

RESEARCH ARTICLE

The Limits of Legalism in Saudi Arabia: A Commentary on Haifaa al-Mansour's *Wadjda*

Ameen Omar

ABSTRACT

Wadjda (2012), the first feature film to be shot in Saudi Arabia and directed by a female, Haifaa al-Mansour, relays the story of an adolescent girl who goes through hurdles to purchase a bicycle. Along with the many social issues articulated in the film, al-Mansour conspicuously highlights the controversy of bicycle-riding for females in Saudi Arabia. Through *Wadjda*, al-Mansour provides an insight into the challenges faced by women in Saudi Arabia and the dissonance between conservatism of the public sphere and the profane predilections of people's private lives. While accentuating social challenges, *Wadjda* also reveals the limits of legalism. Legalism is defined here as a type of thought and practice that approaches life through regulations and generalizing categories that—once established—are thought to reflect morality. This study argues that legalism is manifested in gender and marriage inequity, in the context of conjugal relationships and

Received 18 June 2020; accepted: 25 August 2020; published September 2021

© 2021 The Author(s), HBKU College of Islamic Studies.

Cite this article as: Omar, A. (2021). **The Limits of Islamic Legalism in Saudi Arabia: An Analysis of Haifaa al-Mansour's *Wadjda***

Astrolabe: A CIS Student Research Journal, (3)

<https://www.hbku.edu.qa/sites/default/files/LegalismInSaudiArabia.pdf>

societal discontentment, especially as it pertains to youth. It will focus on the following questions: what representation of the relationship between social practice, politics, and Islamic law does the film offer? What social impact do Saudi legal strictures and social practices have on Saudi women and youth? How do actors exercise their moral agency amidst these dynamics? And finally, in what way does al-Mansour use the film to engage these culturally sensitive issues? While al-Mansour articulates debates on women in Saudi Arabia and people's disaffection with restrictive laws and customs, I have been particularly keen to tease out issues concerning the relationship between the state, Islamic law, and Saudi Arabian custom. Likewise, I explore debates on the influence of globalism.

Keywords: Legalism, Saudi Arabia, gender, patriarchy, polygyny, Wahhābism

INTRODUCTION: THE FILM

On Tuesday, April 10, 2018, in Jeddah, Saudi Arabia, 47 female cyclists competed in the first all-women's cycling race.¹ Though the turnout was a success, controversy ensued over social media regarding the lack of "modesty."² Reacting to critics, one Twitter user wrote:

"In five years or 10 or 20, the women who are criticizing the event on social media are going to take part in similar races or will attend them and cheer on those racing. Just like they did with mobile phones, televisions, schools, nursing, medicine... They'll look back and be embarrassed by the way they reacted."³

This race comes when Saudi Arabia is undergoing an economic and social transformation as part of its Vision 2030 agenda.⁴ Bicycle-riding for women was first decreed permissible in 2013, one of the many recent changes the country has seen in the last five years.⁵ It coincides with the release of the first feature film in Saudi Arabia, *Wadjda*. Directed by Haifaa al-Mansour, *Wadjda* underscores the social challenges women face in Saudi Arabia by looking at the life of an adolescent girl who attempts to purchase a bicycle. Wadjda, the protagonist, is portrayed as a cheeky, independent-minded

1 Paul Harrison, "Saudi Arabia hosts its first ever women's cycle race," BBC News, April 12, 2018, <https://www.bbc.com/news/blogs-trending-43740203>.

2 Ibid.

3 Ibid.

4 See Daniel Moshashai, Andrew M. Leber, and James D. Savage's "Saudi Arabia plans for its economic future: Vision 2030, the National Transformation Plan and Saudi fiscal reform" in the *British Journal of Middle Eastern Studies*: <https://doi.org/10.1080/13530194.2018.1500269>. Also see Al Arabiya English: <https://english.alarabiya.net/en/features/2016/04/26/Full-text-of-Saudi-Arabia-s-Vision-2030> and <https://vision2030.gov.sa/en>.

5 Some of these pertain to the loosening of restrictions on women's mobility, allowing them to drive and travel. The country has also put an end to gender segregation in a variety of public spaces, most notably sporting events and restaurants. See the article published in the *New York Times*: <https://www.nytimes.com/2020/01/15/world/middleeast/saudi-women-coffee-shops.html>.

girl who wittingly, though naively, uses stratagems to navigate her religiously conservative and patriarchal society. The film is circumspect in elucidating the dissonance between the public display of religious piety and profane predilections of people's private lives. Women in the film face dilemmas with polygyny, body politics, and child marriages. For this reason, *Wadjda* is more than a commentary on the social, political, and religious dynamics of Saudi Arabia. It is a form of activism.

Wadjda is very much a social critique as it is a meditation on the limits of legalism. Legalism is defined here as a type of thought and practice that approaches life through regulations and generalizing categories that—once established—are thought to reflect morality. What is at stake is the extent to which the generality and universalism of rules preclude the need to make decisions based on compassion and moral judgment.⁶ The film teases out legalism in the areas of gender and marriage inequity and societal constraints. This study asks: what representation of the relationship between social practice, politics, and Islamic law does the film offer? What impact do legal strictures and norms have on Saudis? How do actors exercise their moral agency amidst these dynamics? And finally, in what way does al-Mansour use the film to engage culturally sensitive issues? I have been particularly keen to look at debates and literature concerning the relationship between state power, Islamic law, and Saudi Arabian customs. Likewise, I explore globalism and its impact on Saudi youth. This article consists of five sections: Section 1 discusses the forms in which patriarchy operates and affects Saudi women; Section 2 deals with inequitable marriages; Sections 3 and 4 evaluate social anxieties, discontentment, and how Saudis construct public spheres in response and opposition to legal and social constraints; finally, Section 5 concludes with comments on the critical reception and politics of the film.

