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Encountering the State: Women's Documented Lives  
in Riyadh, Saudi Arabia

– Zina Sawaf –

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## **Encountering the State: Women's Documented Lives in Riyadh, Saudi Arabia**

### **Abstract**

This paper explores the Saudi state's materiality through the narration of one woman's experiences and encounters with its bureaucratic and documentary practices. From her dramatic run-in with the hay'a (religious police), during which her identification is demanded, to her "divorce by SMS", Duaa's relationship with the state is increasingly individuated, direct and mediated by documents. More often than not, however, Duaa's documented life remains enmeshed in patrilineality and the male guardianship system. She experiences various bureaucratic documents as unstable and incoherent material objects of governance. Accordingly, Duaa and other women are not taken by documentary fetishism, but learn to navigate for themselves overlapping and unfair systems that privilege the masculine citizen.

**Keywords** : Women, Saudi Arabia, state, materiality, documents

We pay the bill and walk out of Café Bateel, one of Tahliya Street's posh restaurant-cafes. While we are standing outside Bateel's doors on the wide sidewalk awaiting our ride, I notice the car of the *hay'a* (religious police)<sup>1</sup> sluggishly inching forward with the traffic. I mention this to Duaa and Hosn, and start giggling and snickering nervously. Our laughter and glances may have caught the *hay'a* members' attention because they start gesturing at us wildly from the seats of their car to cover our faces. While each one of us dons a *ṭarḥa* (headscarf), our faces are uncovered. Caught by surprise, we are confused about how to respond, and Duaa suggests we walk away from Bateel. She starts to joke about the laziness of the *muṭawwa'*, signaling at us from the comfort of his car.<sup>2</sup> Low and behold, one of the men emerges from the car and approaches us. Duaa tells us not to say a word. He catches up with Duaa and a highly public argument ensues. We are standing between Tao Lounge and Café Bateel. Tables of men seated outside Tao watch as the drama unfolds.

Duaa launches into a heated argument with the official about the legal consensus, or lack thereof, around the face veil and explains that her friends are non-nationals. He replies that even so, we should respect the customs and traditions of the country. She then becomes enraged when he asks for her *biṭāqa* (identity card), retorting that he should be the one to show her his own *biṭāqa*, realizing that he is a *muḥtasib* (volunteer) rather than a *muṭawwa'*, that is an actual employee of the *hay'a*. He inquires whether she is actually Saudi, and walking away, she replies, "despite you, I am Saudi." By this time, the *muṭawwa'* shows up and then she assertively asks to see his identity card. While he wears his *biṭāqa* around his neck, it is turned over. The *muṭawwa'* then tells the *muḥtasib* to leave the scene, and Duaa is trembling with anxiety and fury by this point. When she finally reaches us, she exclaims

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<sup>1</sup> The religious police is referred to as the *hay'a* in local parlance.

<sup>2</sup> The *muṭawwa'* is an official paid employee of the *hay'a*, while the *muḥtasib* is a volunteer of the *hay'a* who may accompany the *muṭawwa'* on the job.

that when it comes to women's interest like divorce or alimony, the courtroom does not want her *biṭāqa*, nor does the judge want to see it, while the *hay'a* is the first to ask for identification.<sup>3</sup>

As we made our way home safely, anticipating Twitter to erupt with 140-character messages, or a witty hashtag about a confrontation between a young woman and the *hay'a* in Tahliya, we became frantic and rowdy, taking stock of our close brush with the *hay'a*. The driver of our car revealed that a young woman in a vehicle stationed nearby taped the entire scene. "It was definitely the kind of scene that is taped and then uploaded on social media and shared widely," I noted later that day.<sup>4</sup> We were frazzled by the *hay'a*'s agitated watchfulness, and wondered why they recorded our car plate number in such a loud and theatrical manner before driving away and leaving us alone. We were torn between laughter and serious discussion as to their radical comportment and their violation of people's dignity and properties under the pretext of reform and the prevention of vice (Al-Bishr 2013). Duaa explained that she learned how to interact with and respond to the *hay'a*, and how to stand her ground, through online awareness campaigns. Rather than being bullied into providing identification by volunteer members of the *hay'a* acting in breach of their mandate, she knew to ascertain in what official, or unofficial, capacity they addressed her first. She differentiated between a member who is licensed and authorized to address her and request identification, versus a member who does not possess such authority. For her part, Hosn was struck by the lack of chivalry that the bystanders, and especially the tables of men, displayed as the *hay'a* members harassed and pursued us. This public encounter unfolded in the spring of 2014, when the religious police still enjoyed such privileges as trailing, questioning, harassing, detaining and demanding identification of citizens and visitors alike. Their power remained relatively unchecked until a royal decree issued in 2016 limited their jurisdiction and obliged them to report back to official authorities such as the police or security forces (Bashraheel 2019).

