thinks” it is not a problem and the researchers should not give this issue of *zawaj al-gaserat* “more than what it deserves”. In addition, he stated that the media, journalists in particular, concentrate on the matter and thereby make it look bigger.

There are thousands and thousands of marriages happening in Saudi Arabia and only one or two that are *zawaj al-gaserat* but unfortunately some journalists and some who have unclear aims make it bigger. Those cases we worked with are less than ten; I do not want you researchers to give this topic more than what it deserves . And do not do what the media do. As a human rights commission we have to work with these sorts of issues. However, as a problem I do not think it is a problem because we have many bigger problems; we have many rules but they are not applied. (Participant 15)

He claimed that the number of *zawaj al-gaserat* cases is very small and there is no need to focus on them. However, he highlighted that there is much legislation in Saudi Arabia but this is not used.

5.4. Forced marriage and child marriage are rare but exceptions happen

While some participants claimed that *zawaj al-gaserat* is an issue which needs to be solved, there was disagreement as well. Despite the fact that there are no figures that show the number of girls and boys who married before the age of eighteen, some of the participants argue that the number of cases of *zawaj al-gaserat* is not big and that although it may be an issue, there is no need to focus on it that much. In addition, they claimed it rarely happens, except maybe in a few areas and cities.

***Zawaj al-gaserat* seldom happens in Saudi Arabia. There is only one case which we have worked with. (Participant 5)**

There are some cases of early marriage in Saudi Arabia but this type of marriage [*zawaj al-gaserat*] is not common. But the proportion is different from one city to another. (Participant 6)

Participants did not dispute that there are a number of early-marriage cases in Saudi Arabia, but the uncertainty is with how many. No one can provide an accurate number or proportion because it is not required to write the age or the date of birth of couples when they want to register their marriage. Moreover, the accounts suggested that when early marriage happens abnormal situations force them to do so.

***Zawaj al-gaserat* is not a phenomenon in Saudi Arabia and when it happens there are specific circumstances [...] It occurs in other countries [...] plus it is different from one district to another because adolescent females in hot countries reach puberty earlier than adolescent females in cold countries [...] It is better if a girl gets married early if she is mature, agrees, and the marriage is with her will. (Participant 10)**

In general, participants portrayed *zawaj al-gaserat* as occurring in Saudi Arabia but qualified this as not being common, adding that it has not reached the stage where one can label it as a phenomenon. In addition, when it takes place there are

situations which force people to do it. On the other hand, it is not only Saudi Arabia which has early marriage. It happens in other countries as well, especially countries where the weather is hot. Moreover, they claimed that if a girl is mature and agrees with the marriage it is better to marry even though she is at an early age.

5.5. Suitable age

The participants kept talking about a suitable age for marriage **السن المناسب للزواج**. Suitable **مناسب** in Arabic is a comprehensive adjective in this context. It is used to describe how appropriate a girl is to get married. The participants claimed suitability for marriage cannot be measured merely by a fixed age, but that there are some other aspects which could assist the decision as to whether the age is “suitable”.

**We cannot measure childhood by age but by how the children have been brought up [the skills the children were taught].
(Participant 1)**

Moreover, body size is not enough to come to a decision about whether this person could marry or not. Some participants mentioned some reasons which could make bodies grow up faster, such as from eating a lot of fast food. Having a big body size does not mean that the person has enough knowledge about marriage and does not mean that one is at an appropriate age to get married.

...the body is not enough as well to decide whether a girl is ready for marriage or not because fast food makes people bigger. But thinking and enough knowledge about marriage [...] eighteen is the suitable age for marriage if the government sets legislation. (Participant 3)

The term “suitable” was mentioned by many different participants, but not all agreed on one fixed age. Some claimed fifteen as a suitable age, while others disagreed and stated twenty-one as the suitable age. Moreover, not all participants highlighted a specific age. Some of them indicated reaching puberty as a sign which means one could get married.

Where a participant pointed out a fixed age to be a “suitable” age of marriage, or a “sign”, they all put forward reasons to support their opinion.

Fifteen is the suitable age for a person to be ready for marriage because his [or her] mentality and physiology are enough to help one to get married. (Participant 9)

The previous participant mentioned the age of fifteen as an age that one would get married because her or his mentality and thinking could be sufficient although they may not be physically mature, while another focused on the person’s education. This one set eighteen as a suitable age because it is the age that one should have finished high school, and consequently adolescent females will have completed school-based education.

The suitable age for marriage is eighteen or more because the girl could gain the minimum standard of education and finish her high school. (Participant 18)

5.6. Registering marriage in court as a way of preventing forced marriage

In order to register any marriage in Saudi Arabia couples have to ask a *mazoun* to do so, because that is his job. Then the husband should take the marriage certificate to court in order to finish the registration process. As a measure to prevent forced marriage, participants suggested that the registering of marriages for adolescent females who are eighteen years old or less should be done in the court directly, and by a judge rather than a *mazoun*.

I think any girl who wants to get married when her age is eighteen or less should go to court to register the marriage. (Participant 22)

Even if a girl agrees with the marriage and it is with her consent, some participants suggested registering this in court. On the other hand, some participants not only proposed registering the marriage in court, but they also suggested limiting the age. They focused on ages between fifteen and eighteen, as well as stipulating that the girl should be mature and have reached puberty.

Any girl who is between fifteen and eighteen and wants to get married [...] and she is mature and has reached her puberty she can do so [get married] but in the court [register the marriage in the court, not by a *mazoun*].
(Participant 24)

For some participants, registering marriages in court for adolescent females who are between fifteen and eighteen was not enough, but they also stated that the girl should not be forced and should have reached puberty. After that, they would allow her to get married on the basis that the marriage registration would take place in court. Such suggestions are shared by the Human Rights Commission, which supports registering marriages in court if the prospective girl is fifteen years old or less or has not reached puberty yet. As this representative stated:

The Human Rights Commission viewpoint is that if a girl is less than fifteen or has not reached puberty yet the marriage should be registered in the court not by a *mazoun*. (Participant 22)

Registering marriages in court for couples where one party – or both – is eighteen or less is one way to reorganise the marriage process. However, this is not the only way to do so and to prevent early and forced marriages. Significantly, this approach would still leave unspecified who has the power to stop such marriages.

5.7. Who has the authority to prevent *zawaj al-gaserat*?

Knowing who has the power to stop and organise the marriage process may help to stop any harmful types of marriage. According to the interviewees' suggestions for preventing *zawaj al-gaserat*, it is clear that there is no agreement about who has the authority to do so. For example, some of them claimed that this is a *mazoun's* job and that they should not register any marriage if one party is still a child or there is any indication of any sort of force to the marriage. However, *mazouns* disagreed with that and highlighted that they have no power to do so, but rather the court has.

His job [a *mazoun*] is only registration of the marriage and I have no right to stop or delay a marriage. (Participant 6)

The previous and next quotes are by *mazouns*, and both agreed that they have no power or rules yet to stop any marriage if one party is *gaser* (قاصر) – minor or immature. However, the following participant proposed that because *mazouns* cannot stop early and forced marriage, and because any couples have to undergo medical checks before marriage, thus doctors who make those medical checks can stop a marriage due to the side effects of *zawaj al-gaserat*.

I suggest that stopping any marriage [harmful marriage] should not be by *mazouns* but by doctors when the couples do the medical check before marriage [...] It is difficult for *mazouns* to stop marriages because we should only register the marriage [...] If a *mazoun* refuses to register a marriage the family will look for another *mazoun* who will register it. (Participant 18)

Another *mazoun* agreed with the statement that *mazouns* cannot stop any marriage, and claimed that preventing early marriage is in the judges' hands.

***Mazouns* have no control to decide whether a marriage can be done or not, but the judge can stop any marriage's registration, delay or hold it for few years. (Participant 4)**

In addition, a Human Rights Commission board member stated that the Human Rights Commission is working on this issue and trying to help, especially because they have worked with some cases as part of their job. Furthermore, he declared that the Human Rights Commission standpoint is in favour of allowing people to get married only in court if one of the parties is less than fifteen.

On the other hand, there is agreement among the majority of participants about the department which can organise the process and set a system, and which may prevent forced and early marriage; this is the Ministry of Justice.

I believe that setting a legal minimum age by the Ministry of Justice along with penalties against fathers who marry their daughters at less than eighteen (...) and *mazouns* who register those marriages will stop *zawaj al-gaserat*. (Participant 21)

In the previous quote, a lawyer stated that when the Ministry of Justice sets legislation and penalties against people who do not follow it, *zawaj al-gaserat* may stop. However, a woman activist claimed that the Ministry of Justice should set eighteen as the legal minimum age and should stipulate that no one can get married under that age unless with an exception allowed by the king. However, she added, the King can address the issue if the Ministry of Justice does not do so.

To prevent such cases there must be a regulation that stops fathers from marrying their daughters who are less than eighteen [...] and not only judges who have the power to allow them to marry at an age under eighteen but only the King [...] If the Ministry of Justice does not want to set legislation then this matter should be solved by the King and I have sent that to the King. (Participant 29)

Thus, solving this issue may start with the Ministry of Justice, since they have the authority to reorganise and set legislation. Moreover, they are the employers of judges and *mazouns*.

5.8. What is age?

Chronological age is one way that could help people to differentiate between childhood and adulthood. Plus, it helps to identify whether an early marriage has taken place. Setting eighteen years as the age that separates adulthood from childhood is one suggestion.

We should define childhood to decide whether we have early marriage or not [...] and I think eighteen is the age that we can distinguish between childhood and adulthood. (Participant 23)

Linking age and marriage to set an appropriate measure is one suggestion from some international organisations such as UNICEF in the Convention on the Rights of the Child.

Definition of minors is those who are less than eighteen and that is what the CRC has defined. (Participant 24)

Yet there is no agreement among participants over the age that could help to define childhood appropriately. For example, the previous participant set eighteen, but another one claimed that marriage before twenty is difficult. Furthermore, mentality is another factor that they suggested should be considered as well.

Age is the easy way to say whether a person is a child or not beside the mentality, and at under twenty it is difficult for a girl to get married. (Participant 20)

Even though age is an important aspect, there are a number of other factors that should be considered, such as the adolescent females' mentalities, bodies and behaviours.

Adolescent females who are less than sixteen face many physiological, mental, and psychological issues. (Participant 24)

One claim is that sixteen is the age that would assist deciding if adolescent females could marry or not. That age is put forward because adolescent females could face some issues if they get married before that age, such as physiological and emotional issues. While some participants set an age in order to have a measure that helps to determine whether there is an early marriage or not, some also talked about age and behaviour. Adding behaviour to age to know if one is a child is another key aspect.

[...] age and behaviour help us to distinguish between a child and an adult. (Participant 12)

[...] the body is not enough [...] the most important is the thinking [mentality]... (Participant 3)

For some participants, setting an age as a threshold that could distinguish between childhood and adulthood has been carried out in the West. Because of this, they argued, it is not suitable for Saudi Arabian society and it should not be the same.

Setting eighteen as an age to define childhood age comes from the West and therefore we have to change that definition to be suitable for our society. (Participant 9)

In the West, one who is eighteen or less is defined as a child. However, in Saudi Arabia people use maturation to label one as a child or not. The following participant noted that even when there is a case in court and a judge wants to announce the decision of the case he considers maturation. This gives rise to variable definitions according to context:

Childhood age is different here from the West: here maturation is the age that people treat one as an adult. Moreover, in courts judges treat people who reach puberty, who are between the ages of thirteen and fifteen, as adult in some cases. However we [doctors] deal with people who are under eighteen as children in hospitals. (Participant 11)

Hence, as in other societies, different institutions use different criteria to distinguish childhood and adulthood, with marriage occupying a contested position.

5.9. Early marriage and forced marriage: When and where?

From the interviews, it can be seen that some participants indicated matters of time and place when they talked about *zawaj al-gaserat*, early marriage and forced marriage, such as villages and cities. They discussed how in some regions it is common for adolescent females to marry at an early age, and everything may go well for the young girl.

[...] in some regions in Saudi Arabia families marry their adolescent females [to men] at ages less than eighteen and everything goes well [...] not in cities but in villages and the age of the adolescent females is 17 or 16 or 15 [...] In general I think a girl who lives in a village fares better when she marries early than a city girl because her family has prepared her and has taught her the main skills and now the marriage life. (Participant 1)

The adolescent females in villages are reported to have gained many skills which help them to marry early because they help their parents with cooking, cleaning and taking care of their siblings. They are typically between 15 and 17 when they

get married. They learn from their families while they practise the housework and gain many other skills that could help with marriage. Participants highlighted how societies are not the same and their customs are different. Thus, *zawaj al-gaserat* could occur more in one area than another.

Since the societies and atmosphere is different from one place to another, *zawaj al-gaserat* could take place more in one place than another but still there is not enough information about *zawaj al-gaserat*. (Participant 2)

The lack of statistics and figures about marriage in Saudi Arabia makes it difficult to be sure about the extent of *zawaj al-gaserat*. However, it can be seen that participants portray *zawaj al-gaserat* as occurring more in one place than another. Furthermore, they suggested some parents try to protect their daughters from having sexual relationships outside of marriage; this was a reason given as to why parents try to marry their daughters off at an early age.

In some countries parents are keen to marry their daughter [to a man] because they have more freedom and it is easy for adolescent females to meet boys and that would lead them to have sexual relationships, which is forbidden in Islam [...] However, this does not occur in Saudi Arabia because the opportunity for girls and boys to have a relationship is not easy often and is prohibited. (Participant 4)

Further, some participants proposed that the customs and habits of some tribes would force parents to marry their daughters off at an early age. In addition, the adolescent females cannot disagree or refuse a proposal due to these customs.

[...] there are some tribes and families in some countries like Saudi Arabia and Yemen whereby if adolescent females get mature and reach puberty early they marry early and the couple lives with the husband or wife's family. (Participant 7)

They suggested that living with the in-laws helps adolescent females to learn more, because adolescent females are still young and may have just reached puberty.

Many participants kept saying *zawaj al-gaserat* seldom happens in Saudi Arabia, as well as mentioning that it only occurs far from cities.

***Zawaj al-gaserat* rarely occurs in Saudi Arabia; there are some cases but it is not a major phenomenon. Plus those cases occur in areas that are far from the cities in deserts and villages. (Participant 9)**

Therefore, the cases of *zawaj al-gaserat* happen in deserts and villages but not in cities. In addition, they insisted, those cases are few.

Beside the place, some participants discussed the importance of time as well. They highlighted that people these days are not the same as in the past. It was claimed that *zawaj al-gaserat* happened in the past because adolescent females learned more from their mothers, and boys from their fathers. Therefore, in that sense they were more prepared. They talked about the skills that should be gained when one wants to marry.

Nowadays people are not like people in the past. In the past girls learned from their mothers and boys from their fathers [...] but these days they do not do anything so they cannot get married early. (Participant 17)

Therefore, it emerges that where and when the marriage takes place may influence how people label the marriage and its conditions.

5.10. Reasons

There are many different reasons put forward for why *zawaj al-gaserat* happens. It can be seen that it is often fathers who arrange this with their children. Participants discussed how parents often force their children or marry them off at an early age due to the parents' beliefs of knowing best and better than their children. A lawyer claimed some such reasons. For instance, when adolescent females are able to deal with housework, usually fathers do not reject any good man who wants to marry their daughters. In addition, he discussed how some

fathers only care about money, so they agree to marry their daughters to men who can pay a large amount of money.

[...] in general fathers marry their adolescent females off because they are able to be responsible for a family but others look for money or a suitable man who has all the conditions that a girl wants [...] but when this girl does not want to marry him [...] the father could force his daughter to marry that man in a case where the girl refuses this man because she has her conditions. (Participant 1)

Another participant who is a *mazoun* agreed that the reason is money and added that taking care of a family is hard and sharing that responsibility with another person helps. Thus, for a family in financial difficulties, when a man comes and proposes to marry one of a father's daughters it is more likely to be accepted. Moreover, there are some other factors that were considered to influence parents – and fathers in particular – to marry their children – especially adolescent females – to a man at an early age, and sometimes to force them to accept a man. Those others factors are habits and customs. On the other hand, some adolescent females find marriage is a way to escape from poverty. Adolescent females who live with a poor family may agree to marry an old rich man only because they do not want to live in poverty.

I believe that the main reason behind these marriages is the money. Parents marry their children off at an early age in order to let another person become responsible and take care of the girl, and the girl's father can take care of the other children [...] and habits and customs have a big impact upon the families which force them to marry their children early [...] Moreover, the attempting of a girl to get married in order to live a better life with an older rich man rather than living with her poor family, and if the prospective husband is near to her age she thinks she will have a better life than with her parents and sisters and brothers. (Participant 6)

In contrast, a psychologist claimed that the main reason for early marriage and forced marriage is lack of knowledge of the marriage, children and taking care of them.

Lack of knowledge, rather than low education level, and lack of social life and human needs are the reasons behind these types of marriages. Some fathers marry their daughters [to an older man] because they love them and think this marriage is good for the daughter or has benefits for the girl or the family. (Participant 7)

He stated one main reason that could lead people to practise *zawaj al-gaserat*, forced marriages and early marriages. That reason is knowledge, not education, which one gains from social life. Plus, knowing less about human needs and marriage requirements would lead to such types of marriage. The guardian of any family in Saudi Arabia is the father, in general, who is responsible for his daughters who are members of the family. That responsibility could result in marrying daughters off at an early age because fathers believe that is good for them, or sometimes to get benefits (i.e. money) for her family.

However, a *mazoun* who is a member of the National Society for Human Rights claimed that there are other customs and habits which fathers follow that force them to marry their daughters off at an early age.

Parents marry their daughters off at an early age not for money or other reasons but because it is difficult to refuse a marriage proposal from a member of their tribe [...] and according to some customs that is a kind of shame if one does so. (Participant 18)

In some circumstances when a man goes and asks another man to get married to one of his daughters, the father cannot directly refuse. The reason why he cannot refuse is that among some tribes and families it is a type of shame or taboo for a father to reject a close cousin's proposal, even if the girl is still young. Customs and habits are sometimes so strong and exert too much pressure to be followed. When one does not follow them the tribe may stop supporting him and his family, and people ignore and do not respect them or deal with them.

However, the majority of participants highlighted money as the main reason underlying early marriage and forced marriage.

Zawaj al-gaserat happens in Saudi Arabia but it is 20% or less of the number of marriages and it occurs because of money and because some men like marrying young adolescent females. (Participant 21)

Here we see the third and final “reason”, stated by a lawyer, which is that some men like getting married to young adolescent females. When a man wants to get married to a girl, he usually goes and asks for the girl’s father’s consent. Hence, there are two men who should agree with the marriage: the prospective husband and the father. With forced-marriage and early-marriage cases, participants agreed that the prospective husband looks for a young girl, and the father looks for money.

5.11. Effects, short term and long term

All participants mentioned the effects of *zawaj al-gaserat*. However, the doctors, social workers and psychologists focused on the long-term effects. They discussed some issues that happen as a result of pregnancy and birth.

...problems because of pregnancy and birth could affect the mother and the baby. According to some research the issues for girls before the age of sixteen are many [...] Leaving parents, sisters and brothers could be difficult for a young girl, and birth and taking care of a baby is difficult too [...] The long-term complications are other issues of this type of marriage; for instance, a forty-year-old woman could face issues such as trauma as a result of her early marriage [...] maybe because she was forced into the marriage or she has been divorced. (Participant 2)

This psychiatrist claimed that various issues could be expected to arise for adolescent females who get married at an early age. Facing the responsibility for taking care of children is hard for a young mother. Moreover, one of the serious issues that young adolescent females face when they get married is leaving their parents, sisters and brothers. He talks of possible long-term effects, including

trauma, that could be a result of forcing a girl to marry at a young age, including the forced separation from family. In addition, such effects may appear later, even after the females have reached their forties.

Another participant, a psychologist, highlighted the relationship with the husband and the misunderstanding that could happen as a result of early marriage.

There are some disadvantages that could occur because of this kind of marriage; for example [...] the girl may not be able to deal with the husband, and early divorces, and the lack of life knowledge, and the girl could get frustrated as a result of making many mistakes [...] and all those things happen because the girl's family marry her without skills [...] Moreover, despite the fact that the girl at that age could get pregnant and give birth, she cannot yet take care of her children. (Participant 7)

From the previous quote, it can be seen that the question of lack of knowledge is seen to affect the relationship between the husband and wife. This participant highlighted the question of experience, which would not be enough for young adolescent females to get married at an early age. There is an emphasis on both knowledge and skills which help adolescent females when they get married. Moreover, this psychologist agreed with the previous one regarding the issues of pregnancy, birth and the difficulty of bringing up children.

On the other hand, the next participant, who is a social worker, disagreed with people who say there are benefits to early marriage. She stated that fathers who marry their daughters at an early age do not protect them. Because the issues of early marriage and forced marriage appear in the long term, the father may not realise the problems.

There is not any benefit behind this marriage [...] even when fathers think they are protecting their daughters because the disadvantages come out in the long term [...] and girls have no chance to enjoy their childhood [...] Some women do wrong things when they are older and after studying the case they say they do that because they did not live their childhood and got married at an early age [...]

**Those cases happen with women who are the only wife and there is no big age gap between her and her husband.
(Participant 19)**

Therefore, there are some participants who highlighted the importance of enjoying childhood. Those interviewees stated that adolescent females who marry at an early age are not able to enjoy their childhood, because they marry at an early age. Then they go to the husband's house and have to behave like adult women. As a result, some of them behave like young adolescent females when they get older, because they did not live that time of their life and want to do so now. Moreover, the participants pointed out that this happens not only to adolescent females who may marry at an early age, but also even to boys who do so. In addition, the issues happen with couples who have no big age gap and even when the husband has only one wife.

A recurring concern discussed by participants was how medical issues are more likely to happen at an early age in cases of *zawaj al-gaserat*. Doctors agreed on the issues that happen to adolescent females as a result of getting married at an early age. For example, the problems of pregnancy before some major organs have fully matured: for example, wombs and hips. The following quote is from an interview with a consultant doctor of obstetrics and gynaecology who claimed that the medical problems start declining after the adolescent females have reached the age of seventeen or eighteen.

[...] and the hip completes its shape at sixteen [...] In addition, the womb gets ready for pregnancy at fifteen [...] The number of problems declines at seventeen or eighteen and becomes normal at nineteen, and the percentage is one or two per cent [of problems occurring in pregnancy] but it is seven to eight per cent in age fourteen or fifteen; that percentage increases if the age is younger. For instance [...] at age twelve early birth happens almost seventy per cent of the time. (Participant 31)

5.12. Setting a legal minimum age is not enough

Almost half of the interviewees agreed that setting a legal minimum age would not be enough to prevent *zawaj al-gaserat*.

I do not think setting a legal minimum age will prevent *zawaj al-gaserat* [...] In addition, when setting a law there should be exceptions [for adolescent females who may want to marry below that age]. (Participant 1)

The consensus was that preventing *zawaj al-gaserat* by setting a legal minimum age in Saudi Arabia would not be the appropriate solution. They argued, in addition, that if the law sets an age there should be some exceptions because people will not obey it and will try to deceive and fake in order to do what they want.

Setting a legal minimum age is not important but how many years between the girl and boy [is important...] and eighteen is the suitable age if the government wants to set one. (Participant 6)

A *mazoun* claimed that the thing which should be much better thought out with marriage, in terms of age, is the age gap between the couple; he talked about considering the gap between prospective couples, rather than setting a legal minimum age. In terms of the age of marriage, he agreed with eighteen as a suitable age, but nevertheless argued that legislation should be set by the government.

Having said that the legislation will not stop *zawaj al-gaserat*, child marriage and forced marriage, a university teacher of religion who is also a lawyer offered similar views, but added that if the government sets a legal minimum age people will be deceitful and circumvent it in order to not obey it.

Setting a legal minimum age will not stop child marriage and forced marriage and people are going to fake the documents [...] just to let their daughters marry at an early age [...] Besides that this is a type of limiting people's freedom [...] However, the government should intervene when there is a kind of forced marriage or domestic violence [...] If a good man asks to marry my daughter and I believe she is ready for marriage I will marry her to him. (Participant 10)

On the other hand, intervention in the case of forced marriage is the government's job, the religion teacher stated, and the marriage could take place if the girl is ready for marriage and the prospective husband is good.

However, a consultant of obstetrics and gynaecology took an alternative position, and claimed that setting a legal minimum age will stop *zawaj al-gaserat*. He acknowledged that some people are not going to follow this, but claimed that after a while they will get familiar with it and obey it.

Setting a legal minimum age will prevent such marriages and the government should set eighteen as a legal minimum age [...] People are going to refuse it at first but after a while they will adapt to it. (Participant 12)

Agreeing that the legislation could stop *zawaj al-gaserat* and forced marriage, a social worker added that the important thing is not the legislation, but a legislation that people actually follow. Moreover, she claimed that awareness is not enough; people may know the rights and wrongs but they do not always do the right things. In addition, when legislation is set it should not be for adolescent females only, but should cover boys as well.

We look for a law that forces people to obey it; the awareness is not enough [...] In addition, the law should cover the adolescent females and boys as well. (Participant 20)

The question of incentives for enforcement also came to the fore. A *mazoun* who agrees with setting a legal minimum age suggested setting a big penalty against parents who do not obey the legislation. One of the marriage conditions is the gift, usually money, which the husband gives to the wife. Some fathers take a part of that money, if not all of it. So when a father forces one of his daughters to marry, or marries her off while she is still young, he should pay an amount that is the same as the amount which is written in the marriage certificate.

It is important to set big penalties against parents who marry their daughters off at an age less than 18: for example [...] an amount that equals the *mehr* [dowry] [marriage gift]. (Participant 18)

5.13. Role of *mazouns*

In Saudi Arabia any marriage has to be registered, and the one who does the registration is the *mazoun*. With forced marriage and child marriage cases, *mazouns* have to obey rules and conditions. However, not all *mazouns* do so. All of the participants discussed that there are some *mazouns* who do not meet the prospective wife to ask her whether she agrees with the marriage or not. Furthermore, some *mazouns* do not even ask about the girl's age.

Some fathers may try to cheat in order to marry his young daughter to a man; having women assistants with *mazouns* is important to prevent such tricks [...] For example a *mazoun* has registered a marriage without even knowing the age of the girl, and after about a month he discovered by chance that the girl was 12 years old and could not do anything. (Participant 1)

The job of *mazouns* only focuses on registering marriages. They only need to check the conditions to register any marriage. However, they have no right to not register any marriage if the conditions are met, so some participants place the responsibility for preventing forced marriage elsewhere.

***Mazouns* have no rights to decide whether a marriage can be done or not, but the judge can stop a marriage registration [...] or delay or hold it for a few years [...] The decision of the judge depends on a female doctor [I suggest]. (Participant 4)**

Hence, this participant claimed that the only way to delay or stop a marriage's registration, or hold up a marriage, is by court action. In addition, judges need to ask women doctors in marriage cases to make a decision.

In support of this, a *mazoun* suggested that preventing a marriage from taking place should not be done by *mazouns* because they cannot do so. Their job is only the marriage registration. However, he stated that when couples undergo the medical check as a requirement to register the marriage, doctors could stop the marriage.

I suggest that stopping any marriage should not be by *mazouns* but by doctors when the couples do the medical check before marriage [...] It is difficult for *mazouns* to stop marriages [...] because we should only register the marriage and some families do not allow their girls to meet *mazouns* and therefore *mazouns* give the registration book to the father to let the girl sign or stamp in another room [...] and in some cases one of the girl's brothers stamps instead of her. (Participant 18)

Hence, the *mazoun* argued that the power of *mazouns* is not strong enough to stop any marriage. Some families do not allow their daughters even to sign in the registration book to state that the marriage is with her consent. In such cases *mazouns* are not sure whether the signature is hers. So it is not only parents who are involved in this issue, but *mazouns* as well because they do not do their jobs properly.

In relation to this question, a lawyer suggested that when the Ministry of Justice sets a legal minimum age legislation, there should be penalties against *mazouns* who register any such marriage.