FORMS OF PATRIARCHY

Though Wahhābism tends to be at the center in conversations concerning women in Saudi Arabia, it alone does not dictate women's social and physical mobility. The position of women in Saudi Arabia reflects an interplay between religion, the state, and social customs, thereby making Wahhābism function as a sort of state doctrine. Women's marginalization in the public sphere or the attempt to maintain women's mobility and presence stems from the efforts to preserve the notions of "the family" and women's status.⁷ Since the advent of anticolonialism and secular nationalism in the Arab world, women have become the benchmark for modernization. They are not only central to the construction of modern nations but also embroiled in national projects.⁸ Likewise, the family has come to figure

6 Fernanda Pirie and Judith Scheele, "Justice, Community, and Law," in *Legalism: Community and Justice*, ed. Fernanda Pirie and Judith Scheele (Oxford: Oxford University Press, 2014) 2—3.

7 Madawi Al-Rasheed, *A Most Masculine State: Gender, Politics, and Religion in Saudi Arabia* (Cambridge: Cambridge University Press, 2013), 16.

8 *Ibid.*, 3.

prominently in Muslim societies and Islamic legal discourse.⁹ The very notion of “Muslim family” denotes the apologetic nature of the subject. The emphasis and theorization of these domestic categories, “family” and “women,” came as responses to Western domination, resulting in the reimagining of women as leaders of a domestic space, vested with new burdens and responsibilities.¹⁰ Put differently, women’s mobility is not isolated from wider national imperatives. The relationship between the Wahhābī ‘ulamā’ and ruling elites is well documented. In the early 20th century, as the Wahhābī movement asserted its authority over sheikhdoms—whose patriarchal practices were privately and loosely regulated—women’s mobility became constrained and turned into a matter of national policy.¹¹ Though the state figures very little in al-Mansour’s narrative, her film is attentive to the grades and arenas in which patriarchy operates. Al-Mansour uses Wadjda’s home to explore domestic forms of patriarchal customs. In this arena, we learn of the dilemma Wadjda’s mother faces at the thought of her husband taking a second wife. Wadjda also feels unrequited love from her father, noticing his preference to have a son.

The force with which national imperatives percolated into the family sphere is paramount. It is often thought that Muslim families live according to the rules set by the Qur’an. Although this is not untrue, Saudi households operate through a hybridity of Islam and modern law.¹² The emergence of oil-wealth—and consequently nation-state building—and the introduction of concepts, such as citizenship, have left an imprint on the Saudi family structure.¹³ The Basic Law of 1992 declares the family to be “the nucleus of Saudi society” and that its members be brought up based on the Islamic faith.¹⁴ The state’s recognition of the family renders it, and the members within, as objects that can be quantified, categorized, and governed by legal codes.¹⁵ The combination of traditional customs and Islamic law aims to rationalize and homogenize family members, which places women under male guardianship of husbands and relatives.¹⁶ The state recognizes the father or husband as the head of the nuclear family, vesting powers unto him that creates an unequal power relationship.¹⁷ Although in the pre-oil period, women played an

9 Alexandre Caeiro, “The Politics of Family Cohesion in the Gulf: Islamic Authority, New Media, and the Logic of the Modern Rentier State,” *Arabian Humanities* no. 10 (2018): 7. <https://doi.org/10.4000/cy.3762>.

10 *Ibid.*

11 *Ibid.*, 57.

12 Amira El-Azhary Sonbol, “The Family in Gulf History,” in *Gulf Women*, ed. Amira El Azhary Sonbol and Kira Dreher (London, Bloomsbury, 2012) 355.

13 *Ibid.*, 358.

14 *Ibid.*, 375; The Kingdom of Saudi Arabia, Basic Law of Governance, No: A/90: The Embassy of the Kingdom of Saudi Arabia in Washington, DC, 1992, accessed December 23, 2020. <https://www.saudiembassy.net/basic-law-governance>.

15 Sonbol, “The Family in Gulf History,” 376.

16 *Ibid.*, 377; The Kingdom has recently eased restrictions on the guardianship system. Women can now travel without a guardian’s permission. See the article published in the Arab Gulf States Institute in Washington: <https://agsiw.org/saudi-changes-to-guardianship-system-ease-restrictions-on-women/>.

17 Sonbol, “The Family in Gulf History,” 381 & 385.

integral role in the wellbeing of their tribe's economic welfare—as the desert demanded the working hands of every tribe member—modernization has relegated women to a stationary position. It effectively loosened the solidarity aspect of tribe members, removing the necessity of women's participation in critical labor responsibilities.¹⁸ The downsizing of the extended family (*bayt al-`ā`ila*) to nuclear households (*usra*) has not only neutralized women's productivity, but also cut them off from family support and protection.¹⁹ The irony is that while promoting personal freedoms, modern laws have formed new structures of constraint by defining personal status laws based on assumptive qualifications of male, female, minor, sane, insane, etc.²⁰

Patriarchy is visible in Wajda's home. Unlike the madrasa, where Islamic injunctions monitor behavior, references to Islam feature very little in Wajda's home, especially as it relates to norms exhibited by her father. Upon discovering that her name was absent in her father's family tree, a diagram that only labels its males, Wajda decided to handwrite her name on a slip of paper and place it underneath her father's branch. The next morning, Wajda discovered that her name had been taken down from the tree. Delineating and keeping a record of the family lineage is a custom in the Gulf, going back centuries. It helps determine inheritance, control of *awqāf* (endowments), and contract marriages by assessing *kafā'* (parity).²¹ With the advent of state-building and centralization, the construction of *nasab* (lineage) took a more patriarchal turn; they almost completely excluded women. The introduction of royal family-tree models to the Arabian Peninsula by European travelers and missionaries—preoccupied with political histories and dynasties with rare mention of women—influenced Arab historians who adopted similar models into their construction of family lineages.²² Through this scene, al-Mansour conveys, particularly to fathers, the sense of unrequited love girls like Wajda feel. She also questions the thought behind the constructions of Arab genealogies and women's place within them.

