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Beyond International Human Rights: Islamic Feminism as Alternative Rights Praxis

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Abstract

This article examines Islamic Feminism (IF) as an example of an alternative rights framework that falls beyond international human rights law (IHRL) in terms of its epistemic and conceptual grounding of rights. Specifically, it focuses on IF as it is engaged by Saudi women's rights activists in their petitions against the ban on women driving. The article shows that while the engagement with IF does disrupt IHRL's claim to universality as a framework for justice, its deployment as part of a struggle for juridical rights limits its liberatory potential. Through showing how both IF and IHRL produce and preclude particular subjects of rights, the article moves toward more emancipatory political imaginaries that transcend statist boundaries.

Keywords International law · Human rights · Feminism · Islam · Decolonial · Justice

Introduction

This article examines non-hegemonic rights discourses with a view to challenging international human rights law's (IHRL) claim to universality as a source, language, and tool for the protection of human rights. It focuses on Saudi women's legal activism as a window into rights politics in "most of the world"[1] to expand conceptual thinking beyond liberal registers that centre IHRL and juridical rights as the primary vehicles of universal justice. Through this, it contests the notion that IHRL is the sole or most effective framework for struggles over rights and highlights its limitations in non-Western and non-liberal contexts where the language of rights and conceptions of justice often diverge.

[1] Madhok (2021) use of "most of the world", which she borrows from Partha Chatterjee, works to disrupt the binary of West(ern)/non-West(ern), and to instead, make space for serious engagement with the epistemic possibilities and political imaginaries generated outside of Eurocentric contexts.

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More specifically, the article explores Islamic Feminism (IF) as a rights framework that lies beyond IHRL in its conceptual and epistemic core, as well as in the justificatory premises it offers for articulating rights. Although IF encompasses a range of interpretations and approaches, it broadly refers to a rights discourse and knowledge praxis engaged by various actors within and across Muslim communities, grounding claims for women's rights and social justice in Islamic sources rather than in secular legal instruments. As such, IF provides a compelling example of how rights claims can be conceptualised and articulated beyond IHRL, which has been criticised on various grounds, including its reproduction of colonial subjectivities and relations (Mutua 2001; Cetinkaya 2023) and its compatibility with and facilitation of a neoliberal capitalist global order (Whyte 2019; Tzouvala 2020). The engagement with IF as an alternative rights framework contributes to expanding decolonial human rights scholarship by unsettling IHRL's hegemonic impulse that is perpetuated through the silencing and displacement of other rights discourses and epistemologies that do not share its normative commitment to liberalism (Parmar 2008; Kapur 2020).

To illustrate the significance of IF in contemporary Muslim women's activism, the article conducts a feminist critical discourse analysis (detailed below) of petitions authored by Saudi women demanding the repeal of the former ban on women driving. The driving ban, lifted in 2018, provides a clear illustration of the ways in which women's discrimination in Saudi Arabia has been structurally institutionalised by the state. It severely curtailed women's mobility and freedom of movement, particularly for working-class women who could not afford a driver or access alternative transport, and for those subject to patriarchal familial control, prohibiting them from accessing what transport was available. These constraints hindered women's ability to work, study, access healthcare, and even exercise limited civil and political rights. For instance, although Saudi women were granted the right to vote in municipal elections in 2015, many were unable to do so due to the lack of transportation, reflecting Le Renard (2014, 52) observation that the country lacked "public transport except for a few bus lines in a pitiful state, mostly used by poor immigrant workers." Given the ban's debilitating impact on women's daily lives, it has been a central issue in global discussions of women's rights in Saudi Arabia (Karolak and Gupta 2020, 86), and became a focal point of Saudi women's rights activism since 1990, when women first organised demonstrations and authored petitions to challenge it.

The analysis engages with Saudi women's petitions as a site of epistemic presence and feminist resistance that is constituted and articulated by marginalised groups. This allows for a meaningful understanding of IF as an alternative rights discourse, particularly in terms of how it disrupts epistemic hierarchies that position IHRL as the authorial centre of ideas of global justice and other non-Western or non-liberal rights discourses at the margins, lacking any epistemic authority of their own. Importantly, the choice of the term 'alternative' in no way seeks to reinforce IHRL as the baseline for how rights struggles should be articulated. Rather, it signals a recognition of the liberal episteme's hegemonic success in positioning itself as such and serves as a point of departure from which to think beyond and against it.