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<sup>3</sup> Quoted from my field notes, written on April 11, 2014.

<sup>4</sup> Ibid.

What stuck with me ethnographically for days and for the remaining duration of ethnographic fieldwork in Riyadh, however, was the extent to which the *biṭāqa* (identity card) is affective and evocative, and lends itself to abuse, manipulation and resistance by its holders and transactors. On the one hand, the demand to see her *biṭāqa* took Duaa affectively back into court. With all there was to take in during the face-off with the *hay'a* on Tahliya's expansive pavement, not excluding the various spectators, the traffic police and the commuters, Duaa's immediate reaction was to recall the judge and his reaction to her *biṭāqa* in her hometown of Medina. Duaa was reminded of how this very same *biṭāqa* mediated her relationship with the state authority embodied by the judge, and ultimately her relationship with her daughters, whose custody she lost in court years prior. On the other hand, the act of demanding identification set in motion a power struggle between Duaa and both of the *hay'a* members, about who has the right to request identification cards and in turn who has the right to view them.

### **Women's Documented Lives**

The daily press abounds with stories that foreground identification documents as affective objects and show how their production and verification open up new spaces for resistance and contestation (Navaro-Yashin 2012; Kelly 2006). "Man sells son's ID to expat", reads one headline and tells the story of a Saudi national who was shocked to find that his identification card had already been issued to a Yemeni expatriate, when his father sold it to the latter in 2007 (Arab News 2014a). The article further reports that many residents in the southern region Asir similarly discovered their identification cards had been sold to expatriates who were in violation of the Kingdom's labor and residency laws. Days later, a news story revealed that passport counters in Jeddah and Dammam were being "feminized", since "religious Saudis" were concerned about male passport officers handling their female relatives' passports and seeing their photos (Sayel 2014). Accordingly, the Ministry of Interior resolved the dilemma by assigning Saudi women to check the passport photos of female travelers and created counters fully staffed by women. Even the process of applying for, obtaining and even holding identification documents is susceptible to negotiation,

manipulation and even extortion. The younger brother of a 50-year old businesswoman continued to demand large sums of money in exchange for facilitating and signing off on her official paperwork as her *mahram* (male legal guardian) in state offices (Arab News 2014b). Indeed, bureaucratization and paperwork further render women vulnerable within the male guardianship system.<sup>5</sup>

As the modern Kingdom of Saudi Arabia has moved away from its oral heritage towards increasing reliance on and influence by bureaucratic and documentary organization of private identities and relationships, state-issued identification documents have become indispensable for allegedly lending coherence to citizen lives. At least since the 1960s (Samin 2015), identification documents have served to ensure access to state subsidies and employment. Following the September 11 attacks in 2001, the state stepped up its security and surveillance practices, introducing independent identity cards for women, who were previously included in family identity cards through the intermediary of their legal male guardians (Al-Guwaifli 2011; Le Renard 2014b).

While state security and surveillance concerns played a role in the introduction of identity cards for national women, Saudi reformists and feminists had been making this demand since at least the mid-1990s. In 1996, the feminist political sociologist, poet and writer Fowziyah Abu Khalid published a very short article in the daily Al-Jazirah directly addressing then Minister of Interior Nayef bin Abdulaziz Al Saud and inquiring whether a woman in the twentieth century should not enjoy her own identity card. The question stemmed from Abu Khalid's own mother's experiences as a businesswoman, whose many business transactions and challenges might be resolved through the possession of an independent card.<sup>6</sup> The article sparked a media campaign around the question. For an entire month, the daily Al-Jazirah published Abu Khalid's article along with opinions presenting opposing and supporting views vis-à-vis the demand for women's independent card. Other dailies and

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<sup>5</sup> Despite a series of reforms implemented over the last ten years, the male guardianship system remains in place. The system places restrictions on a Saudi woman's mobility, marriage, ability to exit prison, to work or access healthcare, by requiring the authorization of her male guardian, usually her father, husband or nearest of male kin. Carrying out such regular transactions as renting an apartment or filing legal claims is difficult without a male relative. Even when male guardian consent is not required or stipulated by law, officials continue to request it (HRW 2016).