INEQUITABLE MARRIAGE

Al-Mansour alludes to the societal preference of boys over girls in several scenes. Because Wajda's mother is unable to have more children, her husband decides to marry a second wife with the hope of having a son. Infertility is just one of many reasons Saudi men have polygamous relationships. Other reasons relate to perceived deficiencies of their existing spouse, unfulfilled needs, and a change in a husband's circumstances—work, residence, or change in his religious, moral, and social values from those previously

18 Sonbol, "The Family in Gulf History," 353. Bedouin women were involved in herding the clan's camels, sheep, and goats, handling and working with cattle, setting up, mending, and keeping tents and straw huts, and spinning and weaving for the clan's needs for materials.

19 Sonbol, "The Family in Gulf History," 367 & 373.

20 Ibid., 379.

21 Sonbol, "The Family in Gulf History," 290.

22 Ibid., 290.

observed.²³ The primary factor, however, is due to attraction to other women.²⁴ In the attempt to prevent her husband from marrying a second wife, Wadjda's mother tries adorning herself, believing that the more attractive she is to her husband, the less motivated he will be to pursue other women. In all such cases, marriage revolves around the husband's needs, not the needs of women or children. Cinematography allows al-Mansour to articulate her ideal notion of an Islamic marriage that prioritizes monogamy, conjugal loyalty, and compassion. She does this by rhetorically interweaving an *āyah* from the Qur'an during a scene when Wadjda and her mother share an intimate moment together on their balcony. This comes as Wadjda expresses concern about her mother and father's relationship. As she is preparing for a Qur'an competition, Wadjda practices her recitation at her mother's request. The *āyah* she recites denotes God establishing harmony, affection, and mercy between men and women.²⁵ Wadjda's mother advises her to recite the Qur'an from her heart without worrying about the audience. The advice communicates an esoteric reading of the Qur'an, especially the *āyah*, that is not bound by legal strictures but guided by one's moral agency. Emphasizing that Wadjda should not worry about the audience during her recital imparts the notion that God only judges. Taken together with the theme of the film, this scene seems to critique men's pronouncements over women's issues in the space of law and social customs. It encourages women to carry themselves valiantly regardless of not fitting within the legal or social standards placed by a male-centered discourse. It further denotes that the Qur'an truly only wants what is best for women and men: happiness, love, and compassion, from which legalism departs. Al-Mansour invites her audience to reassess their views on marriage and contemplate the effects polygyny has on female members of the family. Moreover, she encourages them to rethink the sanctity of a legalistic approach to polygyny in Islam by invoking a Qur'anic *āyah* that foregrounds affection and harmony rather than legal parameters.

Along with these gendered issues, al-Mansour briefly underlines the unsettling anxieties of child marriages. During a scene at Wadjda's madrasa, some of Wadjda's classmates pick on a girl, Salma, for her recent marriage to a man 20 years older than her. Although the requirement for marriage in Islam is consent, confusion emerges as to what constitutes it. It is not unusual for families to pressure girls into marriage, especially in societies where clan and tribal affiliations run deep.²⁶ Although Islamic law forbids marriage without consent, age is open to interpretation.²⁷ Families sometimes marry off

23 Maha A. Z. Yamani, A. Polygamy and Law in Contemporary Saudi Arabia (Reading: Ithaca Press, 2008) 210—211.

24 Ibid.

25 The verse is from Sūra al-Rūm (30:21): "And one of His signs is that He created for you spouses from among yourselves so that you may find comfort in them. And He has placed between you compassion and mercy." – Translated by Dr. Mustafa Khattab, The Clear Qur'an.

26 Husain Al-Hakami and Kenneth McLaughlin, "Debatable Marriages: Marriage and Child Marriage in Saudi Arabia," *Marriage & Family Review* 52, no. 7 (2016): 659. <https://doi.org/10.1080/01494929.2016.1157119>.

27 Ibid., 661.

girls immediately when reaching puberty, some even before. Girls do not easily refuse marriage arrangements due to family pressure.²⁸

In a *fatwā* (nonbinding legal opinion) from the late Saudi cleric, ‘Abd al-‘Azīz Bin Bāz (d. 1999), forced marriages are outrightly condemned.²⁹ Yet, in the same *fatwā*, he made an exception for marriages to proceed without consent in cases where girls are less than nine years of age.³⁰ He cited the Prophet’s marriage to Aisha as justification.³¹ Although this seems like a textbook example of legalism in that fealty to the law supersedes women’s consent, I suggest a different reading. Bin Bāz, and many jurists of his ilk, do not see their work as merely extracting law from the scripture, but that they have a moral obligation to minimize harm to people and society. Bin Bāz is engaged in a double hermeneutical exercise, which consists of examining the textual resources of Islam, on the one hand, and the contemporary world, on the other, with the hope of bridging both realms together.³² Throughout the *fatwā*, Bin Bāz makes several appeals to the prevention of women’s coercion. According to him, early marriage does not only have a basis in Islamic scripture, but it is also the best thing for society. He alludes to the perils of living as a bachelorette and how young women should avoid prolonging marriage due to education or work.³³ Bin Bāz’s *fatwā* reflects a normative vision for society in which religious modesty is preserved and moral decadence is eschewed. If women are not married early, they fall into temptations, which can lead to sin. In another *fatwā*, Bin Bāz encourages women to avoid rejecting men based on seniority—even if they are three times their age—and criticizes contemporary society for its opposition to marriages with age disparities.³⁴ It would be wrong to suggest that Bin Bāz was indifferent to the vulnerability of young girls. On the contrary, Bin Bāz emphasizes the need for parents to pair their daughters with grooms who are both pious and good in character.³⁵

Still, the *fatwā* does little to bring attention to how child brides are taken advantage of, let alone help to mitigate its occurrence. In 2009, news had surfaced of an eight-year-old Saudi girl who was unable to get a court order for a divorce from her 55-year-old husband.³⁶ A similar case involved a 12-year-old girl married to an 80-year old man.³⁷ Other muftīs have been keener to prioritize the agency of young girls. On *Islam Question & Answer*, an online *fatwā* portal, Muhammad ibn al-‘Uthamīn (d. 2001), a revered Salafi

28 Al-Hakami and McLaughlin, “Debatable Marriages,” 662.

29 Muhammad ‘Abd al-‘Azīz al-Musnad, *Islamic Fatawa Regarding Women= Fatāwā al-Mar’ah : Shari’ah Rulings Given by the Grand Mufti of Saudi Arabia Sheikh Ibn Baz, Sheikh Ibn Uthaimin, Sheikh Ibn Jibreen and Others on Matters Pertaining to Women* (Riyadh: Darussalam Publishers & Distributors, 1996) 167.