As will be further elaborated below, this article departs from analyses that focus on the vernacularisation of IHRL—where international norms are translated and adapted to local contexts (Merry 2005)—and instead attends to the "vernacular rights cultures" and political imaginaries that emerge organically from Saudi women's activism (Madhok 2021; Sokhi-Bulley 2024). These petitions are thus examined not as translations of global human rights talk but as assertions of alternative epistemologies and justice claims grounded in different conceptual universes.

Exploring IF as an alternative rights framework that is conceptualised beyond IHRL and that is engaged for the advancement of women's rights by women in Muslim contexts is important for several reasons. First, it offers a lens through which to challenge the persistent victimisation of Muslim women and to address their historical exclusion from dominant narratives of resistance (Abu-Lughod 2013). Second, it unsettles the assumption that Islam is inherently patriarchal and incompatible with gender justice (Ahmed 1992), a view that has fuelled debates over the plausibility and legitimacy of IF (Grami 2013, 104; see also Moghadam 2002). Third, by giving space to marginalised groups to be heard on their own terms, the analysis expands the conceptual and epistemic registers of human rights scholarship, allowing for greater inclusivity and transformative potential within human rights theory and praxis.

With this in mind, the article does not uncritically celebrate IF as the only authentic alternative framework for gender justice in Muslim contexts (Mojab 2001), nor does it present IF as "a utopian horizontal power free politics" (Madhok 2024, 17). Rather, it argues that serious engagement with IF necessitates a critical interrogation of the extent to which it not only challenges the imperialist impulses of IHRL, but may also be "mired in conflictual, contested, and violent power relations" (Madhock 2024, 17). In other words, the analysis of IF as it is engaged in the petitions offers an opportunity to interrogate the limitations of IF with regard to what structural inequalities and exclusions it leaves intact, especially when being employed vis-à-vis the state to gain recognition and expand the category of legal rights for Saudi women.

Through this, the article identifies key points of convergence between the subject of rights that emerges from Saudi women's engagement with IF and IHRL's liberal logics of subjectivity. This convergence raises important questions about the emancipatory limits of IF when it is used to make juridical claims without simultaneously "challenging the universality of statist rights instruments of justice" (Iqtidar 2024, 2). As such, the article contends that while alternative rights discourses may "disrupt hegemonic human rights talk" (Madhok 2017, 486), they, too, must be scrutinised for "their complicity in producing processes of abandonment, precarity, and debility" (Odysseos and Sokhi-Bulley 2024, 1).

The article begins by examining how Saudi women have been homogenised and othered, both within international human rights discourse and by the Saudi state, resulting in the erasure or concealment of their agency and modes of resistance. In doing so, it challenges reductive and Orientalist representations of Muslim women as passive victims until 'empowered' by the state in a manner compatible with the United Nation's (neo)liberal women's empowerment agenda. The article then provides a conceptual overview of Islamic Feminism (IF), highlighting

its emergence as a strategy for advancing women's rights within Muslim contexts. Building on this foundation, it offers a feminist critical discourse analysis of four petitions authored by Saudi women, examining the potential and limitations of IF when employed to articulate legal rights claims. The article concludes by reflecting on how the constraints of struggling through and for statist rights might be confronted—and potentially transcended—through an anti-imperialist feminism committed to a transformative politics that resists the boundaries of capitalism, liberalism, and the state.

Against Homogenisation

Muslim women have long been subjected to what Mohanty (1988, 63) describes as a colonial process of discursive homogenisation, whereby their diverse lived realities are flattened into a universal narrative of victimhood. Within the Western liberal imaginary, they are routinely cast as passive and voiceless *objects*, positioned as in need of rescue from an inherently oppressive culture—one frequently conflated with Islam (Abdo 1995, 141). This rhetoric has frequently served neo-colonial objectives (Abu-Lughod 2013; see also Brayson 2021 on the politics of unveiling). Such simplistic depictions assume and reproduce what Mohanty (2003a, b, 344) identifies as "an ahistorical universal unity between [these] women based on a generalized notion of their subordination," and demand more nuanced and complex analysis. Like other Muslim women, Saudi women have regularly been positioned within a civilisational feminist rhetoric (Verges 2021) that proposes liberal and secular reforms in the name of "enabl[ing] *true* independence" (Nesiah 2003, 135).

