



## Reading Lohaidan in Riyadh: Media and the struggle for judicial power in Saudi Arabia

By Andrew Hammond

**January, 2009.** Along with a reported one in seven viewers across the Arab World, Saudis were glued to their television sets during 2008 watching a Turkish soap opera called *Noor*.<sup>1</sup> The show was dubbed into Levantine Arabic and broadcast three times daily during Ramadan by MBC, a pan-Arab satellite network owned by Walid al-Ibrahim, a brother-in-law of the late Saudi king Fahd bin Abdelaziz Al Saud. Starring an economically independent, unveiled female lead and her tender Casanova of a husband, *Noor* was so popular that it spurred a large number of Gulf Arab tourists to visit Turkey, including the Saudi first lady Princess Hissa Al-Shaalan, and its blonde and blue-eyed star Kivanc Tatlitu became a heart-throb for Saudi and other women. The drama had a particular grip on the public because, unusually, it was dubbed into colloquial rather than classical Arabic, and its Turkish milieu had a familiarity for Arab audiences that other foreign soaps lack.

The popularity of *Noor* prompted some Saudi *ulama* to warn that “secularism” was making its subversive way into Saudi society through the cathode ray. “It is not permitted to watch the Turkish series...They are replete with wickedness, evil, moral collapse and a war on virtues that only God knows the truth of,” Sheikh Abdulaziz Al al-Sheikh, the official voice of the government on religious affairs, said in July.<sup>2</sup> In this context, public comments made last Ramadan by one of the most powerful Wahhabi clerics of all, Sheikh Saleh al-Lohaidan, head of Saudi Arabia’s Islamic Sharia courts, seemed calculated to create the perfect storm of media controversy. Speaking on a religious radio show, Lohaidan claimed that owners of television networks who broadcast “indecent programming” could be executed if tried for their celluloid crimes.<sup>3</sup> Pan-Arab, self-styled liberal outlets such as MBC’s al-Arabiya and Elaph, whose owners have strong connections to the royal family, breathlessly relayed the story with the implication that Lohaidan was inciting vigilante violence against media moguls. Western media, in turn, quickly picked up the story, eager to trumpet what they framed as simply yet another case of the whacky excesses of Saudi Arabia’s puritanical Wahhabi doctrine.

By one reading, the incident marks another episode in the debate over decency in the Islamic state and the limits of expression being conducted by Saudi Arabia’s conservative clerical establishment and the secular, modernist programming broadcast throughout the Middle East by “liberal” satellite channels and their well-connected owners. It is hardly the first time the liberals and the religious conservatives have locked horns. The *ma’rakat al-hadatha*, or the “battle for modernity,” as it is often referred to, dates back

to the 1980s, when literary critic Abdullah al-Ghaddami, Saudi Arabia's leading intellectual, introduced the ideas of deconstructionism that had become *de mode* on Western university campuses to the ultra-conservative Saudi-Wahhabi state. In 2006, al-Qa'ida leader Osama bin Laden singled out Saudi Labor Minister Ghazi al-Gosaibi, a poet and novelist, as representing a liberal "fifth column" corrupting Saudi Arabia and the Gulf. Beyond that Wahhabism has been struggling with elements of modernity for decades, objecting, for example, to the introduction of television and radio in the 1960s and telegraph in the 1920s.

Indeed, Lohaidan's intervention is part of this wider historical tussle between the two institutions, the Wahhabi clerics and the Al Saud royal family, that give Saudi Arabia its form and substance – a struggle over their respective spheres of influence within the state structure. His controversial comments sprung from a dispute over the future of the judiciary as the traditional preserve of the clerics and the ability of the Wahhabi religious establishment to hold on to the extensive powers it has amassed, not least since the late 1970s.

### **A shock to the system**

The September 11 attacks were the biggest international crisis the Saudi state had faced since the oil embargo of 1973, if not since the kingdom's foundation. Fifteen of the nineteen hijackers were Saudi. They acted in the name of a group headed by a Saudi dissident, and they were all a product of the puritanical and xenophobic religious milieu of Saudi Arabia – though one could argue that the pro-Western policies of Saudi leaders was an equal if not greater factor in producing the mindset that led to the attacks. Revelations emerged in the weeks following 9/11 of Saudi Arabia's state-backed system of funding of Islamic causes, charity and proselytism around the world being exploited to funnel money to al-Qa'ida.