I believe that setting a legal minimum age from the Ministry of Justice and setting penalties against fathers who marry their daughters off if they are less than 18 [...] and also against *mazouns* who register that marriage will stop such marriages. (Participant 21)

Moreover, this would stop *mazouns* who may not care about any issues behind those marriages. A board member of the Human Rights Commission highlighted that there are some *mazouns* who only care about themselves. That type of *mazoun* just thinks of money.

Some *mazouns* do not care of the issues behind this type of marriage because they only look for money [...] Some *mazouns* register such marriages because they just want money. (Participant 22)

5.14. Divorce

When asking participants about how easy it is for a wife to get divorced if she was married at an early age, *gaser*, or was forced into marriage, I found that the answers had two sides. One side is about forced marriage and the other one is about early marriage. Regarding forced marriage, a lawyer stated that any wife can get divorced if she goes to court and proves that the marriage was not with her will.

If a girl goes to court to get divorced because she has been forced to marry a man, the judge will divorce them because one condition has not been met, which is the girl's consent. (Participant 1)

Consent is one of the main conditions that *mazouns* should take into account when registering marriages. However, a psychiatrist stated that if a girl cannot decide and refuses to marry because she is still young, she will not be able to ask for a divorce.

Getting a divorce is not easy for girls because they could not decide on their marriage before so they cannot decide for divorce. (Participant 2)

Some divorces occur because the husbands want it, rather than the wife. When an older man marries a young girl and encounters some difficulties, he might divorce her. A teacher stated that when an older man gets married to another young girl he may divorce her for many reasons. For instance, he may face difficulty because they are from different generations and they think differently. The other reason is that the man may not be able to manage the young wife's needs, such as sexual needs, because he is older and has another wife.

Some old married men marry a young girl and after a period of time divorce them because they cannot manage their thinking or needs [...] such as sexual needs, or because they cannot cope with more than one wife [...] and as a result some young wives could cheat [...] On the other hand, some husbands may suspect their new young wife [of cheating] and divorce her. (Participant 3)

Regarding early marriage, a university teacher of religion claimed that if a girl is forced into marriage before reaching puberty she can get divorced if she wants, or can delay the marriage until she reaches puberty.

In Islam no one can force a woman to get married without her will [...] In addition, the prospective wife has to agree with the marriage and she cannot decide if she has not reached puberty [...] If a girl gets married before puberty she can choose between getting divorced or continuing with that marriage after reaching puberty [...] In addition, in some cases judges treat anyone who is fifteen as mature. (Participant 10)

He mentioned that no one can force a woman into marriage and that the marriage has to be with her consent. However, a consultant of obstetrics and gynaecology disagreed with such ideas of how easy it is for a wife to get divorced. She claimed that in Saudi Arabia it is difficult for a wife to get divorced, and when one wants to help them he or she will face difficulty as well because they live in villages or the desert.

It is difficult for women to get divorced in Saudi Arabia [...] Helping them is complicated as well because the social workers do not help and sometimes there is not any way to make contact with the woman because she lives in the desert or in a village. (Participant 12)

5.15. Age gap

As already indicated, a relevant factor, and possible indicator of forced marriage, is not only the age of the bride but the difference in age between the prospective husband and wife. The age gap between the couples is an issue that was raised by more than half of the participants. A university teacher of psychology who is a Human Rights Commission member stated that the age gap between the wife and the husband is an issue.

In some cases there are some parents marrying their daughters to older men because they need money and the big gap between the couple is not good. (Participant 9)

A consultant of obstetrics and gynaecology highlighted one case with whom he had worked where the wife was 18 and the husband was in his fifties. He claimed that the age gap between the couples is usually ten to eleven years but there are some cases in which the gap is far bigger.

**There is only one case that I have worked with where the wife is eighteen and the husband is in his fifties [...] In general the gap between the couples is almost ten years.
(Participant 11)**

The majority of the participants agreed that an age gap results in some difficulties if it is big. In addition, a paediatric consultant stated that it was a problem.

***Zawaj al-gaserat* is an issue and the age gap between couples is another problem. (Participant 24)**

Although *zawaj al-gaserat* is an issue, the age gap between couples is also an important matter. As we have seen, participants discussed age as not only a number of years that one has lived, but it may mean many things such as the ability to make a decision, size of body and experience. Furthermore, the age gap may affect the marriage in different ways. For instance, the interests of one who is in his fifties are not the same as one who is a teenager. Moreover, participants discussed how the way of thinking is different in a negative way, and sometimes when an older man marries a young girl, and the age gap between them is large, he may be unable to provide for her sexual needs and this may lead her to infidelity.

5.16. Benefits of *zawaj al-gaserat*

Participants acknowledged that *zawaj al-gaserat* occurs in Saudi Arabia, and some people practise it, and sometimes fathers force their children to marry at an early age. In order to understand better why those people practise that type of marriage participants were asked if there are any benefits arising from getting married at an early age. A psychology university teacher pointed out that the adolescent females' families would obtain some benefits as a result of marrying their daughters off. Moreover, *zawaj al-gaserat* would occur as a consequence of fathers presuming that they know best and love their daughters. Even though there

may be some benefits of getting married at an early age, participants agreed it has some drawbacks when practised in cities.

Lack of knowledge, rather than low education level, and lack of social life and human needs are the reasons behind these types of marriages [...] Some fathers marry their daughters [to an older man] because they love them and think this marriage is good for the daughter or for having benefits for the girl or the family [...] There are some benefits of this marriage for the girl's family [...] and [it is also beneficial] because of some ethical issues like when a girl has a sexual relationship out of marriage [...] However, there are no benefits of *zawaj al-gaserat* in cities but disadvantages like divorce. (Participant 7)

In addition, having sexual relationships outside of marriage is forbidden in Islam, and as all Saudis are Muslims, marrying a girl at an early age is the only right way to have that relationship.

Another psychologist agreed with that, and highlighted that it is easier for a couple to understand each other if they get married at an early age.

When a couple get married at an early age it is easy for them to understand each other faster [...] and another benefit of early marriage is that in Saudi Arabia having a sexual relationship is forbidden outside of marriage, and therefore marriage is the only way to release the sexual desire. (Participant 9)

Furthermore, marriage is the means for one, in Saudi Arabia, to release her or his sexual desire. A religion university teacher agreed with that claim and added that the girl might get benefits in the long term from an early marriage. For instance, when a girl gets married at an early age and has children, they will help her when she gets older.

There are many benefits behind *zawaj al-gaserat* [...] For instance [...] she could have children who will help her when she gets older [...] She can release her sexual desire in

an appropriate way, and the boy can as well [...] and [it is also good] for society because it is not good to have many single girls [...] Plus, the girl is like a fruit: when it is ripened it is the time to be eaten; if not [...] it will shrivel [...] She [women] is not like men. (Participant 10)

He pointed out that not only adolescent females get benefits when they get married at an early age, but boys do as well when they do so. Plus he claimed that unmarried adolescent females have bad effects upon society. Moreover, girls' fertility decreases when they get older. Nevertheless, an obstetrics and gynaecology (OB/GYN) doctor disagreed with that and stated emphatically that from a medical perspective there are no benefits of *zawaj al-gaserat*. Instead, *zawaj al-gaserat* results in medical issues in the long term.

There is not any medical benefit of *zawaj al-gaserat*; there are some cases that face some issues while they are in their thirties [...] [for example] and after we study the cases we find that they got married when they were young. (Participant 12)

A social worker agreed and stated that even though some fathers think they are protecting their daughters if they marry them off at an early age, there are no benefits to be gained from that marriage. The drawbacks emerge after years, not directly after marriage. Moreover, she states, adolescent females do not enjoy their childhood.

There is not any benefit behind this marriage, even when fathers think they are protecting their daughters [...] because the disadvantages appear in the long term [...] Plus, adolescent females have no chance to enjoy their childhood [...] Some women do wrong things when they are older and after studying the case they say they do so because they did not live their childhood and got married at an early age. (Participant 19)

Similarly, a paediatric consultant stated that *zawaj al-gaserat* has no benefit.

I do not think there is any benefit behind *zawaj al-gaserat*, even though some think getting married at an early age has benefits. (Participant 24)

Early marriage or forced marriage may take place because parents think of the family, not only of the girl's benefits. For example, the family would solve some financial issues through such marriage, they may address some problems with another family, or sometimes the parents cannot say no because of the family's or the tribe's customs.

5.17. Forceful parents

Zawaj al-gaserat, forced marriage and child marriage might occur sometimes because the adolescent female's parents are poor or face difficulties in rejecting the proposal of one of their tribe's members. Moreover, some customs among some tribes in Saudi Arabia are stronger than Islam, and people may follow them even though that is against Islam. For instance, parents may force their children to get married, whatever their age, only because a member of their close family or tribe wants that.

Among some families parents have to marry their daughters to their cousins due to the customs and that is forbidden in Sharia [...] because the decision is for the couples, the boy and the girl. (Participant 4)

An assistant professor of religion who is also a *mazoun* stated that not all Saudis follow all Sharia. For instance, some may not allow their daughter to marry unless to one of their cousins. Thus, this may force parents to force their children to marry even when they, the parents, do not agree with the marriage.

Moreover, another *mazoun* agreed with that and also claimed money as the main reason. When a family is poor and a man comes and proposes to marry one of their daughters and pay a good amount of money, they may agree with that marriage even if the girl is still young and the man is older.

I believe that the main reason behind these marriages is the money [...] Parents marry their children off at an early age in order to let another person become responsible and

take care of the girl, and the girl's father can take care of the other children [...] And habits and customs have a big impact upon the families which force them to marry their children off early [...] Moreover, the attempting of a girl to get married in order to live a better life with an older rich man rather than living with her poor family, and if the prospective husband is near to her age she thinks she will have a better life than with her parents and sisters and brothers. (Participant 6)

In some cases there are some parents who marry their daughters to older men because they need money. (Participant 9)

Furthermore, some parents, fathers in particular, may marry their daughters off because life is difficult and adolescent females cannot live without a man who supports them, otherwise they may get into big trouble. That situation forces parents to accept any man who may care for, help and support their daughter, especially if the father is old and has no sons.

Parents [may] marry their daughters off at an early age because they want to protect them and prevent them from doing anything which is unethical or morally wrong. (Participant 12)

A *mazoun* who has spent more than 25 years in his job and worked with families from different backgrounds stated that money does not force parents to marry their children off at an early age but rather the customs do.

Parents marry their daughters off at an early age not for money or other reasons but because it is difficult to refuse a marriage request from a member of their tribe [...] and according to some customs that is a kind of taboo (عيب) if one does so [...] In some marriages families ask a *mazoun* to register the marriage at the same time as the party and ceremony [...] and if he refuses to register it they look for another one who will register it. (Participant 18)

Whatever the reason that induces parents to force one of their children to get married at an early age, whether with their consent or not, these may be labelled force parents. Shame (مجاملة) and courtesy (عيب) are two things that force parents to practise early or forced marriage upon their children.

5.18. *Zawaj al-gaserat*, child marriage and forced marriage of boys

It is not only adolescent females who may get forced into marriage, but boys as well. Family relationships between children and parents, in general, are so strong, and children have to show respect to their fathers. One way to respect them is by accepting what they request. Thus, when one of the parents decides that the son has to follow his or her opinion, the son usually does. Plus, children rarely disagree with their parents, even if they force them to do something against what they believe. For instance, a son may marry one of his close-relative adolescent females only because one of his parents likes that girl or wants the son to marry that girl. Parents may force their sons to get married, whether at an early age or not, since the parents have some business relationship and want to make it stronger. In addition, they may want to celebrate their son's wedding before they die.

Boys may get forced to marry, or to marry at an early age, in spite of the fact that the majority of the interviewees focused on adolescent females because they are labelled as "the weaker gender".

According to what people say, it is common for it [*zawaj al-gaserat*] to happen in the southern region of Saudi Arabia that the adolescent females and boys get married at early ages in that region. (Participant 16)

There is not any study or figure available about Saudi Arabia that may help to know whether early marriage and *zawaj al-gaserat* of boys are an issue. However, a psychiatrist highlighted that in the southern region of Saudi Arabia both boys and adolescent females get married at early ages.

In general, when a boy finishes secondary school and wants to marry, [his mother and sisters] usually look for a girl who is younger than him who studies in elementary school. (Participant 8)

As with adolescent females, boys may also get forced into marriage at an early age because of customs. Customs are different from one district to another and from one family to another. Among some tribes, boys have to be responsible for their families as soon as they reach puberty, and that means they are able to get married and have children. In addition, a *mazoun* claimed that amongst some families, because adolescent females can only get married to a male who is from the same family, the parents may arrange a marriage to one of their young cousins.

Among some families parents have to marry their daughters to their cousins due to the customs and that is forbidden in Sharia [...] because the decision is for the couples, the boy and the girl. (Participant 4)

Thus, people should be aware of *zawaj al-gaserat*, child marriage and forced marriage of both genders of children, not only adolescent females. Children need legislation that protects them. Children lack experience and that may result in wrong decisions being made on their behalf. Therefore, when there is a good rule this may help to stop any type of aggression that may be aimed at them.

5.19. Functionality

As in any society, there is a form of classification between women and men in Saudi. This is because of their ability do things, cultural background, or religion, and it may come from all of these. This classification may have either a large or a small gap between genders. For example, in Arab cultures it is unlikely that a woman would be a prime minister; nevertheless, it is acceptable in the West. The grouping highlights some similarities and differences for the males and females. In Saudi, men control society; this comes from their background as Arab, and from Islam as there are some situations when women are in need of men. For instance, generally a girl cannot marry unless her father or guardian gives his consent, although there are some exceptions.

In addition, there are some conservative ideas that still dominate the community, besides a lack of knowledge about women's rights and children's rights. The majority of people follow and obey what is taking place now, because they are afraid of change and doing something that is against Sharia or customs or

mainstream opinion. Moreover, in general, Saudis do not like one who does anything that may affect the image of the tribe or the family badly and may lead them to change their values and customs. It is a shameful practice when a member of the tribe changes something when everyone else does not agree or does not want it to change. Moreover, it may lead the tribe or the family to stop supporting him and to discriminate against him or her and his/her family. They will not marry them or anyone linked to them and will no longer treat them as members of the family or the tribe.

Functionality here refers to the ability and/or power of the tribe, family, society and people in regard to the state's law. For example, no woman can travel abroad without the acceptance of her father, husband or guardian in Saudi. In addition, the human being's body functions and the mentality of children and adults are regarded as crucial in marriage matters.

The young girl is the one who cannot be responsible to take care of herself and her husband and children and does not know much about marriage life. (Participant 1)

Each one has the ability of doing some tasks, but that ability is limited; for instance, adults can deal with family issues better than children. Plus, the experience and mentality are different. Therefore, people, in general, believe that performing a family's duty is an adult task and children cannot take on such responsibility. Thus, when talking about functions and marriage, the image of family that comes to the Saudi mind is two adults with children or a child. Supporting that state, a social worker claimed that marriage is a big responsibility and children cannot deal with it

Marriage is a big responsibility and children cannot take responsibility for themselves so how can they take responsibility for a family? (Participant 19)

Marriage has many tasks that each partner has to carry out. Plus, some work needs someone who has enough experience and the requisite mental and physical ability, such as taking care of children or the ability to carry a pregnancy through successfully. Pregnancy, birth and taking care of children are functions that one can rely on adults to carry out, but not children.

Each part of society has its function and performs its role, and many participants claimed that setting a legal minimum age of marriage in Saudi should come from the Ministry of Justice or as a decree from the King.

If there is no action taken soon I am with the media campaign [...] because that will reduce the number of *zawaj al-gaserat* cases. (Participant 18)

The previous quote is from an interview with a *mazoun* who is a member of the National Society for Human Rights. He was married to more than one woman, one of whom was fifteen when they were married. He argued that the issue, *zawaj al-gaserat*, is there and there should be action from the organisations dealing with it because that is one of their jobs. If they do not do so, helping society to decrease the number of child marriages will be dealt with by another organisation. The media has the power to make people aware or may influence them to change their minds; the media campaign can practise its function to influence society and the number of people who practise *zawaj al-gaserat* may be reduced.

5.20. Religious and religion

All Saudis who live in Saudi Arabia are Muslims. Additionally, the religion in Saudi Arabia is Islam and the law comes from Islam. When people want to know about something, whether it is legal or not, they go to a Sheikh or an imam. However, in some cases of life issues there are no clear decisions about them, either from the Quran or Hadith. Moreover, some decisions depend on how the ayah or Hadith is interpreted, and by whom.

In Islam the husband and wife have the full right to get divorced, but it is easier for a husband to divorce. Despite this being a fact, a wife can also get divorced via different means, although this may be a little more difficult:

- She can tell her husband that she no longer wants to stay with him. If both agree then he divorces her.
- If the above is not possible, then she may go to her family, father, brothers or uncles, and asks them to help her with the divorce.
- If this is not possible either, then she can go to the court and ask the judge to divorce them. There are some conditions which are needed to be met

before the divorce takes place. For instance, the wife has to prove that there is a major religion issue with her husband. However, the easy way for a wife to get divorced is by saying she hates her husband, and the judge will divorce them. In this case, the wife has to return the dowry that the husband gave her as a condition of the marriage.

A lawyer stated that any wife can get divorced if she was forced into the marriage.

If a girl goes to the court to get divorced because she has been forced to marry a man, the judge will divorce them because one condition has not been taken, which is the girl's consent. (Participant 1)

This view highlighted that there are many conditions for marriage, and if one of them is not met then the marriage is invalid. Despite the fact that there is no legal minimum age in Islam, Saudis can set one if there is a need for that, as many other Islamic countries have. For example, the legal minimum age of marriage in United Arab Emirates (UAE) is eighteen; in Jordan it is sixteen, with marriages below that age taking place with the court's consent; and in Pakistan it is also eighteen.

There is no minimum age of marriage in Sharia but the King can set a suitable age [...] and the judge could delay the marriage until the girl reaches that age [...] If there is any case under that age the *mazoun* should transfer the case to the court [...] the judge cannot cancel any marriage even if the girl's age is one or two years [...] but he can delay it until she becomes ready for marriage. (Participant 4)

However, a lawyer claimed that the law in Saudi Arabia is sufficient, but the problem is with the people who should apply the law, as they do not do it correctly. So people should do their jobs as they should be done. *Mujamalah*, which may translate to “courtesy”, is good, but sometimes *mazouns* do not ask for the adolescent females' consent only to remain polite and on good terms with their fathers.

**We have an adequate law but the problem is that the executive departments do not do their jobs accurately.
(Participant 21)**

So the arguments put forward by participants highlight that the law is not enough because sometimes interpretation of the legislation differs from one person to another. Plus, the rules may not stop people from doing wrong, since people might try to flout rules if they are not to their benefit. On the other hand, puberty is one of the important signs that judges may use to know whether one is a child or not; indeed, they already use puberty as a sign that helps them with judgments, because punishments are different from children's to adults' law.

**In Islam no one can force a woman to get married without her will [...] In addition, the prospective wife has to agree with the marriage and she cannot decide if she has not reached puberty [...] If a girl gets married before puberty she can choose between getting divorced or continuing with that marriage after reaching puberty [...] In addition, in some cases judges treat anyone who is fifteen as a mature.
(Participant 10)**

A Human Rights Commission board member highlighted that judges may use age to decide whether a person is a child or not. For instance, not all judges use puberty as the main sign which distinguishes between childhood and adulthood, but instead of that some take the age of fifteen as a measure. They use that age as a measure due to the fact that the majority will have reached puberty by that age. On the other side, not all parents have the right to be guardians of their children as a result of their mentality and/or ability to take care of themselves rather than their children.

**In Islam if the parents are not good enough to take care of their children they have no right to be guardians.
(Participant 22)**

Consequently, the flexibility of Sharia in terms of marriage age results in much debate, not only between religious and non-religious scholars, but also among religious scholars themselves.

5.21. Social control

As can be seen from the interviews with the participants, these types of marriages – *zawaj al-gaserat*, forced marriage, early marriage and arranged marriage – occur as a result of different factors. It is presumed that social control, which comes from culture, is one of the strongest factors that affect social life and families in Saudi Arabia. There are many customs and values that still control people, especially among the tribes and Bedouins in Saudi Arabia, even though those customs may be against the law or Sharia. For example, a girl cannot get married to any man except one of her cousins. In addition, because Islam encourages people to not disobey their parents, and because the children do not know exactly what that means, some participants discussed how some fathers use this principle to force their children to do what the fathers want, even though it is against Islam.

Among Bedouins seventy per cent of marriages are *zawaj al-gaserat* [...] However, in urban areas adolescent females are pushed to study and their fathers are forced to let them continue studying until they finish university [...] But if a girl fails in her study she marries early. (Participant 18)

As Saudi Arabia is a huge land and most of it is desert, participants discussed the issue that the number of people who still have the Bedouin mentality and follow their customs is huge. *Zawaj al-gaserat* is one of the customs which still occurs. Education is one good reason that people may consider preventing *zawaj al-gaserat* or delaying a marriage. Many parents care for their children and aim to keep them safe, and at least finishing their high school may let them be able to take care of themselves and their children, if they have any. It is believed that education and getting at least the high-school certificate is one of the ways that a woman can get to feel secure, because she may get divorced after a while without any support from her family. In addition, she and her family may not know their rights. Thus, having a high-school certificate can help her to get a job.

Many habits and values control most Saudis' behaviour in different ways; accounts suggested that this is clearer among Bedouins or people who live or come from deserts. In general, Saudis try to avoid doing things that may affect

their relationship with their society, tribe and/or family. For example, when a girl decides something against her parents' decision – especially in the matter of marriage, like rejecting a man's proposal – it is likely she will be pressured to change her mind. The interviewees emphasised how when parents are convinced that the man who wants to marry their daughter is good, and their daughter is ready for marriage, the girl usually accepts that decision and obeys her parents even though she has a different point of view. For example, when a high-school girl wants to finish school first and then get married, her father may force her psychologically to change her mind and marry before she has finished school just because such a good man may not come again.

In general fathers marry their adolescent females off because they [the adolescent females] are able to be responsible for a family [...] but others look for money or a suitable man who has all the conditions that a girl wants [...] But when this girl does not want to marry him, the father may force her to marry that man. (Participant 1)

Even when a girl has her own conditions and expectations, she does not usually get that but just marries the man who comes along first and asks to marry her. Accounts suggested that if she does not accept such marriage, she may face problems with her family.

I have worked with 16, 17, 18 and sometimes 20 and 25 year olds who had refused to marry a man and faced issues with their family because their family wanted them to marry that man. (Participant 2)

Participants discussed how some families may force their daughters to marry because they have the power and the authority that comes from tradition or culture, and when the girl refuses or does not accept the marriage the family puts pressure on her. That pressure can be physical, psychological, economical or any type of pressure. One means that the family may use is telling the daughter that if she does not agree with this marriage, men will not ask to marry her again. Or they may tell her that they do not know when the next man will come to ask to marry her, and that may take a long time and she is going to be older and “on the

shelf”. Moreover, when a woman gets older her father usually accepts any man, even though the age gap between the girl and the man may be huge.

Some fathers ‘throw’ their daughters to a man who has money, even if he is already married. (Participant 1)

In addition, the accounts discussed how some fathers may marry their daughters to men who have social authority or are well-known people only because they have money. For example, when a man who has social status comes to a poor family to marry one of their young daughters, the father may accept the proposal regardless of whether the girl agrees to it or not. That will happen as a result of the deficit of money and because of the future husband’s status. On the other hand, because adolescent females in these situations have not had their choice, they cannot get divorced if they are not satisfied with the marriage because they find it so hard to express their opinions and their self-confidence is so low.

Getting divorced is not easy for adolescent females because they could not decide their marriage before so they cannot decide for divorce. (Participant 2)

It is difficult for women to get divorce in SA. (Participant 12)

One of the most difficult things for women to practise in Saudi is to get divorced. It is a sort of shame that will label her as a non-reliable woman, and Saudis do not want to marry a woman who may change her mind at any time and get divorced. Moreover, people usually think that divorced women have got divorced because they were not good for marriage, and could not cope with their responsibilities.

Moreover, social control can also take place in Saudi society among those families who do not allow their daughters to marry any man who is from outside of their family or tribe. However, men of the tribe or the family can marry from outside the family or the tribe. This was acknowledged in some of the accounts.

Among some families parents have to marry their daughters to their cousins due to the customs and that is forbidden in Sharia [...] because the decision is for the couples, the boy and the girl. (Participant 4)

Habits and customs have a big impact upon the families which forces them to marry their children off early. (Participant 6)

Many times when religion crosses with the customs or values of the tribe, Saudis do not follow religion. The previous quote shows that the consent of the future husband and wife is a condition, but when it comes to practise something that does not follow the values and customs of the family or the tribe – such as giving the young people of the tribe a choice in who they marry – the priority goes to the values and customs above Sharia. That type of marriage was said to be common among Bedouins.

Among Bedouins seventy per cent of marriages is *zawaj al-gaserat* [...] However, in urban areas adolescent females are pushed to study and their fathers are forced to let them continue studying until they finish university [...] But if a girl fails in her study she marries early. (Participant 18)

Hence, social control is represented as being clearer in rural area than cities. Moreover, there are many reasons put forward for that, such as that education in cities is more available than in villages. In addition, the social relationship is said to be stronger and the number of people is less in the countryside. Moreover, that relationship makes the control of the family and the tribe stronger.

Parents marry their daughters off at an early age, not for money or other reasons, but because it is difficult to refuse a marriage request from a member of their tribe and [...] according to some customs that is a kind of shame (عيب) if one does so. (Participant 18)

The shame is one of the things that participants emphasised that members of any tribe would try to avoid. Doing something against the tribe's customs and habits is usually categorised as a shame, and that shame may also be labelled as taboo and so difficult to disobey.

5.22. Conclusion

In conclusion, the twenty themes that came out of the interviews I conducted relate to the research question. Participants highlighted that forced marriage, early

marriage and child marriage are not the same. *Zawaj al-gaserat*, forced marriage, child marriage and arranged marriage can happen to anyone. In addition, in the interviews there was no agreement on one age as a “suitable”, مناسب, age at or after which girls in Saudi Arabia can get married. Moreover, in Saudi Arabia age is not considered as a factor in the matter of marriage, as Saudis, according to Sharia, until now accept any marriage that takes place for one who has reached puberty. On the other hand, there are different reasons that lead to *zawaj al-gaserat*, “child marriage”, but the common two discussed are the economic reasons and when parents are divorced.

Social control emerged as much stronger than religion in the matter of *zawaj al-gaserat*, as some fathers accept some older men’s proposals and, even though it is against Sharia, fathers force their daughters to get married.

In this chapter I have highlighted the themes of this research, which emerged from the interviews that I conducted with 37 participants. In the following chapter I use discourse analysis in order to analyse three of the interviews and an article in-depth. These three texts are worth analysing in depth as each of them helps the reader to understand the issue of *zawaj al-gaserat* from different angles.

Chapter Six

Discourse Analysis

6.1. Introduction

After analysing the data that was gathered using a thematic analysis method in the previous chapter, I found that that analysis highlighted some interviews which were worth analysing in depth; therefore, this chapter aims to analyse data gathered from interviews and texts using thematic analysis in order to develop a richer understanding of the key issues that have emerged within this study. This chapter has four main sections, each requiring subtle differences in approach due to differences in format: for example, an interview transcript which contains a conversation between four family members, and an analysis of a more elaborate text that appeared on the internet.

The first section of analysis explores an interview undertaken with a family, which included a mother, a father and two teenage daughters. This interview is particularly useful as it offers a variety of perspectives that span generations. The second section examines an interview that was undertaken with a *mazoun* who has worked with the Human Rights Association (HRA) for more than thirty years. Moreover, he is married to more than one wife and one of his wives was almost fifteen when they married. The third section offers an analysis of an interview with a professor of religion who is a lawyer married to two wives, one of which was just 16 years old when they married. The final section analyses a text that was distributed widely on the internet after the writer sent it to a TV programme that discussed *zawaj al-gaserat*.

Critical discourse analysis is not a precise technique of research and there are various types (Schiffrin et al., 2001). There are many different forms of discourse analysis as the term 'discourse' incorporates a wide variety of different meanings (Lee & Petersen, 2011). I employed different styles of discourse analysis based on work by Billig (1988), Parker (1992), Potter and Wetherell (1987), Foucault (Banister, 2011) and Derrida (Lee & Petersen, 2011) within this chapter. In addition, I wish to underline that the most important proposition of deconstruction is that our dealings with the world are unrelievedly textual (Burman & MacLure, 2005). Therefore, in this chapter I have attempted to link what was written or said with the research aims and questions as I analysed the texts.