Reductive portrayals of women in Saudi Arabia are not solely the product of external, Western knowledge production; they are also embedded within the Saudi state's own official historiographies and legitimacy narratives. As Bsheer (2020, 8) observes, the persistence of this exceptionalist image is rooted in the state's deliberate efforts to suppress domestic social mobilisations since its inception, and to erase them from historical and archival records. This systematic erasure has produced a representation of Saudi citizens—and particularly women—as lacking political will or sensibility, a portrayal that stands in stark contrast to the realities documented in this article (Bsheer 2020, 222).

Simplistic depictions of Saudi women have been highly beneficial to the Saudi state. Women have been consistently instrumentalised by the state to embody and symbolise the various images it has sought to project. This has ranged from women being constructed as icons of Islamic piety to, more recently, symbols of progressive cosmopolitan modernity within a 'moderate' Islamic framework (Al-Rasheed 2013, 134-175). Since the launch of Vision 2030—an economic diversification strategy and social reform programme announced in 2016—the state has declared an enthusiastic commitment to 'women's empowerment', now largely equated with women's ability to achieve individual independence and economic success. This commitment has largely been expressed through the implementation of legislative reforms granting women more rights, including, most notably the right to drive.

While legal reforms are necessary and can offer important protections, uncritical celebrations of post-2016 developments obscure the extent to which such reforms merely "attenuate the subordination and violation to which women are vulnerable in a masculinist, social, political, and economic regime," while leaving the underlying structures of that regime intact (Brown 2000, 231). Rather than constituting a genuine emancipatory shift that challenges "women's rights as an ideology of assimilation and integration into a neoliberal order" (Verges 2021, 12), the women's empowerment narrative consolidates the state's authority as the arbiter of rights, reinforcing its pursuit of economic growth and international legitimacy (Hasso 2014, 110).

Homogenising narratives about Saudi women have not been adequately challenged. Scholarship that engages with the complexity of the Saudi Arabian gender discourse is rare, including by scholars from the region (Al-Fassi 2016, 187). Bsheer (2020, 8) notes that even in the work of scholars from and on the Arab region, the Saudi state's mythical narrative of the kingdom as "a place without social divisions, without conflict, without the warp of historical change" has been reflected, elevated, and popularised. This has produced what she terms a "secondary Orientalism that dominates knowledge production on Saudi Arabia" and that feeds into consolidating the state narrative, rather than deconstructing it Kanna et al. (2020, 133) similarly observe that the limited nuance in regional scholarship stems in part from the state's active repression of critical inquiry, as Gulf governments, including Saudi Arabia, systematically discourage and suppress "the local production and publishing of critical social science."

Consequently, while discrimination against women in Saudi Arabia has been legally and politically sanctioned, socially embedded, and spatially manufactured, it is regularly explained on religious and cultural grounds, with minimal regard for the role of the state in producing the existing gender order. This mode of explanation is particularly evident in IHRL discourse, including in instruments such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which emphasises cultural attitudes as the root cause of gender inequality (Sepper 2008). Within this framework, IHRL is routinely positioned as a universal mechanism through which injustice can be challenged and gender equality can and should be attained (Ignatieff and Gutmann 2001, 173; Sikkink 2017).

As a result, Saudi women's agency and their diverse modes of resistance have been largely overlooked and concealed. This erasure reinforces dominant misconceptions of Saudi women as passive victims, rather than recognising them as knowledge producers and critical actors in a subaltern genealogy of rights struggles articulated outside the liberal episteme of IHRL.

The portrayal of IHRL as an emancipatory framework has been challenged by critical scholars of international law who expose it instead as a hegemonic apparatus of governance, regulation, and subjectivity formation. Kapur (2014, 25), for instance, characterises IHRL as "a governance project primarily concerned with ordering the lives of non-European peoples, rather than a liberating force." Moreover, like Whyte (2019) and Tzouvala (2020) whose work reveals the deep entanglements between IHRL and neoliberal capitalism, Kapur (2020) further argues that the notion of emancipation within human rights discourse is tethered to a liberal conception of freedom, wherein the 'free' female subject is imagined as one who

accumulates rights that enable her to thrive within and contribute to the flourishing of the market economy.