When George W. Bush declared his "axis of evil" in early 2002, many Saudis were relieved they had not been included. In an interview with *New York Times* columnist Thomas Friedman, Crown Prince Abdullah faced the question in February 2002 of why Saudi Arabia had not offered a clear apology to America for the atrocity.<sup>4</sup> As it became increasingly clear during 2002 that the Bush administration was set on invading Iraq, the Saudi regime and the business, tribal and religious elites huddled around it worried again that the real target in one way or another was Saudi Arabia. Would the invasion end at Iraq? And if it did in a military sense, the democratic experiment there could expand and create unwelcome pressures on the royal family. Further, word leaked from Washington that Pentagon analysts were bandying around ideas of decapitating Al Saud and chopping their ever-controversial state into pieces.

The Saudi response, masterminded by Crown Prince Abdullah despite resistance from his half-brothers Prince Nayef and Prince Sultan, according to diplomats in Riyadh, was to push forward with some modernizations that would gradually roll back the influence of the clerical establishment while not tampering with the fundamentals of the relationship between Al Saud and *al-Wahhabiyyah*, where the royal family controls state

policy while Wahhabi clerics take charge of society – the duality at the heart of the Saudi-Wahhabi polity.

Saudi media have played a central role in this ongoing strategy. The Saudi press was given a green light to engage the liberal-conservative debate more forcefully and risk attacks on the religious police, the “committee for the promotion of virtue and prevention of vice,” one of the citadels of clerical power which retained the support of Nayef and other powerful princes. Changes were also enacted in the education curriculum to water down the focus on religion and introduce compulsory English lessons at the primary school level. But the Interior Ministry was supportive of more state monitoring of clerics at Friday prayers once Saudis who had fought in Afghanistan opened a front inside Saudi Arabia itself in 2003. These changes reflected the fact that the now-dominant Saudi crown prince and his allies agreed with the Western analysis that the discourse of Wahhabi clerics needed disciplining and that smoothing the rougher edges of *al-Wahhabiyyah* was key to ensuring the family and their state’s survival.

Saudi Arabia’s project to recover its international standing after the debacle of September 11 also included opening its doors to the foreign press. The word went out that major news outlets were welcome in the kingdom, not just to send correspondents in for reporting stints, but to open offices. The foreigners may not like what they see, but the more familiar they make the West with Saudi society, the less likely that Western decision-makers would entertain ideas of changing the regime. It was a reaffirmation of the theory “better the devil you know,” and mirrored the policy which Washington and its allies have followed with Saudi Arabia for decades, rejecting the dissidents who emerged in London in the 1990s and fearing the Islamist base that produced the likes of bin Laden and his famed fifteen followers.<sup>5</sup>

But the opening to foreign media has moved at a snail’s pace. Though Reuters established an editorial operation in 2003, the death of a BBC cameraman and injury of a BBC reporter in a shooting incident during the mini-insurgency launched by al-Qa’ida operatives in 2004 caused many media organizations to think twice. It was difficult to find journalists prepared to work in the kingdom and the costs were prohibitive in themselves. When CNN identified an able Saudi in 2006 to establish as their correspondent in the kingdom, they preferred to send him to Atlanta to train and make use of him abroad rather than have him set up an operation inside a country where red tape, invisible red lines and a suspicious mentality make the journalist’s work extremely difficult. To date there is no BBC or CNN office in Saudi Arabia, and the number one Arabic news outlet, al-Jazeera, spent years shut out of the country because its open editorial line gave no special consideration for Saudi Arabia and its self-described *khususiyya* (special characteristics). Al-Jazeera stopped reporting sensitive news about Saudi Arabia in 2007 following a rapprochement between its Qatari royal owners and Al Saud, and as a result the channel hopes to open an office in Riyadh soon.

## Reading Lohaidan

With domestic media outlets polarized along the conservative-liberal divide, and foreign media still lacking a firm foothold in the country, Saudi Arabia remains far from being an open book. Perhaps no incident better illustrates this than the recent controversy over Sheikh Lohaidan's statement on the owners of satellite networks. The sheikh often speaks on a radio show *Noor 'ala al-Darb* (Light on the Path) on the state-run Qur'an Station, a weekly program where senior clerics offer fatwas, or religious opinions from a specialist in Islamic law, in response to questions from listeners or the presenter directly. In an edition that aired during Ramadan of 2008, the presenter asked Lohaidan what his advice was to the owners of Arab satellite channels that air "bad" programs generally, and even in the month of Ramadan (when comedy shows air after the sunset prayer as a captive audience settles down in front of the television after breaking the daylong fast). "I want to advise the owners of these channels that broadcast programs containing indecency and vulgarity and warn them of the consequences ... They can be put to death through the judicial process (*qada'an*)," he said. "If the evil of those who promote corruption in belief and actions cannot be held back through lesser punishments, then they can be put to death through the judicial process."<sup>6</sup>