6.2. A family group interview

6.2.1. Introduction

One of the interviews that I undertook was with a Saudi family. It was conducted at their house in Riyadh in Saudi Arabia on 18th August 2010. This interview was selected as it encompassed a range of different opinions and generations. Unlike other interviews, this was a group discussion. There were four people: the father, the mother and their two daughters aged 18 and 16 years old. We sat in the corner of an L-shaped room. The father sat next to me and the mother and daughters sat on the other side. I used conversation analysis (Potter & Wetherell, 1987) as the predominant form of analysis in this instance.

6.2.2. Who is in charge?

After offering an introduction about the study, I began by asking the family “how would you define a *gaser*? The text starts with the father’s answer, “**a child is one who is less than 17 or 18**” (line 4). It should be noted that the question was open to anyone to answer and I was not looking directly at the father while asking the question. However, within the Saudi context it is usually the father who is responsible for his family as he is considered to be the guardian and leader and his decision is usually taken to be final. Furthermore, within Saudi cultural perspectives, people in general respect their elders. Thus, I assumed that this was why the father instigated an answer to the question, as he was the elder. It is also worth noting that, even when the father did not answer after I asked my question, the rest of the family started looking at him and only when he said nothing did the mother answer. This approach remained consistent except for occasions when a question was directly addressed to other members of the family.

6.2.3. The age of marriage in Saudi Arabia

Once the father had finished expressing his point of view of what he considered a child to be, the text starts with the mother’s perspective, which considered more than age. What was said is that “**a child is one who does not think about the future**” (line 6) and an example was expressed: “**fifteen year olds only care about fashion and do not think of marriage at that age**” (line 8). Here it is relevant to note that she focused on psychological aspects that may help to distinguish between a child and an adult. The mother is a high school teacher. She

meets adolescent females every day, which may explain her clear perspective about adolescent females of that age. The text also gives some different examples from real life whereby the mother considered some young adolescent females to be more mature than older adolescent females. The text concentrates on disposition rather than age, and reasons that marriage is a big responsibility that requires maturity, which does not necessarily come with age. The text expresses that the mother did not get into a direct debate with her husband about what she considered to be more important: age or mentality; she only replied directly to the interviewer and did not even look at her husband at that moment. It could be supposed that this occurred for a number of reasons: on the one hand, she might not want to argue with her husband in front of her two daughters, or perhaps it was due to my presence in the room. At the time of the interview the two daughters were unmarried and the eldest was about to go to university. This might offer one reason for the father setting the age of seventeen and eighteen to define when one becomes an adult. Being an adult in Saudi culture can mean many things, one of which is that it denotes when one can be considered responsible for marriage and children.

When the mother had finished talking, the text expresses the father's opinion about what his wife raised: **“the body is also important as I know adolescent females who are 16 or more usually have a big body [that is ready for marriage] that is important because of pregnancy and birth; marriage is responsibility. A fifteen-year-old girl cannot bring up children because she has no knowledge about children and marriage”** (lines 10–13). It seems that the father drew attention to the fact that despite his opinion about the importance of age, he also agrees with his wife because age means, from his point of view, knowledge and experience that means one can be responsible for marriage. There is a saying in the Arab world which says “who is older than you by a day is more knowledgeable than you by a year”, which means that knowledge and experience increase with age, and it seems that the father subscribes to this idea. He talked about the body, and then he moved from age as the only aspect to talk about the size of the body and knowledge.

6.2.4. Perceptions of causes of *zawaj al-gaserat*

The text shows that the older girl immediately responded to the question about the possibility of forced marriage in Saudi Arabia without looking to her parents by replying “**sure sure**” (line 27). The father’s answer to the question came after – “**it occurs in the faraway areas and villages**” (line 28) – but the mother and the girl commented at the same time with the same words: “**even here**” (line 30). The older girl answered the question full of certainty by repeating her answer twice. The father added to their response by giving his opinion about the relationship between forced marriage and the geographical area where this may happen. However, the girl and the mother claimed to know more because they replied to him “**even here**”, and “**here**”, meaning cities and in Riyadh, which is the capital where people are considered to be well educated.

It is clear that not all men know about women’s issues in Saudi Arabia, even when they are well educated, married and have children. The segregation between men and women in Saudi makes it more difficult for each gender to know about one another. As the mother lives, studies and works with young adolescent females, she may have grounds to claim that she has greater information about this issue. The mother also offered an example about some families in Saudi in which adolescent females are forced to marry one of their close cousins. Despite this information being widely known, it appears that only people who suffer seem to care about it. Perhaps it is the case that even though the father knew about it, it did not come to his mind at that time because of his gender.

Later, the text demonstrates the father offering his knowledge of life as a father in front of his daughters (at least) when he claimed “**Look, people who are narrow-minded or greedy will sell their daughter**” (line 33). That claim proposes that there is forced marriage in Saudi Arabia, not only for young adolescent females but also even for older adolescent females as a result of the customs and, moreover, the awareness and knowledge that fathers have. When the father said that child marriage occurs only in faraway areas and villages, he implied that this is because the people who live there are less educated and that customs have a strong influence within these small groups. In addition, others observe everything they do, which puts them under greater pressure. It is not only the mentality of the fathers, but also financial factors are a major consideration in *zawaj al-gaserat*,

forced and child marriage in Saudi Arabia. This was highlighted in the fathers response when he said “**narrow-minded**”, “**greedy**” (line 33) and “**sell**” (line 33), as he referred to economic issues that influence some cases of *zawaj al-gaserat* and forced marriages. He used the pejorative term “**greedy**” to describe those fathers who marry their daughters off at an early age. Moreover, he said “**sell**”, and this term means that the father treats his daughter as an object or commodity and not as a human being. The use of these terms indicates that the father is against *zawaj al-gaserat*. In addition, it also acknowledges that fathers have the authority to force their daughters into marriage.

As the older girl said that forced marriage and *zawaj al-gaserat* occur, I asked her if there was any story about any case that she may have heard. Surprisingly, she said “**no**” (line 42), and explained that there were not any of her classmates, either now or in previous classes, who were married or engaged. She presented her opinion as fact, which interestingly is not based on her account of her direct experience. It is clear that the daughter is against forced marriage and *zawaj al-gaserat* and that she was sure that this practice occurs. It is interesting to note that she could not provide any examples of cases that she had heard of but this may be due to reports that she had witnessed in the media. In addition, the father offered further rationale for this practice when he explained that “**the lifestyle and the desert climate might be reasons why fathers force their daughters to marry at an early age**” (line 47). Other participants mentioned weather, but drew meaning in a variety of ways. Some claimed that it influenced the fertility of adolescent females, but in this example the father also inferred that the weather may influence the father’s mode of behaviour or way of life. Notwithstanding this, previous references made by the father in terms of economic reasons could be explained by the effects of the financial crisis in Saudi Arabia (as in most of the countries in the world) as this offers a compelling reason for why fathers might try to marry their daughters off as soon as they encounter the opportunity.

Moreover, the discussion also addressed how many adolescent females have changed their outlook on life. For instance, “**when one asks a girl about which one she prefers, a rich older man or one who is romantic and at her age, she will choose the first**” the mother stated (line 51). The mother remarked that adolescent females who study the final two years of high school are “**much more**

mature” these days. That may indicate that education affects young people, so they are more informed about the world than in the past. This opinion contrasts with the perspective of other participants, most notably the father in this interview as he opened the interview by saying eighteen could be considered to be the age that adolescent females become adult and ready for marriage.

6.2.5. Accounting for whether zawaj al-gaserat, child and forced marriages are common in Saudi Arabia

Some high-school adolescent females are married and sometimes have children, but the (reported) number is very low. For example, in the school where the mother works, she indicated that there were only four or five married adolescent females out of four hundred. This information about the number of marriages may have encouraged the young daughter to comment, saying **“there are some divorced adolescent females as well”** (line 56). It is rare for adolescent females to divorce, and this may explain why the mother and the young daughter were aware of married and divorced adolescent females in the school. These comments show that there is an awareness that *zawaj al-gaserat* takes place in Saudi but suggest that it is not commonplace. The education system in Saudi requires students to pass exams every year in order to go on to the next level of education. If they do not pass those exams they have to do the same level again, which in some cases means that some students are still studying at high school at age 18 or 19. In relation to this, the mother went on to say **“Setting a legal minimum age will not stop these types of marriages”** (line 66), which may refer to her previous experience of such legislation; she also conveyed a level of certainty and authority whilst talking about this matter. Then she added, **“one can marry his daughter off even if she is below the legal age set and agree with the husband to wait until she is eighteen, for example, and then let her go with him”** (lines 69–70). In this instance, the mother alludes to forms of deliberate deception. She is describing how fathers will try to do what they want and manipulate the legislation. The father’s position in the context of Saudi is powerful and if the government sets a legal minimum age the mother indicates that the fathers can still do whatever they want because the culture and Islam tends to support “good” fathers. The mother also highlights here how bad fathers can misuse their position of power and force their daughters to marry for their father’s benefit.

6.2.6. The government's role

The father explained that **“the government can stop child and forced marriage by using its power upon people”** (line 78), and gave the example **“if the government catches someone who does this and punishes him physically hard, people will obey the rules”** (line 83). The father makes a reference here to how the power of the government could be used and claims that people would not obey unless they were afraid, and he indicates that the punishment should be harsh in order to deter people from participating in arrangements for forced marriage. The father's statement offers the view that many people will not care about some financial penalties, especially if the amount is not significant. He also mentions physical punishment as a possible deterrent because anyone will feel the pain whether he is poor or rich. By contrast, the mother stated that it was also important to raise people's awareness about the consequences of these types of marriage. Thus, two possible solutions in the form of severe punishment and awareness emerge as a result of this discussion of preventing the practice of *zawaj al-gaserat* in Saudi. This discussion offers some indications about why people in Saudi may follow particular laws. Some may not care about penalties unless they are of a sufficiently large amount. Meanwhile, one of the other participants (a *mazoun*) offered a potential solution in that he suggested that a penalty equal to the amount of the gift that the prospective husband gives to the girl could be imposed upon the father as a deterrent.

6.2.7. Conclusion

This group interview highlights accounts that report that child marriage is taking place in Saudi Arabia, especially among people who are less educated. In addition, it also suggests that it is not easy for men to understand women's perspectives, even when men express opinions that support women's points of view. In terms of the number of child- and forced-marriage cases, participants have acknowledged that they occur but report that they are few in number within cities. Furthermore, it is considered that the government has the authority to stop these kinds of marriages. Punishment is portrayed as the way that the government can stop it, and the punishment should be strict. In addition to this, there is a need to

develop a greater awareness of how this practice affects the lives of the adolescent females and boys and wider society.

6.3. Interview with a *mazoun*

6.3.1. Introduction

This analysis explores the text of an interview with a *mazoun* who is a member of the National Society for Human Rights (NSHR) in Saudi Arabia and has worked within this role for over 30 years. In addition, he registered marriages for non-Saudi people before the system was changed as, at present, only courts can register marriages for these people. Moreover, as the *mazoun* worked in Riyadh, which is the capital of Saudi Arabia, he registered marriages for people from different backgrounds. It is also important to note that the participant is married to more than one wife and that one of his wives was *gaser* when he married her. The interview was conducted in Riyadh on 31st August 2010. The analytic approaches of Parker (1992) and Hodge and Kress (1993) inform the analysis of this text.

6.3.2. *Mazouns* and *gaser* marriage

The text begins by talking about the decision made by the highest religious authority in Saudi Arabia, which rejected a bill that proposed to set a legal minimum age for marriage. **“It says that the highest religious authority in Saudi Arabia has rejected the idea of setting a legal minimum age of marriage because it happened during Prophet Muhammad’s (PBUH) era”** (lines 3–4). This statement starts by saying **“it says”**, which may mean he has just heard about it or maybe read it in a newspaper or on the internet. In addition, the text mentions the rejecting of a bill, which shows there was an attempt to set a legal minimum age of children, which was in process and only in need of improvement to take place. Moreover, the term **“idea”** was used instead of **“bill”**, and that may show that the bill was not strong enough to convince the highest religious authority (HRA), or may have been used simply because the participant was looking at it as a thought only. Then an indication of the reasons for rejection is expressed, as noted: **“because it happened during Prophet Muhammad’s (PBUH) era”** (line 4). As law in Saudi Arabia is Sharia, which says nothing about setting a minimum age of marriage, and because Prophet Muhammad PBUH) married Aa’ishah when she was nine and a few such cases happened at that time

and were not rejected by the Prophet Muhammad and his companions, this indicates it is acceptable in Islam; thus, the HRA in Saudi Arabia rejected the bill because they did not want to set something which is not from Sharia. In addition, if this took place at an earlier time, then this raises the question of why they should choose to ban it now. The text says **“they say that *mazouns* can decide whether the marriage is legal or not”** (line 5). Here the text concentrates on the point that relates to the speaker, who is a *mazoun*. He was not agreeing with this statement as a *mazoun*’s job is applying the conditions in order to register marriages only, in his point of view. Here there is a sort of pushing away of the responsibility of registering cases of marriages that have young girls. There is an ambiguity here as *mazouns* are required only to register marriages that meet all the **legal** conditions, yet it is unclear whether it is legal or not to register a marriage that has a *gaser* party. Moreover, the interviewee suggested a way that can help to prevent child marriage and suggested that the rejection of such marriages should come from doctors rather than *mazouns* when he said **“... and we [*mazouns*] suggest that *zawaj al-gaserat* should not be registered by *mazouns* or the ministry of justice [...] we suggest that [at the time of the medical check] [...] when the doctors find that she is *gaser* they do not do the medical check [hmm] so we do not get in trouble”** (lines 56–59). In this quote, the interviewee talked on behalf of *mazouns* when he said **“we”**. It is not clear whether the suggestion was written or not. In addition, he used the pronoun **“we”** and it is not clear whether there was any kind of meeting between *mazouns* that is inferred by this suggestion. It is also possible that he may simply have been using this pronoun to refer to himself. The suggestion of doctors rather than *mazouns* rejecting such marriages may show that this issue is sensitive, that no one wants to take responsibility and everyone is pushing it away.

As some human rights activists called for registering young adolescent females’ marriages through courts in order to stop child marriage, the text indicates clarification of the system that takes place at present: **“Any Saudi woman usually registers her marriage through a *mazoun*, not in court”** (lines 5–6). **“whatever her age is, unless one of the parties is not a Saudi, in which case the *mazouns* cannot register it and they will have to go to a court”** (lines 11–12). From these two quotes, the text gives some details about when marriage

should be registered at court. The text does say “**any Saudi woman**” and does not talk about men, and does not even say any marriage should be registered in court. The text focuses on women only; that might be because the majority of child-marriage cases in Saudi Arabia are adolescent females rather than males because when people talk about *zawaj al-gaserat* they usually mean the marriage of young adolescent females. Even the terminology *zawaj al-gaserat* [child marriage] means child marriage of adolescent females; the term *al-gaserat* is used with females, and the term *al-gaser* is used when talking about males. Then the text emphasises those marriages that should be registered in court, which is explained to be the case for marriages where at least one of the parties is a foreigner.

In terms of the number of *zawaj al-gaserat* cases that the participant had personally registered, the text confirmed that “**70 per cent of marriages I have registered are قاصرات, gaserat [the girls were children]**” (line 15). The interview question asked for the number of cases but he responded by offering information about the proportion (which is high at 70%) of marriages he has personally registered. This percentage refers only to Saudis from the area that he works in, which also extends out into the countryside. The text shows the participant’s statement, “**...and concentrate on the countryside areas because the big number is there, especially the southern area and among Bedouins**” (lines 160–162). Here the text does show that the *mazoun* is in agreement with what has been said by some other participants in respect of the view that *zawaj al-gaserat* occurs in areas that are far from cities and villages and among some tribes, especially those who live in the desert, such as the Bedouins. Saudis believe Bedouins to follow the custom of marrying adolescent females at an early age.

6.3.3. Who is the *gaser*?

The interviewer went on to ask the question “who is the *gaser*?” The reply to this question was “**She is the one who has not reached puberty [...] has not reached puberty means has not reached the age [hmm] in general they say fifteen, sixteen, seventeen up to eighteen these ages that are considered as the legal age of marriage**” (lines 20–22). The definition does start with signs when talking about puberty, so any girl who has not reached puberty is still *gaser* (a child). Then there is an attempt to give more details and explanation, and because there is

no specific age at which adolescent females reach puberty, the pronoun “**they**” is used to indicate who sets the age for puberty. It is not clear what is meant by “**they**”. However, it seems it starts with the age that most adolescent females reach puberty and he mentioned the age as between fifteen and eighteen as a “**legal minimum age of marriage**”. Here begins with fifteen, as it is the age that adolescent females reach puberty in Saudi Arabia, and then other ages that adolescent females should not get married before were indicated. However, the text illustrates that the participant pointed out that some adolescent females might reach puberty much earlier: “**but puberty [...] she may reach puberty at the age of nine**” (line 24). Here the text highlights reaching puberty at the age of nine; however, this might be considered an exceptional case, or it could be that the reason for mentioning this is the case of the marriage between Aa’ishah and Prophet Muhammad (PBUH) as some Hadiths claim that she was aged nine at that time. However, when the interviewer asked the *mazoun* about his point of view of the age of *gaser* the answer was “**The girl who is less than fifteen**” (line 26).

6.3.4. Age gap and customs

The question of age of marriage of young girls led the interviewer to ask about the age of their husbands and to question whether the age of the husband was close to the adolescent female’s age or not? The answer was “**No, there are, there are [hmm] there is something like that [...] but unfortunately in general in Bedouins 70 per cent of marriages are *gaser* marriages, but here in urban [...] because she [any girl] goes to school she is forced or her guardian gets forced to not marry her off till she finishes university or high school – unless she fails, then she gets married early [...] and I am one of the men who got married to a *gaser***” (lines 32–36). The word “**no**” was the first word used in the answer, which may mean there is a gap between husbands’ and wives’ ages. Then there is a pause, which may be for taking time trying to remember or thinking of the question; then there is a sort of uncertainty about what the fact is: “**there is something like that**” (line 32). Here it is said that there are some cases when couples are close in age. Adolescent females who get married when they are young have husbands who are usually not as young as their wives. After that, Bedouins were mentioned as people who are most likely to practise *zawaj al-gaserat*, and the adverb “**unfortunately**” is used at the beginning of his sentence,

which shows that the speaker does not agree with such marriages and sees it as a negative thing. Then there is a repetition of what was claimed about the proportion of *zawaj al-gaserat* and among whom this percentage is. The speaker then goes on to mention “urban” areas in comparison to Bedouins. The comparison here is between people, who are “**Bedouins**”, and area, which is “**urban**”. Bedouins in Saudi Arabia these days are not the same as in the past travelling from one place to another; there are some who still do so but the majority of them live in cities, towns and villages. The text may use this term to refer to their lifestyle and customs, because after that the situation of people who live in cities is mentioned. Using words like Bedouins and urban implies that the issue is only taking place there or among those people who are not educated or still follow some old customs.

6.3.5. What *mazouns* do when registering marriages

“...mazouns should check” (line 47). *Mazouns* have to check many things in order to register a marriage, such as marriage conditions (see table 1, p. 38). However, the previous quote was an answer to the question regarding what *mazouns* might do if they are asked to register a marriage that involves a *gaser*. The text brings this answer: **“asking her mother, asking her or the witness who comes linked to her, about if she agrees with the marriage and [whether it is with] her consent”** (lines 49–50). **“...yes, because they can check her body and ability and there are many medical issues of child marriage”** (lines 61–62). This example was used in order to indicate a negative side of having no guidelines or law on *zawaj al-gaserat*. In addition, it may be a way of showing that *mazouns* are able to check if a marriage involves a *gaser* or not.

6.3.6. Conclusion

This text is the transcription of an interview with a *mazoun* who has enough experience to give a good point of view of what *zawaj al-gaserat* is from the perspectives of *mazouns*. This text helps to understand the point of view of the highest religious authority in Saudi Arabia and how they rejected a bill that was prepared by the National Society for Human Rights. The text shows that *zawaj al-gaserat* is taking place in Saudi Arabia and the issue might be spread more widely than people think. There is no agreement on one age to be set for distinguishing between children and adults; however, puberty as process is the main means with

marriage cases. *Zawaj al-gaserat* is a sensitive issue that some may not want to discuss or get involved in. The participant in this text suggested that doctors, not *mazouns*, should reject marriages in the time *mazouns* do the registration.

6.4. An Interview with a professor of religion

6.4.1. Introduction

During this study, I conducted interviews with a professor of religion. This particular interview was chosen as it offers some interesting discussion from the point of view of a male teacher and law office worker. Moreover, his interview is of particular relevance as he is polygamous, and one of his wives was aged seventeen when they got married. The interview was conducted on 29th August 2010 at his house in Riyadh, Saudi Arabia. This interview merits closer analysis as it indicates a good example of the complexity of arguments and reformulations used in discussions of the topic of *zawaj al-gaserat*, forced and early marriage. I have drawn upon the analytic approach of Billig et al. (1988) within the analysis of this transcript.

6.4.2. Who is the *gaser*?

The interviewee answered the question about who is the *gaser* (قاصر) by saying **“Gaser means a lack of understanding and realising which is most important; I mean, the brain is not mature yet”** (lines 4–5). He started by describing what *gaser* means, instead of who the *gaser* is. Then his account focused on mentality, not age, as he said that this is the most important issue when he compared between mentality and age. In this instance, he indicated terms of understanding as being related to knowledge and the ability of knowing the difference between good and bad things. He then explained what he saw as the main factors that may help to understand who the *gaser* is when he illustrated the brain as that which one uses to think and make decisions. Then he tried to support his idea by bringing up an example from Sharia when he said **“thus the orphans have to have a guardian to help them because they cannot deal with money in terms of business”** (line 16–17). Here he used the example of orphans in need of guidance and support from someone who is mature enough to help with important decisions, such as business matters. It would seem that this example was used as it

is analogous to child-marriage cases in terms of questions of age, maturation, and making a decision on behalf of someone else.

As the example comes from a university teacher of religions, who would be expected to use law and Sharia to support their claims, the interviewee also drew attention to differences in rules between other states: **“some countries take age as the measure [to know who is a child] and some take understanding and realising. So it [the age of childhood] is changing from time to time”** (lines 17–18). His account went on to discuss laws to justify why there is no specific age that can be used to differentiate between the child and the adult in Saudi. Then he ended his point with the claim that the age that laws set differs according to their reasoning of what amounts to childhood and adulthood, and changes from time to time as well. In addition, he talked about maturation and mentality. This is an important point, as he argued that maturation is linked with time when he said: **“these days maturation comes at a later age, but in the past one who was fifteen or fourteen was a man who could take responsibility, or woman who could take responsibility”** (lines 34–35). He claimed that the maturation of people appears to develop at an older age than in the past and reasoned that this may explain why people got married at an early age in the past. Then he specified the ages of fifteen and fourteen as an example of the age that he considered that people were able to take on the responsibility of marriage. It is also worth noting that he did not indicate whether he was speaking here about a man or a woman, thus endorsing the view that he considered them both to be mature.

6.4.3. *Zawaj al-gaserat*, early marriage and child marriage

When I asked the respondent about *zawaj al-gaserat*, child marriage, in Saudi Arabia, he denied that this type of marriage was common and widespread, but he did admit to there being some cases. The exception was justified by saying it occurs as a result of particular reasons. Hence, the claim of the argument went through three stages: he moved from denying at the beginning, then making an exception, then finally justifying why it may occur. He suggested that there are generally no child marriages in Saudi Arabia, but stated there are some cases which cannot be counted as the number is small and the cases are unlikely to happen. **“Child marriage is not a phenomenon in Saudi and if it happens, that is only because of specific circumstances”** (lines 36–37). After he had rejected

the idea that *zawaj al-gaserat* is a “**phenomenon**” in Saudi Arabia, he highlighted instances in other countries where *zawaj al-gaserat* takes place, in his point of view. He said “**and this occurs in other countries like Yemen and Africa**” (line 38). This action of mentioning other societies where child marriage takes place when the question was about Saudi Arabia is to claim that child marriage is an issue, but not in Saudi Arabia. After denying, making exceptions and justifying the practice, he talked about the issue in some other states and offered one possible reason in terms of the climate. He said: “**it [the minimum age of marriage] varies from one district to another because adolescent females in hot countries reach puberty earlier than adolescent females in cold countries**” (lines 13–14). The effect of climate upon the onset of puberty was brought up by some other participants as well. The claim is that as soon as adolescent females reach puberty they are considered ready for marriage. In addition, when people in “**cold**” countries set an older age than that set in “**hot**” countries it is due to weather affecting the age at which puberty is reached. Thus, this argument is put forward to account for why the minimum age of marriage is lower as Yemen, Africa and Saudi are hot countries.

By such means, the idea that *zawaj al-gaserat* is a good thing is conveyed. *Zawaj al-gaserat*, from this perspective, refers to reaching puberty, so once a girl attains puberty it means she is ready for marriage and this can have “lots of” benefits, as he said:

“there are a lot of advantages; when a girl gets married at an early age she will have children who take care of her when she gets older, can get her desire fulfilled in her sexual life, and the husband as well, and it is good for society [...] Look, there is something important: the girl is like a fruit – when it has ripened it is the time to use; if not it becomes shrivelled. She is not like men. She is a rose, a flower, a fruit, which has a period of time and then will wither and no one gets the benefit of it”
(lines 37–41).

The interviewee talked about different benefits that adolescent females, men and society may experience from *zawaj al-gaserat*. One benefit was portrayed in terms of satisfying sexual desire, as having a sexual relationship out of marriage is forbidden. Then the account focused on an idea and labelled it as “**important**”,

comparing adolescent females with fruits that have a ripe period, after which they become unsuitable to be eaten; or as flowers or roses that also have a limited time of use, after which there is no need for them. Here he described a particular view of what he considered a woman to be, and of how some may look at her: she will get weak and be in need of support when she gets older, and she has a short golden time where she is desirable, after which she is not considered attractive. In addition, using the metaphor of “**fruit**” or “**a flower**” suggests many things. For instance, fruit and roses are beautiful and nice, but just for the enjoyment of others; here one can understand that the girl has no role except to satisfy others, and she has to be taken or used which means she has no autonomy, opinion, or even feeling. Moreover, these descriptions of terminologies – fruit, rose and flower – describe how people look at adolescent females. They are weak and attractive and should stay where they are until one comes and uses them. They only have a small period of usefulness/beauty and then their life means nothing because no one needs them. Here the interviewee indicated through his opinion what some Saudis may think of adolescent females, but it is worth noting that it is not what Islam says.

Using my wider knowledge as a researcher, using these terms to describe adolescent females by some people such as this interviewee may mean many things. For example, it could be inferred that those adolescent females are delicate like fruit and flowers. They need to be protected by someone else – here, men – who take care of them while they are growing up. Thus, they need guardians while they are young, and in this case it is usually fathers who fulfil that role, or husbands after they get married. The metaphor of cultivation as guardian suggests that protection is not a bad thing and children are usually in need of it as they are weak, and fruit and flowers are weak as well and need someone to protect them carefully until they are grown up enough to be consumed. Thus, adolescent females are seen as objects which are only created for someone else to benefit from – in this case their husbands. In addition, we can note how fruit and flowers could be sold. Some of the participants used the term “**sale**” to describe what some fathers do when marrying off their young daughters.

The participant’s point of view is a masculine conception, one which is indicative of the patriarchal culture of Saudi and many other Arab countries. On the other

hand, one may see these terms in a positive light: flowers smell good and consist of many different, beautiful colours. In this respect, describing adolescent females in this sense might be taken as a compliment. Moreover, sometimes giving flowers to someone means love, and love and marriage are usually linked together and the giving of flowers in this sense denotes value as people usually give them to a person who means something to them or is special. So it could be inferred that when a father marries his daughter to a man this means that he is giving him something valuable only because that man deserves it and can take care of it properly.