In addition to the limitations that IHRL places on our ability to pursue imaginaries of freedom that fall outside the "liberal fishbowl" (Kapur 2020), it also constructs the state as the "the primary agent for progress" (Hasso 2009, 75) and the ultimate arbiter of rights and freedom. In doing so, it forecloses alternative political possibilities that do not depend on the recognition or accumulation of existing rights from the state. Rights claiming, in this context, becomes an exercise through which a particular form of world-making emerges: one in which the rights bearer becomes complicit in practices of domination through the reproduction of statist boundaries and exclusions (Zivi 2012).

IHRL owes much of its hegemonic success to its quest to "supplant all other ethical languages" and to foreclose epistemic and emancipatory possibilities that do not conform to statist logics (Baxi 1998, 125; see also Brown 2004). Even where other rights discourses are encountered and discussed in human rights scholarship, they have regularly been analysed as mere translations or a vernacularisation of IHRL or as local 'case studies' of global human rights talk (Madhok 2021, 173). For instance, while Merry and Levitt (2017, 213) recognise the role of local actors in shaping "universalistic human rights," and note that "[s]ome groups are deeply embedded in other justice ideologies" (2017, 233), their analysis largely focuses on how local actors translate IHRL and adapt it to specific situations of suffering and grievances at the local level. Merry (2006, 39) explains that they often work at a "relatively superficial level" and engage in "a kind of window dressing" by adding a culturally digestible gloss over a core normative global framework.

Although this work does provide a useful analysis of how and why IHRL is utilised to raise rights awareness and make rights gains in local contexts, Madhok (2017, 501-02) poignantly notes that efforts to study processes of vernacularisation suffer from a conceptual difficulty: "they operate within and actively reproduce the binaries of the epistemic -authorial global versus non-epistemic translating local—and thereby foreclose agency and authorship of rights from elsewhere, not least from the margins." The analysis of IF that follows contributes to the growing body of decolonial scholarship that seeks to rectify this epistemic erasure, foregrounding most of the world' as a site of epistemic presence from which emancipatory alternatives that expose the insufficiency of liberal rights are engendered. In doing so, it also advances decolonial thinking "after rights"—where *after* signals not a temporal break, but an epistemic commitment to confronting the limits of juridical rights and their complicity in exclusion and dispossession, with the aim of cultivating more just and inclusive forms of world-making (Odysseos and Sokhi-Bulley 2024).

Islamic Feminism: An Epistemological Intervention

Islam is often regarded as being incompatible with feminism and human rights. Consequently, IF, which combines Islamic thought with feminist objectives has been criticised and regarded as a "contradiction in terms" (Mojab 2001, 131; see also

Moghissi 2002). This notion has been dominant within a liberal feminist analytic, which reproduces essentialist assumptions about both gender and Islam, concealing their plurality and overlooking the potential Islamic thought and praxis offers for epistemic creativity (Moghadam 2002; Grami 2013).

Additionally, the incompatibility charge has been levelled by patriarchal nationalist movements and anti-colonial struggles, where feminist demands are sometimes equated with foreign impositions and imperialist agendas (Coomaraswamy 2002, 484-85). The association between feminism to imperialism is also echoed by some Muslim scholars, such as Barlas (2008) who, while committed to egalitarian aims, refuse to identify with IF due to the entanglement of liberal strands of feminism with past and ongoing legacies of colonialism. A prominent example is the United States' campaigns to mobilise support for the invasion of Afghanistan by invoking the need to 'save' Muslim women, a rhetoric widely critiqued as emblematic of imperial feminism (Perugini and Gordon 2015, 1-5; see also Abu-Lughod 2002; Verges 2021).

That resistance to feminism has been part of anti-colonial rhetoric has had the effect of exalting women as the custodians of national identity and culture by turning their bodies into symbols of piety through legal and social control. The result of this binary choice between loyalty to their Muslim and national identities and their aspirations for gender justice has left "almost no position for Arab/Muslim women from which to be simultaneously critical of Western-imperialist-secular-liberal assumptions, on the one hand, and local-cultural-national-religious gender formations, on the other" (El Said et al. 2015, 234). It is at this juncture that IF makes a significant intervention.

