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Misyar Marriage as Human Trafficking in Saudi Arabia

By Stephanie Doe

ABSTRACT

The severity and scope of human trafficking for sexual and labor exploitation has been grossly understudied until this past decade. Reliable information on how and why trafficking in persons occurs is scarce, especially for the Middle East. Saudi Arabia's notorious policies of discrimination against women serve as the starting point. In Saudi Arabia, the monarchy has co-opted the traditional roles of women as an emblem of its own Islamic character, thereby making it a symbol of its national heritage. An entrenched institution of patriarchy uses gender construction as an instrument of state policy and state security. This intimate relationship between gender roles and national identity demonstrates that the exploitation of women through *misyar* marriage stems primarily from the cultural and political emphasis on preserving a unified Islamic nation. The purpose of this analysis is to investigate the practice of *misyar* or temporary marriages by wealthy Gulf men as a form of human trafficking.

Human Trafficking and Prostitution in the Middle East

“Hi, I am Radi from Jordan. I spent a wonderful month in Egypt, it was very good... I heard about El Agouza Street. I went there and asked for a flat to rent, I got a good flat and the woman who gave me the keys of the flat asked if I want some pussies—I said yes, [then] she told me that she will send me 5 girls to choose from, after 30 minutes I found 5 girls knocking on the door, I found them all beautiful, but I chose the most two beautiful of them, we argued about the price but I knew that Egyptian girls

are very very cheap, they want[ed] \$50 for them both for an hour but I told them that \$25 is enough for both of them the whole night, finally after 20 minutes of talking they said ok , then they started to strip...”¹

This review of escorts was posted in 2001 on the World Sex Guide, a website “dedicated to providing a forum for the free and open exchange of information regarding adult travel throughout the World.”² Since it was founded in 1994, similar sites have sprouted on the Internet, and it is now an instrument widely used by sex solicitors.

In a conservative culture like that of Egypt, sexual immorality is considered one the gravest sins. If it were not for the clear indication of the reviewer’s identity and destination, it would be difficult to imagine that such a degree of prostitution exists in a Muslim state. The Middle East is well known for its strict observation of moral codes and sensitivity to the taboo subject of sex. Yet contrary to public belief, media coverage and human rights groups are revealing that prostitution is present and proliferating.³ From Egypt to Tunisia and Syria to Iran, very few countries are free from the commercial sex industry. As one candid journalist describes the trade of Iranian women, “whores long have been a scandal in the Arab states of the Persian Gulf.”⁴

Prostitution is a rising concern for many locals in Cairo, nicknamed the “gentlemen’s playground” for Gulf Arabs. As the above excerpt illustrates, sex tourism is a thriving business and a relatively accessible source of entertainment. While most Western tourists are mesmerized by the Pharaonic monuments of Egypt’s ancient past,

¹ World Sex Guide Escort Reviews: Middle East/Egypt. Posted Nov 17 2001. http://www.worldsexguide.com/guide/Middle_East/Egypt/index.htm, (accessed 21 Dec 2007).

² World Sex Guide: About Us.

³ Karim el-Gawhry, “Sex Tourism in Cairo”, *Middle East Report*, Sept-Oct 1995, pp.26-27.

⁴ Spengler, “Jihadis and Whores,” *Asia Times Online*, Nov 12 2006. http://www.atimes.com/atimes/Middle_East/HK21Ak01.html.

many Arab tourists bypass the pyramids and gravitate toward more contemporary offerings. As the night falls, wealthy Gulf Arabs and provocatively dressed women replace the daytime crowds of families in the Nile-front restaurants. Men can rent flats ‘furnished with housemaids’ for anywhere from a few hours to a few months. To the eyes of a non-Muslim, this form of prostitution seemingly operates much like the sex industry anywhere else in the world, but beneath the surface lies the intricate transaction of misyar marriage. But before transitioning into an analysis of misyar marriage and how it has become a form of human trafficking in the Middle East, it is necessary to first define human trafficking and its links to prostitution.

Defining Human Trafficking

According to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the UN Convention against Transnational Organized Crime, trafficking in persons is defined as follows:

"Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or

services, slavery or practices similar to slavery, servitude or the removal of organs.⁵

In other words, traffickers ensnare their victims through force, fraud, or coercion in order to illegally exploit them. Trafficking in persons is considered to be the fastest growing and third largest criminal industry in the world, after drugs and arms trafficking. The U.S. Department of State cites human trafficking as a multidimensional threat because it violates human rights, poses a global health risk, and fuels the growth of organized crime.⁶ One of the main forces contributing to the growth of human trafficking in the Middle East is foreign migration.

The Middle East accounts for more than 10 percent of the world's total migrants, and the oil-rich countries of the Arab Gulf host the highest concentration of migrant workers in the world.⁷ The International Organization for Migration (IOM) estimates that there are 14 million international migrants and 6 million refugees are currently in the Middle East.⁸ The Kingdom of Saudi Arabia hosts the largest foreign population in the region, an estimated 6.2 million people. The most common problem related to migrant workers in the Middle East is the abuse of domestic workers engaged in menial work.

Currently, labor exploitation is the largest human trafficking concern in the Middle East, but trafficking for the purpose of the sex trade is a phenomenon that has

⁵ UNODC, UNGIFT.

http://www.ungift.org/index.php?option=com_content&task=view&id=187&Itemid=497

⁶ U.S. Department of State, "Fact Sheet: Facts About Human Trafficking," 5 Dec 2005.

<http://www.state.gov/g/tip/rls/fs/2005/60840.htm>, (accessed Dec 18, 2007).

⁷ Giuseppe Calundruccio, "A Review of Recent Research on Human Trafficking in the Middle East," *International Migration* Vol. 43 (1/2) 2005, p. 268.