Later on in the interview the participant brought up the question of consent: **“It is better if a girl gets married at an early age if she is mature, but she should not be forced, and should agree with the marriage and the marriage is with her will.”** (Lines 42–43). Here the interviewee considers the girl’s will in a number of ways. On the one hand, he indicates that there should be no force, although it is significant that he did not talk about which type of force. He also reasoned that the girl should agree and be willing to marry. He confirmed that the marriage should be with her consent when he said **“some of the marriage conditions are defining the couple and their consent”** (line 51). So each party should agree on marriage and should agree to marry a specific person who is known to the prospective person, rather than only agreeing to marry in general. That is, they should know the name and character of the other party, so there will be no confusion over identity.

As he denied at the beginning that child marriage is a common phenomenon, he repeated this denial again and added more details about the reasons which raised it as a phenomenon in the media: **“there are some abnormal cases which the media focus on because they attempt to attack Islam, but this is not the fact and it [child marriage] is not a phenomenon”** (lines 19–20). Here he labelled the cases of child marriage in Saudi as **“abnormal”** cases; he stated that the number of cases was small and so implied that this does not count. From this, he went on to argue that it is only the media that create this issue and keep talking about it because they aim to **“attack Islam”**. Then he rejected the media outright as he claimed that the media did not tell the truth. In addition, he kept focusing on how child marriage is not a **“phenomenon”**, but he also admits there are some

cases and conceded that there are some adolescent females who suffer from it. The interviewee blamed the media in terms of only covering the cases of child marriage and failing to talk about the “**important**” problems in society: “...**the media do not talk about many other important issues such as *Alaadhel*,⁶ العضل; this is what should be focused on [...]** Child marriage is an easy and small issue but the problem is *Alaadhel*; this is what should be stopped and the guardian brought to court”(lines 23–26). By introducing this issue, he made a comparison by which child marriage is seen to be less significant, and set *Alaadhel* as the issue that should be addressed and studied. Then he set out his account of what has to be done as a way of dealing with that issue.

6.4.4. A legal minimum age of marriage

Child marriage is an issue that may take place in any society, whether it has a legal minimum age or not. However, what makes it more interesting in Saudi is that there is no legal minimum age of marriage. When the participant was asked about his opinion of setting a legal minimum age of marriage in Saudi, he said “**It is difficult to set a legal minimum age because marriage is altered from one society to another and habits and values are different as well; this is a type of controlling people’s private life**” (lines 22–23). Thus, here he offered an argument whereby he stated that setting a legal minimum age of marriage in Saudi is not easy, and referred that to the heterogeneity of “**society**”. Saudi is a big country and has different tribes and communities with a variety of customs and rules, even though they follow one religion and are under the same law. He talked about “marriage” in general and said it is not the same in all societies. In this instance he inferred that it is not only the age of marriage that is important but that one has to take account of diverse habits, rules, conditions and everything that relates to marriage, not only the age of marriage. In addition, he claimed that setting a legal minimum age of marriage as a way of “**controlling people’s private lives**” (line 15) would be a negative thing. Although rules and laws aim to control people and to protect them, he did not agree with setting such a law as he saw it as intruding upon people’s private lives.

⁶ When a father (the guardian) does not allow one of his daughters to get married.

Moreover, he moved from a criticism in terms of principle to ones of practicality. He indicated something about the result of the law when he disagreed with the idea that the law will prevent child and forced marriage – **“setting a legal minimum age will not stop child and forced marriage”** (line 27) – and talked about what people will do when the government sets the law: **“...and people are going to cheat to do it”** (line 28). So, by this account, it is not only difficult to set a legal minimum age but he also suggested that this kind of involvement in people’s lives asserts an unenforceable control, as he feels that people will not follow it and will cheat to do what they want and practise child marriage regardless of law. He is in favour of government intervention in some cases, as he states **“However, the government should do something when there is a kind of forced marriage or domestic violence”** (lines 30–31). This presents some interesting perspectives on the roles and mode of agency of government. He is in favour of an act of government to deal with the issue after it takes place and **“do something”** against people who force their daughters to get married, but he disagrees with setting a legal minimum age of marriage.

Marriage is a matter that touches people’s lives, and each of us has experience with it one way or another. Thus, when participants talk about it they cannot be objective. The interviewee talked about himself as an example of his position on the matter: **“If a good man asks to marry my daughter and I am sure she is ready for marriage, I will marry her to him”** (line 33). It is clear he was against setting a legal minimum age of marriage, and he will do what he wants whether there is a law or not. He just needs to be sure that the man who wants to marry his daughter is **“good”** and his daughter is **“ready”** for marriage. He did not mention anything about the man or the daughter’s age. Moreover, he discussed his intentions with regards to any prospective marriage but did not mention anything about his daughter’s capacity to be involved in the decision. What if the man is **“good”**, the girl is **“ready”** and the father happy with the marriage, but the girl does not agree with the marriage?

6.4.5. Conclusion

From this interview, one can see that there is an overlap between *zawaj al-gaserat*, forced marriage, early marriage and child marriage, even in the accounts of well-educated people in Saudi. In terms of what makes one differentiate

between children and adults, the interviewee claimed that maturity, not age, is the main factor in deciding if a person is ready for marriage. He stated that child marriage is not a phenomenon in Saudi Arabia and claimed that the media has made it a problem whilst at the same time it has failed to prioritise other important issues such as *Alaadhel*, العضل. Moreover, he claimed that the climate has an effect on puberty, and that adolescent females in hot places reach puberty earlier than adolescent females who live in cold places. Thus, he claimed that it is likely, and by implication also acceptable, for adolescent females who live in hot regions to marry earlier. On the other hand, as a teacher of religion he also drew attention to the fact that forced marriage is not allowed in Islam, even though there are some Muslims who practise it. In relation to the question of setting a legal minimum age of marriage, he stated that it is difficult to set this in Saudi due to the existence of many diverse cultures. Finally, he claimed that even if the government set a legal minimum age of marriage people might not necessarily follow it.

6.5. An online article

6.5.1. Introduction

The chosen text is an article by a Saudi woman which was posted on the internet on February 20th 2010 at 3:19 p.m. The article was written in the Arabic language (see the appendix) by a woman in response to an activist of human and women's rights who called for setting the legal minimum age of marriage to the age of eighteen on *Al-Beynah*, a television programme that had discussed the child marriage of adolescent females in Saudi Arabia, *zawaj al-gaserat*, زواج القاصرات.

The term discourse analysis is flexible, and which one is chosen will depend on the epistemological framework of the research (Graham, 2005). As this text has an ideological critique and makes claims about what is true and false, I follow the analytic approach of Billig et al. (1988) in this section.

Following Derrida's assertion that “**There is nothing outside the text**” (Derrida, 2004, p. 27), I consider this text as worthy of analysis as it makes claims to present a Saudi woman's perspective and addresses various key aspects relevant to the topic of this research. This includes the Sharia's claims relevant to her experience and the influence of Western countries. Discourse in this article

oscillates between two types of feminist approach: the Islamic feminist approach which concentrates on women's rights from a comprehensive interpretation of the Holy Quran and Hadiths, and the other (which is taken up by the author) follows a radical Islamic feminist approach. Furthermore, the author (Susan) and the guest on the television programme see the "present" from their own particular social and political standpoints, which may intersect or alternatively clash at any point when it is beneficial for one but not the other. Burman (1997) states that the challenge of theorising the intersection between varieties of cultural-political and gender identities is one of the most significant instigators and effects of feminist deconstruction.

6.5.2. Mentioning the name

It is important to note that the writer wrote her full name (not a nickname) at the end of the article to prove that she is a woman. In the context of Saudi Arabian culture, disclosing the name of a woman is still unacceptable for a big number of people and therefore women try not to disclose their full names and do not to say them in public. Although some women say and write their real names freely, this is usually only the case with educated women. The act of making this woman's name explicit in this article is a message to the readers that the writer is a real woman in order to convince the audience that the writer is not a man who is trying to affect others. There are some cases when some men write under a female name; however, this woman has a blog and a Facebook page and is known via the information that she shares about herself on her blog. For example, she is a writer who lives in Makah and is a manager of a women's consulting centre (سوزان, 2012).

6.5.3. The reason for writing this text

When she writes "I feel sad and nervous because of [the guest of the TV programme], may Allah light her heart and correct her", the text describes the writer's feelings as a woman about a matter which she frames as the issue of *zawaj al-gaserat*. Her feelings here are presented as negative because another woman (the guest of the TV programme) had said something about *zawaj al-gaserat* which is not correct according to her perspective. This is indicated by the sentence that she uses to show that in her view the opinion of the guest of the TV programme is wrong: "I pray to Allah to [...] correct her"; she also prays to "light"

the guest of the TV programme's heart. In the Saudi context, one prays for someone in this way because it is assumed that that person is wrong and what s/he says is not correct. When the text does make such *Dua'a* (دعاء) – that is to say, a supplication to someone – it means a disagreement with what she is saying and claims for sure that it is wrong. It is claimed she is “sad” as a result of what was said by the guest of the television programme as this does not match her opinion that *zawaj al-gaserat* is not bad and does not harm adolescent females. When the text expresses that the author feels “nerves”, it may communicate a feeling of hearing something that is obviously incorrect and that the speaker is bringing unreal claims and evidence to support the opinion. The text criticises the statement of the guest of the TV programme in the sentence “[...] statement cannot be understood by one who has *fiker saleem* (فكر سليم)”. *Fiker saleem* includes two terms: *fiker* which means belief, and *saleem* which has different meanings, such as right, undamaged or pure. Moreover, this expression is usually used to describe Muslim scholars. This expression is used here to claim that what the guest of the TV programme says is not from Islam but against Islam, and thus it is rejected.

6.5.4. Using some verses from the Holy Quran to start from

She starts her text by saying:

1. I start my argument from the point that
2. “It is not for a believing man or a believing woman, when
3. Allah and His Messenger have decided a matter, that they
4. should [thereafter] have any choice about their affair. And
5. whoever disobeys Allah and His Messenger has certainly
6. strayed into clear error” (The Holy Quran, 33:36);
7. and out of the concept
8. “The only statement of the [true] believers when they are
9. called to Allah and His Messenger to judge between them
10. is that they say ‘We hear and we obey’. And those are the
11. successful” (The Holy Quran, 24:51) .
12. And I talk from the standpoint that I am a woman and I
13. was a girl and before all that I was a child, and moreover,
14. because I got married when I was sixteen years old and no one
15. forced me! And thanks to God that my oldest son is

16. **23 years old, plus I lived among women who are**
17. **of the same age and circumstances. We are well educated**
18. **and in a good position and have done many things for our**
19. **society – thanks my lord and our husbands – and we are**
20. **equal to our husbands and understand each other.**

The text starts with the argument posting the claims that support the writer's opinion and the reasons why one should agree with this point of view. Starting the argument with two verses of the Quran is an active technique, knowing that when a Muslim is claiming and bringing evidence or proof from the Quran or Hadiths to support what is being said it is less likely that one will disagree. The use of this technique is the shortest route to refuting what a Muslim is saying. Moreover, using these two verses in particular helps in different ways: (a) the guest of the TV programme is a Muslim and therefore should be convinced when supporting the argument with some verses of the Quran or Hadiths; (b) these verses talk about believers, both men and women, and Muslims should obey and not argue when the order comes from Allah or His Messenger; and (c) the two verses talk about obeying without arguing, which is a way to control the person on the other side mentally. Furthermore, this is a message to listen to and obey what will be said, pertaining that this is fact and correct, and so insinuating that the point of view of the guest is wrong. In addition, the text tries to convince the audience by emphasising that the writer is a woman in order to underline that what is presented is a woman's point of view as some may think it is only men who disagree with setting a legal minimum age of marriage. Mentioning that the author was a "girl" and before that was a "child" is a way of saying that "I know much about these periods and have experienced them and know what is acceptable and what is not, so what follows is the opinion of somebody who is an adult now and the ideas are not only justifications but facts".

6.5.5. Showing her experience of early marriage

Aside from that, the text focuses on how **"I got married when I was sixteen years old and no one forced me"**. This phrase shows that what will be read next comes from a woman who has experience of so-called *zawaj al-gaserat* of adolescent females, rather than giving the perspective of a person who has not practised the issue and knows nothing about it. When she adds **"my oldest son is 23"** she mentions her own children to prove that as an adult she has attained one

of the main reasons for marriage (having children). The act of specifying the age of her son enables the author to demonstrate that her first child was born when she was young in order to prove that she has experience of *zawaj al-gaserat* and early marriage. In addition, this works to emphasise that the author is not the only woman who has this experience and that there are many women who have married at an early age, and had children too. So here the text is implying that even though a woman may get married at an early age, this does not mean that husbands take advantage of them or dominate them. Besides, being a young age is not a reason for misunderstanding or not having the same mentality between wives and husbands. The information offered about the author's background and history in the introduction here highlights the claims that some used to prevent or argue against *zawaj al-gaserat* and the writer is familiar with this.

6.5.6. The influence of the West

Next the text addresses the negative influence of the West on this debate.

- 21. **Why do we fight, deplore, oppose, raise different points of**
- 22. **view and reject some Hadiths; for whose benefit all that?**
- 23. **The answer, for the benefit of international conventions and**
- 24. **human emotions.**

In the above quote the text raises a question and provides the answer. The question only focuses on one main part of the argument, which is who benefits out of all these debates. The question starts with "why", which invites the expectation of repudiations and suspicions. Then the use of the subject personal pronoun "we", not "you or I", has the effect of indicating that there is only one group that should work to achieve the same targets, with no need to "fight" as that may give the benefits to someone else. This "someone else" refers to the "international conventions" which, it is implied, follow and are controlled by the West. The West is portrayed here as being against Islam and Muslims, and is seen as setting regulations and rules that are in the interests of the West.

- 32. **What a weird thing when we discuss a religious issue from**
- 33. **a cinematic perspective!!! I laughed much, I swear, also**
- 34. **cried on ourselves.**

The text here refers to a film about a young girl who gets married to an older man. This film was not made available as it was only shown in a few short-film

competitions. An argument is being elaborated against trying to tackle the issue of *zawaj al-gaserat* in this way, by film, on the grounds that it has a religious aspect and the team behind the film do not have the knowledge that authorises them to do such work. Disappointment is expressed at discussing this matter in the media through the use of the adjective “**weird**”. From the context of Saudi, it is common for people not to trust actors and actresses. Thus, hardly anyone would accept their perspective.

What one can understand from this is that the text puts forward the claim that no one has the right to discuss any religious matter except the Sharia scholars. The use of “**I laughed much**” in the text also indicates that this is something funny and that no one would believe it. Furthermore, “swear” is used to stress that discussion of Sharia matters by film-makers is something not to be taken seriously.

In the following extract, the text quotes the director of the movie, which highlights “**getting some benefits from the developed countries**” and the author comments on it by saying:

- 35. **O Allah, we should get benefits from the developed**
- 36. **countries and ignore the Sharia!!**
- 37. **The countries that suffer from adultery and**
- 38. **harassment!!**

Surprise is expressed via, “**O Allah**” (O God), and after repeating what the director said the text offers some examples of the disadvantages in those countries related to the main issue: namely, the sexual relationships between men and women. This begs the question: how can we trust solutions which come from countries that cannot solve their own issues and cannot help their women to stop abuses against them? On the other hand, there is reference to Sharia, which is believed to hold the answer to any issue. The argument is supported by quoting some supposed factual examples about some developed countries. For instance:

- 39. **[...] figures show that the highest proportion of rape crimes is**
- in**
- 40. **the USA, and only 30 per cent of the criminals are**
- 41. **caught and not all of them prosecuted [...]**

42. Move from the US to France [...] the freedom country where there
43. is no sex segregation and the result is that a million men and
44. women are living together without being married...!!!
45. which shows that the proportion of marriage declined from
46. 400 cases in 1972 to 266 in
47. 1986 [...] Plus, there are one million abortion cases in
48. Spain and Portugal, one more million in the rest of
49. Europe, almost one million in Japan as well[...] In addition,
50. the government in the EU and the USA decided in favour of
51. teaching pupils in primary schools about sexuality and
52. contraception in order to avoid early pregnancy as there is
53. no way to prevent them from having sex.

Providing such figures about countries that are perceived as countries to emulate suggests that they have many problems and cannot solve them. Thus, how may one listen to them or get any solution from them? Saudi Arabia, like any developing country, may be forced to adhere to some conventions, which may have some regulations that are against some ingrained cultural or religious values. Moreover, Saudis in general feel suspicious about most things that come from the West, especially ideas about women or the human rights of women. Furthermore, the law in Saudi Arabia comes from Sharia and the West does not follow Islam, so anything they provide as a law, regulations or help may not be compatible with Sharia. Moreover, there are many international conventions and regulations about women and children, such as the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). These are not acceptable by Saudis because they are either against Islam or against Saudi culture. Then the text moves on to address *zawaj al-gaserat* in Islam and claims that there is nothing found in Islamic literatures that prevents or does not allow *zawaj al-gaserat*.

6.5.7. *Zawaj al-gaserat* in Islam

54. And in terms of *zawaj al-gaserat*, I have looked at fifteen
55. *tafseer*, Quran interpretations, and no one of them
56. was defined that “those who have not menstruated” in
57. verse four in *Surat At-talaq* (And those who no longer
58. expect menstruation among your women - if you doubt,

59. then their period is three months, and [also for] those
60. who have not menstruated. And for those who are
61. pregnant, their term is until they give birth) but
62. children. Thus, by the verse, all religious scholars and
63. clerics agree that child marriage is acceptable in Sharia.

The claim is put forward that interpretations of the verse **“those who have not menstruated”** have been searched in many books and that the author has found that all of them interpreted that young adolescent females are included beside older women in this verse. Thus, one can understand this as a strong claim. Muslims have to follow the teachings of the Holy Quran, as they are the words of Allah. In addition, Allah is the one who creates human beings and is perceived to know what is best for them. The text’s authority rests upon the agreement of a majority who interpret that this is the way that all Muslims should think. Following this statement, a question is raised: **“if all these sayings are not enough to prove the acceptance of *zawaj al-gaserat*, what will be enough?!!!”** It is assumed that, as the text offers the words of the Holy Quran (with an agreement with fifteen religious scholars), that this interpretation should be enough to accept the practice of *zawaj al-gaserat*. It is important to note that the text does not mention the age of prospective brides and only refers to what Sharia has to say about *zawaj al-gaserat*. So the text takes up the position of the author, who is a Muslim, and makes an argument using Muslim claims, that they should all follow Islamic rules set out in the Holy Quran and Hadiths. If the opposing side do not accept that, they may not accept any other claim.

Having said that, the text goes on to discuss another aspect related to *zawaj al-gaserat* of adolescent females when the writer states **“now we need to ask what is the regulation that should be taken with *zawaj al-gaserat*?”** From this question, one can see that the text acknowledges the need for something to help systematise the issue and guide the reader in respect of how it should be followed. In addition, the reason for this question can be understood by the subsequent offering of the words of one of the most trusted religious scholars in Saudi Arabia, Sheikh Muhammad ibn Uthaymeen, as he says **“when a man marries a young girl he has to not have sexual intercourse with her, and it is important that she does not get into a sexual relationship unless she is applicable for that; and that is the reason why the Prophet Muhammad (PBUH) delayed having**

sexual intercourse with Aa'ishah". Moreover, this saying indicates that *zawaj al-gaserat* is allowed in Islam, and details what one should do in such a case. This also illustrates the regulation that the husband should not have sexual intercourse with his young wife unless she is "applicable". Applicability here means that the girl has reached puberty and is therefore physically mature and that there will not be any problems if she has a full sexual relationship. This paragraph is drawn to a close with the words of a well-known Islamic scholar, Al-Nawawi, who says:

It should be noted that al-Shaafa'i and his companions said: It is preferable for fathers and grandfathers not to marry off a virgin until she reaches the age of puberty and they ask her permission, lest she end up in a marriage that she dislikes. What they said does not go against the Hadith of Aa'ishah, because what they meant is that they should not marry her off before she reaches puberty if there is no obvious interest to be served that they fear will be missed out on if they delay it, as in the Hadith of Aa'ishah. In that case it is preferable to go ahead with the marriage because the father is enjoined to take care of his child's interests and not to let a good opportunity slip away.⁷

In this extract, one can see that the text makes it clear that the writer is not against protecting young adolescent females, because this saying is about determining the age of marriage in the past when early marriage was more common and standard practice. This passage encourages people not to marry their daughters off unless they have reached puberty, which is understood to be a good sign that indicates the girl is mature enough to take on the responsibilities of a wife and mother. Also, the message is only addressed to fathers, who have the power to force their daughters, or grandfathers who take on this responsibility if the father dies or cannot take responsibility for his children for any reason. In addition, the will or consent of the girl is required before marriage, as the Prophet Muhammad (PBUH) said **"A woman who has been previously married is more entitled to her person than her guardian, and a virgin must be asked for her consent for herself, and her consent is her silence"**.⁸ Furthermore, Al-Nawawi mentions the marriage of the Prophet Muhammad (PBUH) and Aa'ishah because some may

⁷ Sharh Muslim, 9/206.

⁸ [Malik's Muwatta, Book 28, Number 28.2.4]

think that this is against Islam. This is an interesting idea in terms of the political and cultural interest that is highlighted by drawing attention to the honour of marrying the Prophet Muhammad at that time. Thus, the rule in Islam is that no girl gets married without her consent and before she reaches puberty unless there is a key benefit which may be lost if the marriage is delayed.

Then the text comes to its conclusion with “**Hence, the matter is that there must be some rules for this type of marriage**”. This may give a clear idea that *zawaj al-gaserat* is an issue because the text calls for the need to set some rules in order to prevent some fathers who might use it for their own benefit. However, in Islam not all fathers have the same rights because there are some fathers who are greedy and selfish. Sharia, which requires fathers’ consent when their daughters want to marry, is concerned with fathers who care about their daughters and love and protect them as much as themselves. It is assumed that there is an agreement that there are some marriages that do not follow Sharia and that even this writer is against *zawaj al-gaserat*. That can be seen when she states:

64. “If we agreed that *zawaj al-gaserat* which follow rules
65. have disadvantages, as they say, do these disadvantages
66. have the same effects as maybe a fifteen- or sixteen-
67. year-old girl will have when [she] wants to marry but she
68. cannot because of the law that does not allow marriage
69. before eighteen? That will lead her to have a sexual
70. relationship, which is *haram*, not allowed in Islam”.

Here, the argument raises other issues that could follow on from the effects of setting the age of eighteen as the legal minimum age: for instance, not allowing a sixteen-year-old girl who wants to marry but cannot because of the law. In addition, one can see that the text implicitly allows a definition of *zawaj al-gaserat* as marriage that occurs at the age of fifteen or sixteen. We might note that this article starts by saying that the writer is a woman and she married when she was “sixteen”. Bringing this example up and making a compromise between the ages that are set in most countries and the common age of marriage in Saudi Arabia works to support a claim of how wrong it is to set an age of eighteen, and the issues that may occur in Saudi Arabia if it is set at that age. So while the

article does not argue against setting rules, there appears to be an argument against the age of eighteen being set as the legal minimum age of marriage.

6.5.8. Conclusion

To sum up, the text commences with an extract of verses from the Holy Quran, which one presumes that both the writer and the guest of the TV programme believe in. The inclusion of these verses works to try and make the claims of the article stronger and to make it more likely that people will accept what the author of the text says. In addition, it discusses the writer's "experience" of *zawaj al-gaserat* and of how she went through early marriage and pregnancy at an early age without any issues. Hence, the text establishes two different grounds for its arguments – religious and experiential – which are portrayed as compatible with each other. Moreover, the text also indicates some reasons why some people may try to set a legal minimum age and questions why the precise age of eighteen might be chosen. Furthermore, in order to convince the reader that any solution that may come from the West might not be sufficient, it lists statistics about some related issues in the West in order to discredit the West as an exemplar to follow.

In conclusion, the text offers a view that, although existing practices are sufficient, there need to be guidelines set in place in order to prevent fathers misusing their authority in this matter.

6.6. Chapter conclusion

To sum up, this chapter analysed four texts and interviews using a discourse-analysis approach in order to develop a deeper understanding of the issue of *zawaj al-gaserat* in Saudi Arabia. The four texts were analysed in depth following a range of approaches to discursive analysis, including those of Billig (1988), Parker (1992), Potter and Wetherell (1987) and Hodge and Kress (1993). The chapter examined the transcripts of three interviews that were conducted for this research. The transcripts included interviews undertaken with a professor of religion who married an adolescent female; a family group interview comprising father, mother and two teenage girls; and finally an interview conducted with a *mazoun* who has more than 30 years' experience in registering marriages in Saudi Arabia, who also married an adolescent female. The final text was an article written by a woman who disagrees with setting a legal minimum age of marriage.

Within the text, she offered an account of her experience as a woman that married at an early age and described her marriage as successful.

The next chapter will examine the implications and discuss the findings of this research. It will highlight the main themes of the findings and the recommendations of this study.

Chapter Seven

Discussion and Implications for Future Work

7.1. Introduction

The previous chapter dealt with four texts that were about *zawaj al-gaserat* and analysed them in depth using a discourse analysis approach. In that chapter and the preceding one, which is about using thematic analysis, I found that the issue of the research was discussed and raised from different perspectives as a result of interviewing different genders and participants from different disciplines. Thus, I came out with a variety of points of view and facts about child marriage, which is known in Saudi Arabia as *zawaj al-gaserat*.

Child marriage, *zawaj as-sagheer* in Arabic, means a marriage that has one or both parties who have not yet reached puberty and cannot take their own decisions. Child marriage occurs in Saudi Arabia and is known as *zawaj al-gaserat*. This terminology describes only the adolescent females who marry before they reach puberty. *Al-gaserat* is the plural of the female *gaser* قاصر, and *gusser* قاصر is the plural for males. The study did not address child marriage for boys as none of the participants said it is an issue, plus there are no figures to suggest that it is, although this should not be taken to imply it does not exist.

In this chapter, I discuss the implications of this research. In addition, I will consider the debate in its Islamic context about whether child marriage is legal or not, and whether legal means will prevent people from misusing it. Moreover, I will be discussing to what extent child marriage is widespread in the world and the reasons behind it. Saudi Arabia is not the only country that has no legal minimum age of marriage in the world. There are 74 countries which have not yet set such a law (see figure 1, p. 58).

In Saudi Arabia, *zawaj al-gaserat* started to be an issue of public opinion in 2008 when the media started publishing news about a marriage between a 50-year-old man with an eight-year-old girl (2008, البقمي).

7.2. Marriage

In many countries, marriage is the common way to start a family. However, some people live with each other and create a family, though there are now many kinds of marriage relationships among some societies, especially in developed

countries. Cohabitation has become one of the common ways that some people prefer rather than a civil or religious marriage. For instance, currently one in six under 50 year olds are cohabitated, compared with an estimated one in a hundred in 1960s Britain (Beaujouan & Ní Bhrolcháin, 2011). However, while cohabitation is legal in many states and communities, it is *haram*, forbidden, in Saudi Arabia according to Sharia, because it does not conform to any of the marriage types in Islam. Marriage in Islam is usually contracted and builds a relationship between two families or more (Ahmad, 1974). Thus, a situation where a family refuses a man's marriage proposal may adversely affect the relationship between the two families. Therefore, some parents may have no choice but to accept the proposal even though the girl and her parents do not want to. In this case there is a sort of forced marriage, but the force does not come from the parents because the parents are forced as well; this is a cultural force.

Beside the main reason for creating a family, in general there is another main reason for Muslims to get married, which is having the legal means for having a sexual relationship. Some parents may realise that their daughters are mature enough and might think of having sex outside of marriage. Even though their age is less than eighteen, which is the age that international conventions set for adulthood (UNCRC, 1989), the father will not wait for that age and will take the first opportunity and accept a man who proposes to marry his daughter. Thus, as soon as a man proposes to marry such a girl her parents are likely to accept this man, who may be significantly older than the girl.