The key phrase here was *qada'an*, through the judicial process. For Lohaidan there was no need for him to clarify this point further in his initial comments, since for the Saudi clerics the process is all there is; they could not conceive of a moral-criminal issue in any other fashion. In classic Sunni legal thinking, followed to the letter in Saudi Arabia, God's justice is dispensed by His cleric-lieutenants on Earth who are to be found in Sharia courts ready to pass judgment based on the divine law. The Saudi *ulama* have the unique privilege in the Islamic world of presiding as judges in a Sharia court system – this is the very definition of the Islamic state in their eyes. But this did not prevent Saudi-owned "liberal" media from playing-up Lohaidan's remarks because they fit their agenda of watering down the power of the Wahhabi *ulama*. Before long, the story was all over pan-Arab television networks such as MBC and its al-Arabiya news channel, owned by the brother-in-law of former King Fahd, and newspapers such as *al-Watan*, owned by Khaled al-Faisal, son of former King Faisal and nephew of King Abdullah.

Indeed, it was the Saudi-owned television channels that were directly under attack. The main entertainment channels on pan-Arab satellite TV showing the offending material are all Saudi-owned. The MBC network, which includes al-Arabiya news channel, is owned by a brother-in-law of the late King Fahd; Lebanon's LBC and the music channel Rotana are owned by the entrepreneurial Prince Alwaleed bin Talal, and the Orbit and ART networks are also owned by Saudi citizens. Their popularity far surpasses that of the staid state television channels that fit the orthodoxy of a religiously conservative society under the eyes of Sharia court judges. They also outdo in popularity the plethora of religious channels ranged against them, many of which were set up by the same royals or royal hangers-on (viz. Alwaleed's *al-Resala*) or were themselves post-9/11 efforts to tame, redirect and channel Saudi religious zealotry (such as *al-Majd*).

Channels and websites such as al-Arabiya and Elaph ran headlines saying the fatwa “approved killing” satellite channel owners and gave the impression that Lohaidan was encouraging vigilantes to assassinate television chiefs. Western and other Arab outlets tended to take their cue from those reports.<sup>7</sup> Yet the implication was ridiculous; it was hardly as if Alwaleed, King Fahd’s sister, or her family, or the manager of al-Arabiya in Dubai were seriously worried about attacks to their person. The royals live in a world apart of palaces, servants, private planes and cruise ships on the French Riviera. No one could get near them if they tried.

Saudi *ulama* have previously objected to young Saudis taking part in music talent shows along the lines of *American Idol* such as *Superstar al-Arab*. Lohaidan received support from colleagues who weighed in on the controversy. Sheikh Saleh al-Fozan, also a member of the Supreme Council of Religious Scholars where Lohaidan sits and the Mufti presides, told *al-Madina* newspaper that “sorcerers” on Arab television should be offered a chance to desist and repent from what is a sign of apostasy. This was a shot at satellite channels specializing in horoscopes and other material considered *sihr* (magic) and *sha’wadha* (sorcery), for which Saudi cleric-judges have no compunction in dispensing the death penalty. Ramadan television, by coincidence, had provoked many Saudis. The comedy *Bayni wa Baynak* (Between Us), starring comedian Fayez al-Malki, had a number of slapstick scenes where the jokes focused on body parts and double entendres, and commentators in the Saudi press complained that it was bad taste, not least for the holy month.<sup>8</sup> Anecdotal evidence suggested that many Saudis seemed to agree with this view and sympathized with Lohaidan, though that didn’t stop them from consuming Ramadan comedy or their wives obsessing on Turkish soaps.