⁸ Calundruccio, p. 268: estimate compiled using data from UNHCR, U.S. Committee for Refugees, and UNRWA, 2003.

grown in the last decades.⁹ Traffickers often lure young women with promises of better paying jobs or higher education in the destination country. Some young impoverished women are attracted to the sex industry because it appears to offer quick and easy money. However, they soon find themselves slave-like situations. First, documentation and passports are stripped from them before they enter a debt bondage supposedly incurred from transportation fees. Then, women are forced to “repay” their loans through prostitution. Once trafficked into the sex industry, they are controlled by traffickers through physical and psychological means.

A form of trafficking particular to the Middle East is temporary marriage, also known as *misyar* in Sunni Islam and *mut’ah* in Shi’a Islam. Mut’ah marriages are contracted for a specified period of time, ranging anywhere from a few hours to a few months. Misyar marriages are not considered Islamic if they are temporary, but most of them end in divorces after the husbands’ holidays end. According to media investigations, wealthy Gulf nationals (particularly those from Saudi Arabia), often marry young women from poorer Islamic countries like Egypt or Islamic societies in Asian countries, such as India. A dowry is paid to the family and broker, which serves as the payment for the young woman. Whether practiced under Sunni or Shi’ite law, non-binding marriages take advantage of women’s economic vulnerability. After finding themselves quickly divorced, the disgraced women are forced into menial unpaid jobs, married to someone else by proxy, or cycled back into prostitution.

The Links Between Human Trafficking and Prostitution

⁹ Calundruccio, p. 279.

Prostitution is not always linked to trafficking, but the U.S. State Department's Office to Monitor and Combat Trafficking in Persons found that where prostitution is legalized or tolerated, there is a greater demand for human trafficking victims and an increase in the number of women and children trafficked into commercial sex slavery. It is estimated that of all the people trafficked across international borders, 80 percent of victims are female, and up to 50 percent are minors. A significant number enter prostitution.¹⁰

As previously mentioned, sex tourism is a thriving industry in the Middle East. In the case of Egypt, where prostitution is illegal, it thrives under the guise of *miysar* and *mut'ah* marriage. Even though these sexual relations are buttressed by an Islamic cover, the fact remains that girls and women are sexually exploited and left with social stigmas for the rest of their lives. Women are already denigrated as second-class citizens in many Middle Eastern societies; the link to sexual immorality further exacerbates this stigma. In 2003, a study published in the *Journal of Trauma Practice* found that 89 percent of women in prostitution wanted to escape. Furthermore, 60-75 percent of women in prostitution were raped, and 70-95 percent were physically assaulted.¹¹ "Prostitution," the State Department asserts, "leaves women and children physically, mentally, and emotionally, and spiritually devastated. Recovery takes years, even decades—often, the damage can never be undone."¹²

¹⁰ U.S. Department of State, Democracy and Global Affairs Office, "The Link Between Prostitution and Sex Trafficking." March 15, 2007.

¹¹ Melissa Farley, et al., "Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder." *Journal of Trauma Practice*, Vol. 2, No. ¾: 33-74; and Melissa Farley, ed. 2003. Prostitution, Trafficking, and Posttraumatic Stress. Haworth Press, New York.

¹² U.S. Department of State, p. 2.

One of the reasons trafficking thrives is because prostitution thrives in the Middle East. The religious sanctioning of extramarital sex reinforces this trade and subordinates women. Furthermore, the effect of the religious community's acquiescence to this practice is exacerbated by the legislative actions—or lack thereof—taken by states to curb prostitution and trafficking.

Policy Approaches Taken to Combat Trafficking: Are They Effective?

Saudi Arabia's infamous human rights record has severely tarnished its international image. Thanks to revealing reports published by watchdog organizations like Human Rights Watch and Amnesty International, it is widely known that Saudi domestic policies and laws discriminate against women. In an attempt to curb criticism, Saudi Arabia campaigned successfully to join the UN Commission on Human Rights in May 2000. In the same year, it also highly publicized its signatory status to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Upon signing CEDAW, however, it placed significant reservations on the convention by appealing to the need to respect Islamic law. It stated, "In case of contradiction between any term of the Convention and the norms of Islamic law the Kingdom is not under obligation to observe the contradictory terms of the Convention."¹³ By asserting that Islamic norms could override CEDAW, the Saudis showed that the ratification was merely ceremonial. That same year, Saudi Arabia sought membership in the World Trade Organization. By signing CEDAW, it attempted to pose as a legitimate international player. Arguably, Saudi Arabia's interest in CEDAW was almost purely

¹³ "Saudi Arabia," *Freedom House*, <http://www.freedomhouse.org/template.cfm?page=182> (accessed Dec 18, 2007).

political. Despite signing the convention, improving the status of women was far from the top of Saudi agenda.

Accordingly, it is not surprising that Saudi anti-trafficking efforts have been insufficient. Slavery and smuggling of persons into the country is prohibited by law, but it was not until 2001 that the government admitted that trafficking in persons presented a problem for the country. Even then, its primary focus has been on identifying and deporting illegal workers rather than on explicit counter-trafficking policies. The government not only failed to protect victims and prosecute perpetrators, but it refused to take responsibility for the growing problem. In a statement made in August 2006, Prince Turki Bin Mohammad Bin Saud, assistant undersecretary for political affairs at the foreign ministry, asserted: "It should be understood that the kingdom has no authority over other nations' citizens. The only legal action it can take is to deport the infiltrators whether children or adults." ¹⁴

International Pressure and Saudi Reaction

Alongside the UN's passage of the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, or the Palermo Protocol of 2000, the U.S. enacted the Victims of Trafficking and Violence Protection Act (TVPA), which in part aimed to assist the development of anti-trafficking programs abroad. The TVPA also mandated that the State Department produce an annual report reviewing trends in the fight against trafficking and ranking countries by their fulfillment of "minimum standards" of anti-trafficking commitment and policies in their country.

¹⁴Mariam Al Hakeem, "Saudis deny human trafficking allegations" Aug 13, 2006. <http://archive.gulfnews.com/articles/06/08/13/10059808.html>.