30 Musnid, *Islamic Fatawa Regarding Women*, 168.

31 *Ibid.*, 168. Bin Bāz cited that Aisha had not given consent when she was married to the Prophet.

32 Caeiro, “The Politics of Family Cohesion in the Gulf,” 3.

33 Musnid, *Islamic Fatawa Regarding Women*, 168-9.

34 *Ibid.*, 165.

35 Musnid, *Islamic Fatawa Regarding Women*, 168.

36 Al-Hakami and McLaughlin, “Debatable Marriages,” 660.

37 *Ibid.*

scholar, is said to have favored the view that fathers are prohibited from arranging marriages for girls below the age of nine, even with consent.³⁸ For al-‘Uthamīn, girls below that age are too young to make such consequential decisions. Beyond these ‘ulamā’-led interpretations and normative visions, al-Mansour gives another view of marriage. Returning to the balcony scene, the āyah that Wadjda recites to her mother is devoid of rules and injunctions. It has a moralizing tone, emphasizing the ethical conduct to which women and men ought to relate.³⁹ Unlike the ‘ulamā’, al-Mansour foregrounds the paths involved in marriages rather than the logos or social ramifications.

SOCIETY AND LAW

Wadjda speaks to a larger issue of the disparity between law and social practices. Since its founding, the Dār al-Iftā’ (State fatwā office) works to accommodate the *sharī‘a* to modern times in a manner that both preserves tradition and introduces change.⁴⁰ “Change,” however, has often only come in the aspect of technology, not social innovation.⁴¹ Thus, the sight of grandiose shopping centers and luxurious cars has been a mainstay in downtown Riyadh for several years. The opening of cinemas and mixed sporting events is only a recent phenomenon.⁴² To say that there is dissonance between Saudis and the practice of Islamic law is a truism. The difficulty, however, is locating where that dissonance lies. Many consider it Wahhābīsm, but this ignores the role of the state and its tendency to buttress the sharī‘a to suit bureaucratic purposes. While there is no consensus regarding the extent to which the ‘ulamā’ constitutes an autonomous body in the Kingdom, it is without a doubt that ruling elites have an insurmountable influence on religious affairs.⁴³ This dynamic is crucial for understanding how Islamic law is operationalized to suppress dissent. But the legal apparatus is not the only site in which the state is at work. Infrastructures in the form of speedways and roads are also mediums to suppress dissidence. After the 1973 oil boom, the state designed construction projects to enclose individuals in tiny and dehumanizing routines to stifle public debate.⁴⁴ Roads and vehicles became ubiquitous. Much like other car-based societies, the influx of oil wealth created a massive road system and suburbs in the region. In turn, Saudi males turned into cogs on a

38 “Child marriage in Islam is subject to the condition that it serve a clear and real interest,” Islam Question & Answer Islam, published June 17, 2012, accessed December 26, 2020. <https://islamqa.info/en/answers/178318/child-marriage-in-islam-is-subject-to-the-condition-that-it-serve-a-clear-and-real-interest>. Question & Answer was founded by Muhammad Sāliḥ al-Munajjid who on September 25, 2017, was arrested by the Saudi authorities according to the Middle East Monitor. See the article <https://www.middleeastmonitor.com/20200428-the-figures-threatened-with-death-in-saudi-jails/>.

39 This verse is from Sūra al-Rūm (30:21).

40 Muhammad Al-Atawneh, *Wahhābī Islam Facing the Challenges of Modernity: Dār al-Iftā’ in the Modern Saudi State* (Leiden: Brill, 2010) xv-xvi.

41 Ibid.

42 Al-Atawneh, *Wahhābī Islam Facing the Challenges of Modernity*, xvi-xvii.

43 Ibid., 35.

44 Menoret, *Joyriding in Riyadh*, 8.

wheel, driving on roads throughout the day to take children to school, female relatives to the marketplace, as well as driving to work, to restaurants to meet friends, and back home where they would sleep and repeat it all the next day.⁴⁵ Mobility of this sort incapacitate public conversation where dissidence is likely to grow.

YOUTH DISCONTENT, RESTLESSNESS, AND OPPOSITION

Wadjda recognizably harbors feelings of impotence—a sentiment that is quite common among Saudi youth. The feeling that there is a discrepancy between one's abilities and actual opportunities is enormous.⁴⁶ For some years, Saudi youth displayed behavior that was out of step with their conservative parents. Conspicuous throughout the film is Wadjda's friendship with her male neighbor, Abdullah. Despite the warning from her mother, Wadjda continues to hang out with him. This is a major contrast in how adults are depicted in the film. Unlike the youth, adults are in sync with the social custom of gender separation. Wadjda's relationship with Abdullah illustrates what lies ahead for Saudi Arabia's future: a society more open and conversant irrespective of gender.⁴⁷ *Wadjda* captures the new generational divide that is growing ever more prevalent since the advent of new media.⁴⁸ The influence of Western pop culture on Saudi youth is apparent throughout these narratives. Wadjda's taste of music and clothing, such as her Converse sneakers, reflects the taste of many Saudi youth who are becoming more aware of the world around them and are beginning to pick up habits untenable for religious authorities to contain.⁴⁹ Many Saudis who go abroad to study become conversant with the cultural, political, and grammatical expressions of young globally minded activists—which they then mobilize back home.⁵⁰ In the early 2000s, three young Saudi males, Fawaz, Essam, and Talal, while attending middle school overseas in the United States, had formed a rock band called *Creative Waste*.⁵¹ Upon returning home, the band members would meet and practice in private, as music and rock concerts were forbidden.⁵² Although there were other established bands during the late 1990s and early 2000s in Saudi Arabia, a metal scene has yet to coalesce in the country.⁵³

45 Menoret, *Joyriding in Riyadh*, 8.

46 Pascal Menoret, *Joyriding in Riyadh: Oil, Urbanism, and Road Revolt* (New York: Cambridge University Press, 2014) 58.