### **A judicial question**

But if a desire to stir up violence at Saudi media moguls and secular soaps doesn’t fully explain Lohaidan’s statements, what does? Lohaidan’s words also seem calculated to speak to a deeper and more pressing issue – the long-running and unresolved struggle over judicial power within the Saudi government. A more likely explanation is that Lohaidan was seeking to re-stake the Wahhabi *ulama*’s claim on their judicial prerogatives. Along with opening some media space, judicial reform has become one of the key elements of Abdullah’s campaign to bring Wahhabism under control, and in the process stave off Western criticism and fight back against al-Qa’ida and the Islamist ideology of insurgency against the Saudi state. A royal decree issued in October 2007 announced plans to reorganize the court system, establish an appeals court, build new courthouses and bring a series of commercial tribunals working inside the ministries into the revamped Sharia court system. The Minister of Justice said in an interview in July that these reforms would include introducing the concept of precedent through proper codification of laws, increasing the number of Sharia court judges (currently fewer than 1,000 for a country of 25 million) and sending judges abroad for training on modern logistical methods of handling cases, including computerization.<sup>9</sup> These changes are partially tied to Saudi Arabia’s membership in the World Trade Organization since 2005 and the desire to attract foreign investment (commercial tribunals have been outside direct clerical control since the 1970s, a simmering point of contention).

No one has said it publicly, but these judicial reforms all aim to train judges in some specializations outside the Hanbali school of Sharia as interpreted in the Saudi context—Wahhabism—and in some specializations outside the realm of Sharia altogether. They thus constitute a direct challenge to Lohaidan’s authority. “The court reforms are not fundamental but they could be radical, depending on how they are applied,” says Abdelaziz al-Qasim, a former judge who is now part of the liberal trend and a member of the unelected advisory Shura Assembly. “It has opened the door to cleansing the judiciary of the conservatism that has dominated up to now. The judges will remain clerics, but clerics of a different style.”<sup>10</sup> Lohaidan is widely assumed to oppose the reforms, and to have opposed litigation laws enacted in 2002, which are often ignored by Saudi judges, who regularly refuse defendants the right to a lawyer. The Supreme Judicial Council that he currently heads would be rendered no more than an administrative body that organizes the affairs of judges, such as their hiring, firing and remuneration.

While it received much less attention than his earlier statement on satellite owners, Lohaidan’s recent comments on the issue are significant in that they reveal the linkages between the media debate and judicial question. In a rare appearance on Saudi Arabia’s government-run Channel One, he came out fighting in defense specifically of the Sharia courts and clerical justice.<sup>11</sup> His interviewer set the tone by mentioning in his preamble that Lohaidan’s comments had been misrepresented by “biased media,” before repeating the original question seeking Lohaidan’s advice to owners of entertainment channels. Lohaidan’s lengthy response began with an outline of his personal history as a religious scholar who graduated in 1960 from the Sharia College of al-Imam ibn Saud University in Riyadh then immediately found work in the office of then-Mufti Sheikh Mohammed bin Ibrahim, a man who clashed with King Faisal over attempts to modernize the judicial system. For 50 years, Lohaidan stressed, he has given service to the spread of God’s moral ordinances through issuing fatwas, adjudicating in Sharia courts and preaching in mosques. He discussed his relationship with each successive kings and senior officials of state and pointed out that he is the only one of the original 14 members of the Supreme Council of Religious Scholars established by former Mufti bin Ibrahim still alive. “This life does not suggest someone who gives fatwas from a position of ignorance or lack of vision and understanding,” he said.<sup>12</sup> Lohaidan continued with an appeal to a sense of order flowing from the *ulama’s* domination of the judicial system and the clerical alliance with Al Saud:

All my time is spent in the justice system studying cases—murder, stoning, finances, capital crimes, crimes with fixed Quranic punishments, etc—and that requires all your time in the judicial apparatus which I consider to be, praise to God, the most distinguished judicial system in the world, though that does not please some parties, because it is based on an understanding from the book of God, the Sunna of his Prophet and the sayings of his companions.<sup>13</sup>

Concluding, Lohaidan returned to his controversial fatwa, seeking to reinforce his framing of the issue as a matter of proper judicial procedure rather than a call to vigilantism.

Of course, the judge does not pull out his sword and kill whoever he wants, a case is filed by the concerned parties to the general prosecutor and the judge hears the case and issues his verdict and if he thinks they deserve severe punishment it is passed on to the further authorities to review the judgment and then to the highest authority....I don't think that someone who had lived and worked all this time among the senior *ulama* would rush to make a statement in the way that biased parties have rushed to falsify and say I issued a death verdict against satellite TV channel owners. I ask God to guide these people and strengthen their understandings, and I ask God to increase this kingdom in its resolve for right guidance in the face of the biased parties, since this country has lived through a period of changes in neighboring countries in terms of revolutions, disturbances and hesitations. Yet it has remained firm because it is on the right path, did not follow a vain cause and it won the approval of God.<sup>14</sup>

Without missing a beat, Lohaidan had linked the particulars of the satellite fatwa to a sweeping defense of the clerical-royal alliance and its role in maintaining stability in Saudi Arabia.