<sup>6</sup> Interview with Fowziyah Abu Khalid, conducted on September 13, 2022.



writers similarly picked up on the debate.<sup>7</sup> Women in general and divorced women in particular were situated to speak to the many injustices arising from their bureaucratic liminality in conducting basic transactions and tasks. Accordingly, the reformist and feminist demand for legal codification since the 1990s, including the right of women to carry their own proof of national identity (Abu Khalid 2013), eventually led to the introduction by a feminizing state of new identification practices. In 2013, the Council of Ministers issued a decision that women are required to obtain their own national identity card within a seven-year period. Thereafter, the card would be the only way for women to prove their identity. Furthermore, women do not need guardian approval or consent to apply for a national identity card (HRW 2016). More recently in 2016, the interior ministry decided to issue divorced and widowed women family cards, enabling them to conduct essential bureaucratic tasks for their children, such as enrolling them in school.

Social scientists are increasingly paying attention to the naming and identification practices of the Saudi state. According to Samin (2015), the state's nascent taxonomical authority unintentionally reinforced tribal identity as well as the kingdom's "modern genealogical culture" by imposing a four-part name, including the tribal name, on identification cards. As for the feminist activist and historian Hatoon Al-Fassi, she argues that the state inconsistently applies its decisions and does not hold accountable those who act in its name. For instance, and while the Ministry of Interior issues independent identity cards for women, other state institutions like the courts refuse to recognize these cards and instead request family cards (Al Yaum 2011). This gives rise to a system of individual conduct whereby court officials act on their own accord, and are not penalized for doing so and for failing to comply with ministerial decisions (ibid). Some service sectors are similarly reserved in accepting a women's identification card without a male guardian or relative identifying her (Abu Khalid 2013).

This paper is rather interested in how the state's materiality and specifically its bureaucratic documents engender manifold contingent affects in their holders and transactors. It seeks to restore analytical visibility to documents, which have been overlooked by anthropologists

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<sup>7</sup> Ibid.

(Hull 2012). By studying documents as mediators and by looking *at* rather than *through* them (Hull 2012), attention can be drawn to moments of encounter with the feminizing state (Sawaf 2018). Insofar as documents generate coherence and legibility among the citizen lives of modern states and legal systems, they are also encountered and experienced as unstable and incoherent. Beginning with Duaa's dramatic brush with the *hay'a*, during which her identification was demanded, to her "divorce by SMS", which left her with the burden of obtaining documentary proof of this divorce, this paper asks how documents are woven into her life both as techniques of control and as objects to be manipulated. More specifically, it seeks to understand the kinds of affects that are produced in the process and to speak to the particular texture and experiences of documented lives. It contends that while the state is increasingly individuating women through bureaucratic naming and identification practices, the former's documented lives remain enmeshed in patrilineality and the male guardianship system. As a result, women are not taken by documentary fetishism, but learn to navigate for themselves overlapping and unfair systems that privilege the masculine citizen. Through an intimate narration of Duaa's second divorce, drawn from her life history, it becomes clear that Duaa experiences her documented life as capricious at best, and unjust and inconsistent at worst.

### **"Duaa Al-A. Inti Ṭāliq": The Burden of Documentation**

Ammar, during the last week of Ramadan, sent me a text message [SMS]: "*Duaa Al-A., inti ṭāliq* (you are divorced)". Just like that, with the utmost simplicity. He did not show me his face, nor did he call me. I called him and he did not answer. He disappeared. It is a long story...