47 Waad A. Janbi, "Feminist Analysis: Saudi Arabian women seize their freedom through cinema" (Master Thesis, Long Island University, 2018), 21.

48 "DP/30: Wadjda, writer/director Haifaa Al-Mansour," YouTube video, posted by "DP/30: The Oral History Of Hollywood," June 26, 2013, <https://www.youtube.com/watch?v=6-GLlv7t5j8>.

49 "DP/30: Wadjda, writer/director Haifaa Al-Mansour," YouTube video, posted by "DP/30: The Oral History Of Hollywood," June 26, 2013, <https://www.youtube.com/watch?v=6-GLlv7t5j8>.

50 Sean Foley, *Changing Saudi Arabia: Art, Culture, and Society in the Kingdom* (Boulder: Lynne Rienner Publishers, 2019), 5-6.

51 Crowcroft, *Rock in a Hard Place*, 126.

52 *Ibid.*, 122.

53 *Ibid.*, 127.

Despite the barriers they face, Wadjda and her interlocutors develop strategies to engage in activities they enjoy. Characters such as Abeer, who is involved in a premarital relationship, uses Wadjda to exchange notes between her and her boyfriend as Wadjda is young enough to communicate with older boys without suspicion of indecency. Understanding the value of her role, Wadjda charges both Abeer and her boyfriend for her telegram service. Though the strategy worked for a time, Abeer eventually gets caught and becomes the subject of scandal. Similarly, Fatin and Fatima, two of Wadjda's schoolmates, occasionally skip class to read pop culture magazines and wear nail polish—items and activities that are forbidden at the madrasa. They too are eventually caught by the headmistress and are then scandalized. The strategy that Fatin and Fatima employ involves the designation of an oppositional space. The courtyard in the back of Wadjda's madrasa serves as a physical environment where Fatin and Fatima can engage in taboo activities. What emerges is an autonomous space, something I qualify as a *counterpublic*, where women express and construct alternative discourses and identities outside of patriarchal interference or the oversight of the dominant public.⁵⁴ Al-Mansour is not the first to display young Saudi women in this light. In 2005, Rajaa al-Sanea authored *Girls of Riyadh*, a fiction novel that highlighted the lives of four Saudi girls who engage in illicit activities such as drinking, traveling alone, driving cars, masquerading as men, and having romantic relationships.⁵⁵ Doubtlessly, al-Sanea's novel became the subject of controversy. Siraj Wahab from the *Arab News*, a Saudi English-language news outlet, reported that some Saudis took offense at al-Sanea's failure to specify that not all girls in Riyadh behave like the characters represented in her novel.⁵⁶ One Saudi woman journalist, in particular, criticized al-Sanea for publicizing the ills of Saudi society, when the tradition has always been to keep such things hidden.⁵⁷ Like al-Mansour, al-Sanea captures the various indirect and clandestine ways Saudi youth engage in vices. In al-Sanea's novel, the Internet serves as a counterpublic wherein young Saudis can express themselves and live the way they choose beyond societal dictates.⁵⁸

54 Michael Warner, "Publics and Counterpublics," *Public Culture* 14, no. 1 (Winter 2002): 86. Michael Warner's notion of *counterpublics* departs from Nancy Fraser's observation that counterpublics are alternative discourses or arenas where members of a marginal social group construct and disseminate discourses in opposition to the dominant public. Warner emphasizes that in addition to counterpublics being only a struggle against the dominant public in terms of ideas and policy questions they are also oppositional in terms of speech and modes of address that in other contexts are regarded with hostility (86).

55 Moneera al-Ghadeer, "Girls of Riyadh: A New Technology Writing or Chick Lit Defiance," *Review of Girls of Riyadh*, by Rajaa AlSanea, *Journal of Arabic Literature* 37, no. 2 (2006): 297. <http://www.jstor.org/stable/4183570>.

56 Siraj Wahab, "Rajaa AL-Sanea: A Girl of Riyadh," *Arab News*, published March 11, 2006, accessed December 28, 2020. <https://www.arabnews.com/node/281556>.

57 Wahab, "Rajaa AL-Sanea."

58 Joel Gwynne, "The lighter that fuels a blaze of change": Agency and (cyber)spatial (dis)embodiment in *Girls of Riyadh*," *Women's Studies International Forum* 37, (March-April 2013): 47-48. <https://doi.org/10.1016/j.wsif.2013.01.012>.