The Trafficking in Persons (TIP) Report is regarded as one of the most comprehensive surveys of human trafficking in the world. The report places countries into four tiers, with Tier 1 indicating the most compliant and Tier 3 indicating the most severe violations of the minimum standards required by the government to curb trafficking. Tier 2 are countries where there is a severe trafficking problem, and the country has failed to provide evidence of increasing efforts, but is making commitments for the following year. Under provisions dictated by the TVPA, countries listed on Tier 3 are also subject to economic sanctions. Sanctions such as the termination of non-humanitarian, non-trade-related assistance, and loss of U.S. support for loans from international financial institutions—specifically the International Monetary Fund and multilateral development banks such as the World Bank—are to be imposed within 90 days of the release of the report.¹⁵

In the 2007 TIP Report, six of out of 20 countries listed on the Tier 3 list were in the Middle East. For its third consecutive year, Saudi Arabia was ranked as a Tier 3 country for failing to enact a comprehensive criminal trafficking law. According to the TVPA, the widespread trafficking abuses and the government's failure to prosecute such crimes should result in economic sanctions. However, when President Bush issued his sanctions for the 2006 TIP Report Tier 3 countries on September 27, 2006, he waived all trafficking-related sanctions on Saudi Arabia, Sudan, and Uzbekistan on grounds of national interest.¹⁶ Given that the U.S. government is viewed as a leader in the fight against trafficking, its influence is immense. Yet, the decision to rescind economic

¹⁵ "Trafficking in Persons: US Policy and Issues for Congress," *CRS Report for Congress*. 20 June 2007, p. 23.

¹⁶ "Presidential Determination with Respect to Foreign Governments' Efforts Regarding Trafficking in Persons," 27 Sept 2006. [<http://www.state.gov/g/tip/rls/prsr/73440.htm>]

sanctions on Saudi Arabia due to political alliances communicates that fighting human trafficking is a subordinate concern. If there is no concrete international pressure, it should be no surprise that the Saudi government does not act on mere verbal criticism.

To reiterate, trafficking thrives because certain conditions allow it. In Saudi Arabia, by retaining domestic laws that violate international standards on women's rights, the government poses a significant obstacle. However, because the U.S. is indifferent to their inaction, human trafficking continues to be condoned in Saudi Arabia. It is a domestic problem, but it is an international concern. If the U.S. government and the UN simply condemn the problem, but do not enforce action against it via economic sanctions, then efforts will ultimately remain ineffective. Successful elimination of the problem depends largely on the government's willingness, not ability. Ambassador Mark P. Lagon, Director of the U.S. State Department's Office to Monitor and Combat Human Trafficking, notes that it is "especially disappointing that so many wealthy countries of the Near East, that are not lacking adequate resources to make significant progress to end these crimes, are on Tier 3."¹⁷

"The problem," Ethan Kapstein of the Council on Foreign Relations echoes in an article entitled 'The New Global Slave Trade', "is one of political will, not capability for the rich countries of the world to have at their disposal numerous instruments that, if their leaders had the courage to use them, could greatly curtail the global slave trade."¹⁸

Because political incentives do not exist for Saudi Arabia to act, it can afford not to comply. In a human trafficking data collection study, researchers Frank Laczko and

¹⁷ Ambassador Mark P. Lagon, Director, G/TIP, Remarks at the Release of the 2007 Trafficking in Persons Report, June 12, 2007.

¹⁸ Ethan Kapstein, "The New Global Slave Trade," *Foreign Affairs*, Nov/Dec 2006, <http://www.foreignaffairs.org/20061101faessay85609/ethan-b-kapstein/the-new-global-slave-trade.html> (accessed Nov 12, 2007).

Marco Gramegna concluded that “unless governments and law enforcement agencies are prepared to combat trafficking with increased vigor and, at the same time, prepared to provide adequate protection to the victims of trafficking, the majority of trafficking cases will continue to go undiscovered.”¹⁹

More Factors in Analyzing the Obstacles to Combating Human Trafficking

As previously noted, a challenge in combating trafficking lies in the Saudi government’s denial of the problem. The lack of political will is partially the result of empty threats from the international community, but most of it can be attributed to deeper economic forces and sociological factors at play.

In March 2007, the United Nations Office on Drugs and Crime (UNODC) launched the UN Global Initiative to Fight Human Trafficking (UNGIFT) which provided a framework for all stakeholders—governments, business, academia, civil society, and the media—to collaborate in the fight to end global slavery. UNGIFT identified reasons for supply and demand in trafficking as closely linked to social, cultural, and economic elements. The UNGIFT chart presented below illustrates that forces of society, economics, and culture are interdependent, fueling one another to create the appropriate conditions for human trafficking to exist and persist.

Factors Contributing to Human Trafficking ²⁰

SUPPLY FACTORS	DEMAND FACTORS
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¹⁹ Frank Laczko and Marco A. Gramegna, “Developing Better Indicators of Human Trafficking,” *International Organization for Migration & Brown Journal of World Affairs*, Vol. X, Issue 1, p.190.

²⁰ UNGIFT, Chart: Factors that Contribute to Human Trafficking, “What is Human Trafficking?” [http://www.ungift.org/index.php?option=com_content&task=view&id=187&Itemid=497] (Accessed Dec 18, 2007).