In this paper, IF is approached as an analytical framework, rather than an identity label, that has sought to carve a space for the pursuit of struggles for gender justice that do not require endorsing a rigid patriarchal order or a colonial, Western project. While understandings of IF vary, it broadly refers to the (re)interpretation of Islamic sources in a manner that allows for a grounding of women's rights and gender justice within an Islamic paradigm, and specifically within the shari'a. The shari'a represents the totality of the divine will as it was revealed to the prophet Mohamed. It refers to the messages and the rules contained within the two revelatory sources: The Quran and the Sunnah (the practices of the prophet). The interpretive work that Islamic feminists undertake happens not at the level of shari'a, but rather at the level of *fiqh,* which refers to the process of interpretation to extract legal rules from the main revelatory sources. On this distinction, Mir-Hosseini (2006, 632) explains that "while the [shari'a] is sacred, universal, and eternal, *fiqh* is human and—like any other system of jurisprudence—subject to change" (italics added). *Fiqh*, therefore, is inherently open to contestation, interpretation, and debate. This accounts for the diversity among schools of Islamic jurisprudential thought and explains why some shari'a-based legal systems have endorsed more restrictive laws toward women than others.

The variations in personal status laws among Muslim countries and jurisdictions further underscore the point that shari'a, as it is commonly (mis)interpreted and used as a justification for patriarchal legal orders, is neither immutable nor is

it divine in its legal application. Rather, as Jabiri notes, "Islamic legal systems are mainly produced to accommodate local cultures and power relations" (2016, 49).

The distinction between shari'a and *fiqh* is crucial to IF because it highlights the inability of shari'a to speak for itself. It rebuts misconceptions that underpin phrases such as 'Islam says' or 'the shari'a says' and emphasises the human, often male-dominated, element involved in interpreting and applying its content (Abou El Fadl 2005). By highlighting the distinction between shari'a and *fiqh* and emphasising their exclusion from the interpretive process, Islamic feminists make an epistemological claim. They assert themselves as epistemic authorities and producers of valid knowledge. In doing so, they claim their equal right to engage in interpretation of the shari'a and to offer alternative readings of the textual sources that have historically been used to justify their marginalisation and discrimination.

To challenge their marginalisation and discrimination, Islamic feminists stress the need for greater contribution of women in the process of interpreting religious texts. To bridge the gap between feminism and Islam, they employ an approach of feminist *ijtihād* (process of independent reasoning) to reinterpret Islamic texts in an egalitarian manner (Wadud 1999, 95). They assert that patriarchal traditions and oppressive power can be defeated by engendering different readings and interpretations (Arebi 1994, 12). Through this, they are able to cultivate a "gender discourse that is 'feminist' in its aspiration and demands yet is 'Islamic' in its language and sources of legitimacy" (Mir-Hosseini 2004, 3). Therefore, IF must be understood as a gendered epistemology and critical knowledge project that expands the conceptual and epistemic registers of not only Islamic jurisprudence, but also human rights praxis, by opening it up to other ways and sources of knowing and seeking rights claims.

IF thus emerges as an example of transnational feminist praxis that challenges patriarchal "attempts to translate very restrictive *fiqh* notions of gender relations into gender policy enforced by state machinery" (italics added) (Mir-Hosseini 2003, 19). This dynamic is particularly evident in the Saudi Arabian context, where official religious interpretations—often forming the basis of legislation—have historically been dominated by male scholars. These interpretations tend to centre male experiences while excluding others, or render them intelligible only "through the male vision, perspective, desire or needs of woman" (Wadud 1999, 2). One clear manifestation of this dynamic is the former ban on women driving, which stemmed from patriarchal interpretations of shari'a. Although the legal basis of the driving ban was legally ambiguous, in the sense that there was no clear prohibition in the form of written law, it was consistently justified through *fatwas* (authoritative religious rulings) issued or endorsed by senior state-affiliated clerics (Doumato 1991). These religious edicts conferred legitimacy on the ban and facilitated its institutional enforcement, despite the absence of explicit legal codification.