Various scenes in al-Mansour's film are set at Wadjda's home, where we learn most about Wadjda and her mother—not just who they are, but what they look like without veils. Women's restriction in the public sphere is visible throughout the film. Wadjda's mother, a fully veiled woman with a private chauffeur, is on guard about her physical exposure in public, as well as Wadjda's.⁵⁹ She even eschews employment at a hospital, fearing to mix with male colleagues. Much of the film exhibits Wadjda's mother unveiled. Viewers are so used to seeing her that way that in the few scenes that she has on an 'abāya and niqāb, our attention receives a slight jolt.⁶⁰ Wadjda only loosely covers; her hijab is half worn—something her mother criticizes—and her 'abāya is sometimes left open, revealing the jeans she wears underneath. With the father absent from the home most of the time, Wadjda and her mother enter into in all sorts of private discussions. The absence of men and prevalence of women in the household illustrate the house as a counterpublic for women. Wadjda and her mother are aware of their subalternity. They engage in discussions that they would not care to verbalize in the presence of men, much less in public. They understand that the discourse and practices of the household are likely to have a negative effect in public. The balcony is another space where Wadjda and her mother are free to construct alternative discourses to the one prevailing in Saudi society. It functions as a place where they can discuss things candidly. Public perception is the main reason why Wadjda's mother does not want her daughter to have a bicycle. Saudi society treats women's bicycle-riding with a heavy hand.⁶¹ Again on the balcony, Wadjda practices bicycle-riding and hangs out with Abdullah, two social taboos in one setting. Counterpublics such as the ones al-Sanea illustrates in her novel and al-Mansour in her film are to name the few that women in Saudi Arabia inhabit. Like these counterpublics, some roads and speedways in the Kingdom also function as counterpublics for boys. The joyriding (drifting, speeding, and performing all sorts of fanciful tricks with cars) scene in Jeddah displays various types of opposition. Boys who participate in these activities violate road regulations, arrange nightly assemblies, and produce music and photographs.⁶²

CONCLUSION: POLITICS OF THE FILM

Since releasing *Wadjda*, al-Mansour went on to direct other films. Her latest work was *The Perfect Candidate* (2019), also shot in Saudi Arabia. Like *Wadjda*, *The Perfect Candidate* tells a story of women's empowerment by leveling critiques at customs that discriminate against women in the public sphere—in this case, the political arena. The objective of *Wadjda* was neither to put Islamic law nor the Kingdom on trial but to create dialogue

59 Before King Salman issued an order allowing women to drive in September 2017, many Saudi women relied on chauffeurs to commute around.

60 The 'abāya is a typical black garment worn by Saudi women that covers the entire body. The niqāb covers the entire face.

61 Women's bicycle-riding opposes the normative perception and articulation of women's place in Saudi society.

62 Menoret, Joyriding in Riyadh, 11.

around social issues by inviting viewers to see things from a different perspective. *Wadjda* reflects al-Mansour's lived experiences, who grew up in a small neighborhood akin to the one in the film and had gone to a similar all-girls madrasa. Al-Mansour is acutely aware of the cultural and religious dimensions she recreates. Although she recognizes that conservative Saudis would not appreciate her film (or her as a filmmaker), she is optimistic that it will stimulate conversation and is happy with the direction Saudi Arabia is going.⁶³ She is proud of the developments in the country, such as granting women the right to vote, drive, and travel without male custodianship. Al-Mansour sees her work as complementary to the country's shift towards social change.⁶⁴ Others, however, view it differently. To many, *Wadjda* is part of Saudi Arabia's public relations campaign against the international backlash for its disreputable human rights record.⁶⁵ After the state fell under international scrutiny for its social and religious policies in the wake of 9/11, Saudi Arabia has been using educated women to project an image of cosmopolitan modernity. These women (princesses, professionals, writers, and activists) have been granted new capabilities and are gradually replacing religious scholars in defining the roles and status of women.⁶⁶ The Kingdom's issuance of liberties to women comes during its economic reforms, leading observers to believe that in addition to improving its reputation abroad, the Kingdom also seeks to increase women in the workforce.

There is a paradox, however. While Saudi Arabia has loosened its restrictions on women's civil liberties, it has simultaneously increased its suppression of political dissidence.⁶⁷ Critics have accused al-Mansour of being silent on the state's role in suppressing women. Some critics find that *Wadjda* too narrowly casts blame on culture and society without considering the power the state wields in reinforcing discriminatory laws and disciplining those who break them. There is a real concern whether the film panders too much to Western sensibilities, which subsequently contributed to its success. Put differently, critics of al-Mansour see that she was unsuccessful in tackling the set of problems she outlines.⁶⁸ It is important to keep in mind that artists and intellectuals play a major role in Saudi Arabia. Although their work may sometimes align with the regime's economic and political interests, they are not necessarily part of the elite and can articulate the feelings and experiences of the masses that do not readily get expressed.⁶⁹ For example, Arwa al-Neami and Manal al-Dowayan are two artists who use their work to explore the

63 "Director's Cut: Wadjda | Haifaa Al Mansour," YouTube video, posted by "World Economic Forum," March 9, 2015, <https://www.youtube.com/watch?v=q3q05VLC6u4>.

64 "Haifaa Al Mansour – THE PERFECT CANDIDATE – 76 Venice Film Festival," YouTube video, posted by "Fred Film Radio," August 29, 2019, <https://www.youtube.com/watch?v=JozapAadYJo>.

65 Tariq Al-Haydar, "Haifaa Al Mansour's Wadjda: Revolutionary Art or Pro-State Propaganda?" *Jadaliyya*, January 13, 2014. <https://www.jadaliyya.com/Details/30078>.

66 Al-Rasheed, *A Most Masculine State*, 134-5.

67 Priyanka Boghani, "The Paradox of Saudi Arabia's Social Reforms," *PBS Frontline*, October 1, 2019, <https://www.bbc.com/news/blogs-trending-43740203https://www.pbs.org/wgbh/frontline/article/the-paradox-of-saudi-arabias-social-reforms/>.