<ul style="list-style-type: none"> • Illiteracy • Patriarchal mindset in the society • Gender discrimination • Lack of awareness of rights • Lack of access to rights • Uneven levels of income leading to exploitation • Lack of employment opportunities • Regional imbalances in development which fuel the demand for trafficking from low income to high income areas. • Social customs, traditions and religious practices that are discriminatory against women and girls • Globalization and a resultant relaxation in control mechanisms fuelling an increased need for cheap labour in a price-driven model of economic growth • Civil war and increased militarization. The arrival of soldiers may often be associated with a rise in child prostitution. • Poor law enforcement • Inadequacies in the legislations and want of protocols • Poor redressal mechanisms leading to further victimization 	<ul style="list-style-type: none"> • Expanding commercial sex industry and its linkages to the promotion of tourism, business promotions, pornography, cyber crimes, business promotions etc, • Demand for cheap labour for industries in a highly competitive global marketplace environment • Increase in demand from clients for younger (often virgin) persons because of their fear of contracting HIV and scope of exploitation of women and children • Patriarchal mind set which promotes the commodification of women, and behavior patterns among men, fuelling a corresponding demand for women • Poor law enforcement, including corruption and nexus, which acts as impunity for the violators. • Skewed sex ratio and other issues of gender discrimination leading to trafficking of women under the facade of marriage etc • Increased demand for infants and young persons for adoption, especially in the context of the complexities in the legal adoption scenario • Increased demand for body organs like kidneys etc. • Increased demand for children in entertainment industry for various performances
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As in other cases around the world, human trafficking in the Middle East is a market that exists on principles of supply and demand. It thrives due to conditions where

high profits can be generated with low risk.²¹ In Saudi Arabia, these conditions take the form of gender-based discriminatory practices, policies, and social attitudes that must be further analyzed. Misyar marriage is a type of human trafficking specific to Sunni Islam. Its 2006 legalization by the Islamic Jurisprudence Assembly appeared to be in response to harsh media criticisms that framed the issue as a matter of moral corruption, waning Islamic influence, and diminishing Saudi power. More important than knowing how economic forces have stimulated the growth of misyar marriages is knowing how the Saudi state handles perceived challenges to their cultural, political, and religious sovereignty and authority. The Saudi government's reaction to misyar marriages reflects the predictable behavior of a patriarchal society's disposition to use any means necessary to preserve the *status quo*. Gender ideology is intimately linked to national identity, and its construction has become a useful instrument of state policy and security.

MISYAR MARRIAGE

Misyar Marriage Scope and Characteristics

The phenomenon of misyar marriage²² has been spreading throughout the Sunni Muslim world, particularly in Saudi Arabia and other Gulf countries. Whether it is overt—men openly seek sexual entertainment on the banks of the Nile—or more subtle, through online matchmaking websites or traditional matchmakers, the rising popularity of marriage tourism has prompted criticism that the Saudi state and religious officials can ignore no longer. Both conservative and liberal Muslims have expressed hesitancy to accept this practice, despite its claim of religious legitimacy. Conservatives worry about

²¹ Polaris Project, "Human Trafficking Cheat Sheet", unpublished document.

²² also referred to as summer-, pleasure-, non-binding, or temporary-marriage

a rift in family values, and in effect, a rift in Islamic purity. Women's rights activists and other liberal Muslims are mostly concerned about economic exploitation, the global health threat, and the reinforcement of gender discrimination.

On April 10, 2006, the Islamic Jurisprudence Assembly in Mecca responded by issuing the controversial *fatwa*, a formal legal opinion or religious decree issued by an Islamic leader, sanctioning *misyar* as a legal form of marriage. The *fatwa* permitted marriages in which “the woman relinquishes a home, financial support, and her part [in joint life] with her husband, or part of it, and consents to the man's coming to her home whenever he wants, day or night.”²³ Under Sunni Islamic law, *misyar* marriage fulfills all the requirements of the Shariah marriage contract: agreement of both parties, two legal witnesses, presence of a representative or legal guardian for the wife, payment by husband to his wife of *mahr* in the amount agreed, absence of a fixed time period for the contract, and *shuroot* (stipulations set by both parties). Islamic authorities acknowledge that there is some popular resistance to *misyar*, but they affirm that religious legitimacy trumps social norms. In response to the skepticism surrounding the legality of *misyar*, Sheik Al-Qaradhwai, a prominent Muslim cleric maintains that “these marriages fulfill all the conditions [for marriage in Islam]...perhaps society does not accept them, [but] there is a difference between whether the marriage is socially acceptable and whether they are permitted by religious law.”²⁴

Advocates of the practice argue that *misyar* marriage actually meet the needs of women, primarily. They claim it helps widows, divorcees, and single women beyond marriageable age increase their chances of finding husbands. Islamic lawyers added that

²³ Aluma Dankowitz, “‘Pleasure Marriages’ in Sunni and Shi’ite Islam,” *MEMRI*, Aug 31, 2006, No. 291.

²⁴ Dankowitz, p. 4.

this type of marriage fits the needs of a conservative society, which punishes *zina* (extramarital sex). They find it perfectly suitable and acceptable for some Muslim men working in foreign countries to engage in misyar marriage rather than live alone for extended periods of time. For already married men with wives and children in their home country, misyar marriage offers relief from loneliness. The religious defense emphasizes preservation of an existing 'Islamically-approved' society. Their argument appeals to a conservative society reassuring the people that the government will be a vigorous guardian of the nation.

The Saudi government only maintains power through the approval of the religious institution. When the state issues policies aligned with notions of a utopian Islamic society, it also wins the support of its citizens. For these reasons, the approval of misyar in 2006 was above all, a politically motivated decision. When faced with opposition, religious authorities and the Saudi monarchy were caught in a predicament and rushed to silence the flurry of criticism threatening their stability. A review of the popular concerns will illustrate the various pressures leading to the issuance of the controversial fatwa.

Reactions from the Religious Right

Islam plays a central role in Saudi life—whether public or private. As the host of Islam's two holiest sites and the location of the world's largest pilgrimage, Saudi Arabia considers itself to be the guardian of the strictest interpretation of the Qu'ran.

Contemporary Saudi Arabia is also strongly influenced by the 18th century Wahhabi movement, which was used to forge a sense of common identity and to supersede tribal loyalties during the creation of the state. According to the U.S. Library of Congress, the

current Saudi monarch has “inherited a kingdom in which devotion to Islam and to himself as the rightly guided Islamic ruler is the glue that holds his kingdom together.”²⁵ The responsibility to defend traditional values falls on the monarchy and Islamic authorities.