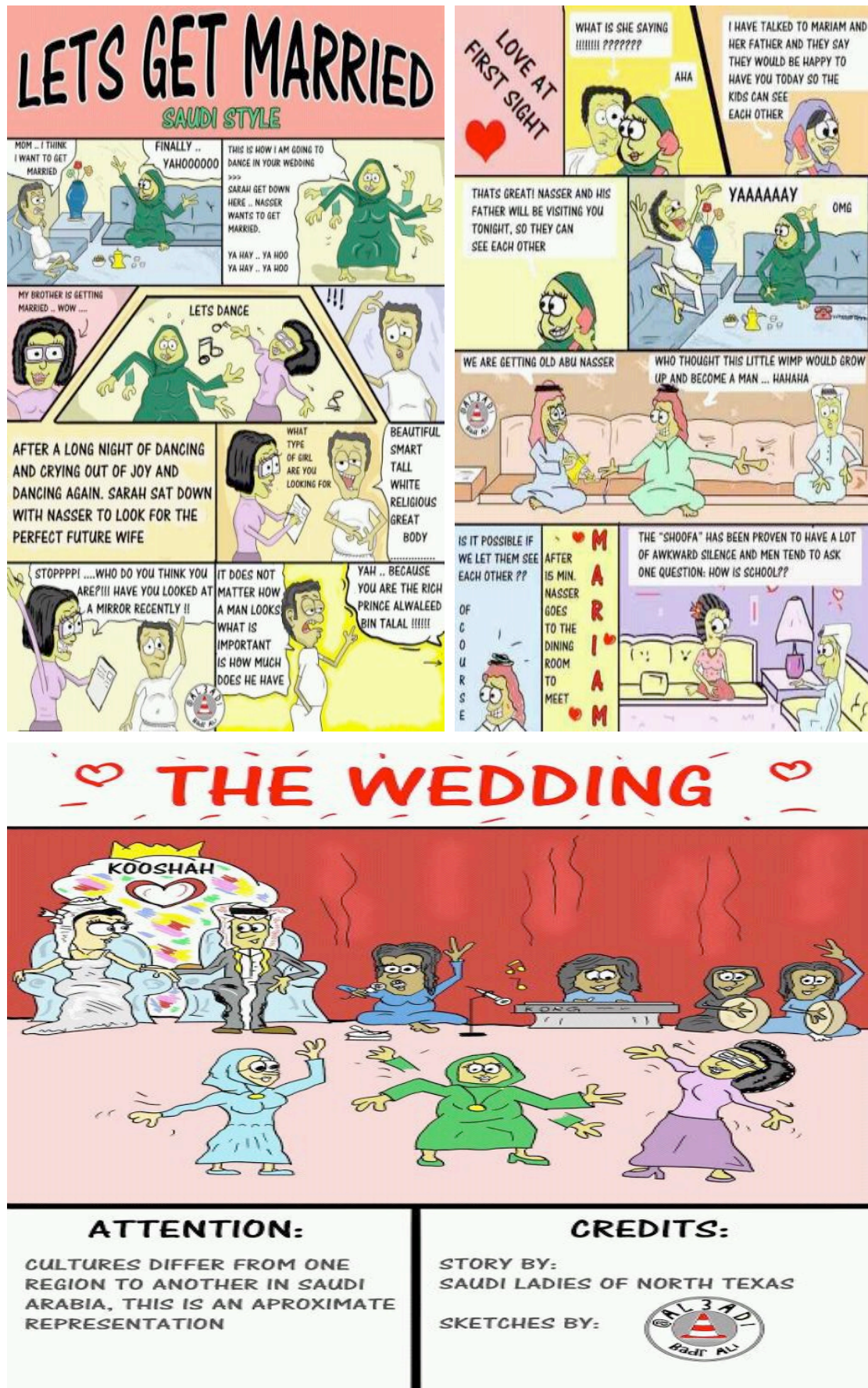
Article 16 (1) of CEDAW (UN, 1979) requires that "states take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations". In addition, Article 16 (2) requires that "The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory".

What is taking place in SA in this sense does not follow what is required as stated in Article 16 of CEDAW. In terms of child marriage, it is legal and the one who has the right to arrange this marriage is a child's father. However, when one reaches puberty he/she has the right to accept or reject the marriage. There is no

age required but the measure is puberty. Moreover, the article requires setting legislation that specifies a minimum age of marriage.

The customs and some interpretations of Sharia do not allow men and women to study, work and meet with each other. Plus, education in schools, colleges and universities is segregated. Thus, it is rare that a “love marriage” happens. Therefore, the common way that the majority of Saudi Arabians follow can be categorised as arranged marriage (see figure 2, p. 157). It starts when a man decides to get married. He asks his mother and/or sisters to look for a girl for him. In addition, the man gives his mother and sisters some characteristics he wants them to find in his future wife, such as her education, height and colour. Once they find a suitable match they go and talk with the man and give him more details, before talking with the mother of the girl and telling her what they aim to do, which can be described as an informal marriage proposal. The girl’s family usually asks for a period to discuss the matter and then gives a response. After that, if they accept the marriage, the man, his father and his brothers go to the girl’s family house, make the proposal formally, and the man and the girl can meet briefly and have a short chat. Then the man goes back and sits with the men, and if he is happy they start discussing the main details, such as the engagement and wedding time. Then both families prepare for the wedding. When couples agree on marriage, it progresses in three common stages in terms of the legal and social relationship. It starts with *al-khattbah*, engagement, which starts from the time that the two families agree the marriage. The engagement period ends with *al-melkah*, which means that the couple have registered the marriage legally and they are allowed to have a sexual relationship. However, it is rare that couples have a sexual relationship before it goes to the third stage, which begins from the day of the ceremony and ends with the last stage of marriage which takes place either by divorce or by the death of one or both of them. There is no fixed time or length for each period. In some cases and among some families and tribes, *al-melkah* takes place on the day or night of the marriage ceremony. In addition, *al-melkah* may take place a few days after the engagement and last a few years before the ceremony takes place.

Figure 2 The common marriage process in Saudi Arabia



7.3. Zawaj al-gaserat

It is found that the definition of *zawaj al-gaserat* is not clear enough to the majority of people in Saudi Arabia, even those who are educated. For example, some of them call it “early” and some call it “child” marriage. In addition, some Saudis discuss “early marriage” and label it as *zawaj al-gaserat*, while in Sharia *gaser* means one who has not reached puberty yet. Thus, there is a sort of misunderstanding or ambiguity of terminologies when people discuss child marriage in Saudi Arabia. This misunderstanding may happen because each person has a different point of view and looks at the issue from a different angle.

Marriage in Islam means many things and takes place for different reasons – for instance, making a family – and marriage is the only legal means to have a sexual relationship, as encouraged in Islam. Marriage is also a solution for many issues, such as single parents and pregnancy outside of marriage, and is also used to tie families together. Thus, marriage for young adolescent females who are ready for marriage – unless they have not reached puberty and as long as there is no harm caused to them, whatever their age – may solve some of the issues that women’s and children’s organisations discuss (UN, 2013). Dealing with the results rather than the causes is what is taking place in the West, so many argue for making the age of consent lower and call to teach adolescent females and boys about “safe sexual relationships”, giving them free contraception, which results in teenage pregnancy and a need for abortion (Espey et al., 2007). From an Islamic perspective, it would be better not to allow them to have sex outside of marriage, thus avoiding the need for contraception and/or abortion.

There is a big debate between two parties regarding *zawaj al-gaserat* in Saudi Arabia. One side does not want to set a new legal minimum age of marriage as it does not exist in Sharia, and for them childhood ends once one reaches puberty. In contrast, the other party focuses on the problem of *zawaj al-gaserat* and its disadvantages, and argues that Saudi Arabia is a signatory to some international conventions which define anyone who is less than eighteen as a child, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (UN, 1979), and the Convention on the Rights of the Child (CRC) (UNCRC, 1989). In addition, children are more likely to be forced into marriage

than adults. In addition, any child marriage is a marriage without consent and may be considered forced marriage.

Saudi Arabia is a huge land and has many different subcultures. There are some customs and habits that are practised in one region but not in others. In addition, regions that border other countries may share some of their habits and customs, since borders exist not only for political reasons but the fact is that people who are at those borders with another country may practise some of their habits and customs. For example, the population on the border between Saudi Arabia and Yemen are close to each other in the accent of language, costume, habits and customs. In addition, the same thing occurs among people who live on the border between Syria and the eastern region of Saudi Arabia; those people often share some terms and expressions with some of the Arabic Gulf countries and have similar accents. Moreover, they may share similar problems. For example, a few participants highlighted that *zawaj al-gaserat* is common in Jizan city, which is on the border with Yemen, and this type of marriage is common there. On the other hand, the three *mazouns* interviewed mentioned that *zawaj al-gaserat* is more likely to occur among Bedouins due to their customs and habits. So the issue is not among all Saudis and it is perpetuated by habits and customs. In addition, the number of cases of child marriage is different from one region to another.

One of the reasons that may make people decide if a girl is ready for marriage or not is the body. If the body of a girl is big that will make her look older than she actually is and is seen as a sign that she is old enough to get married; this may affect her family's decision to accept a marriage proposal if a man asks. In the case of *Fatat Buraidah*, the father said he decided that the girl was ready for marriage depending on her body size (العتيبي & البقمي, 2010). In addition, in this case the HRC intervened and the person who dealt with the case told me that the body of the girl was big and no one would say she was thirteen years old. Body size can give the wrong impression to others anywhere. For instance, in the West there are many cases of illegal sexual relationships which go to court, and the man usually says he judged the girl from her body size. However, body size is not enough to decide that the girl is ready for marriage. Marriage needs more than this: it needs skills and one has to be ready psychologically and socially, as well as biologically.

Driven by social and religious factors, society in Saudi Arabia is patriarchal. For instance, women cannot travel abroad without a male guardian's (*mahram*) permission. Moghadam (2004) states that the Middle Eastern Muslim family has been described as a patriarchal unit, and industrialised societies are also patriarchal as some feminist theories argue. Al-Rasheed (2013) claims that Saudi Arabian women's education, movement, employment, health and choices are subjected to decisions made by their male guardians. In terms of marriage, the consent of an adolescent female's father is a condition. Therefore, legally, *mazouns* cannot register marriages that the father disagrees with or refuses consent. Thus, I argue that one of the reasons behind *zawaj al-gaserat* is the right of fathers that allows them to accept or reject their daughters' marriages, because that allows some fathers who do not care for their daughters or their wellbeing to misuse this right.

7.4. Forced marriage

The law in Saudi Arabia is Sharia and, according to this, forced marriage is prohibited (Hossain, 2013); it is considered oppression and abuse. In addition, forced marriage is not limited to a particular religion or society (Chantler et al., 2009). If the *mazoun* finds there is any kind of force against any party he must not register the marriage. However, as Sharia gives fathers the right to accept any man's marriage proposal, *mazouns* cannot stop a marriage even if the girl has not yet reached puberty.

On the other hand, customs of the family or the tribe are reasons behind forced marriages in some cases. It is hard among some tribes to reject one of the family's members as it would incur a form of shame. These customs and habits are stronger among those who live in rural areas, but less so in cities. Relating to some customs in some tribes, adolescent females cannot marry anyone except their closest cousins. Thus, even when women do not agree with that marriage they can do nothing but accept it. Among some tribes, an adolescent female is obliged to marry her first cousin, who has the right to marry her or not (Begikhni, 2005). This is not that common these days but it is still practised. However, forced marriage is not allowed in Sharia in any way, whether the reason is to follow the family's habits or the tribe's customs.

7.5. Lack of figures

It was found that there are no up-to-date figures about how many cases there are of child marriage and early marriage in Saudi Arabia. The latest available number of people who married young is from 1993 and the number is 5,434 adolescent females and 77 boys (CDSI, 1993). The lack of statistics may be the key reason why the majority of the participants said the number of cases of child marriage is small. All the participants claimed that *zawaj al-gaserat*, child marriage, is not a phenomenon in Saudi Arabia. However, no one can prove this unless there are real updated figures and until the setting of a formal definition of the age of childhood, neither of which is currently imminent.

Moreover, a staff member of the Human Rights Commission (HRC) claimed that the number of cases of *zawaj al-gaserat* is small and they only dealt with a few cases that year; thus, there is no need to study the issue and deal with it as it is not a phenomenon. This point of view demonstrates how some people in Saudi Arabia look at the issue of *zawaj al-gaserat* and how they are influenced by numbers. I have contacted the Ministry of Justice formally and informally asking for statistics relating to the number of adolescent females who got married during the last year. I did not ask about the statistics before that year because it might be difficult to get a correct number; the ages and dates of birth of husbands and wives were not required to be mentioned on a marriage certificate before that.

7.6. Age of marriage

In the forced-marriage debate, age is projected as a key aspect as it outlines maturity, capacity and intelligence (Gangoli & Chantler, 2009). Moreover, Burman (2008) claims that the notion of maturity and independence tied to age is a specific construction that draws on traditional models of developmental psychology, which she argues privileges dominant cultural and gendered perspectives. “A child or an adult?” is the question. In the West and many states, age is used as the measure to differentiate between childhood and adulthood and is a means that is used to decide rights, rules and commitments. For example, driving cars, staying at home alone and getting married. The means by which children and women have been viewed as differing from the ideal subject have been highlighted by feminist and post-structuralist critics (Alldred & Burman, 2005). Alldred and Burman (2005) claim that the issues which discourse analysis

raises about the status of accounts highlight how children's voices cannot be heard outside of, or free from, cultural understandings of childhood and the cultural meanings allocated to their communications. In addition, in relation to this thesis, the customs and some interpretations of the Holy Quran and Hadiths influence the way of looking at children and women in Saudi Arabia.

All participants interviewed for this study claimed that age is not enough to decide if one is ready for marriage or not. Some of them gave examples, such as that there are some adolescent females who are at the age of eighteen and nineteen but do not have the skills necessary to deal with marriage matters. In contrast, there are some adolescent females who are aged fourteen and fifteen and are more mature than adolescent females who are aged eighteen. As there is no legal minimum age of marriage in Saudi Arabia, puberty and the size of the body are signs of maturity. It is likely that one argues that a girl is ready for marriage just because the size of her body is like that of an adult woman. However, the body is not everything; a wife needs skills and maturity in order to deal with family issues, dealing with their husband, pregnancy and bringing up children. In addition, Gangoli and Chantler (2009) claim that using age as the only variable in determining primarily women's, but also men's, ability to resist forced marriage is difficult. However, participants who in their interviews indicated they would be willing to set an age have suggested a range of ages between fifteen and 21. The age of eighteen was the most common age that most of the participants suggested to be the legal minimum age of marriage in Saudi Arabia if the government were to set one. They claimed not only that this age is the one that the international conventions set, but also that children can finish schools and it is the age at which one may have gained the minimum skills and experience to be ready for marriage and be responsible for a family. However, not all participants suggested an age to be set as a legal minimum age of marriage. One of them stayed with reaching puberty as a sign that shows one can get married.

Having undertaken this study, I myself have arrived at a view that suggests that the age of sixteen is the age that is considered appropriate to be set for adolescent females in Saudi Arabia. The girl will have received the minimum requirements of the experience of education and skills which may help her to decide if she agrees with the marriage, and she can be responsible for making a family and

bringing children up. In addition, there are many countries in the world that have set sixteen as a legal minimum age of marriage, such as Scotland and Malta (REP, 2010). In addition, if any family has any claim, or allows their daughter to get married under that age, they can go to court and ask for permission to complete the marriage. In court the judge can study the whole of the case and decide whether to continue with the marriage or stop it. In this case, there will be a legal minimum age of marriage, but there is no minimum age if the judge decides to allow the marriage to take place. This situation is the same in some other states, such as the Netherlands (REP, 2010).

Despite the fact that the Convention on the Rights of the Child (CRC) (UNCRC, 1989) sets eighteen as an age that childhood ends, many countries did not follow this but rather set what they considered appropriate for them; indeed, some have not set any age yet (REP, 2010). Thus, in principle Saudi Arabia can set any age that it considers suitable. In addition, all the countries that border Saudi Arabia have set a legal minimum age of marriage except Yemen, where they still have a debate about it. The legal minimum age of marriage in UAE and Oman is eighteen for both adolescent females and boys, and in Kuwait the age is fifteen for adolescent females and seventeen for boys (الشثري, 2010). Finally, in Qatar the age is sixteen for adolescent females and eighteen for boys (REP, 2010).

On the other hand, there are often administrative and bureaucratic complexities to take into account, which also highlight some distinctive political features in SA. The Ministry of Justice in Saudi Arabia deals with marriage but cannot set new legislation because it is thought that the Board of Senior Ulema⁹ – a department that has the expertise of Islamic scholars who study, discuss and set, if there is a need, new legislation according to Sharia – should set this. In 2012, Grand Mufti and General President for Scientific Researches and Fatwa Sheikh Abdul Aziz Al Sheikh requested that the universities study the issue of *zawaj al-gaserat* from psychological and social perspectives because he had received lots of questions about it (المخلفي, 2012). Such news from a person in the position of Sheikh Al Sheikh indicates that there is a real issue, and asking universities to study it means they need more information about the issue and its side effects, because this type

⁹ The General Presidency of Scholarly Research and Fatwa.
<http://www.alifta.net/default.aspx>

of marriage in general is legal in Sharia, but if it has social and psychological ramifications this may be reason enough to set legislation.

On the other hand, since the main issue that many Saudi Arabians criticise is marriage between older men and young girls, the age gap between husbands and wives became one of factors participants, the media and people in general have discussed. Moreover, the main concern they raised is that young adolescent female “children” cannot make the right decisions about the main matters of their life and marriage is one of the main things people need to think about before getting into. Women can decide what is better for them, whether to get married to an older man or not, but young adolescent females still do not have enough experience and skills to help them to make an appropriate decision. Moreover, in many matters their parents/guardians decide on their behalf. Jain and Kurz (2007) claim that age gap and child marriage are strongly associated.

In general, when Saudi Arabians are asked about when is good for adolescent females to get married they say after finishing high school, and there are some who say after finishing university. These people focus on education, not age. They do not give age much consideration, and that may be because they concentrate on skills, mentality and education. In addition, some factors influence people in terms of whether they follow age or other signs when accepting the marriages of adolescent females. For instance, there is a variety of age of marriage from one region to another because of tribes’ and families’ customs. In addition, the parents’ level of education has an impact as well. *Zawaj al-gaserat* is more acceptable among people who are not educated or who left school in or after primary school. Moreover, the financial situation and poverty of the adolescent female’s family may push parents into accepting their daughter’s marriage.

7.7. Reasons, economic and cultural

Child marriage is a social matter and has its reasons for taking place. Those reasons may differ from one culture to another and from one era to another. Most of the news and reliable stories that were published in the media during the period of this study labelled money as the main reason for *zawaj al-gaserat*. Economic standing of the families in which adolescent females live has an important impact on marriage age (Jain & Kurz, 2007). The first case was when a father accepted a

fifty-year-old man to marry his eight-year-old daughter for a dowry of 30,000 Saudi riyal (almost five thousand pounds), because the father owed some money to that man and could not pay it back (البقي, 2008). Hence, the economic reason is a key factor in *zawaj al-gaserat* and may force parents to accept proposals for their daughters. For instance, when a family is poor and a man comes and proposes to marry one of their daughters, it is likely that the proposal will be accepted because someone else will then take care of that daughter while the parents continue to care for the rest of their children. Feminists have long recognised the variety of pressures on women to marry, including poverty, pregnancy and social norms and expectations that are underpinned by the patriarchal structures of their culture (Anita and Gill, 2009, p.172). Another reason is parental divorce.

Despite the fact that some parents may force their daughters to marry at an early age, other parents may give their daughters full and free consent to decide either to marry or not. It is possible as well that some girls accept marriage at an early age only in order to help their families financially by giving them the gift of *mehr*. The voice of women in Saudi Arabia is, in general, marginalised, and when the father or the *wali* says something or makes a decision it is unlikely the mother or girl can change it. Women are seen as weak and it is considered that they should obey what men say according to the rules of the patriarchy.

When the parents are divorced or they have big problems and disagreements, some fathers may marry their daughter to any man as an act of revenge against her mother (البقي et al., 2010). On the other hand, lack of knowledge about child marriage and its disadvantages is a reason that may make people accept this type of marriage. Participants claimed that *zawaj al-gaserat* happens among people who are not educated or who have limited education, and that the majority of those people are Bedouins or live in villages. Those people are portrayed as more influenced by customs and habits than anything else, even if it comes from the law or Sharia.

The accounts generated from this research also highlighted that some married older men marry young adolescent females who are fifteen or sixteen for almost

six months and then divorce them, as a *mazoun* said. In this case, usually the girl's family is in need of money and is therefore likely to accept the proposal of that man. Plus, the girl may accept if she sees this marriage as a chance to move from poverty and have a better life. However, after the girl gets divorced she goes back to her family's house and she may be pregnant. Hence, the fact is that the girl gets divorced and her chance of getting married again is lower because men in Saudi Arabia prefer to marry a *biker*, which means virgin woman. Divorce can also be considered a cause of shame for the family (CEWLA, 2005). In addition, she will come back and live with her family and they have to take care of her economically, which will be worse if she is pregnant or has a child, especially in cases where the ex-husband does not pay *nafaqa*.¹⁰

7.8. Stopping zawaj al-gaserat

Mazouns do not have the right yet to stop any marriage; their job is only to check that all conditions and requirements are met when the marriage is registered. If not, they just rearrange another time in order to complete what is missing and then register it. However, what is clear from the accounts generated and analysed in this study is that in some cases *mazouns* register marriages without even checking all the requirements.

In Saudi Arabia, anyone who wants to marry has to have a medical check in order to know if there is any chance of hereditary disease. This medical check is meant to prevent and reduce hereditary diseases, especially amongst close-cousin marriages, which are more common in Saudi Arabia. Thus, a *mazoun* suggested that the authority could be given to doctors who do the medical check. Then they can decide whether the marriage process can continue or not.

Mazouns do not have the authority to stop or delay any marriage; they can only refuse to register it if for an ethical reason they disagree with such marriage, but in that case another *mazoun* may register that marriage because there is no rule to stop him. However, judges have the authority to stop or delay any marriage if they find any legal reason to do so. Thus, in the case of child marriage, while *mazouns* cannot stop this type of marriage, to solve this issue the government may order

¹⁰ Nafaqa includes food, clothes, housing and such things. In Islam, providing this to the family is the father's obligatory job. In addition, in cases of divorce if there are children fathers must pay an amount of money to the ex-wife if the children are staying with her.

them not to register any child marriages or may set an age so that when there is a case that involves one or both parties being less than that age *mazouns* need to ask them to go to court to register the marriage.

In theory, when there is any legal issue facing people the best way to avoid it is by going to the police. However, in terms of *zawaj al-gaserat* there is no law to prevent this marriage. In addition, a police officer stated that he and all police officers can do nothing legally when a girl or a member of a family contacts them to seek help and stop a father from marrying one of his daughters to any man, because fathers have the right to marry their daughters off regardless of the daughters and prospective husbands. He, the police officer, worked with only one case and described it as follows:

[...] the difficult case I worked with regarding *zawaj al-gaserat* is a case when two young adolescent females – they are twins and aged twelve years old – sorry, they got married when they were twelve and when the case happened and they came to the police station their age was thirteen [...] They got married in Jizan to two brothers who have mental health [...] [When the family came to the police to seek help] the case was not a complaint about *zawaj al-gaserat*; it was [that] two adolescent females escaped from their house because they did not want to live with their sick husbands and the person who phoned us was the husbands' father, and the husbands' age was more than thirty [...] We found the adolescent females and gave them back to their guardian, who is their father who came from Jizan and took them [...] The adolescent females' parent had married their daughters to their husbands for a small amount of money and the reason was that they were desperate [...] We [the police] faced difficulty when we were trying to convince the adolescent females' parent that marrying his daughters at that early age is wrong.

Since there is no legislation about *zawaj al-gaserat*, not even the police can help. In this case there was a sort of forced marriage and the police officer had no idea about the way he could help the adolescent females. Forced marriage is illegal in Saudi Arabia and the adolescent females should have gone to court and asked to be divorced if they wanted to. In addition, the adolescent females did not know about their rights and the way they could exercise them. The police officer could

not help them because he did not know he could register it as a forced-marriage case and transfer it to the court, where the judge could apply Sharia.

7.9. Means of preventing forced marriage of children

One of the ways that emerged from the accounts that may prevent the forced marriage of children in Saudi Arabia is by registering any marriage when one party is less than sixteen in court. In addition, participants proposed that there should be a punishment against any father who is deceptive and marries his daughter to a man, and a punishment against that man as well. The punishment may be a large financial penalty. This may stop fathers who only care for themselves and are greedy and who accept men's proposals to marry their daughters only to solve their economic issues or to get money out of their daughters' marriages.

Another issue that people in Saudi Arabia and the media kept discussing is marriage between older men and young adolescent females. We all know that not all people report this issue. Thus, the known number of reported cases of such marriages is only a part of the real number. The government should prevent such marriage because it results in some social and psychological issues. For instance, once the husband gets older the wife may cheat on him. In addition, when the girl realises that she did not get what she deserved, and her father married her to an older man, she may take revenge by doing some bad things.

There are two human rights organisations in Saudi Arabia. One of them, The Human Rights Commission (HRC), is a government organisation, and the other one, the National Society for Human Rights (NSHR), is a non-governmental organisation. They deal with the cases of *zawaj al-gaserat* when they know about them from the media, or when any member of the family contacts them. They cannot intervene if no one seeks their help, or if the case is not raised in the media. HRC has a proposal to prevent this type of marriage, which is registering marriages in court if the marriage involves one or both parties who have not yet reached *al-bulugh*, puberty, or are less than fifteen years old.

Awareness would be the main aspect that should be focused on in order to prevent child marriage. Awareness could be heightened through the media, which has a huge impact, as a *mazoun* interviewed for this study said. In addition, a professor

of psychology said such issues take place because of lack of life knowledge and that to address those people awareness should be raised by educating them. Jain and Kurz (2007) highlight that raised education at all levels is an actual way to solve child marriage.

It is clear that all the participants, programmes, articles and reports in newspapers and the media agree that there is not any legal way to prevent people from misusing the flexibility of not setting a legal minimum age of marriage in Saudi Arabia. The police do not have any rules, law or authority to intervene in such marriage, unlike the situation in the UK. Even going to court and asking to stop this marriage may not help, as there is no law that a judge can use. However, the only possible way to stand against a case of child marriage is by talking to the media, which puts pressure on the government and human rights organisations to intervene and stop it.

The easy way for adolescent females to talk about their issue regarding *zawaj al-gaserat* or forced marriage is by visiting a female obstetrics and gynaecology (OB/GYN) doctor. However, the common advice the doctors give is telling them to see a social worker, psychologist or psychiatrist.

Some wives who were forced to marry visit me [in the clinic] but I can do nothing for them except advise them to seek help from a social worker or psychologist, and those wives should be careful [when talking about their issue] because they may face problems with their husbands [if the husbands know that they have complained [Participant 11]

7.10. Not only in Saudi Arabia

Child marriage takes place in different cultures and countries. In addition, child marriage and forced marriage are related to each other and some consider child marriage as by definition forced marriage. Some countries try to use age as a means to prevent forced marriage. In the UK, it was the UK Border Agency that increased the age of entry for a non-EU spouse from eighteen to twenty-one in order to prevent forced marriage. However, that was ineffective and a failure to protect human rights. According to some, it was not for preventing forced marriage but an anti-immigration tool (Gangoli & Chantler, 2009; Hester et al., 2008). So setting an age may not help with preventing *zawaj al-gaserat* in Saudi

Arabia, because people will try to deceive and try to break the law to do what they want, as some participants said.

According to the International Centre for Research on Women, child marriage is more common in the world's poorest states (ICRW, 2006). The highest rates for child marriage, under eighteen, in the world are in Niger and Chad in Africa, followed by Bangladesh in South Asia. The only country from the Middle East in the top twenty countries with the highest rate of child marriage is Yemen, which ranks fourteenth (ICRW, 2006).