68 Al-Haydar, "Haifaa Al Mansour's Wadjda."

69 *Ibid.*, 5.

issue of women driving in Saudi Arabia.⁷⁰ Al-Naemi's *Never Never Land* features sharp contrasts (or contradictions) of women wearing dark and gloomy 'abāyas and niqābs while driving bumper cars and riding in Ferris wheels at a bright and colorful amusement park.⁷¹ Al-Dowayan's *The Choice* exhibits the restrictions placed on Saudi women by using images to communicate provocative statements of constraint, darkness, and at the same time, beauty.⁷² The Internet has also proved an indispensable tool. The satirical music video "Hawājis" ("Concerns"), released in 2016, played a crucial role in the debate on women driving in Saudi Arabia, receiving millions of YouTube views worldwide and extensive international coverage.⁷³ Almost immediately after the release of "Hawājis," King Salman lifted the restriction on women driving.⁷⁴

Similarly, novelists have used the literary genre for social critiques and garnering public awareness. Mahmoud Trawri's novel *Maymouna* (2001) centers on the lives of enslaved characters in the Gulf, a subject that is sidelined particularly in Saudi Arabia and generally in the Gulf. Trawri wrote the book to challenge the cultural sensitivity around the topic and was met with both success and turbulence.⁷⁵ Literature holds a unique place in the Gulf. It serves as a vehicle for opposition and counternarratives, particularly in highlighting women's issues. In the mid-twentieth century, a plethora of literary novels, poetry, and essays authored by educated Saudi women began to surface in the Gulf. They used literature as a means of highlighting their subjugation.⁷⁶ Literature was not only convenient for women but was one of the few means available to them. Women's production of literary texts came at a time when their exclusion from economics and political activity was severe.⁷⁷ Since then, the feminist novel has served as a medium for influencing public discourse.⁷⁸ Artists, writers, and filmmakers seem to speak and embody

70 Sean Foley, *Changing Saudi Arabia: Art, Culture, and Society in the Kingdom* (Boulder: Lynne Rienner Publishers, 2019), 4.

71 Badar Salem, "Women Can Go to Saudi Arabia's Theme Parks. But There Are Rules," *Vice*, published September 4, 2019, accessed December 30, 2020. <https://www.vice.com/en/article/43jbbq/saudi-arabia-abha-theme-parks-arwa-al-naimi-photos-gender-segregated>.

72 Manal al-Dowayan, "The Choice," Manal Aldowayan, 2005, accessed December 30, 2020. <https://www.manaldowayan.com/the-choice.html>.

73 Foley, *Changing Saudi Arabia*, 5. Hawājis is a satirical music video produced by Majed Alesa's 8IES Studios whose aim is to critique the customs in Saudi that limits women's mobility. The video features Saudi women skateboarding, rollerblading, playing basketball, all while fully veiled. See <https://www.youtube.com/watch?v=1rUn2j1hLOo>.

74 *Ibid.*

75 Marcia Lynx Qualey, "Black Saudi Author Focuses on Neglected History of African Migration and Slavery," *Al-Fanar Media*, published July 24, 2020, accessed December 30, 2020. <https://www.al-fanarmedia.org/2020/07/a-black-saudi-author-focuses-on-a-neglected-history/>.

76 Al-Rasheed, *A Most Masculine State*, 1-2.

77 Al-Rasheed, *A Most Masculine State*, 1-2.

78 Salwa Benaissa, "The Feminist Novel is on the Rise in the Arab Gulf: An Interview With Mona Kareem," *Words without Borders*, published June 26, 2019, accessed December 30, 2020. <https://www.wordswithoutborders.org/dispatches/article/the-feminist-novel-is-on-the-rise-in-the-arab-gulf-an-interview-with-mona-k>.

the concerns of society. They appeal to global cultural norms, i.e., Western proclivities. The tendency to pit an antagonism between Western and Middle Eastern cultures or Islam and liberalism is an analytical binary that gets grossly overstated. It falls into the errors of Orientalism and “clash of civilizations” stereotypes.⁷⁹ Indeed, the Saudi landscape complicates this notion as there are a plethora of contradictions between what exists in Wahhābism and the Saudi social reality. For instance, while it is thought that Saudi Arabia is antithetical to Western culture, modernity, and art, the Kingdom is home to one of the biggest vibrant and artistic movements in the Middle East today.⁸⁰ Despite that artistic representation of animate beings is considered Islamically impermissible in the Kingdom, Saudi state media and art shows exhibit the features of animals and humans in their programs.⁸¹ Nonetheless, through artistic, cinematic, and literary formulations, activists can articulate social issues that are not visible in more official outlets such as press media or participatory politics.⁸²

This should not occlude us from seeing how the Saudi regime coopts artists and filmmakers such as al-Mansour in a way that sobers their activism and limits it to social change without disrupting the existing power structures.⁸³ It may seem that artists and filmmakers are embroiled in a paradox. But, if we go beyond the state versus civil society binary, we can make sense of this relationship. Al-Mansour and artists of her kind do not see their role as instigating political reform more so than stimulating conversation that is at home with the cultural and religious values of society.⁸⁴ Put simply, they operate within a limited agency whose body of work is meant to serve a form of limited political activism.⁸⁵ Notwithstanding these concerns, *Wadjda* unequivocally outlines the limitations of legalism in areas of gender and marriage inequity and societal restrictions. Legalism is intertwined through the cooperation of the state, Islamic legislative bodies, and cultural customs to create and enforce rules that elevate patriarchal structures while relegate women to the private sphere. In turn, women develop counternarratives to those imposed upon them through the utilization of space. While women are at the center of al-Mansour’s story, her film resonates with Saudi youth whose motivations and sensibilities contrast their environment. By restricting their forms of expression, activities, and engagements, legalism deprives Saudi youth of a sense of fulfillment. Though several social changes have recently come underway, *Wadjda* depicts issues that are still lived by many.