The majority of Saudi Arabia adheres to a strict interpretation of Islam, in which the central values concern the maintenance of morality in all realms of life. In literature on domestic violence, honor killings,²⁶ and prostitution²⁷ in the Middle East, *zina* (sexual misconduct by a female) is one of the most serious offenses to family honor. It is a crime subject to capital punishment under Shariah law. In Arab cultures, “family honor, or male honor is expressed by generosity of its members, honesty of its individuals, manliness (courage, bravery) of its men, and also through the sexual purity (virginity) of a sister or daughter and fidelity of wife and mother.”²⁸ When a woman sins through *zina*, she brings shame to the family, and in effect, to the nation. Media investigations on *misyar* have depicted the sexual immorality of Saudi nationals as a reflection of deteriorating moral integrity.

“*Misyar* reduces marriage to sexual intercourse,” said Hatoun al-Fassi, a female Saudi historian. “For clerics to allow it is shameful for our religion.”²⁹ Many citizens

²⁵ Girija Vidyasagar and David M. Rea, “Saudi women doctors: Gender and careers within Wahhabic Islam and a ‘westernized’ work culture,” *Women’s Studies International Forum* 27 (2004), p.261; U.S. Library of Congress, “Saudi Arabia—Islamic Politics, *Country Studies*,” Washington D.C., Library of Congress, 2003.

²⁶ See: Anahid Devertanian Kulwicki, “The Practice of Honor Crimes: A Glimpse of Domestic Violence in the Arab World”, *Issues in Mental Health Nursing*, 23:77-87, 2002.

²⁷ See: Amir Hossein Kordvani, “Gendered Construction of Criminality and Police Violence Towards Female Sex Offenders (in the Middle East)”, *Institute for Criminology and Criminal Sciences*, University of Tehran, Iran.

²⁸ Kulwicki, p. 84.

²⁹ Souhail Karam, “Saudi Arabia: Saudis turn to ‘*Misyar*’ marriage to beat inflation,” *WLUML News and Views & Reuters*, July 24, 2006, www.wluml.org/English/newsfulltxt.shtm?cmd%5B157%D=x-157-541133 (accessed Dec 12, 2007).

believe this criticism is valid and see misyar marriage as an abuse by Saudi men in Egypt and India. Iranian sociologist Amanollah Gharaii Moghaddam comments: “Short-term marriages are a form of legalized prostitution. A state must not and cannot legitimize prostitution.”³⁰ These statements generate concern among citizens. Threatened by attacks that undermine its ability to preserve Islamic morality, the state sought a solution that would appease the anxiety of its citizens and reassert its authority.

Apart from anxiety about the crumbling family unit, religious conservatives are primarily concerned with the corrupting influence of the West. Saudi society perceives itself as being caught between balancing valued aspects of an ancient culture against the power and attractions of globalization. Though there has not been direct military confrontation between the West and Saudi Arabia, the embittered history of Western imperialism and colonization forged a pervasive and potent anti-western sentiment in most of the Middle East, and especially Saudi Arabia. Speculations about links between globalization and the rise of prostitution further exacerbate that hostility. In a way, the West appears to be gathering the ability to unravel the moral fiber of Islamic society. There is fear of the slight possibility that the Saudi government is losing influence over its people.

Religious conservatives want to reassert Islam as supreme. In the past, the social and political crises have been effectively calmed through ‘Islamic Awakening’ movements. To a non-Muslim, such extremist movements appear to be a form of totalitarian indoctrination, but to Muslims, Islamization provides comfort and

³⁰ Adrian Morgan, “Women Under Islam”, *Islam Watch*, July 1, 2007. <http://www.islam-watch.org/AdrianMorgan/Women-Under-Islam2.htm>, (accessed Dec 11, 2007).

reassurance. Muslims in Saudi Arabia consent to it because it implements Islamic values for the creation of a unified Muslim community.

Liberal Muslim Criticism for Misyar Marriage

The loudest critics of misyar marriage support a more liberal and tolerant Islam. They, much like the religious right, are concerned with the corrosion of Islamic morals. These liberals call for reform rather than advocating a retrograde ideology based on reinstating patriarchal traditions. As previously mentioned, reforming tradition is not in the conservative monarchy's agenda. The Saudi government silences all voices calling for reform. Such verbal rebellion is akin to blasphemy. The liberal Muslims' concerns have been vociferous and persistent, but their 'radical' tone has been largely ignored.

Nevertheless, it is important to review criticism found in media reports and commentary pieces from both Muslims and non-Muslims. The primary concerns of media activists are centered on the misuse of Islam to justify sexual immorality, the social implications for women and society, and the exploitation of economically vulnerable women and children.

Misyar Marriage as Religious Guise for Sexual Immorality

Muslims, whether conservative or liberal, support the foundational values of Islam. They may vary in how literally the Qur'an should be interpreted, but they nonetheless desire to preserve Islamic morality. While recognizing that women are often discriminated against in many Middle-Eastern states, most Arab feminists distinguish between the manipulation of Islam for political purposes and the true Islam. Islam, they

argue, is not inherently misogynistic. Rather, the subordination of women as second-class citizens is the product of the ruling elites' misinterpretation of the Qu'ran. Eleanor Doumato, a visiting scholar at Brown University's Watson Institute for International Studies, identifies the roots of conservatism in both religion and local customary practice. Saudi Arabia's notoriously strict gender ideology is shaped by the hands of those integral in its political history. Although gender equality is interpreted differently in the West than in the Middle East, the liberal criticism of misyar believes in an Islamic definition of gender equality that ultimately values women.