For example, following a demonstration in 1990 that was organised by Saudi women to challenge the ban on driving, several fatwas were issued admonishing the women for their actions, declaring that women driving would endanger the Islamic fabric of society (Doumato 1991). The most prominent fatwa was issued

in 1990 by the former Grand Mufti of Saudi Arabia, Abdalaziz bin Baz, who stated:

> "…It is known that [women driving] is a source of undeniable vices, inter alia, the legally prohibited 'khilwa' [meeting in private between a man and a woman] and abandonment of 'hijab' [women's veil]…. It could also lead to committing "haram" [taboo] acts hence this was forbidden. Pure 'shariʿa' also prohibits the means that lead to committing taboo acts and considers these acts "haram" in themselves… Thus, the pure 'shariʿa' prohibited all the ways leading to vice… Women's driving is one of the means leading to that and this is self-evident (1990)".

Following this fatwa, the Saudi government officially endorsed the driving ban in a statement issued by the Deputy Minister of Interior.

That the ban on driving was justified on religious grounds which were then endorsed by the state made it necessary for Saudi activists to engage the state on these terms. Building on IF's distinction between shari'a and *fiqh*, Al-Dosari (2016, 9) has challenged the discriminatory interpretations by contending that rather than being required by the shari'a, "[m]en's superiority over women… is a product of historical contexts in which Islamic jurists were influenced by prevalent patriarchal perceptions of gender roles". Her work echoes Mir-Hosseini's (2003, 2) assertion that it is a "a strong patriarchal ethos that informed the fuqaha's [Islamic jurists] readings of the sacred texts", rather than the texts themselves.

Saudi women have been openly critical of discriminatory laws and policies justified through Islamic sources and have actively challenged them through diverse forms of advocacy and awareness-raising. These efforts include writing in both traditional and social media, launching educational initiatives, organising campaigns, and submitting petitions, all aimed at asserting their rights from within an Islamic framework. As Yamani and Allen (2006, 13) observes, women in Saudi Arabia who engage with IF do so by speaking in the "legitimate language of the nation," thereby positioning themselves to claim both social status and political influence. In this context, IF provides a valuable framework for understanding Saudi women's discourses of resistance, particularly as expressed in petitions contesting the former driving ban.

Petitions as Sites of Feminist Resistance

What follows is an analysis of four petitions challenging the former ban on women driving, authored by Saudi women's rights activists in 1990, 2011, 2012, and 2013.[2] They were all authored as part of wider campaigns and demonstrations against the driving ban and represent significant moments in the history of Saudi women's rights activism. The 1990 petition was authored in the context of the first Saudi

[2] Based on in-depth conversations with Saudi women's rights activists who were involved in authoring the petitions and the broader campaigns against the driving ban, there are five main petitions that focused on the driving ban. I was unable to obtain one authored in 2007.

women's driving demonstration, mentioned above, which took place in Riyadh on the 6th of November 1990. The following three petitions were authored as part of the Women2Drive campaign, which was launched in 2011 in the wider context of the Arab uprisings. All the petitions written in Arabic and addressed and delivered to the Saudi government officials, often the King.[3]

I analyse the petitions using feminist critical discourse analysis (FCDA), a methodological approach that treats text as a form of social practice, highlighting the dialectical relationship between discourse and the social, institutional, and material structures that both shape and are shaped by it (Lazar 2007). This approach requires reading the petitions not in isolation, but in relation to the socio-political contexts in which they are produced and situated.

FCDA provides a useful lens for examining how petitions function in both challenging and reproducing dominance—understood here as the exercise of power by elites, institutions, or social groups in ways that produce inequality and marginalisation. More specifically, it enables analysis of "how power and dominance are discursively produced and/or (counter-)resisted in a variety of ways through textual representations of gendered social practices" (Lazar 2007, 150).

In the context of the petitions, FCDA helps uncover the ways in which Saudi women activists, through their modes of activism and the ways they discursively frame their objectives, simultaneously resist and reinscribe both local and global power structures and inequalities (Pratt 2020, 8).