7.11. Disadvantages

Zawaj al-gaserat has social, psychological and medical disadvantages. It has side-and after-effects on the girl, her children and society. Young adolescent females may get hurt if they marry when they are still children and have small bodies. In addition, their bodies are not strong enough to get pregnant and they may die while giving birth. *Zawaj al-gaserat* has its after-effects and girls may not realise its disadvantages until they get older. A psychiatrist said that some married women come to his clinic at King Faisal Specialist Hospital and Research Centre in Riyadh having psychological issues such as depression and frustration, and after studying the cases he finds that early marriage is one of the reasons behind their problems. Furthermore, two social workers agreed that an adolescent female may be happy in the beginning when she knows she is getting married, as she only thinks of the "white wedding dress" and thinks she will have more freedom and her own house. However, a social worker said, after a few years she realises it was a bad decision when she accepted that marriage, and she was not mature enough to make an informed, correct choice. Moreover, *Okaz* newspaper interviewed some women who married at early ages (المتروك et al., 2010) – their ages ranged between thirty and fifty years – and talked about their experiences and how hard it was. Some of them were aged eleven and twelve when they married and the oldest was aged fourteen. They all faced issues starting from the first married night and they were not ended by giving birth.

On the other hand, even when parents' reasons for accepting their daughters' marriages when they are still children are to protect them, they are in fact harming them because the effects appear after the adolescent females get older, as a social

worker said. She added that the adolescent females lose their chance of enjoying their childhood, and when they get older they get some psychological and physiological issues as a result of that marriage.

The role and the authority of social workers is limited and they can do nothing in cases of *zawaj al-gaserat* apart from giving advice to any girl who goes to them about how to deal with the effects of that marriage.

We worked with a woman who was in her 30s and her older son was sixteen. She came to us [the social work department in a hospital] [complaining] because she was being hit by her husband [...] She said she went to her family's house [her parents' and brothers' house seeking help] but they refused to welcome her and required her to go back to her husband's house [...] After a while she came back again to us because she was being hit again and now she wanted to get divorced [...] When we asked her why [she was asking for divorce] now [...] "why did you marry him?" she answered "I thought marriage is only a party and new dress". The problems appear after years [from the beginning of the marriage] because she had just realised that the husband does many wrong things and she now "thinks" [...] Some families refuse to welcome their daughters [back to the house after she has left her husband's house if they are having problems] after they get married because she may stay with them and not marry again [if she gets divorced], especially if she has children. [Participant 20]

A social worker here talked about a case they could not do anything with because there is no law that supports adolescent females or women. The wife here is an adult and has children, although she had no choice but to stay with a husband who did not stop hitting her from time to time. In addition, her parents and brothers did not stand up for her because of some social-control reasons whereby people look at divorced women in a negative light, and because of a financial reason when her father and brothers should take care of her and her children financially.

The social worker highlighted that the impacts of *zawaj al-gaserat* may not appear in the early few years of the marriage. In addition, because adolescent females who get married at an early age are not mature enough and do not have the experience that could help them to make the right decision about marriage and to

deal with husbands and children, they just accept what their fathers and husbands tell them. Therefore, when they get older and manage to make their own decisions, some issues between them and their husbands appear and that may happen because women start to express their opinions and refuse some orders from their husbands.

The influence of *zawaj al-gaserat* does affect the girl, her family, her children and society. In addition, it extends to a range of sectors, such as economy, law, policy, education and health (Jain & Kurz, 2007). Moreover, child marriage restricts young adolescent females' resources, skills, social support, knowledge, autonomy and mobility. The power of young married adolescent females is little in relation to their husbands and in-laws. They are therefore extremely vulnerable to domestic violence, abuse and abandonment. Violence may include physical, sexual or psychological abuse (ICRW, 2006). Furthermore, child marriage is associated with lower levels of education for adolescent females, which is not harmful for adolescent females only but also for their children and communities (ICRW, 2006).

7.12. Benefits of child marriage

It is assumed that as there are some reasons behind such marriage, there may be some benefits, especially when many people support it. Participants held different opinions about this point; for instance, a professor of psychology said some adolescent females may be forced to marry at an early age because they have had a sexual relationship outside of marriage, which is wrong, and marriage is the common way to solve that problem. In addition, a professor of religion said when a girl gets married at an early age she has a good opportunity to have more children. Yuval-Davis (1997) agrees that it is essential for people to have healthy children to look after them when they are older or ill when there are no public state-welfare structures. In addition, men prefer to marry young adolescent females for different reasons, such as that she is likely to have a better chance of giving birth than an older one. If a young girl does not get married, her chance to do so when she is older will be less.

In addition, a professor of religion said when a girl marries at an early age she can have children who will take care of her when she gets older. In contrast, if she

marries at a later age her children will still be young and may not be able to take care of their parents.

Calling for preventing *zawaj al-gaserat* does not imply one has to be older before he or she gets marriage. It is about preventing the disadvantages of the marriage; indeed, the couples can still get married at any age between sixteen and twenty, which is the common marriage age for adolescent females, as a *mazoun* stated.

It is said that women who get married at an early age are more likely to have healthy children. However, those participants who took this view did not specify the age they meant by “early”. A gynaecologist claimed that there is a risk with marriages at ages less than eighteen and after forty. So, when doctors talk about early marriage I assume they mean at an age beginning at eighteen, not ten or twelve.

With cases of child marriage, there is a matter of good and bad consequences, or pros and cons. If it is possible to achieve the good consequences whilst warding off the bad consequences, then we should do that. If the bad consequences outweigh the good consequences, we should ward off the bad consequences and not worry about the good consequences, as the *Fuqahaa* Islamic scholars of Islam have stated. “Warding off evil consequences takes priority over gaining benefits”, is one of Islam’s rules. If we apply this principle and look at the evil consequences that result from *zawaj al-gaserat*, older men with young adolescent females in particular, we will understand that the government should work fast in order to do something to prevent such marriage, particularly after knowing the social, psychological and economical disadvantages of it.

7.13. Divorce

A girl who cannot refuse to be forced into a marriage cannot get divorced, a psychiatrist said. The process of divorce for a husband is easy; he only needs to say the word “divorce” to his wife three times, even if the husband mentions the word anywhere including in the absence of his wife. He may say to another person “I divorce my wife, I divorce my wife, I divorce my wife”; in this case the divorce takes place and he just needs to go to court to get a divorce certificate. In contrast, the situation is not the same for wives. They need to go to court and ask

for a divorce. In the beginning the court will try to solve the problem so the marriage can continue, especially if the couple has children. However, if the wife insists on the divorce the judge will ask the husband to divorce her, and if he does not accept no one can force him to do so. However, there is another way that the wife can get divorced, which is by asking for *khulaa*, and in this situation the judge will ask the wife why she wants that, and she only needs to say “because I hate him”. The difference between divorce and *Khulaa* is that in *al-khulaa* the wife has to return the dowry to the husband. However, even though wives can divorce their husbands easily in terms of law, it is still hard for them and their family regarding their financial and social situations.

In terms of *zawaj al-gaserat*, no one has the right to affect a divorce for a girl who has not reached puberty yet. Even though her father can arrange a marriage for her and register it on her behalf, neither he nor any other person can affect a divorce for her. Even the girl herself cannot get divorced or ask for it in court until she has reached puberty. The only person who can break up the marriage is the husband, because he has the right to divorce his wife. In the case of “Teflat Onizah” (2008), the child of Onizah, the judge could not divorce the girl from her husband because of this, so some people asked the husband to divorce the girl but he rejected the request. Then the court decision was that the girl should remain with her parents until she reached *al-bulugh*, puberty, and then if she still wanted to get divorced she could go to court and apply for it (البقي, 2008).

7.14. Honour crimes, killings and forced marriages

At the outset, and because there is a debate about which term should be used – “honour crimes” or “honour killings” – one must differentiate between different terminologies to ensure that differences between them are clearly articulated.

At its most basic Honour crimes are criminal incidents that have been committed to defend the honour of the family or community. Although according to some a definition of “honour”-based violence should reflect three basic elements: “1) control, or desire to exert control, over a woman’s behaviour; 2) a male’s feeling of shame over his loss of control, or perceived loss of control, over her behaviour, and; 3) community or familial involvement in augmenting and addressing this shame” (UN Women, 2012, online).

“Honour killings” is the extreme ends of the honour crime spectrum where the woman, or less frequently a man, is murdered. The perpetrator is usually a man but also can be a woman, or very occasionally a woman raised on male values. Often the crime attributed to her is having sexual intercourse with a man to whom she is not married (Hoyek, Sidwei and Abou Mrad, 2005). Having sexual intercourse outside marriage does not affect the woman only but her family as well as it is forbidden. A woman’s honour is the property of her male relatives, not herself; she is merely the custodian of this honour (Hoyek, Sidawi and Abou Mrad, 2005, p. 112).

It is important to remember that the woman need not have committed any real transgression to be their victim on honour crime. For example, gossip, hearsay or misunderstanding can be sufficient for the woman to be deemed to have brought shame to her family.

Male-dominated society considers women who have reached puberty, or more generally who are of an age to be sexually active, as a danger to be controlled through segregation of the sexes, early marriage of girls, female circumcision, and preventing girls from engaging in such beneficial physical exercise as jumping and stretching in the believe they may damage their hymens (CEWLA, 2005).

Forced marriage is labelled as a form of honour crime in Kurdistan, the same as coerced marriage to an alleged rapist, and unlawful confinement and tight restrictions on women’s movement (Begikhni, 2005).

Regarding marriage customs, Saudi Arabia shares the same cultures with some other Middle Eastern countries, such as Kurdistan. In Kurdistan, men traditionally choose their future wives from their close kin. Moreover, amongst certain tribes the paternal cousin is obligated to marry her first cousin, who has the right to marry her or not; he has to make his position clear so that she can be given to another man. Marriage among some Arab states, such as Saudi Arabia and Iraq, is a collective affair and not an individual choice, and women are married off at an early age and exchanged between families (Begikhni, 2005).

Marriage and honour are linked together in Arab culture. In terms of honour, marriage may affect the image of a family or a tribe positively or negatively, as

marriage is not a relationship between a man and a woman only but is a relationship and commitment between two families or tribes. For example, the marriage of Aa'ishah and Prophet Muhammad (PBOH) is considered as one that gives great honour to Aa'ishah and her family. Here, Aa'ishah is the reason of bringing an honour to her father and family. Therefore, some fathers and families may force their daughters to marry a man only because they will benefit from it regardless of the girl's desire. On the other hand, it happens that a woman may fall in love with a man and they decide to marry each other but her family refuses because the man is from a low-class family. If a woman marries against her family's will she will be have committed an honour crime and will be punished. In Egypt, for example, there are some traditional rules on honour and shame, which dictate that a woman is not allowed to engage in any sexual activity outside the framework of a marriage that is approved by the men of her family. Honour crimes in Egypt may not happen only when a woman has a sexual relationship outside the marriage, but also when she marries against her family's wishes or even just indicates that she would like to terminate her marriage (CEWLA, 2005).

The concept of honour has come to have a quite different meaning: backwardness, crime and otherness (Sen, 2005, p. 44). In addition, the concepts of honour and shame have different uses in the Islamic societies from the West. Said (1978) reacts against the concept of honour being centred in a problematic framework by an Orientalist perspective that made the East in general, and Islam in particular, the focus of a knowing and greater Western eye. Among Arab societies there are some voices that call for not letting the West discuss their issues. There are some reasons for this rejection; the background of Arabs differs from the Western background, which makes it difficult to be understood. In addition, some Arabs look at intervention from a conspiracy theory perspective and see those interventions as aiming to attack them and Islam, as one of the participants said. However, some Arab-Muslims' voices are against this standpoint. Regarding women's rights and violence against women in Muslim states, there are some women calling for applying what women's rights conventions say. For example, two of the participants in this research, one of them a women's rights activist, called for the application of what Saudi Arabia signed up to in CEDAW in general, and regarding child marriage in particular.

Zawaj al-gaserat and forced marriage can be forms of violence against women and this violence is a result of honour among some societies, Islamic societies in particular. As men, sometimes, are forced to marry they are also may be victims of honour crimes. Sen (2005) claims that honour crimes are not exclusively about the lives of individual women are controlled by individual men. They are about collective decisions, social policing, community norms and arts of punishment; these rules can similarly be applied to male behaviour to the extent that men can also be killed.

7.15. Non-Western issues in the Western eye

The way of addressing the issues of the women in the Arab world, as a part of the third world, is influenced by the West and what the feminists in the West say. This situation is faced by a critique that argues that the issues of women in the East should be addressed free of the West's control. Mohanty (1991) argues that the formation of autonomous, geographical, historically and culturally grounded feminist concerns and strategies, and the internal critique of hegemonic "Western" feminism, are the two simultaneous missions that the political and intellectual construction of "third-world feminism" must address.

The equating of the struggle for women's rights with Western feminism can not only be used to maintain the status quo, it can also cause problems for those Saudi activists who can be accused of betraying "traditional" or "authentic" Saudi customs and values.

A psychologist, one of the participants, argued that Saudi Arabia does not have to set the age of eighteen as a legal minimum age of marriage merely because this is the age that the majority in the West have set. He stated that Saudi Arabia has its elements that should be taken into account when dealing with such an issue. For example, Saudi Arabian law is Sharia and people follow customs that are embedded historically and geographically. Furthermore, the writer of the online article criticises the West and their way of sorting women's issues out. She brings up some figures and cases that show the West still suffers from sexual harassment, adultery, abortion and teenage pregnancy. Said (1978) claims that Islamic civilisation in much of Western studies was not meant for objective

intellectual enquiry and academic study of Eastern cultures but for political intellectualism meant for European self-affirmation.

7.16. *Zawaj al-gaserat* in Sharia

In general, the majority of Islamic scholars agree that responsible fathers have the right to arrange and register marriage on behalf of their young daughters who have not reached puberty yet without asking their consent. The majority of Islamic scholars agree that when a father agrees on a marriage on behalf of his young son or daughter the marriage is valid and they have no choice if they are mature (الطولي, 1986). In addition, the Quran states “And those who no longer expect menstruation among your women – if you doubt, then their period is three months, and [also for] those who have not menstruated. And for those who are pregnant, their term is until they give birth. And whoever fears Allah – He will make for him of his matter ease” (The Holy Quran, 65:4). In this verse Allah, *subhana wa ta’ala*, sets a rule of divorce for those women who no longer menstruate and have reached the menopause because of age. Their waiting period will be reckoned from the day divorce was pronounced on them and three months implies three lunar months. This verse also talks about females who may not have menstruated yet, either because of young age, or delayed menstrual discharge. Thus, this means adolescent females who have not reached puberty yet may get divorced, and divorce only happens if there is marriage, so in Sharia young adolescent females are allowed to get married.

In contrast, some other scholars argue that fathers do not have the right to arrange marriage for their children on their behalf: “And test the orphans [in their abilities] until they reach marriageable age. Then if you perceive in them sound judgment, release their property to them” (The Holy Quran, 4:6). This verse states that guardians do not have to give the orphans their money until they are mature enough and that could be known by testing them; that test starts when they reach marriageable age, which starts from *al-bulugh*, reaching puberty. Thus, if marriage was allowed before *al-bulugh*, there would not be a reason to mention the time of marriage. However, the majority of Islamic scholars in all four Islamic schools claim that fathers have the right to marry their daughters to any man without her consent if she has not reached *al-bulugh* (قدامة ابن, 1997).

Ultimately, child marriage is allowed in Islam and fathers have the right to arrange and register their children's marriage on their behalf.

Registration of marriage does not mean the husband and wife can live with each other or are free to have sexual intercourse. In Islam if the girl has not reached puberty the couple are not allowed to have a sexual relationship, Aa'ishah (may Allah be pleased with her) reported: "Allah's Apostle (may PBUH) married me when I was six years old, and I was admitted to his house when I was nine years old" (Muslim, 2000).

In terms of setting a legal minimum age of marriage, states can be categorised into two parties: one party is the countries that have already set a legal minimum age of marriage, and the other is those that have not set one yet. The states that have set one have set varying ages as a legal minimum age of marriage. In addition, the majority of these countries have set at least one exception to allow adolescent females and/or boys to get married at an earlier age. For example, England and Wales set an age of eighteen as a legal minimum age of marriage; however, if anyone aged over sixteen but less than eighteen wants to marry they can do so but only with the consent of their parents. This implies the belief that parents know more and are responsible for their children. In addition, it implies that their children who are less than eighteen do not know what is best for them in terms of marriage, and so the consent of parents as well as both parties is required. In contrast, in Saudi Arabia consent is required only from the father of the girl or her guardian. Moreover, this consent is required, according to some Islamic schools, whatever the age of the girl. Furthermore, the father has the right to marry his daughter to a man if there is a benefit out of this marriage and if he does not do so the girl and her family will lose that benefit.

However, states that have not set a legal minimum age of marriage give parents the main and final decision to allow their children to get married, while according to Sharia the father has the same right but at a wide range of ages which start from her birth until she gets married. In addition, the other difference is that the mother does not have this right.

7.17. Debatable Marriages

Literatures about *zawaj al-gaserat* in Saudi Arabia show that there is a strong disagreement between two parties – in favour and against. These literatures indicate that the religious factor is strong and affects Saudi Arabian points of view. Despite the fact there is nothing in Sharia preventing *zawaj al-gaserat*, people who are in favour of setting a legal minimum age of marriage have arguments to set a legislation that prevents this kind of marriage's disadvantages.

On the other hand, the other party does not reject what Sharia says. However, they say there is some other evidence that sets puberty as a sign of the end of childhood, and even fathers do not have the right to accept their daughters' marriage before that. In addition, adolescent females have the right to accept or reject marriage after *al-bulugh* (Douki et al., 2007).

The debate about *zawaj al-gaserat* in Saudi Arabia has two perspectives. The first side disagrees with setting any legal minimum age, whether it is eighteen or less, and the reason is that there is nothing in Sharia about it and Muslims do not have to follow the West and set a minimum age just because some international conventions have called for them to do so (الشثري, 2010). In addition, الشثري (2010) adds that countries that set legal minimum ages of marriage suffer from lots of issues because of this law, such as single parents, abortion and sexual relationships among children. This party sticks with what Sharia sets and rejects any ideas from the West to solve the issue of *zawaj al-gaserat*. Moreover, Al-Shethri brings up some benefits of “early marriage” and disadvantages of “delaying marriage” (see pp. 44–45).

The claims that الشثري, Al-Shethri, highlighted emerge from religious and medical aspects. He argues that setting the age of eighteen as a legal minimum age is illegal in Sharia, that there is nothing in it that indicates that eighteen is the age that one becomes an adult, and that this age comes from the West that does not follow Islam, so there is no need to set an age.

The verses from the Holy Quran and Hadiths that Al-Shethri brings up are correct and indicate that child marriage in Islam is not forbidden; however, this does not mean Muslims cannot set a legal minimum age of marriage if there is a need. Al-Shethri focuses on some studies that show late marriage has its disadvantages, but

those studies either examine the cases of older people or he does not present the ages that those studies examine. Furthermore, he expresses some opinions as facts without giving references. He argues that, for example, marrying young girls who have reached puberty is good for weak men. It makes the men's bodies stronger, their sexual power gets better and they produce better offspring. These ideas are highly questionable.

Al-Mutlaq (المطلق, 2010) discusses child marriage from a religious perspective only. He underlines that there is nothing to prevent child marriage in Sharia, but there are only a few cases that took place in the time of Prophet Mohammed (PBUH), which shows it was not the normal type of marriage even at that time. Plus, he highlights that there is a disagreement as to whether fathers have the right to let their daughters get married before puberty or not, but he supports the argument that it is legal with some conditions (see p. 71). Al-Mutlaq, المطلق, states that even though child marriage is legal in Islam, Muslims do not have to do every single legal thing. Plus, when there is a chance that people may get harmed or a bad effect could happen out of a legal practice, the King has the right to set a legislation to prevent this harm and effect.

بن محمد الإمام جامعة في المعاصرة القضايا فقه في البحثي التميز مركز نظم) (2012) Al-Roumi discusses *zawaj al-gaserat* from a social perspective, and claims that people in the past did not care about age in terms of marriage but that parents started working on their children when some signs appeared, such as puberty. He argues that the number of cases of *zawaj al-gaserat* is small, so there is no need to set a legal minimum age of marriage in Saudi Arabia as it does not work in those states that have set them. However, he sees there are two ways to prevent *zawaj al-gaserat*: first, to make people more aware, especially parents because they are responsible for their children legally; second, setting the age of eighteen as a legal minimum age for marriage and allowing anyone who wants to get married below this age to do so but in court and with the provision of justifications as to why they want to wed.

I agree with the idea that awareness is crucial, but it is not a factor that will prevent *zawaj al-gaserat* because the age of marriage in Saudi Arabia, in general, starts after finishing high school, which is not less than eighteen. Moreover, the

cases of *zawaj al-gaserat* which make this issue so vital are those when older men marry adolescent females because there is no law preventing them or the girls' fathers from allowing this.

Al-Roumi claims that the number of cases is small depending on the available data, which shows that 5,434 girls were married in 1993. Thus, depending on these statistics, just one girl who was aged between twelve and fourteen was married at that time. This date is twenty years ago so no one knows if the number has increased or not. In addition, it is likely that the number is not as small as he claims. Besides, the numerical issue does not address the issue of human rights violation. It is the girls' lives which may be ruined and they may have social, psychological and medical issues as a result of this marriage.

It is clear that there is an overlap between child marriage, *zawaj al-gaserat* and forced marriage. Child marriage can be recognised legally where there is a legal minimum age of marriage as it provides a clear distinction between childhood and adulthood. However, in Saudi Arabia there is no such legal measure. Puberty is the sign that is used in Saudi Arabia to distinguish between children and adults. However, fathers can still marry their daughters off before they reach puberty.

Forced marriage can be an issue in any society but not all people recognise it or talk about it, even in developed countries such as the UK, although it has been highlighted by specialist domestic violence services and has begun to be discussed in the public sphere (Anitha and Gill, 2009). Forced marriage is one to which either one or both parties do not give their consent, or do so only under duress (Uddin and Ahmed, 2000, p. 10).

Child marriage and *zawaj al-gaserat* can be seen as forms of forced marriage, but not all child marriages are forced marriages. This could be heavily influenced by a variety of factors. For example, the age of the child; a fifteen year old may be more able to give consent than an eleven year old, although whether such consent is itself fully informed consent is a matter of debate. It could be argued that in such circumstances child marriage post puberty is also a form of forced marriage. It is for this reason that many activists, myself included, would like to see the setting of a minimum age of marriage.

Of course, it would be naive to think that the setting of such a minimum age will mean that a woman's knowledge, power and ability to give fully informed and free consent would happen magically on the day of their sixteenth birthday. In many, if not most, instances, the social, cultural, political and economic circumstances that they are in will remain the same. In this respect whatever limit is set will be an arbitrary one. However, it will at least provide some legal protection for young girls and allow their decision to marry to be relatively more informed than it otherwise would be.

7.18. Methodological reflection

In this research, I used interviews as a method of collecting data. In addition, I used an online article in order to answer the research question. Thematic analysis and discourse analysis are the methodological approaches used with the material. The study was done at a time when there were some factors that may influence the research implications. For instance, Saudi Arabian women became members of the Shura Council, "Advisory Council", after King Abdullah announced the government's decision to appoint women members in the Arab spring and social media. If I had researched this issue at a different time and via a different methodological approach, the material and claims for it would be different.

7.19. The limitations of the study

The work on this research started in September 2009, and collecting the data took place in August and September 2010 in Riyadh in Saudi Arabia. As the results of any study may change regarding the time and place that it takes place in, I should declare that this study is limited to the time in which it took place in Saudi Arabia.

This study could help to understand *zawaj al-gaserat*, child marriage and forced marriage in Arab-Muslim societies. It focuses on Saudi Arabia as a state where there is no legal minimum age, but it could change the perception of marriage in general and child marriage in particular. The study helps decision makers with setting legislations regarding family law in the Arab world, as well as women's issues.

7.20. Conclusion

Out of this research, which started formally in September 2009, I have ended up with some suggestions drawn from the interviews that I conducted, documents about child marriage and forced marriage, and what was published on the internet and in the media about *zawaj al-gaserat*.

From a social perspective, it is clear that there is an issue in Saudi Arabia called *zawaj al-gaserat*, and the issue is a form of marriage that concerns a young girl and an older man. Yet there are no figures available about how many cases of child marriage there are, which would help us to know the size of the issue. However, the number of cases that appear in the media and the only available number relating to the age of married people in Saudi Arabia indicates that there is an issue which has to be addressed (CDSI, 1993).

7.21. Contributions and Suggestions

1. *Zawaj al-gaserat* has two main factors that frame the debate: one is religion, which is Islam, which has no fixed age as a legal minimum age of marriage; the other is social, which includes the culture of Saudi Arabia, the international conventions that Saudi Arabia is a member of, and the disadvantages of marriage between a young girl and an older man.
2. Child marriage and forced marriage have been discussed in the media and on the internet by people in the West from the wrong angle. In order to make a correct decision about marriage and *zawaj al-gaserat* in Saudi Arabia, its context should be considered.
3. There should be some sessions in schools, elementary school in particular, to teach students what marriage is, as well as its responsibilities and the rights of adolescent females and boys regarding marriage.
4. Giving *mazouns* more power to stop marriages, or not allowing them to register any marriage that has both or one party who is aged less than sixteen, may help to prevent occurrences of forced child marriage.
5. Age limit may be one way of preventing the forced marriage of children in Saudi Arabia. However, setting a legal minimum age of marriage without adding other regulations, such as punishments against fathers, husbands and *mazouns* who get involved in it, will not stop it.
6. Based on this study and what I found out from researching with and interviewing professional people in many different areas which related to child and forced marriage, I could say arising from this work that the appropriate minimum age of marriage for adolescent females in Saudi Arabia is, in my opinion, sixteen.
7. There are four schools of Sharia and the majority of their scholars agree that *zawaj as-sagheer*, child marriage – which includes *zawaj al-gaserat* – is not forbidden in Islam. However, there are some conditions for that marriage to make it legal. When the government finds that some disadvantages occur with this type of marriage, it has the right to set new regulations in order to stop these disadvantages.

8. The key issue to emerge is not the fact of marriage but its side- and after-effects. In addition, according to the available figures and this research's implications, the issue in Saudi Arabia is not marriage between two parties, girl and boy children, but marriages that consist of an older man and a girl child. Thus, the government has to deal with that issue and set regulations in order to prevent its disadvantages.

9. *Zawaj al-gaserat* has social, psychological and medical issues, which should be considered by decision makers in Saudi Arabia.

References

English references

Abdul-Rauf, M. (1981) *Marriage in Islam*. Exposition Press.

Adviceguide (2013) *Getting married*. Adviceguide. [Online] [Accessed on 16th January 2013]

http://www.adviceguide.org.uk/england/relationships_e/relationships_living_together_marriage_and_civil_partnership_e/getting_married.htm.

Ahmad, K. (1974) *Family life in Islam*. Islamic Foundation.

Al-Khateeb, S. A. H. (1998) 'Women, family and the discovery of oil in Saudi Arabia'. *Marriage & family review*, 27(1-2), pp. 167–189.

Al-Rasheed, M. (2013) *A Most Masculine State: Gender, Politics and Religion in Saudi Arabia*. Vol. 43: Cambridge University Press.

Al Awaisi, H. (2012) *The Experience of Sultan Qaboos University Newly Graduated Nurses during their First Year of Practice in the Sultanate of Oman*. Ph.D. The University of Manchester.

AlJazeera (2013) *Saudi king names women to advisory council*. AlJazeera. [Online] [Accessed on 27th February]
<http://www.aljazeera.com/news/middleeast/2013/01/2013111234624261971.html>.

Allred, P. and Burman, E. (2005) 'Analysing Children's Accounts Using Discourse Analysis'. In Greene, S. and Hogan, D. (eds.) *Researching children's experience: Approaches and methods*. London: SAGE Publications Limited, pp. 175-198.

Anitha, S. and Gill, A. (2009) 'Coercion, consent and the forced marriage debate in the UK'. *Feminist legal studies*, 17(2), pp. 165–184.

Archard, D. (1998) *Sexual consent*. Oxford: Westview Press.

Aries, P. (1962) *Centuries of childhood*. New York, Knopf.

Arribas-Ayllo, M. and Walkerdine, V. (2008) 'Foucauldian Discourse Analysis'. In Willig, C. and Stainton-Rogers, W. (eds.) *Qualitative Research in Psychology*. London: SAGE Publications Ltd, pp. 91–108.