Upon the discovery of the rising popularity of misyar marriages, critics were infuriated by some Muslims' use of Islam as justification for sexual immorality. Converging the purity of Islamic values with the disgraceful sin of extramarital fornication whether through prostitution or misyar represented the ultimate sacrilege. "This 'pleasure' marriage," explained Aluma Dankowitz of the Middle East Media Research Institute (MEMRI), "is camouflaged under pseudo-Islamic rules derived from a misinterpretation of Quranic verses."³¹ Daniel Pipes, a writer for *Front Page Magazine*, also expressed that, "The hypocrisy of this trade is perhaps its vilest aspect. Better prostitution, frankly acknowledged, than religiously-sanctioned fake marriages, for the former is understood to be a vice while the latter parades as virtue."³²

Misyar Marriage and the Implications for Women and Society

Societal implications are another major concern for opponents of misyar marriage. Unlike conservative Islamists, these critics are advocates for reforming Islam

³¹ Dankowitz.

³² Daniel Pipes. "Arabian Sex Tourism", *Front Page Magazine*, Oct 7, 2005. www.frontpagemagazine.com (accessed Dec 23, 2007).

to provide equality to women and other disenfranchised members in society. They view sexual exploitation as a multidimensional threat, violating human rights and reinforcing patriarchy. When Ghada Jasmshir, a prominent Bahraini feminist, said “this kind of marriage, this kind of behavior, diminishes the woman’s honor as a human being,”³³ she outlined the main sentiments of critics against misyar.

Saudi author Dr. Ibtisam Halwani conducted a study surveying popular opinion on misyar marriage, and found that 81 percent of women were absolutely opposed and only 8 percent were in favor under specific circumstances. She also found that most contracts ended in divorce, and most women were forced to sign contracts with stipulations such as immediate divorce upon public discovery or pregnancy. The main reasons women said they opposed misyar were as follows: the lack of security and stability, disrespect from the community at large, and a feeling of guilt or sin due to forced secrecy.³⁴ Saudi author Badriyya Al-Bishr, a lecturer in social sciences at King Saud University, laments that “women are a source of shame and dishonor socially and psychologically” in society.³⁵ It is clear that misyar marriage is demeaning and, as critics describe it: “designed to satiate men’s lust, with no concern for women’s needs.”³⁶

Abd Allah bin Na’if Al-‘Utaybi, an opponent of misyar marriage, explained in his column for the Saudi daily *Al-Riyadh*, that misyar marriage is invalid because, like the Shi’ite mut’ah, the intent is eventual divorce: “Misyar marriage discriminates against the woman. It does have conditions [according to religious law] for marriage, but

³³ “Islamic Clerics sanction child sex and Bahraini women’s rights activist expresses outrage,” *BrookesNews.com/MEMRI* Jan 9, 2006, www.brookesnews.com/060901islam_print.html (accessed Dec 11, 2007).

³⁴ Dankowitz

³⁵ Badriyya Al-Bisher, “Women Carry the Burden of ‘Pleasure Marriages’ as Men Satisfy Their Souls,” Feb 25, 2007, http://www.saudidebate.com/index2.php?option=com_content&task=view&id=618&Item... (accessed Dec 1, 2007).

³⁶ *ibid*

unfortunately, it is not marriage at all. It is marriage with the intent to divorce...They last for a while, and then the man divorces his helpless wife. What does it mean when a man who contracts a misyar marriage hides his wife?...Women are deprived of their rights in this marriage...She is destined only to sate the man's lust..."³⁷ Maram Abd Al-Rahman Makawi, Saudi author, echoed the same disapproval in the Saudi daily *Al-Watan*, "What is strange is that we very often condemn those from other schools of religious thought [i.e., Shi'ites] because [they agree to] mut'ah marriage. Even though I am completely opposed to this kind of marriage, I respect the fact that they call things by their name."³⁸

In addition to the violation of women's rights, opponents are also concerned about how the 2006 fatwa will reinforce patriarchy. In the Middle East, most states have patriarchal structures that shape a society where women's position within the state and toward the family precedes their rights as individuals.³⁹ In Saudi Arabia, women face even more pervasive discrimination, ranging from strictly enforced gender segregation in public places to unequal legal status with men in matters relating to marriage, divorce, and child custody. There are not any women's rights organizations in the entire Kingdom and no women in the appointed 120-member Consultative Council, an advisory board to the executive branch of government.⁴⁰

In the patriarchal system, men have authority over women due to their dominance of material and social resources. They also control the society's economic, religious, and military institutions of authority. Their domination over social institutions provides them

³⁷ *ibid*

³⁸ *ibid*

³⁹ Saud Joseph, "Gender and Citizenship in Middle Eastern States," *Middle East Report*, Jan-Mar 1996, p. 18.

⁴⁰ Human Rights Watch, "Discrimination Against Women," Human Rights in Saudi Arabia, a Deafening Silence: Human Rights Watch Backgrounder, www.hrw.org/backgrounder/mena/Saudi/ (accessed Dec 10, 2007).

with the power to define gender roles. Female sexuality, for example, is described by Amir Hossein Kordvani, a professor of law at the University of Tehran, as “a social structural feature of gender relations...[it is] an arena of men’s interest and control.”⁴¹ Cultural norms are reinforced by these means, and the power structure between superior males and subordinate females allow males to sexually and financially control women. Misyar marriages are designed to deprive women of equality. Women serve as instruments disposable at a man’s discretion, forced to relinquish rights guaranteed under traditional Islamic marriages.

Exploiting the Economically Vulnerable

Of the many locations where misyar marriage happens, most are characterized by poverty. In fact, as previously mentioned, human trafficking is a market fueled by principles of supply and demand. Thus, where there is poverty, there is a likely supply to meet the growing demand for sexual entertainment. In Egypt, for example, local activists agree that the main reason for early temporary marriages, as well as other forms of child exploitation such as child labor, is extreme poverty.⁴² Farmers around Mansura and Hawamdiyya view marrying daughters off to someone from the Gulf as good business. In 1995, tens of thousands of Egyptian pounds were used for dowry.⁴³ Even in Saudi Arabia, misyar marriage has created a new industry: misyar marriage centers. Real estate agencies in Makkah are also arranging misyar marriages for a small application fee. Prospective partners usually pay SR100 to fill out a form, but once matches are made,

⁴¹ Kordvani, p. 4.