He divorced me through a text message. I called a court shaykh, he said maybe or maybe not the divorce will take place. He needs to come to the court to file the papers. I discovered anyway that when we got married – and I have the original marriage certificate – he got it stamped at court, but he did not enlist me as his wife with Civil Affairs. And he did not enlist me as his wife at the American embassy because he has a green card. We had been married

for nearly one year, but God only knows that Ammar did not have any intention to legally recognize me as his wife. *Al-ḥamdulillah*, in any case Zina, *id'ī lī* (supplicate God for me) that my affairs run smoothly and I move to a new house.<sup>8</sup>

The practice of unilaterally declaring a wife divorced often gives rise to problems. For one, the husband can retract his unilateral declaration of divorce during the three-month *'idda* period.<sup>9</sup> At the same time, formality is not required. The verbal act of *ṭalāq* requires “no writing, no particular form of words and no witnesses, not even that the wife be present.” (Vogel 2000, 5) Although uncommon, “divorce by SMS” is known to occur and to be approved by court when it meets four conditions (Al Arabiya 2006). Firstly, the husband should be the sender of the mobile text message. Secondly, he should have the desire and will to divorce his wife. Finally, the phrasing of the message should be unmistakable and his wife should receive it. It often falls upon the wife, who is unilaterally declared divorced, however, to prove the divorce. Duaa was left with the burden of obtaining documentary proof of her “divorce by SMS”.

As she was forced to contend with the implications of a declaration of divorce through text message, she was simultaneously grappling with multiple discoveries about Ammar. Just under one year of her second marriage and Duaa realized Ammar is not the good and moral person she believed he was. For a practicing Muslim, his way of life irked her as “he turned out to be a playboy and to drink until he becomes drunk. There is nothing *ḥaram* (forbidden by Islamic law) he has not tried.” She was shocked by the extent to which his family interfered in his life, particularly his mother and his siblings. His multiple infidelities and family problems profoundly affected her, more than those of her first husband, because her first marriage was a “traditional one and she did not love him”. By contrast, Duaa met Ammar at an international education fair in Riyadh where they exchanged numbers, maintained daily telephone communication, and continued to see each other sporadically in hotel restaurants. A love marriage, this second marriage was her choice, and her choice

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<sup>8</sup> Interview with Duaa, conducted on July 22, 2015.

<sup>9</sup> The *'idda* period is a three-month waiting period after which the divorce is final. During this period, a divorcée may not marry another man.

alone, affecting many changes in her life and leading her to compromise her claims to autonomy. She gave up her apartment and government job in Riyadh and moved to Jeddah, soon finding herself in a house “without a TV, without internet...imprisoned...and he [Ammar] asking me how I am going to generate money for the family.”<sup>10</sup>

Yet the most shocking discovery was the level of indeterminacy that defined her marriage to Ammar from the outset. Ammar's failure to record the marriage with Civil Affairs, to enlist Duaa as his wife both there and at the American embassy, and most notably, to procure a family card, led Duaa to view her legal status as his wife incomplete and precarious. In fact, the lack of documentation led her to question whether Ammar actually intended to legally recognize her as his wife. As material objects of governance, documents serve to define, classify and recognize particular types of persons and relationships, which are often internalized and embodied by their holders. Not legally distinguished and identified as his wife evoked in Duaa feelings of uncertainty and fear, particularly about Ammar's other potential relationships,

In Saudi, when a woman marries a man, a shaykh comes and a legal contract is signed. Then the contract is notarized in court. Of course, the shaykh who conducts the marriage has a *rukḥṣa* [license] to do so. Then the husband is supposed to take it [the notarized contract] to Civil Affairs in order to register the marriage in the system, in this way the woman is registered as the wife of this man, and he is registered as married to her, and they receive *biṭāqat al-usra* [a family card].

What happened in my case with Ammar is that he married me legally. They signed a contract<sup>11</sup>, and he took it to the court, and it was notarized. We travelled on our honeymoon right away. He said when he returned from the honeymoon, he would register the marriage. Every time I asked him, he would say that he entered it into the system, he entered it into the system,

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<sup>10</sup> Interview with Duaa, conducted on June 25, 2014.