AUTHOR

Ameen Omar

Ameen Omar is a graduate of the Master's program in Islamic Studies, with a concentration on Muslim Civilization and Societies, from the College of Islamic Studies, Hamad Bin Khalifa University (Class of 2021). His Bachelor's and first Master's degrees are in History from George Mason University and George Washington University. His academic interests cover the 19th century Persian and Arabian Gulf; global and contemporary Gulf studies on slavery and race; and Islamic intellectual, social, and transnational history of the 19th century Middle East and North Africa (MENA).

ameenademomar@gmail.com

REFERENCES

- 'Abd al-'Azīz al-Musnad, Muhammad bin. 1996. *Islamic Fatawa Regarding Women= Fatāwā al-Mar'ah: Shari'ah Rulings Given by the Grand Mufti of Saudi Arabia Sheikh Ibn Baz, Sheikh Ibn Uthaimin, Sheikh Ibn Jibreen and Others on Matters Pertaining to Women*. Riyadh: Darussalam Publishers & Distributors.
- Al-Atawneh, Muhammad. 2010. *Islam Facing the Challenges of Modernity: Dār al-Iftā in the Modern Saudi State*. Leiden: Brill.
- Al-Ghadeer, Moneera. 2010. "Girls of Riyadh: A New Technology Writing or Chick Lit Defiance." Review of *Girls of Riyadh*. by Rajaa Alsanee, *Journal of Arabic Literature* 37: 296—302. <http://www.jstor.org/stable/4183570>.
- Al-Hakami, Husain and Kenneth McLaughlin. 2016. "Debatable Marriages: Marriage and Child Marriage in Saudi Arabia." *Marriage & Family Review* 52: 654—664. <https://doi.org/10.1080/01494929.2016.1157119>.
- Al-Haydar, Tariq. 2014. "Haifaa Al Mansour's Wajda: Revolutionary Art or Pro-State Propaganda?" *Jadaliyya*. January 13, 2014. <https://www.jadaliyya.com/Details/30078>.
- Al-Rasheed, Madawi. 2013. *A Most Masculine State: Gender, Politics, and Religion in Saudi Arabia*. Cambridge: Cambridge University Press.
- Benaissa, Salwa. 2019. "The Feminist Novel is on the Rise in the Arab Gulf: An Interview With Mona Kareem." *Words without Borders*. Published June 26, 2019. Accessed December 30, 2020. <https://www.wordswithoutborders.org/dispatches/article/the-feminist-novel-is-on-the-rise-in-the-arab-gulf-an-interview-with-mona-k>.
- Boghani, Priyanka. 2019. "The Paradox of Saudi Arabia's Social Reforms." *PBS Frontline*. October 1, 2019. <https://www.bbc.com/news/blogs-trending-43740203https://www.pbs.org/wgbh/frontline/article/the-paradox-of-saudi-arabias-social-reforms/>.
- Caeiro, Alexandre. 2018. "The Politics of Family Cohesion in the Gulf: Islamic Authority, New Media, and the Logic of the Modern Rentier State." *Arabian Humanities* 10: 1—29. <https://doi.org/10.4000/cy.3762>.
- Crowcroft, Orlando. 2017. *Rock in a Hard Place: Music and Mayhem in the Middle East*. London: Zed Books Ltd.
- Foley, Sean. 2019. *Changing Saudi Arabia: Art, Culture, and Society in the Kingdom*. Boulder: Lynne Rienner Publishers.
- Gwynne, Joel. 2013. "The Lighter that Fuels a Blaze of Change": Agency and (Cyber)Spatial (Dis)Embodiment in *Girls of Riyadh*." *Women's Studies International Forum* 37 (March—April): 46—52. <https://doi.org/10.1016/j.wsif.2013.01.012>.
- Harrison, Paul. 2018. "Saudi Arabia hosts its first ever women's cycle race." *BBC News*. April 12, 2018. <https://www.bbc.com/news/blogs-trending-43740203>.
- Haykel, Bernard. 2019. "Saudi Arabia—Review of Changing Saudi Arabia: Art, Culture, and Society in the Kingdom." *The Middle East Journal* 73, no. 4 (Winter): 679—680. <https://search-proquest-com.eres.qnl.qa/docview/2339977956?accountid=49936>.
- Janbi, Waad A. 2018. "Feminist Analysis: Saudi Arabian women seize their freedom through cinema." Master thesis, Long Island University.
- Menoret, Pascal. 2014. *Joyriding in Riyadh: Oil, Urbanism, and Road Revolt*. New York: Cambridge University Press.
- Pirie, Fernanda and Judith Scheele. 2014. "Justice, Community, and Law." In *Legalism: Community and Justice* edited by Fernanda Pirie and Judith Scheele, 1—24. New York: Cambridge University Press.
- Qalely, Marcia Lynx. 2020. "Black Saudi Author Focuses on Neglected History of African Migration and Slavery." *Al-Fanar Media*. Published July 24, 2020. Accessed December 30, 2020. <https://www.al-fanarmedia.org/2020/07/a-black-saudi-author-focuses-on-a-neglected-history/>.

- Salem, Badar. 2019. "Women Can Go to Saudi Arabia's Theme Parks. But There Are Rules." *Vice*. Published September 4, 2019. Accessed December 30, 2020. <https://www.vice.com/en/article/43jbqd/saudi-arabia-abha-theme-parks-arwa-al-naimi-photos-gender-segregated>.
- Sawaf, Zina. 2019. "Encountering the State: Women and Divorce in Riyadh, Saudi Arabia." *International Journal of Archaeology and Social Sciences in the Arabian Peninsula* (January): 1-15. <https://doi.org/10.4000/cy.3745>.
- Sonbol, Amira El-Azhary. 2012. "The Family in Gulf History." In *Gulf Women* edited by Amira El Azhary Sonbol and Kira Dreher, 351—386. London, Bloomsbury.
- The Kingdom of Saudi Arabia. 1992. *Basic Law of Governance*. No: A/90: The Embassy of the Kingdom of Saudi Arabia, Accessed December 23, 2020. <https://www.saudiembassy.net/basic-law-governance>.
- Wahab, Siraj. 2006. "Rajaa AL-Sanea: A Girl of Riyadh." *Arab News*. Published March 11, 2006. Accessed December 28, 2020. <https://www.arabnews.com/node/281556>.
- Warner, Michael. 2002. "Publics and Counterpublics." *Public Culture* 14, no. 1 (Winter): 49—90.
- Yamani, Maha A. Z. 2008. *Polygamy and Law in Contemporary Saudi Arabia*. Reading: Ithaca Press.