Assembly, U. N. G. (1989) 'Convention on the Rights of the Child'. *United Nations, Treaty Series*, 1577, p. 3.

Baker, S. E. and Edwards, R. (2012) 'How many qualitative interviews is enough?' *NCRM*. 8–11.

Ball, D. W. (1974) 'The Family as a Sociological Problem'. In Skolnick, A. S. and Skolnick, J. H. (eds.) *Intimacy, family, and society*. Boston: Little, Brown and Company, pp. 295-307.

Banister, P., Bunn, G., Burman, E., Daniels, J., Duckett, C., Goodley, D., Lawthom, R., Parker, I., Runswick-Cole, K., Sixsmith, J., Smailes, S., Tindall, C. and Whelan, P. (2011) *Qualitative methods in psychology: A research guide*. 2nd ed. Berkshire: McGraw-Hill International.

BBC (2010) *Saudi child bride drops divorce from 80-year-old man*. [Online] [Accessed on 2nd October 2012] <http://news.bbc.co.uk/1/hi/8493402.stm>.

Beaujouan, É. and Ní Bhrolcháin, M. (2011) 'Cohabitation and marriage in Britain since the 1970s'. *Population trends*, 145, pp. 35–59.

Begikhni, N. (2005) 'Honour-based violence among the Kurds: The case of Iraqi Kurdish'. In Welchman, L. and Hossain, S. (eds.) *'Honour' crimes, paradigms, and violence against women*. New York: Zed Books Ltd, pp. 209-229.

Black, I. (2008) *Saudi girl, eight, married off to 58-year-old is denied divorce*. [Online] [Accessed on 9th October 2012] <http://www.guardian.co.uk/world/2008/dec/23/saudi-arabia-human-rights>.

Billig, M., Condor, S., Edwards, D., Gane, M., Middleton, D. and Radley, A. (1988) *Ideological dilemmas: A social psychology of everyday thinking*. SAGE Publications, Inc.

Blackburn, S. and Bessell, S. (1997) 'Marriageable age: Political debates on early marriage in twentieth-century Indonesia'. *Indonesia*, (63), pp. 107–141.

Boyatzis, R. E. (1998) *Transforming qualitative information: Thematic analysis and code development*. London: SAGE Publications, Inc.

Braun, V. and Clarke, V. (2006) 'Using thematic analysis in psychology'. *Qualitative research in psychology*, 3(2), pp. 77–101.

Bredal, A. (2005) 'Talking forced marriage in the Nordic countries: Between women's rights and immigrations control'. In Welchman, L. and Hossain, S. (eds.) *'Honour'*

crimes, paradigms, and violence against women. New York: Zed Books Ltd, pp. 233-243.

Bucholtz, M. (2000) 'The politics of transcription'. *Journal of Pragmatics*, 32(10), pp. 1439–1465.

Burman, E. (1994) 'Interviewing'. In Banister, P., Burman, E., Parker, I., Taylor, M. and Tindall, C. (eds.) *Qualitative Methods in Psychology: A Research Guide*. Buckingham: Open University Press, pp. 49–71.

Burman, E. (1997) *Deconstructing feminist psychology*. London: SAGE Publications Limited.

Burman, E. (2006) 'Emotions and reflexivity in feminised education action research'. *Educational Action Research*, 14(3), pp. 315–332.

Burman, E. (2008) *Deconstructing developmental psychology*. East Sussex: Psychology Press.

Burman, E. and MacLure, M. (2005) 'Deconstruction as a method of research'. In Somekh, B. and Lewin, C. (eds.) *Research Methods in the Social Sciences*. London: SAGE, pp. 284–293.

Burns, D. and Chantler, K. (2011) 'Feminist Methodologies'. In Somekh, B. and Lewin, C. (eds.) *Theory and Methods in Social Research*. second ed. London: SAGE Publications Ltd, pp. 70–77.

CDSI (1993) *The general counting of population and accommodation* [Online] [Accessed 15th May 2012] www.cdsi.gov.sa/2010-07-31-07-00-05/doc_download/335---1413.

CEWLA (2005) "'Crimes of honour" as violence against women in Egypt'. In Welchman, L. and Hossain, S. (eds.) *'Honour' crimes, paradigms, and violence against women*. New York: Zed Books Ltd, pp. 137-159.

Choudhry, S. (2011) 'Forced marriage: The European Convention on Human Rights as the Human Rights Act 1993'. In Gill, A. and Anitha, S. (eds.) *Forced Marriage: Introducing a social justice and human rights perspective*. New York: Zed Books Ltd, pp. 167-189.

Chantler, K., Gangoli, G. and Hester, M. (2009) 'Forced marriage in the UK: Religious, cultural, economic or state violence?' *Critical social policy*, 29(4), pp. 587–612.

CHNM. *Age of Consent Laws*. Children and Youth in History. [Online] [Accessed on 4th May 2013] <http://chnm.gmu.edu/cyh/primary-sources/24>.

Daily Mail (2012) *Teacher caught having sex with his student and fails to escape through cornfield after boyfriend calls the cops*. Daily Mail. [Online] [Accessed on 16th January 2013] <http://www.dailymail.co.uk/news/article-2225993/Teacher-caught-having-sex-student-fails-escape-cornfield-boyfriend-calls-cops.html#ixzz2I9S9AgMr>.

Dauvergne, C. and Millbank, J. (2010) 'Forced marriage as a harm in domestic and international law'. *The Modern Law Review*, 73(1), pp. 57–88.

Department of Health, Social Services and Public Safety (2006) *Our Children and Young People – Our Shared Responsibility*. Belfast: DHSSPS. [Online] [Accessed on 31st January 2013] <http://www.dhsspsni.gov.uk/oss-child-protection-overview.pdf>.

Derrida, J. (2004) *Dissemination*. London: Continuum International Publishing Group.

Douki, S., Ben Zineb, S., Nacef, F. and Halbreich, U. (2007) 'Women's mental health in the Muslim world: Cultural, religious, and social issues'. *Journal of affective disorders*, 102(1), pp. 177–189.

Dustin, M. and Phillips, A. (2008) 'Whose agenda is it? Abuses of women and abuses of culture in Britain'. *Ethnicities*, 8(3), pp. 405–424.

Emirates 24/7 Staff (2011) *Saudi Arabia to set minimum marriage age following surge in such weddings*. alarabiya.net. [Online] [Accessed on 29 November 2012] <http://www.alarabiya.net/articles/2011/07/25/159321.html>.

Esak, F. (2012) 'Islam, children, and modernity: A Qur'anic perspective'. In Bunge, M. J. (ed.) *Children, adults, and shared responsibilities: Jewish, christian and muslim perspectives*. Cambridge: Cambridge University Press, pp. 99-118.

Eshleman, J. R. and Wilson, S. J. (2003) *The family*. Scarborough: Allyn and Bacon.

Espey, E., Cosgrove, E. and Ogburn, T. (2007) 'Family planning American style: Why it's so hard to control birth in the US'. *Obstetrics and gynecology clinics of North America*, 34(1), pp. 1–17.

Evans, M. (2012) *Teenage schoolgirl, 15, runs away with 30-year-old teacher*. The Telegraph [Online] [Accessed on 16th January 2013] <http://www.telegraph.co.uk/news/uknews/9561168/Teenage-schoolgirl-15-runs-away-with-30-year-old-teacher.html>.

- Fairclough, N. (1992) 'Discourse and text: Linguistic and intertextual analysis within discourse analysis'. *Discourse & Society*, 3(2), pp. 193–217.
- Fook, J. (1999) 'Reflexivity as method'. *Health Sociology Review*, 9(1), pp. 11–20.
- Foreign and Commonwealth Office and Home Office (2005) *Forced Marriage. A Wrong not a Right. Community Liaison Unit*. London: Foreign and Commonwealth Office.
- Foucault, M. (1998) *The Will to Knowledge – The history of sexuality I*. London: Penguin Books.
- Gangoli, G. and Chantler, K. (2009) 'Protecting victims of forced marriage: Is age a protective factor?' *Feminist legal studies*, 17(3), pp. 267–288.
- Gangoli, G., McCarry, M. and Razak, A. (2009) 'Child marriage or forced marriage? South Asian communities in north east England'. *Children & Society*, 23(6), pp. 418–429.
- Gangoli, G., Chantler, K., Hester, M. and Singleton, A. (2011) 'Understanding forced marriage: Definitions and realities'. In Anitha, S. and Gill, A. (eds.) *Forced Marriage*. New York: Zed Books, pp. 25-45.
- Gazette, S. (2009) *Child marriage*. [Online] [Accessed on 9th October 2012] <http://www.saudigazette.com.sa/index.cfm?method=home.PrintContent&fa=regcon&action=Print&contentid=2009010225522&simplelayout=1>.
- Gergen, K. J. (1999) *An invitation to social construction*. London: SAGE Publications Limited.
- Giddens, A. (2009) *Sociology*. 6th ed. Cambridge: Polity Press.
- Gill, A. and Anitha, S. (2011) 'Forced marriage legislation in the UK: A critique'. In Gill, A. & Anitha, S. (eds.) *Forced Marriage: Introducing a social justice and human rights perspective*. New York: Zed Books Ltd, pp. 137-157.
- Girgis, S., Robert, G., and Ryan A. (2010) 'What is Marriage?' *Harvard Journal of Law and Public Policy*, 34(1), pp. 245–287.
- Griffin, E. M. (2009) *Communication: A First Look at Communication Theory*. (7th ed.) New York, NY: McGraw-Hill.
- Hampton, T. (2010) 'Child marriage threatens girls' health'. *JAMA: The journal of the American Medical Association*, 304(5), pp. 509–510.

- Haralambos, M. and Holborn, M. (2008) *Sociology themes and perspectives*. 7th ed. London: HarperCollins.
- Harding, S. (1987) 'Introduction: Is there a feminist method?' In Sandra, H. (ed.) *Feminism and methodology*. Bloomington: University of Indiana Press, pp. 1–14.
- Harding, S. (1989) 'Is there a feminist method?' *Feminism and science*, pp. 18–32.
- Hermansen, M. (2012) 'Muslim youth and religious identity: Classical perspectives and contemporary challenges'. In Bunde, M. J. (ed.) *Children, adults, and shared responsibilities: Jewish, christian and muslim perspectives*. Cambridge: Cambridge University Press, pp. 119-134.
- Hester, M., Chantler, K., Gangoli, G., Devgon, J., Sharma, S. and Singleton, A. (2008) *Forced marriage: The risk factors and the effect of raising the minimum age for a sponsor, and of leave to enter the UK as a spouse or fiancé(e)*. School for Policy Studies, University of Bristol. [Online] Available from [23rd June 2013] <http://www.bris.ac.uk/sps/research/projects/completed/2007/rk6612/rk6612finalreport.pdf>
- Hodge, R. and Kress, G. (1993) *Language as ideology*. London: Routledge.
- Hopkins, M. K. (1965) 'The age of Roman girls at marriage'. *Population Studies*, 18(3), pp. 309–327.
- Horgan, R. P. and Kenny, L. C. (2007) 'Management of teenage pregnancy'. *The Obstetrician & Gynaecologist*, 9(3), pp. 153–158.
- Hossain, K. (2013) 'In search of equality: Marriage-related laws for Muslim women in Bangladesh'. *Journal of International Women's Studies*, 5(1), pp. 96–113.
- HRW (2011) *World Report 2012: Saudi Arabia*. Human Rights Watch. [Online] [Accessed on 27th February 2013] <http://www.hrw.org/world-report-2012/world-report-2012-saudi-arabia>.
- Hoyek, D., Sidawi, R. and Abu Mrad, A. (2005) 'Murders of women in Lebanon: "Crimes of honour" between reality and the law'. In Welchman, L. and Hossain, S. (eds.) *'Honour' crimes, paradigms, and violence against women*. New York: Zed Books Ltd, pp. 111-138.
- Htun, M. and Weldon, L. (2012) *Sex equality in family law: Historical legacies, feminist activism, and religious power in 70 countries*. [Online] [Accessed on 24th June 2013] <http://www.gigronline.org/PDF/WBfam.pdf>.

- ICRW (2006) *Child Marriage*. Washington, D.C.: International Center for Research on Women: [Online] [1st May 2013] Available from <http://www.icrw.org/files/publications/Child-Marriage-Toolkit.pdf>
- IHAC (2012) *Worldwide Ages of Consent*. International HIV & AIDS Charity [Online] [Accessed on 10th February 2013] <http://www.avert.org/age-of-consent.htm>.
- Jain, S. and Kurz, K. (2007) *New insights on preventing child marriage: A global analysis of factors and programs*. [Online] [4th May 2013] Available from http://www.atria-kennisinstituut.nl/epublications/2007/New_insights_preventing_child_marriage.pdf
- Jamjoom, M. (2010) *Yemeni child bride dies of internal bleeding*. CNN. [Online] [Accessed on 10th February 2013] <http://edition.cnn.com/2010/WORLD/meast/04/09/yemen.child.bride.death/index.html>.
- Jones, S. (2008) *The Jewel of Medina*. New York: Random House.
- Kağıtçıbaşı, Ç. (2007) *Family, self, and human development across cultures: Theories and applications*. London: Routledge
- Kamlr, B. and Thomson, P. (2011) 'Working with Literatures'. In Somekh, B. and Lewin, C. (eds.) *Theory and Methods in Social Research*. second ed. London: SAGE Publications Ltd, pp. 16–24.
- Kelly, L. (2005) *Promising practices addressing sexual violence*. Metropolitan University. [Online] [16th February 2013] Available from [http://www.womenssupportproject.co.uk/userfiles/file/uploads/kellyUN_sexualviolencePromisingPractices\(1\).pdf](http://www.womenssupportproject.co.uk/userfiles/file/uploads/kellyUN_sexualviolencePromisingPractices(1).pdf)
- Kvale, S. and Brinkmann, S. (2008) *Interviews: Learning the craft of qualitative research interviewing*. London: SAGE Publications, Incorporated.
- Lacey, R. (2010) *Inside the kingdom: Kings, clerics, modernists, terrorists and the struggle for Saudi Arabia*. London: Arrow Books.
- Lawson, T. and Garrod, J. (2009) *The complete A–Z sociology handbook*. London: Philip Allan.
- Lee, A. and Petersen, A. (2011) 'Discourse Analysis'. In Somekh, B. and Lewin, C. (eds.) *Theory and methods in social research*. second ed. London: SAGE Publications Ltd, pp. 139–146.

- Lewin, C. and Somekh, B. (2004) *Research methods in the social sciences*. London: SAGE Publications Limited.
- Lewis, R. B. (2004) 'NVivo 2.0 and ATLAS. ti 5.0: A comparative review of two popular qualitative data-analysis programs'. *Field Methods*, 16(4) pp. 439–464.
- Manning, W. D. (1993) 'Marriage and cohabitation following premarital conception'. *Journal of Marriage and the Family*, pp. 839–850.
- Manushi (2003) *Women and Hindu marriage law* [Online] [Accessed on 31st January 2013] <http://www.indiatogether.org/manushi/issue136/hml.htm>.
- Mayan, M. J. (2009) *Essentials of qualitative inquiry*. Left Coast Press.
- Maynard, M. and Purvis, J. (1994) *Researching women's lives from a feminist perspective*. London: Taylor & Francis.
- Mayor, S. (2004) *Pregnancy and childbirth are leading causes of death in teenage girls in developing countries*. National Center of Biotechnology Information. [Online] [Accessed on 11th February 2013] <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC411126/>.
- McLaughlin, K. (2012) *Surviving Identity: Vulnerability and the psychology of recognition*, London: Routledge.
- McNamara, C. (1999) *General guidelines for conducting interviews*. [Online] [Accessed on 10th May 2013] <http://managementhelp.org/businessresearch/interviews.htm>
- Moghadam, V. M. (2004) 'Patriarchy in Transition: Women and the Changing Family in the Middle East', *Journal of Comparative Family Studies*, 35(2), pp. 137–63.
- Mohanty, C. T. (1991) 'Under Western Eyes: Feminist scholarship and colonial discourse'. In Mohanty, C. T, Russo, R. A. and Torres, L. (eds.) *Third world women and the politics of feminism*. Indiana University Press, pp. 51-80.
- Mountian, I. (2004) *Drugs, Gender and Social Imaginary*. Ph.D. Manchester Metropolitan University.
- Muncie, J. and Sapsford, R. (1997) 'Issues in the Study of "the Family"' In Muncie, J., Wetherell, M., Langan, M., Dallos, R. and Cochrane, A. (eds.) *Understanding the family*. London: Sage, pp. 7-37.

Muncie, J. and Langan, M. (1997) 'Introduction: Public Definitions and Private Lives'. In Muncie, J., Wetherell, M., Langan, M., Dallos, R. and Cochrane, A. (eds.) *Understanding the Family*. Vol. 9. London: SAGE, pp. 382–383.

Muslim, I. (2000) *Sahih Muslim*. Riyadh: Darussalam.

Nimkoff, M. F. and Middleton, R. (1960) 'Types of family and types of economy'. *American Journal of Sociology*, pp. 215–225.

Northumbria Police. *Forced marriage*. Northumbria Police. [Online] [Accessed on 12th February 2013]
[http://www.northumbria.police.uk/advice_and_information/advice_and_support/Forced Marriage/](http://www.northumbria.police.uk/advice_and_information/advice_and_support/Forced_Marriage/).

Ouis, P. (2005) *Woman or Child? Voices of teenage girls in the Middle East*. Stockholm: Save the Children Sweden.

Pahary, S. (2003) *Marriage and divorce among Muslims in Mauritius*. Master's Degree. University of South Africa.

Park, A. S. (2006) "'Other inhumane acts': Forced marriage, girl soldiers and the Special Court for Sierra Leone'. *Social & Legal Studies*, 15(3), pp. 315–337.

Parker, I. (1992) *Discourse dynamics: Critical analysis for social and individual psychology*. London: Routledge.

Parker, I. (2003) 'Discursive resources in the Discourse Unit'. *Discourse analysis online*, 1(1), pp. 33–43.

Parker, Ian (2005) *Qualitative psychology: Introducing radical research*. Maidenhead: McGraw-Hill International.

Parker, I. and Shotter, J. (1990) 'Introduction'. In Parker, I. and Shotter, J. (eds.) *Deconstructing social psychology*. London: Routledge, pp. 1–16.

Parliament UK. (no date) *The law of marriage* [Online] [Accessed on 29th April 2013]
<http://www.parliament.uk/about/living-heritage/transformingsociety/private-lives/relationships/overview/lawofmarriage-/>.

Potter, J. and Wetherell, M. (1987) 'Discourse analysis'. In Gee, J. P. & Handford, M. (eds.) *The Routledge Handbook of Discourse Analysis*, London: Routledge, pp. 160–173.

- Quandt, W. B. (1981) *Saudi Arabia in the 1980s: Foreign Policy, Security, and Oil*. Washington, DC: Brookings Institution Press.
- Rashad, H., Osman, M. and Roudi-Fahimi, F. (2005) *Marriage in the Arab world*. Washington, DC: Population reference bureau (PRB).
- REP. (2010) *At What Age...? Comparative table*. Right to Education. [Online] [Accessed on 2nd February 2013] <http://www.right-to-education.org/node/279>.
- Rich, T. (2011) *Marriage: Judaism 101*. [Online] [Accessed on 31st January 2012] <http://www.jewfaq.org/marriage.htm>.
- Richards, J. C., Platt, J., Platt, H. and Candlin, C. N. (1992) *Longman dictionary of language teaching and applied linguistics*. Vol. 78. London: Longman.
- Said, E. (1978) *Orientalism*. London: Routledge & Kegan Paul.
- Samad, Y., Eade, J. and Britain, G. (2002) *Community perceptions of forced marriage*. Foreign and Commonwealth Office.
- Sen, P. (2005) “‘Crimes of honour’, value and meaning’. In Welchman, L. and Hossain, S. (eds.) *‘Honour’ crimes, paradigms, and violence against women*. New York: Zed Books Ltd.
- Schiffrin, D., Tannen, D. and Hez’a’i, E. H. (2001) *The handbook of discourse analysis*. Oxford: Blackwell publishers Ltd.
- Shears, R. (2010) *Chinese girl, 9, becomes one of world’s youngest mothers after giving birth to a baby boy*. Daily Mail. [Online] [Accessed on 16th January 2013] <http://www.dailymail.co.uk/news/article-1247889/Chinese-girl-9-gives-birth-health-baby-boy.html>
- Sher, L. (2013) *Connecticut Couple Honored as ‘Longest Married’ in U.S.* ABC. [Online] [Accessed on 7th February 2013] <http://gma.yahoo.com/blogs/abc-blogs/connecticut-couple-honored-longest-married-u-205715329--abc-news-topstories.html>
- Siddiqui, H. (2003) “‘It was written in her kismet’: Forced marriage’. *From Homebreakers to Jailbreakers: Southall Black Sisters*. London: Zed Books.
- Sonbol, A. E. A. (2005) ‘History of marriage contracts in Egypt’. *Hawwa*, 3(2), pp. 159–196.

- Steel, L., Kidd, W. and Brown, A. (2012) *The family*. 2nd ed. Hampshire: Palgrave Macmillan.
- Sutton, L., Cebulla, A. and Middleton, S. (2003) *Marriage in the 21st Century*. Center for Research on Social Policy Report 482, Loughborough University.
- Swigonski, M. E. (1993) Feminist Standpoint Theory and the Questions of Social Work Research. *Affilia*, 8(2), pp.171–183.
- The Holy Quran (3:4) *Surat An-Nisaa*.
- The Holy Quran (24:51) *Surat An-Noor*.
- The Holy Quran (33:36) *Surat Al-Ahzaab*.
- The Holy Quran (4:6). *Surat An-Nisā'*.
- The Holy Quran (17:31). *Suraht l-isrā*.
- The Holy Quran (65:4). *Surat At-Ṭalāq*
- Thomas, D. Q. and Beasley, M. E. (1994) 'Domestic violence as a human rights issue'. *Alb. L. Rev.*, 58, p. 1119.
- Trends, S. (2004). *Social Trends* 34. London: Stationery Office.
- Uddin, P. and Ahmed, N. (2000) *A choice by right: The report of the working group on forced marriage*. London: Home Office Communications Directorate.
- Uecker, J. E. and Stokes, C. E. (2008) 'Early marriage in the United States'. *Journal of Marriage and Family*, 70(4), pp. 835–846.
- UN (2013) 'Draft common country programme document for Bhutan, 2014-2018'. [Online]. [Accessed on 25th March 2013] http://www.unicef.org/about/execboard/files/2013-BTN1-Bhutan_CCPD-Revised-English-5Aug2013.pdf
- UN (1979) *Elimination of All Forms of Discrimination against Women*. United Nations. [Online] [Accessed on 25th March 2013] <http://www.un.org/womenwatch/daw/cedaw/>
- UNCRC (1989) 'Convention on the Rights of the Child.' *United Nations, Treaty Series*, 1577 p. 3.

UNICEF (2001) *Early marriage: Child spouses*. [Online] [Accessed on 21st December 2010] <http://www.unicef-icdc.org/publications/pdf/digest7e.pdf>.

UN Women (2012) *Defining honour crimes and honour killings*, <http://www.endvawnow.org/en/articles/731-defining-honourcrimes-and-honour-killings.html>

Van Dijk, T. A. (1997) *Discourse as social interaction*. London: SAGE Publications Limited.

HRW (2011) *World Report 2011: Saudi Arabia* [Online] [Accessed on 25th October 2012] <http://www.hrw.org/world-report-2011/saudi-arabia>

Waites, M. (2005) *The age of consent: Young people, sexuality, and citizenship*. Houndmills and New York: Palgrave Macmillan.

Walsh, M., Stephens, P. and Moore, S. (2000) *Social policy and welfare*. Cheltenham: Nelson Thornes.

Warner, E. (2004) 'Behind the wedding veil: Child marriage as a form of trafficking in girls'. *Am. UJ Gender Soc. Pol'y & L.*, 12, p. 233.

Weeks, J. (1986). *Sexuality*. London: Tavistock Publications.

Wegner, J. R. (1982) 'The Status of Women in Jewish and Islamic Marriage and Divorce Law'. *Harvard Women's Law Journal*, 5, pp. 1–33.

Westermarck, E. (2003) *Short History of Human Marriage*. Whitefish: Kessinger Publishing.

Wilkinson, S. (1988) 'The role of reflexivity in feminist psychology'. *Women's Studies International Forum*, (11), pp. 493–502.

Willig, C. and Stainton-Rogers, W. (2007) *The SAGE handbook of qualitative research in psychology*. London: SAGE Publications Limited.

WLUML (2009) *Yemen: Minimum age for marriage set at 17*. Women Living Under Muslim Law. [Online] [Accessed on 14th February 2013] <http://www.wluml.org/node/5063>

Yuval-Davis, N. (1997) *Gender & nation*. London: SAGE.

Yuval-Davis, N. (2005) *Women, citizenship and difference*. Zubaan.

Arabic references

المراجع العربية

- ابن قدامة، م. ا. (1997) المعنى: third ed. دار عالم الكتب.
- البقي، ع. (2008) a الحكم بجواز زواج "مطلقة عزيزة" وأحققتها بالاعتراض "إذا بلغت" . Alriyadh. [Online] [Accessed on 24th March 2013] <http://www.alriyadh.com/2008/12/21/article396594.html>
- البقي، ع. (2008) b لحكم النهائي في قضية تزويج (مطلقة) عزيزة .. 22 الجاري . Alriyadh. [Online] [Accessed on 25th March 2013] <http://www.alriyadh.com/2008/11/30/article391594.print>
- البقي، ع. and العتيبي، ب. (2010) «فتاة بريدة» تصرخ للملأ: «أنقذوني... لا أريده!» . Alriyadh. [Online] [Accessed on 25th March 2013] <http://www.alriyadh.com/2010/01/16/article490248.html>
- البقي، ع.، العيسى، ن. and العتيبي، ب. (2010) أم «مطلقة بريدة» تصرخ: «أنشدكم أحموا ابنتي» : Alriyadh. [Online] [Accessed on 25th March 2013] <http://www.alriyadh.com/2010/01/19/article491035.html>
- البقي، ع. (2008a) الحكم النهائي في قضية تزويج (مطلقة) عزيزة 22 .. الجاري . Alriyadh. [Online] [Accessed on 25th March 2013] <http://www.alriyadh.com/2008/11/30/article391594.print>
- البقي، ع. (2008b) الحكم بجواز زواج "مطلقة عزيزة" وأحققتها بالاعتراض "إذا بلغت" . Alriyadh. [Online] [Accessed on 24th March 2013] <http://www.alriyadh.com/2008/12/21/article396594.html>
- السامرائي، ص. (1986). (Ed.). اختلاف العلماء (Vol. Disagreement of Scholars). الطبعة الثانية). بيروت: عالم الكتب.
- الشابع، خ. (2010) "العدل" السعودية تُعدل وثائق الزواج وتوجهات لتحديد سن "القاصر". Alarabiya. [Online] [Accessed on 14th February 2013] <http://www.alarabiya.net/articles/2010/05/29/109941.html>
- الشري، ع. (2010) حكم تقنين تزويج الفتيات أقل من ١٨ وتحديد سن الزواج. الغيوم: دار الفلاح.