### **The alliance strained?**

With these comments Lohaidan was appealing to Al Saud on the key issue on which they both agree: that the polity of Saudi Arabia has survived, despite numerous predictions of its imminent demise, precisely because they have stood together and shared power. Of course, Lohaidan would never phrase it like that. But the clerics' free hand to administer Sharia law in the courts is a central function they perform as their part of the bargain and hand-in-hand, *al-Wahhabiyyah* and Al Saud have fended off Baathism, Nasserism, communism, Shi'ite revolution and formed a working relationship with Western neo-imperialism in the post-colonial age—quite a collection of “disturbances.” Further, Saudi Arabia is surrounded by states and polities that have jettisoned elements of the archaic, despotic, obscurantist socio-political system that it clings on to. In no other Gulf country do the *ulama* monopolize the judiciary as they do in Saudi Arabia. In all neighboring countries women are free to drive and state-sanctioned religious vigilantes do not roam the streets ordering women to cover their faces. Kuwait has even succumbed to the temptation of parliamentary politics, even if its vibrant system is flawed. In the sheikhdoms of the United Arab Emirates some have moved away from *al-Wahhabiyyah's* vision of God's Utopia, while others, like Sharjah, have partly embraced it. But for Lohaidan, “right guidance” has prevailed in Saudi Arabia. To dilute clerical control of the judiciary would be to risk it all.

The fact that Lohaidan came out with this statement at all on state television is an indication of how cornered he had been by the pro-Western reform camp over his initial remarks. Many observers wondered whether there would be consequences for the influential sheikh. Had he overplayed his hand? During the *Eid al-Fitr* when the month of Ramadan was over, Lohaidan was one of many senior clerics who met with King Abdullah in Mecca in the traditional Eid gatherings. State television carried images of Lohaidan greeting the king. They embraced, but the king quickly moved on to someone else and Lohaidan appeared to be left standing, jilted when expecting more.<sup>15</sup> Text messages circulated among politically-attuned Saudis asking whether this was a snub for the TV fatwa. Meanwhile, the judicial reforms appear to be moving at a typical glacial pace as the tide of Arabic entertainment TV rises ever higher.

**Andrew Hammond** is the author of *Popular Culture in the Arab World and What the Arabs Think of America*.

---

<sup>1</sup> “Turkish soap opera upends traditional Arab gender roles.” NBC News, 31 July, 2008.

<sup>2</sup> “Saudi cleric slams Turkish soaps as ‘wicked’,” Reuters, 27 July 2008.

<sup>3</sup> The Lohaidan episode was pre-recorded some three months beforehand, and contrary to some reports, he remains a regular contributor to the show, which is neither solely dedicated to him among the clerics. “Death to the media moguls!” *The Economist* 18 September 2008;

<sup>4</sup> “An Intriguing Signal from the Saudi Crown Prince,” *New York Times*, 17 February 2002.

<sup>5</sup> A strong Islamist showing in the 2005 municipal elections have intensified these fears.

<sup>6</sup> A transcript of the key comments is available on the site Islamlight:  
<http://www.islamlight.net/index.php?option=content&task=view&id=11118&Itemid=23>  
 A recording can be heard at the Saudi Quran Station website:  
<http://www.liveislam.net/browsearchive.php?sid=&id=54389>.

<sup>7</sup> See alarabiya.net, Fatwa al-Luhaidan bi-Qatl al-As-haab al-Fadaa’iyyaat Tudhakkir al-Gharb bi-Ahdaath September, 14 September 2008;  
[http://www.alarabiya.net/save\\_print.php?save=1&cont\\_id=56580](http://www.alarabiya.net/save_print.php?save=1&cont_id=56580). And Associated Press, “Top cleric in Saudi judiciary: it’s OK to kill owners of TV networks airing ‘immoral content’,” 12 September 2008.

<sup>8</sup> In one scene, Malki told his sidekick he could stick his mobile phone chip “in your you-know-where” (*mahall ma inta khaabir*); see Reuters, “Unholy row as Saudi clerics slam Ramadan TV,” 15 September 2008.



<sup>9</sup> *Asharq al-Awsat*, 8 July 2008.

<sup>10</sup> Interview with author, July 2008.

<sup>11</sup> His response is documented here: <http://www.saaid.net/arabic/209.htm#5>.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> An excerpt of this incident is available on YouTube at:  
<http://www.youtube.com/watch?v=QrVXTHD7O-8>