⁴² UN Office for the Coordination of Humanitarian Affairs, “Egypt: Minors Sold for Prostitution Under the Guise of Marriage”, *IRIN News*, <http://www.irinnews.org/PrintReport.aspx?ReportID=61947> (accessed Dec 3, 2007)

⁴³ El-Gawhary, p. 27.

they are asked to pay SR5000 to the agency. Muhammad Diyab, a journalist for ArabNews.com, expressed concern that “this could become a lucrative trade with people earning profits equal to selling and buying of high-value properties.”⁴⁴

The enterprise of sex tourism in Egypt is captured in an astonishing excerpt by journalist Karim el-Gawhary:

Summer is the peak season for the business of furnished flats, complete with a “housemaid”...Nearly a million Arab tourists—mostly Saudi nationals—visited Cairo last year. They constitute more than a third of all tourists to Egypt, and their numbers are growing...Every year Gulf men revitalize the prostitution business in town. Though officially illegal, Egyptian authorities habitually close their eyes to it “because of possible diplomatic embroilments,” as one Egyptian political scientist puts it, not to mention “the lucrative prospects for hard currency.”...News of flats rented by the day or week spreads among the pimps, and the prostitutes stream in—“like ants,” says Fatima [a former housemaid]. Single prostitutes go from one flat to the next during the day. Sometimes, she explains, the first request comes in at five o’clock in the morning. Then the prostitutes make the rounds till late afternoon, only to be replaced by a tougher night shift...To give prostitution an Islamic cover, some women enter into secret marriage contracts with their summer visitors...this contract is made without witnesses and typically ends in divorce by summer’s end...⁴⁵

Economic vulnerability increases the likelihood of women becoming sexual commodities for wealthy Gulf nationals. Although there are overwhelming social implications, attention must also be given to the regional financial patterns that seem to exacerbate this trend. Globalization has brought uneven economic development in the

⁴⁴ Muhammad Diyab, “Misyar Brokers-Marriage-Saudi Arabia”, *www.arabnews.com*, April 10, 2006. www.missionandjustice.org/misyar-brokers/ (accessed Dec 11, 2007).

⁴⁵ El-Gawhary, pp.26-27.

Middle East, increasing the gap between men and women. Furthermore, the oil boom in the 1970s did not benefit all countries equally. The Gulf States experienced high gross capital formation, strong increases in growth rates of GDP, and vast improvements in living standards.⁴⁶ But because economic growth has been declining in the past 20 years, developing countries have been forced to reform and open their markets, thereby creating currency devaluation. The result is the widening gap between the rich and poor in countries like Egypt, Tunisia, and Morocco.⁴⁷ Few opportunities opened for women in the workforce, and prostitution became an alternative.

Lisa Wynn, author of “Women, Gender, and Tourism: Egypt”, concluded that Arab tourism in Egypt is directly linked with the oil economy.⁴⁸ Saudi Arabia is the world’s largest oil producer, and the rapid expansion of its economy is garnering international attention. Given that the country enjoyed a 34 percent leap in oil revenues as crude oil prices hit record highs in 2005, the IMF estimated that its account surplus would reach 30 percent of its GDP, and its government debt levels would drop to about 45.5 percent. The Saudi government was even praised by the IMF for “prudent macroeconomic management.”⁴⁹ When such astronomical oil wealth is concentrated in the hands of a few in the Arabian Peninsula, it is predictable that the growth of Gulf Arab tourism will adversely affect its less richly endowed neighbors.

In addition to rapid development, globalization has brought regional economic gaps, hardships, and westernization to oil-rich countries. As for the neighboring

⁴⁶ Dan Stoenescu, “Globalizing Prostitution in the Middle East,” *International Relations and Globalization in the Middle East*, p.16.

⁴⁷ *ibid*, p.17.

⁴⁸ Lisa Wynn, “Women, Gender, and Tourism: Egypt”, *Encyclopedia of Women and Islamic Cultures, Vol. IV; Economics, Mobility, and Space*. S. Josph, ed. Leiden: Brill.

⁴⁹ “Saudi Economy ‘Expands Rapidly’”, *BBC News*. Dec 5, 2005
www.news.bbc.cok.uk/2/hi/business/451448.stm (accessed Dec 23, 2007).

countries, they are struggling to stay afloat. As of October 2007, one in five Egyptians could not meet basic living needs. Between 2000-2005, the absolute poverty rate rose from 16.7 percent to 19.6 percent. The head of a U.N. operation in Egypt reported that the “proportion of Egyptians living in absolute poverty has risen despite relatively rapid economic growth this decade.”⁵⁰ Egypt is an attractive location for international sex tourism, because women from lower-class backgrounds see that a few nights in prostitution makes more than one month in the public sector. Inflation is rampant, and recent economic liberalization is broadening the economic gap. Despite sex tourism being illegal, Egyptians find it hard to turn away Gulf hard currency due to their crumbling economy.⁵¹

The proliferation of prostitution, sex tourism, and misyar marriage can be understood as the consequence of uneven economic development, further exacerbated by principles of supply and demand. Gulf nationals have the will and the means to pursue sexual entertainment, and poorer Muslim communities can supply services in return for financial security. Sex solicitors may have overtaken the streets of downtown Cairo for a long time now, but tolerance for this morally corrosive operation is waning. Misyar marriages exploit the economic vulnerability of women, but the most crucial concern lies in the disintegration of a unified Muslim community. Community members are against the convergence of Islam and sexual deviance, and for religious clerics to tolerate it is utterly offensive to many Muslims. In the words of Spengler, a pseudonym for a writer at *Asia Times Online*, “the clerical regime vacillates between repressing prostitution and

⁵⁰ Jonathan Wright, “Poverty grows in Egypt despite rapid growth—U.N.” *Reuters*. Oct 17, 2007. www.alertnet.org/thenews/newsdesk/L17749735.htm (accessed Dec 23, 2007).