<sup>11</sup> Here, “they” refers to Ammar and Duaa's father. The contract of an Islamic marriage is often concluded between the groom and the male guardian of the bride.

until I discovered that he did not enter it into the system, and God only knows his reasons for doing so, maybe he has another marriage outside Saudi. And I suspected this, that he is married to an American woman, who is in America. Of course, because he has a green card, so he is not allowed to have two wives, one of whom is American...<sup>12</sup>

In this way, the lack of documentation classifying Duaa as Ammar's wife, and recognizing their legal marriage, generated poignant potentialities that confirmed suspicions Duaa had previously entertained. The indeterminacy of her status as his wife led Duaa to imagine other wives and relations, the existence of which she might never ascertain. What was becoming evident to Duaa, however, was Ammar's unwillingness to work on the relationship and to seek support through a marriage counselor or therapist. Subsequently, Duaa gave in to her husband's repudiation by SMS, and was obliged to handle the burden of documentation, that is, the work of proving her divorce and making it rational and ultimately tangible. Once more, her father and male legal guardian was drawn into the bureaucratic arena of contestation, with the sole aim of proving his daughter's divorce namely through the procurement of *ṣak al-ṭalāq* (the divorce decree).

Unsurprisingly, Ammar took his time in cooperating with Duaa's father. Although a unilateral declaration of divorce is legal and binding, the documentation of divorce invests it with bureaucratic authority and materiality in the era of the nation-state, particularly for the one who is repudiated. The bureaucratic reach and rationalization of the state have made it imperative to register, or to borrow from Duaa's words, "to enter into the system" births, deaths, marriages and divorces. In fact, the Civil Affairs Department imposes a fine for delays in registration since there are set periods within which births and deaths are to be registered (30 days) and marriages and divorces are to be registered (60 days) (Arab News 2015). The documentary practices of the state speak to the expansion of control and governance by the state of private identities. Moreover, the state contends that these documentary practices are conducive for and guarantee the protection and rights of documented lives (Arab News

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<sup>12</sup> Interview with Duaa, conducted on March 5, 2016.

2015). Thus, not updating one's civil status has multiple affective and material implications for "citizen personhood" (Samin 2015, 186).<sup>13</sup>

As communication broke down with Ammar, Duaa's father presented him with an ultimatum to either remedy the situation through recourse to a marriage counselor, or if the marriage is not meant to be ("*ma fī naṣīb*"), to procure Duaa's *awrāq rasmiyya* (official papers) "so she may be able to live her life and not remain *mu'alaqa*". *Mu'alaqa* literally means "hanging" and implies that Duaa is suspended in legal liminality between marriage and divorce. Ammar continued to drag his feet and delay giving his unilateral declaration of divorce textual form, while Duaa's father carried on demanding "*waraqat bintī*", literally, his daughter's paper. When Duaa's *'idda* period came to an end, Duaa's father threatened to file a claim in court. Under the risk of sustaining legal action, Ammar acquired the divorce decree,

So he brought me *ṣak al-ṭalāq* (the divorce decree). This is a stupid system. How can a man go to court and obtain a divorce decree and his wife is not present? How did he get a divorce decree and I am not at court? What if he divorced his wife in absentia? I do not understand. I know a woman who was divorced by her husband in absentia and he returned to their conjugal home, lived with her, slept with her... she did not know that he had divorced her. Three months later, they fought and he told her, anyway I divorced you three months ago. Go and get a copy of your divorce decree. Imagine she became pregnant during this time? The child would have been born outside marriage. This is very bad in Saudi...

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<sup>13</sup> Two to three generations ago, it was not uncommon that contracts were not written but were rather concluded orally. Many elderly people I came to know in Riyadh describe how their parents married orally in front of witnesses, "through spoken human linkages" (Messick 1998, 39), without recording the marriage on paper nor registering the marriage at any state office. What is more, the latter often used practical and local "identifying style and referents" (ibid, 35). For instance, some rely on historical social, economic and political events to identify their date of birth and marriage rather than on identification documents and their registered numbers. One elderly woman recalls that she was born during "*ṭabkh al 'aysh*", a year when people cooked and ate grains because dates were unavailable as a result of weather conditions or war. She similarly describes how she got married the year following the death of King Abdul Aziz. In this way, local historical events serve as unwritten markers of identity, in contrast with contemporary state-issued documents, reflecting the "transition from the predominantly oral culture of premodern Arabia to the new textually oriented, bureaucratically influenced society of the modern kingdom" (Samin 2015, 4).