- العربية. (2009) السعودية تدرس تقنين زواج القاصرات بعد فشل تطليق "مفلة عيزة" [Online] [Accessed on 14th February 2013]
<http://www.alarabiya.net/articles/2009/04/14/70626.html>
- الغامدي، أ. (2011) الأميرة عائشة: حد أدنى لسن زواج الفتيات.. قريباً [Accessed on 29th November 2012] <http://www.alriyadh.com/net/article/690420>
- القحطاني، إ. (2009) أزمة "مفلة عيزة" مستمرة بعد إصرار قاض سعودي على عدم تطليقها. Alarabiya. [Online] [Accessed on 14th February 2013]
<http://www.alarabiya.net/articles/2009/04/11/70412.html>
- المتروك، م.، الله، أ.، أ.، اليوسف، ه.، المليجي، م.، الشلاحي، خ.، رافع، س.، النهائي، س.، باحسن، ه.، المطيري، ف. (2010) قاصرات يروين لـ "عكاظ" قصصهن مع العذاب [Accessed Online] Okaz. <http://www.okaz.com.sa/new/Issues/20100521/Con20100521351562.htm>
- المخلفي، ف. (2012) هيئة كبار العلماء تكلف الجامعات درس «زواج القاصرات».. و«العدل»: ليس «ظاهرة» [Online] [Accessed on 28th March 2012]
<http://www.geod7.com/news.php?action=show&id=2683>
- المنجومي، ف. (2011) سعودية تقيم علاقات محرمة مع 5 رجال في مستشفى بمكة [Online] Sabq. [Accessed on 15th May] 2013 <http://sabq.org/BCZede>
- سوزان، أ. (2012). مدونة سوزان المشهوراي.
- عبدالرحمن، أ. (٢٢ ذو الحجة ١٤٣٣ هـ) نظم مركز التميز البحثي في فقه القضايا المعاصرة في جامعة الإمام محمد بن سعود الإسلامية. تحديد سن الزواج من منظور اجتماعي.

Appendices

1. The on-line article in Arabic

بسم الله الرحمن الرحيم

هي القلب حرقه والنفس في توتر من كلام الدكتورة سهيلة زين العابدين الذي تحدثت به في برنامج البيان التالي في الحلقة التي خصصت لنقاش : زواج القاصرات .. أصلحها الله ونور قلبها .. يقولون ، كلام فلان دخل من أذن وخرج من الأخرى ، واليوم أقول ، كلام الدكتورة لم يجد عند صاحب الفكر السليم والمنتهج القويم منفذا من أذن أو عين ، أتكلم من منطلق ، وما كان لمؤمن ولما مؤمنة إذا قضى الله ورسوله أمرا أن يكون لهم الخيرة من أمرهم ومن يعص الله ورسوله فقد ضلّ ضللا مبينا { الأحزاب 36 أناقش من منطلق ، إنما كان قول المؤمنين إذا دعوا إلى الله ورسوله ليحكم بينهم أن يقولوا سمعنا وأطعنا وأولئك هم المفلحون : النور 51 أتكلم من منطلق أني امرأة وكنت فتاة وقبلها كنت طفلة ، بل أتكلم من منطلق أني دخلت بيت الزوجية وعمري حينذاك 16 سنة وما أجبرني أحد ، ويفضل الله الآن أكبر أبنائي يبلغ 23 سنة وعشت في وسط من نساء بنفس وضعي وظروفي ، أمد الله لنا وتفضل علينا وبنينا صروحا من العلم والثقافة ومازلنا نسير في الطريق : الفضل لله ثم لأزواجنا ، والتكافؤ قائم .. والتفاهم حاصل . الحاصل .. ما أتيت هنا لأحكي قصة حياتي إنما أردت توضيح أمر أظننه واضح ، ما لنا نحارب ... نشجب ... نعارض ... نطرح وجهات نظر ... نرد أحاديثا صحيحة ، ونأول نصوصا صريحة : لصالح من كل هذا ؟؟

الجواب / لصالح المواثيق الدولية . والعواطف الإنسانية !!!

بل ما أعجبنا ونحن نناقش قضية شرعية من وجهة نظر سينمائية»

ضحكت كثيرًا والله وبكى كذلك لحالنا :

« انتهت المخرجة السينمائية السعودية ريم البيات من تصوير فيلم سينمائي قصير بعنوان «دمية»

يروي بتكثيف حكاية انتزاع طفولة بنت صغيرة أجبرت على الزواج من رجل طاعن في السن.

ويبرز الفيلم الذي لم يتجاوز مدته 7 دقائق حالة الذعر العالية التي تنتاب العروس الصغيرة وهي

تراقب أحلام طفولتها تتحطم على صخرة الموروثات الاجتماعية التقليدية.

كما يلتقط الفيلم الذي صُوِّر في مدينة القطيف رد فعل الأم والأب وما تعكسهما على حال الطفلة

لضحية خلال مشاهد الفيلم الذي سيشارك قريباً في مهرجان الخليج السينمائي الثالث في دبي.

المخرجة ريم البيات القادمة للتو من الهند بعد أن شاركت بفيلمها الأول «ظلال» في المسابقة الرسمية

لمهرجان العين الثالثة للأفلام القصيرة في بوبي. دعت إلى سن قانون يحدد العمر الملائم للزواج في

المملكة.

وأكدت المخرجة السعودية على ضرورة أن نستفيد من تجارب الدول الأخرى خاصة بعد أن شهد

المجتمع حالات مؤسفة أدت إلى وأد أحلام كثيرة من الفتيات الصغيرات والقاصرات. موضحة أنها

استخدمت تقنية التصوير فوتوغرافي في صناعة المشاهد ومن ثم تحريكها. حيث يتكون الفيلم

من 5000 لقطة فوتوغرافية تقريباً. شعرت بمتعة وأنا أشاهد النتيجة الفنية الرائعة.

وقام ببطولة الفيلم كل من الضنان والضانان وكتب السيناريو الشاعر وقام

بالمونتاج ومساعد المخرج أما الموسيقى فهي للضانين والضان »

ما أعجبكم يا هؤلاء !!

هكذا أصبحنا نناقش قضايانا الشرعية . من وجهة نظر سينمائية فنية»

«وأكدت المخرجة السعودية على ضرورة أن نستفيد من تجارب الدول الأخرى المتقدمة خاصة بعد أن

شهد المجتمع حالات مؤسفة أدت إلى وأد أحلام كثيرة من الفتيات الصغيرات والقاصرات !!

ما شاء الله ... نستفيد من تجارب الدول الأخرى المتقدمة ونهمل النصوص الشرعية !!

الدول التي تعاني من انتشار الرذيلة والزنا والتحرش »

صرح الرئيس الأمريكي : كينيدي ، في عام 1962 بأن مستقبل الولايات المتحدة الأمريكية في خطر .
لأن شبابها مائع متحل غارق في الشهوات لا يقدر المسؤولية الملقاة على عاتقه . وأن من بين كل سبعة
شبان يتقدمون للتجنيد يوجد ستة غير صالحين لأن الشهوات التي غرقوا فيها أفسدت لياقتهم
الطبية والنفسية ...

وقد أكدت أحدث الإحصائيات أيضا أن الولايات المتحدة الأمريكية تمثل أعلى معدل لجرائم
الاغتصاب في العالم . وأن أغلب تلك الجرائم لا يتم القبض فيها إلا على حوالي 30 ٪ فقط من الجناة
. ولا يقدم للمحاكمة عدد كبير من المقبوض عليهم ...

نتنقل من الولايات المتحدة الأمريكية . إلى فرنسا ... بلد الحرية حيث نتج عن هذه الحرية في
الاختلاط إلى أن مليون رجل وامرأة يعيشون معا بدون زواج شرعي ...

- نشرت مجلة : لئونيل أوبرهاتور الفرنسية أخطر بحث عن العلاقات الزوجية من زواج وطلاق
وانجاب . وأبرزت فيه من خلال الإحصاءات أن الزواج في فرنسا في خطر ...

- فقد انخفضت معدلات الزواج من 400 ألف حالة زواج في عام 1972 إلى 266 ألف حالة فقط في
عام 1986 . أي أن نسبة الزواج تنخفض بنسبة 30 ٪ كل عام ...

- وتؤكد الإحصاءات أن ثلث سكان فرنسا يعيشون بدون زواج أو ارتباط . أما بالنسبة للارتباط بدون
زواج شرعي فالنسبة في ارتفاع مستمر وتزايد بنسبة 3.6 ٪ كل عام . حتى بلغ عدد الذين يعيشون
معا بدون زواج شرعي نحو مليون رجل وامرأة ...

وذكرت أيضا أن في أسبانيا والبرتغال مليون حالة إجهاض سنويا ... وفي بقية أوروبا مليون ... وفي
اليابان ما يقرب من المليون أيضا ... وفي الاتحاد السوفيتي وأوروبا الشرقية بضعة ملايين حالة سنويا ...
وفي الصين مثلهم ...

- قررت الحكومات الأوروبية وحكومة الولايات المتحدة الأمريكية تعليم الأطفال في المدارس
الابتدائية الشؤون الجنسية ووسائل منع الحمل حتى يمكنهم تجنب الحمل والإجهاض ما دامت

العلاقات الجنسية مشتعلة ولا أمل في إيقافها في المجتمع ...

- نشرت صحيفة: «الهيرالد تريبيون» تحت عنوان: حمل الغير متزوجات يتزايد في الولايات المتحدة الأمريكية،

- إن حمل البنات الغير متزوجات . يتزايد في الولايات المتحدة الأمريكية . وأن متوسط السن لهؤلاء الأمهات الغير متزوجات هو سن السادسة عشرة ...

هذه الدول المتقدمة والكبرى يا عشاق الغرب وتجاربهم الساقطة !!!

أي دول متقدمة « وأي بطيخ »: عفا لكن والله تلك الجلوسات دوخت رأسي :

زواج الصغيرات ، « واللائي لم يحضن »

بحثت في 15 تفسيراً لأهل السنة والجماعة ما وجدت مضراً واحداً يفسر قوله تعالى: « واللائي

يئسن من المحيض من نسائكم إن ارتبتم فعدتهن ثلاثة أشهر واللائي لم يحضن :الطلاق / 4

بغير الصغيرات ،

ففي هذه الآية بأجماع العلماء زواج الصغيرة قبل بلوغها ، جائز شرعاً . فتجد أن الله تعالى جعل

لها لم تحض - بسبب صغرها وعدم بلوغها - عدة لطلاقها وهي ثلاثة أشهر وهذا دليل واضح بين

أن الله تعالى جعله زواجا معتدا به .

نقلت لكم بعض أقوال المفسرين في ذلك ،

1- «واللائي لم يحضن» يقول الطبري ، وكذلك عدد اللائي لم يحضن من الجوازي لصغير إذا طلقهن

أزواجهن بعد الدخول.

2- «ألأئي لم يحضن» يقول الزمخشري ، هن الصفائير.

3- ويقول القرطبي في الآية ، قال أبو عثمان عمر بن سالم، لما نزلت هذه النساء في سورة «البقرة» في

المطلقة والمتوفى عنها زوجها قال أبي بن كعب، يا رسول الله. إن ناسا يقولون قد بقي من النساء من

لم يذكر فيهن شيء الصغار وذوات الحمل. فنزلت: «وَأَلَّا تَنبِتَنَ الْآيَةَ.

4. «وَأَلَّا تَنبِتَنَ» أي: يحضن: يقول الشوكاني، تصغرهن. وعدم بلوغهن سن الحيض. أي، فعدهن ثلاثة أشهر.

5. «وَأَلَّا تَنبِتَنَ» أي: يحضن: يقول البغوي، يعني الصغار اللاتي لم يحضن فعدهن أيضا ثلاثة أشهر. أما الشابة التي كانت تحيض فارتفع حيضها قبل بلوغها سن الأيسات
|| ففرق بين الصغيرة والشابة ||

6. «وَأَلَّا تَنبِتَنَ» أي: يحضن: يقول النسفي، هن الصغار

7. «وَأَلَّا تَنبِتَنَ» أي: يحضن: يقول الطبري وأبدي، من الصغر

8. «وَأَلَّا تَنبِتَنَ» أي: يحضن: يقول مقاتل بن سليمان، وكذلك أيضا يعني عدة الجواري اللاتي لم يبلغن الحيض. وقد نكحن. ثم طلقن. فعدهن ثلاثة أشهر.

9. «وَأَلَّا تَنبِتَنَ» أي: يحضن: يقول الثعلبي، يعني بهن الصغار.

مأذري إن لم تكن كل تلك الأقوال كافية في بيان إثبات جواز زواج الصغير لتي لم تحض فما الذي يكون كافيا !!!

والمصيبة الأخرى أن يرد حديث في البخاري ومسلم يوضح حال زواج النبي صلى الله عليه وسلم بعائشة رضي الله عنها وقد جاء من عدة طرق ويعدة ألفاظ،

1. أن النبي صلى الله عليه وسلم تزوجها وهي بنت ست سنين. وأدخلت عليه وهي بنت تسع. ومكثت عنده تسعا. 5133

2. توفيت خديجة قبل مخرج النبي صلى الله عليه وسلم إلى المدينة بثلاث سنين. فلبث سنتين أو

قريبا من ذلك. ونكح عائشة. وهي بنت ست سنين. ثم بنى بها وهي بنت تسع سنين. 3896

3. أن النبي صلى الله عليه وسلم تزوجها وهي بنت ست سنين. وبنى بها وهي بنت تسع سنين. 5134

4- تزوج النبي صلى الله عليه وسلم عائشة وهي ابنة ست سنين . وبنى بها وهي ابنة تسع . ومكثت عنده تسعا . 5158

5- تقول عائشة رضي الله عنها ، تزوجني النبي صلى الله عليه وسلم وأنا بنت ست سنين . فقدمنا المدينة . فنزلنا في بني الحارث بن خزرج . فوعكت فتمزق شعري فوهى جميمة . فأنتني أمي أم رومان . واني لفي أرجوحة . ومعى صواحب لي . فصرخت بي فأنتيتها . لا أدري ما تريد بي فأخذت بيدي حتى أوقفتني على باب الدار . واني لأنهج حتى سكن بعض نفسي . ثم أخذت شيئا من ماء فمسحت به وجهي ورأسي . ثم أدخلتني الدار . فأذا نسوة من الأنصار في البيت . فقلن ، على الخير والبركة . وعلى خير طائر . فأسلمتني إليهن . فأصلحن من شأنني . فلم يرعني إلا رسول الله صلى الله عليه وسلم ضحى . فأسلمتني إليه . وأنا يومئذ بنت تسع سنين . 3894

6- تزوج النبي صلى الله عليه وسلم عائشة وهي بنت ست سنين وبنى بها وهي بنت تسع سنين -رواه البخاري ومسلم وعنده سبع سنين- . 1422 هي مسلم

يبقى أن نتساءل ما هو الضابط في تزويج تلك الصغيرة؟

يقول الشيخ ابن عثيمين رحمه الله تعالى ، ولا يلزم من تزوج الصغيرة جواز وطئها . بل لا توطأ إلا إن صارت مؤهلة لذلك ، ولذلك تأخر دخول النبي صلى الله عليه وسلم على عائشة رضي الله عنها . قال النووي ،

وأما وقت زفاف الصغيرة المزوجة والدخول بها ، فإن اتفق الزوج والولي على شيء لا ضرر فيه على الصغيرة ، عمل به . وإن اختلفا ، فقال أحمد وأبو عبيد ، تجبر على ذلك بنت تسع سنين دون غيرها . وقال مالك والشافعي وأبو حنيفة ، حذ ذلك أن تطيق الجماع . ويختلف ذلك باختلافهن . ولا يضبط بسن . وهذا هو الصحيح . وليس في حديث عائشة تحديد ولا المنع من ذلك فيمن أطاقته قبل تسع ولا الإذن فيمن لم تطقه وقد بلغت تسعا . قال الداودي ، وكانت عائشة قد شبت شبابا حسنا رضي الله عنها .

- شرح مسلم 9 / 206 .-

والمستحب أن لا يزوج الولي ابنته وهي صغيرة إلا إذا كانت هناك مصلحة من ذلك .

قال النووي ،

واعلم أن الشافعي وأصحابه قالوا ، يستحب أن لا يزوج الأب والجد البكر حتى تبلغ ويستأذنها لئلا يوقعها في أسرار الزوج وهي كارهة . وهذا الذي قالوه لا يخالف حديث عائشة ، لأن مرادهم أنه لا يزوجها قبل البلوغ إذا لم تكن مصلحة ظاهرة يخاف فوتها بالتأخير كحديث عائشة . فيستحب تحصيل ذلك الزوج لأن الأب مأمور بمصلحة ولده فلا يفوتها . والله أعلم .

• شرح مسلم ٩ / 206 .

إذا القضية وماهيها أنه يجب أن يكون هناك ضابط لتلك الزيجة . لكن أن نرد ونلغي ثبوت ذلك في شرعنا ونضعف القول به ونثبت ما أثبتته الغرب ولجان حقوق الإنسان والمنظمات العالمية لأنها توافق عواطفنا وميولنا »

فهذا ما لا يقبله ذوي عقيدة سليمة ولب واع :

ثم لو سلمنا بخطورة زواج الصغير : المتضبط ، وما يترتب عليه من مفسدة : رُغموا : فهل تعادل هذه الخطورة وتلك المفسدة خطورة ومفسدة تعلق قلب فتاة الرابعة عشرة أو الخامسة عشرة بالزوج ثم تمنع منه فتلجأ للعلاقات المحرمة والطرق الملتوية حتى يحين دق جرس : الثامنة عشرة : »
ما لكم كيف تحكمون »

أيها الأفاضل ديننا دين واضح بين محجة بيضاء نقية دين الوسطية ، ولا ضرر ولا ضرار ولا إفراط ولا تفريط

أما أن تعمم الأمور وتؤخذ على إطلاقها فهذا مرفوض

يا من تنادون بجمع الكلمة وتوحيد الجهود وحيادية الحكم ماذا ترغمون الطرف الآخر دائما على التسليم لكم والانحياز لجانبكم والتزام آراءكم ؟؟؟

تطلبون الذوبان والانبطاح وسمعنا وأطعنا : لكم : : لأهوانكم : : لعواطفكم : : للغرب المتدهور : لا لحكم

اللّٰهُ وَلِرَسُولِهِ ۝

اللّٰهُمَّ ارِنَا الْحَقَّ حَقًّا وَارْزُقْنَا اتِّبَاعَهُ وَارِنَا الْبَاطِلَ بَاطِلًا وَارْزُقْنَا اجْتِنَابَهُ وَلَا تَلْبِسْهُمَا عَلَيْنَا فَتَضِلَّ

2. The online article transcript

1. I start my argument from the point that
2. “It is not for a believing man or a believing woman, when
3. Allah and His Messenger have decided a matter, that they
4. Should [thereafter] have any choice about their affair. And
5. whoever disobeys Allah and His Messenger has certainly
6. strayed into clear error” (The Holy Quran, 33:36).
7. and out of the concept
8. “The only statement of the [true] believers when they are
9. called to Allah and His Messenger to judge between them
10. Is that they say, "We hear and we obey." And those are the
11. successful” (The Holy Quran, 24:51) .
12. And I talk from the stand that that I am a woman and I
13. was a girl and before all that I was a child, and moreover,
14. because I got married when I was sixteen- year-old and no one
15. Forced me! And thanks to God that my oldest son is
16. twenty- three-year-old plus I lived among women who are
17. In the same age and circumstances. We are well educated
18. and in a good position and have done many things for our
19. society – thanks my lord and our husbands – and we are
20. Equal to our husbands and understand each other.
21. Why do we fight, deplore, oppose, raise different point of
22. Views and reject some Hadiths, for whose benefit all that?
23. The answer, for the benefit of international conventions and
24. Human emotions
25. What a weird thing when we discuss a religious issue from
26. A cinematic perspective!!! I laughed much, I swear, also
27. Cried on ourselves.
28. O Allah, we should get benefits from the developed
29. Countries and ignore the Sharia!!
30. The countries that suffer from adultery and
31. Harassment!!
32. What a weird thing when we discuss a religious issue from
33. A cinematic perspective!!! I laughed much, I swear, also

34. Cried on ourselves.
 35. O Allah, we should get benefits from the developed
 36. Countries and ignore the Sharia!!
 37. The countries that suffer from adultery and
 38. Harassment!!
 39. ...figures show that highest proportion of rape crimes is in
 40. the USA, and only thirty per cent of the criminals are
 41. Caught and not all of them prosecuted...
 42. move from the US to France ... the freedom country where there
 43. is no sex segregation and the result is that a million of men and
 44. Women are living together without being married...!!!
 45. which shows that the proportion of marriage declined from
 46. four hundreds cases in 1972 to two hundred and sixty six in
 47. 1986... Plus, there are one million abortion case in
 48. Spain and Portugal , one more million in the rest of
 49. Europe, almost one million in Japan as well... In addition,
 50. the government in the EU and the USA decided in favour of
 51. teaching pupils in primary schools about sexuality and
 52. contraception in order to avoid early pregnancy as there is
 53. No way to prevent them from having sex.
 71. And in terms of child marriage, I have looked at fifteen
 72. ‘tafseer’ Quran interpretations and not one of them
 73. was defined that “those who have not menstruated” in
 74. verse four in Surat At-talaq (And those who no longer
 75. expect menstruation among your women - if you doubt,
 76. then their period is three months, and [also for] those
 77. Who have not menstruated. And for those who are
 78. pregnant, their term is until they give birth) but
 79. Children. Thus, by the verse all religious scholars and
 80. clerics agree that child marriage is acceptable in Sharia
 81. “If we agreed that early marriages, which follow rules,
 82. have disadvantages, as they say, do these disadvantages
 83. have the same effects that as maybe a fifteen or sixteen
 84. years old girl will have when want to marry but she
 85. cannot because of the law that does not allow marriage
 86. Before eighteen. That will lead her to have sexual
 87. Relationship, which is “haram”, not allowed in Islam”.

3. The questions of the interviews

Social workers

- **Name and address of organisation**
- **How do you define zawaj al-gaserat?**
- **Do you work with zawaj al-gaserat , forced marriage or early marriage cases? If so, what is the girls age rang do you work with? What region have girls come from?**
- **What is the typical journey of a zawaj al-gaserat woman arriving at/accessing your services?**
- **Can you give an example/s of a case you have worked with?**
- **As a social worker what issues do you face in working with zawaj al-gaserat cases?**
- **In your opinion, is the law in Saudi Arabia adequate to protect children, girls in particular, from zawaj al-gaserat, and forced marriage?**
- **Do you think there are any practical issues for children, girls in particular, who have experienced zawaj al-gaserat and forced marriage?**
- **Did your clients feel that they would be apple to break those marriages? Can you tell us why they thought this?**
- **Do you think it is important to set a legal minimum age of marriage legislation to stop zawaj al-gaserat ? If yes, what age do you believe is suitable?**
- **What benefits or risks would happen as a result of zawaj al-gaserat?**
- **Are there any changes that would make your work with this group of client more affective?**
- **Is there any thing else you think is relevant in theses cases?**

Lawyers/ barristers

- **Name**
- **Organisation / Firm**

- Have you had any cases of zawaj al-gaserat?
- How many cases would you say you have worked with?
- What stage of procedure are the cases at?
- Are there any common factors in these cases?
- In your opinion, is the law in SA adequate to protect girls from zawaj al-gaserat?
- How affective do you think the current legal system is in dealing with cases of zawaj al-gaserat?
- Do you think there are any practical issues for children especially girls who have experienced zawaj al-gaserat?
- What would be an ideal piece of evidence to resolve such cases?
- How would you structure the evidence within the case?
- Who would you present it to the court?
- What do you think are the factors that influence the decision in zawaj al-gaserat?
- Have you worked with a girl/s that has been refused to be divorced on the grounds of zawaj al-gaserat and return to her husband? If you answered yes, please tell me what you know about what happened when the girls were returned to her husband?
- Are there any changes, legal or otherwise, that would make your work with this group of client more affective?
- Do you think it is important to set a minimum age of marriage legislation to stop zawaj al-gaserat of children? If yes, what age do you believe is suitable?
- Is there anything else that you would like to tell me about?

Mazouns

- How do you define zawaj al-gaserat?
- How many cases would you say you have worked with?
- What kind of evidence do you think is useful to you in these cases?

- What do you do when you know that there is a type of force in the case that you work with?
- What issue do you take into account when hearing a case of this kind?
- What type of evidence can be considered in assisting the judge when considering such cases?
- Do you think it is important to set a minimum age of marriage legislation to stop zawaj al-gaserat? If yes, what age do you believe is suitable?
- Do you think there are in benefits or risks from early marriage? If yes, could you tell me about them?
- Is there any training available to you around zawaj al-gaserat?
- What do you think would help a woman to discuss any difficult or sensitive issues?
- Is there any thing else you think is relevant in theses cases?

Police officers

- How do you define zawaj al-gaserat?
- How much of your time is spent on dealing with zawaj al-gaserat cases?
- Can you describe the policies/practices/procedures you have to follow in zawaj al-gaserat cases?
- Describe the training on zawaj al-gaserat issues for police?
- Can you provide female police officers when dealing with cases of zawaj al-gaserat?
- Describe the procedures you follow when someone makes a complaint of zawaj al-gaserat?
- How deals with the women? What happens to her accommodation etc.?
- What specific difficulty do you face with these cases?
- Any difficulties with the family?
- Are there any issues that you find girls are reluctant to discuss? If yes what sorts of things?

- Why do you think this might be?
- Are there any difficulties in prosecuting cases of zawaj al-gaserat and forced marriage?
- How would you describe current policy in dealing with zawaj al-gaserat?
- What issues do you face in working in this area?
- Have there any change in the way you deal with these kinds of cases since you started? If yes, please tell as what has changed?
- Do you think it is important to set a minimum age of marriage legislation to stop zawaj al-gaserat? If yes, what age do you believe is suitable?
- Is there any training that you think police officers should have access to?
- Are there any parts of the process that carried out particularly well?
- Are there any parts of the process that you feel could be improved?
- How often girls are provided with women police officers in these cases?
- Are there any issues which girls are reluctant to discuss? If so what kinds of issues are they?
- Is there anything that you think would help a women to disclose any difficult or sensitive issues?
- Is there any thing else you would like to add?

Doctors

- Name and address of organisation
- How do you define zawaj al-gaserat?
- Do you work with zawaj al-gaserat cases? If so, what is the girls age rang do you work with? What region have girls come from?
- Can you give an example/s of a case you have worked with?
- As a doctor what issues do you face in working with zawaj al-gaserat of children cases?

- Have there any change in the way you deal with these kinds of cases since you started? If yes, please tell as what has changed?
- Do you think it is important to set a minimum age of marriage legislation to stop zawaj al-gaserat? If yes, what age do you believe is suitable?
- What issues do you face in working in this area?
- What benefits or risks would happen as a result of early marriage?
- Is there any thing else you think is relevant in theses cases?

Teachers

- In your opinion, are there any types of zawaj al-gaserat in Saudi Arabia?
- Do you think there is a zawaj al-gaserat of children in Riyadh?
- How do you define f zawaj al-gaserat?
- Do you think it is important to set a minimum age of marriage legislation to stop zawaj al-gaserat? If yes, what age do you believe is suitable?
- Has any student faced zawaj al-gaserat of in your school? If yes, when? And what did you and/or your college do with that case?
- In your opinion, is the law in Saudi Arabia adequate to protect children, girls in particular, from zawaj al-gaserat?
- What benefits or risks would happen as a result of zawaj al-gaserat?
- As a teacher what issues do you face in working with zawaj al-gaserat cases?
- Is there any thing else you would like to add?

Human Rights workers

- Name and address of organisation
- How do you define zawaj al-gaserat?
- Do you work with zawaj al-gaserat cases? If so, what is the girls age rang do you work with? What region have girls come from?

- What is the typical journey of a zawaj al-gaserat arriving at/accessing your services?
- Can you give an example/s of a case you have worked with?
- As a human rights worker what issues do you face in working with zawaj al-gaserat cases?
- In your opinion, is the law in SA adequate to protect children, girls in particular, from zawaj al-gaserat?
- Do you think it is important to set a minimum age of marriage legislation to stop zawaj al-gaserat? If yes, what age do you believe is suitable?
- What benefits or risks would happen as a result of early marriage?
- Are there any changes that would make your work with this group of client more affective?
- Have you had any cases of zawaj al-gaserat?
- How many cases would you say you have worked with?
- What stage of procedure are the cases at?
- Have you worked with a girl/s that has been refused to be divorced on the grounds of zawaj al-gaserat and return to her husband? If you answered yes, please tell me what you know about what happened when the girls were returned to her husband?
- What do you think are the factors that influence the decision in zawaj al-gaserat?
- Can you describe the policies/practices/procedures you have to fallow in zawaj al-gaserat cases?
- Do you provide female workers when dealing with cases of zawaj al-gaserat?
- Are there any issues that you find girls are reluctant to discuss? If yes what sorts of things?
- Why do you think this might be?
- Is there anything that you think would help a women to disclose any difficult or sensitive issues?

- **Is there anything else that you would like to tell me about?**