⁵¹ Stoenescu, p. 24

sanctioning it through ‘temporary marriages’...the Muslim clergy is in effect becoming pimps, taking a fee for sanctioning several ‘temporary marriages’ per women per day.”⁵²

Why is Saudi Arabia so adamant to defend the legality of misyar?--The Political Implications of Social and Religious Attitudes

In response to the criticism of misyar from the Muslim public, Saudi Arabia disregards concerns that undermined its authority. By issuing a *fatwa* to sanction misyar marriage, the Saudi government communicated to the international community, the surrounding Muslim societies, and its own citizens that the moral rectitude of Saudi Arabia was not to be questioned. Why was Saudi Arabia so adamant to defend the legality of misyar?

Saudi Arabia’s conservatism is centered on the idea that a true Muslim community is one that lives in conformity with God’s law, with the Prophet Muhammad as the ultimate example. Women, who are iconic of the nation, are where the nation can assert the preservation of traditional families, codes of ethics, values, and conduct. When religious sanctity is violated, it results in outrage directed towards perceived external forces of corruption (westernization) and the internal guardians of Islam (religious clerics and Saudi monarchy). Preserving the sanctity of religious life is arguably the highest priority for Muslims, and the practice of misyar marriage threatens this priority. Because the Saudi government’s role is that of the nation’s guardian, it must address the anxiety of its citizens, while reasserting its authority.

The Saudi government may have successfully deflected international criticism from the United Nations and the United States for human rights violations and

⁵² Spengler.

noncompliant anti-trafficking legislation by citing the need to respect Islamic law. But when its own citizens raised doubts about the contradictions in Islamic marriage laws, the Saudi state reacted by legalizing misyar. Increasingly, Sunni Muslims view misyar as licentiousness in religious guise, but the 2006 *fatwa* represented the government's denial that sexual immorality could dwell within Saudi souls. The Middle East is a traditionalist region recognized for intense respect of Islam. But the undeniable media investigations on sex tourism and misyar coupled by the criticism from its own citizens—which, in effect challenged the state's ability to defend the nation's esteemed Islamic character—prompted the Saudi government to use whatever means necessary to assert its authority.

The status of women and the conduct of its citizens are intimately linked to the nation's image. In addition to upholding a respectable Islamic character, the Saudi state must strive to maintain cultural and political sovereignty. The threat of globalization and westernization are concerns for both the government and its citizens.

'Gender, Monarchy, and National Identity'⁵³

There is perhaps nothing more frightening to a state than loss of sovereignty. Saudi Arabia has saved itself from Western colonization, but the possibility of a decline in religious-conservative influence and the opening of Saudi society to the West threaten the Saudi monarchy, the fundamentalist Wahhabi school, and its religiously convicted citizens. Saudi Arabia has been very successful in maintaining the façade of a unified Islam ever since the founding of the state. How this has been done, and how it

⁵³ Title borrowed from Eleanor A. Doumato's "Gender, Monarchy, and National Identity in Saudi Arabia", the primary source used in this section of analysis.

perpetuates the exploitation of women leads to a discussion on national identity and gender ideology.

Eleanor A. Duomato, researcher and scholar, concluded in a study on gender constructions and the role it plays in myths of national identity that the role of women is akin to that of an instrument for state policy and of state security.⁵⁴ She explained that an ‘ideal Islamic woman’ is constructed and expressed in official government statements, state policy decisions, and religious opinions. The idealized woman is a wife and mother, placed within the family to form the basic units of society. They serve as educators of children and reproducers of traditional values, and are in effect, partners of the Saudi state—which also guards traditional values and Islamic morality. The public segregation of men from women is a defining characteristic particular to the Muslim society of Saudi Arabia. The message sent to its citizens is a sense of moral superiority to the West, and even to other Muslim countries.

Monarchal influence is a product of popular and religious approval in the state, thus great emphasis is placed on its ability to preserve the gender ideology and Islamic morality. *Fatwas* are one way to reproduce this message to the Saudi citizens. Misyar marriage was approved despite popular resistance because it asserted the monarchy’s authority by quelling concerns about the impending influence of the West. In other words, issuing the *fatwa* served the political agenda of the monarchy. Doumato articulates the complex relationship succinctly: “The idealization of women’s domesticity and the elevation of female separation to an Islamic imperative has remained consistent

⁵⁴ Eleanor A. Doumato, “Gender, Monarchy, and National Identity in Saudi Arabia”, *British Journal of Middle Eastern Studies*, Vol. 19, No. 1 (1992), pp.31-47.

on the level of official policy in Saudi Arabia because idealized definitions of gender are intimately connected to the ideologies which legitimate the monarchy.”⁵⁵

CONCLUSION

The answer to the initial question of this paper—what the forces perpetuating the sexual exploitation of women in the Middle East are—requires that one dig deeper into the intricate intersection of culture, society, economics, and politics. Human trafficking is a complex issue that encompasses many disciplines, and complete analysis of it would require both greater breadth and depth.

Sex trafficking is a sensitive topic in the Middle East. On one level, it suggests moral corruption, which implies the waning influence of Islamic values on society. On a more significant level, because the monarchy is responsible for preserving tradition and upholding Islamic authority, it challenges the monarchy’s ability to retain a nation unified by Islam. Thus, for the government to acknowledge sex trafficking is to concede the state’s diminishing power. Successful eradication of something as grave as human trafficking is a matter of political will, not necessarily one of political ability. For Saudi Arabia, admitting that it has a sex trafficking problem adversely implies the Saudi monarchy’s receding grasp on its nation. It is therefore unlikely that changes in the approach to human trafficking and sexual exploitation of women will take place anytime soon.

⁵⁵ Doumato, p. 36.

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