Ammar was afraid of Baba. Baba threatened to go to court. He obtained the document. I got my divorce decree. I do not know how the court issued the decree when he did not register our marriage. I do not know anything.<sup>14</sup>

Effectively, it is not uncommon for men to end marriages secretly without informing their wives. In order to reckon with this practice, the justice ministry approved a measure in 2019 to notify women via text message of any changes to their marital status, including divorce. Lending such bureaucratic character to private identities and relationships not only emphasizes a fetishism with state-led and organized documents but also underscores how these latter might be experienced as capricious. In other words, the divorce decree has the potential, in the words of Duaa's father, to enable her to "live her life". The decree not only confirms the termination of a particular type of relationship, or indicates a legal status, or serves to classify and recognize a type of person and to generate statistics for the Ministry of Justice. More curiously, it also palpably prevents Duaa from remaining suspended or "hanging". Being *mu'alaqa* is damaging not only for a woman, but also her family, parents or children. She does not enjoy her full marital rights nor can she begin a new intimate and family life. It is "as if she is without a *wali al-amr* (male legal guardian)" (Al Riyadh 2005) altogether, since it remains unclear who is legally accountable for her, her husband or her agnatic kin, such as her father or brother. She cannot conduct essential bureaucratic tasks for herself or her dependents. Accordingly, the divorce decree as a "technique of governance" must be understood in the wider legal and guardianship systems within which it is produced, verified and takes effect.

Consequently, Duaa's documented life and multiple experiences with various bureaucratic and identification documents, from her identity card to her non-existent family card and eventually her divorce decree, broadly speak to her increasingly individuated and direct relationship with the state. More often than not, Duaa has experienced her identity card as an arbitrary and unstable technique of governance. Her documented life has been recognized to varying degrees by the state as it comes to be embodied and enacted by

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<sup>14</sup> Interview with Duaa, conducted on March 5, 2016.

different employees ranging from members of the *hay'a* to court officials and judges. While the state posits a society of “theoretically equivalent citizen-strangers” (Messick 1998, 35), Duaa comes to encounter it as capricious in this regard given its privilege of the masculine citizen within the male guardianship and legal systems. This is what leads her, from the outset, to be informed about her citizenship rights vis-à-vis various state authorities, and to demand, for instance, identification from a state employee, like the member of the *hay'a*, when her own documents are in question. More crucially, and at the same time, she turns to the state, its courts and the official documents they produce in order to render her conjugal and family life more coherent, legible and stable. As she turns over a new leaf, and moves into her own house, she jokes: “I took my paper, and I am living, I am waiting for number three. [She laughs out loud.] I’m kidding.”<sup>15</sup>

## Conclusion

The fieldwork described above unfolded over two years (2013-2015) during the reign of King Abdullah, who passed away in January 2015. Since then, King Salman has ascended to the throne, with his son Muhammad bin Salman acting as de facto ruler. The latter is rolling out socio-economic reforms with great fanfare partially aiming to increase women's participation in public life, the foremost of which has seen women take the wheel in the streets of the country's cities following a decades-long ban on driving. These reforms also allegedly envision more involvement of women in the job market, and restrained power for the religious police. New personal laws have been launched in order to promote gender justice and preserve the stability of the family. Codified personal status laws are especially intended to improve women's lot with regards to marriage, *khulu'* (female-initiated divorce) and their many conditions. Yet these reforms do not indicate a serious move towards dismantling such overlapping and unfair systems as the male guardianship system and the legal system.

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<sup>15</sup> Interview with Duaa, conducted on March 5, 2016.



Accordingly, women such as Duaa and others will continue to experience documents as nodes of unstable and indeterminate relations, both real and imagined, framed by gendered and aged domination by powerful kinsmen and statesmen. Even as they will seek throughout their lives to achieve coherence and legibility as citizen-persons by obtaining, proffering or withholding various state-issued documents, these latter will continue to lend themselves to manipulation, negotiation and resistance.

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