To deepen this analysis, it is first necessary to understand what petitions are and the roles they play within the broader landscape of women's activism in Saudi Arabia. Petitions are formal letters addressed to figures of governmental authority, through which citizens articulate grievances and issue appeals or demands for reform. As van Voss (2002, 2) notes, petitioning "seems to be a global phenomenon, stretching back in time almost as far as writing."

Petitions transcend physical and spatial constraints by enabling petitioners to assert their presence, even in contexts and moments in which they are physically absent. In the absence of other avenues for communicating grievances to the state, Saudi citizens have authored, circulated, and signed petitions to assert their presence in a context in which their absence has been manufactured and manipulated.

Political petitions gained popularity in Saudi Arabia in 1990 when petitions calling for political reforms were drafted by both liberal and Islamist constituencies, leading to King Fahd issuing the Basic Law of Governance in 1992 (Lacroix 2004, 354). That same year marked a significant turning point in women's activism, as Saudi women began authoring petitions as part of their broader advocacy efforts (Kéchichian 2013, 159). However, it was following 9/11, at a time when there was acute international attention on Saudi Arabia's legal and political system and its human rights practices, that Saudi Arabia witnessed what Kéchichian (2013, 159) describes as a "petition industry", whereby petitions increased in both frequency and assertiveness, moving away from making requests to making demands. Although

[3] Extracts provided in the text have been translated to English by the author of this article, except for the 2013 petition which was translated to English by the authors of the petitions.

women were involved in petitioning during this time, it was during the 2011 Arab uprisings that they became particularly active in authoring petitions of their own.

Though understudied, petitions have served as a vital tool for Saudi women who have been systematically excluded, not only from the political sphere but also from the public sphere where, until recently, their invisibility has been manufactured and highlighted as a symbol of the state's piety (Jaber 2024). Petitioning has enabled women to assert their presence through writing, a practice that, as Al-Fassi (2016, 189) notes, has become "a means for women to share their experiences and negotiate their rights, power, and space depending on where they stand ideologically, intellectually and socially." Through the act of authoring and signing petitions, Saudi women obtain visibility and endurance in the public sphere and reach otherwise inaccessible audiences.

While petitions challenge the exclusion and silencing of women's voices, they also risk obscuring the diversity of women's lived realities in Saudi Arabia. Notably, the authors of the petitions challenging the driving ban have predominantly been urban, educated, middle-class women. The urban orientation of the authors is reflected in the fact that rural Saudi women were not affected by the driving ban and its hindrances in the same way. Many were driving in rural areas and exercising other freedoms that urban women lacked long before the ban was lifted (Hana Al-Khamri 2019). Although, as will be shown below, the authors do write in the name of the 'Saudi woman', it is important to note their positionalities to avoid giving the sense that they represent the realities, grievances, and desires of all women in Saudi Arabia. To do otherwise risks reinforcing the very discursive homogenisation that has long characterised representations of Saudi women (Karolak and Gupta 2020).

Moreover, as has been mentioned, petitions are not the only way Saudi women have exercised their agency and negotiated or resisted discriminatory laws and norms. Different rights discourses and practices have emerged in other arenas of activism, including engagement with international institutions and human rights organisations. Nevertheless, petitions remain particularly significant due to their consistency and popularity as a mode of political expression. While the government has, at times, suppressed petitioning efforts, petitions have generally been more tolerated than other forms of activism, such as public demonstrations or digital campaigns.

This relative toleration, however, also marks the limits of the petition as a liberatory device. Petitions, in their form and content, recognise and uphold the authority and legitimacy of their addressee. Moreover, they do not "intend to question the establishment power structure" (van Voss 2002, 2). Rather, petitioning "engages with the state, and even employs it, rather than calling for its dismantlement" (Irfan 2020, 82). This is clear in the petitions analysed below, in which the state emerges as the ultimate arbiter of justice—the liberator of Saudi women through legal rights.

Appealing to the authority of the state allows petitioners to voice their grievances "without taking the risks entailed by perceived disloyalty" (Irfan 2020, 81). This is possible because, "whatever form or context, petitions [are] usually written in a deferential style, showing that the petitioner did not intend to question the established power structure" (van Voss 2002, 2). In the Saudi context, where political repression

is particularly acute, petitioners consciously affirm their loyalty to the state through the text in order to mitigate potential risks to their safety. This informs the language they employ and the legal and normative authorities that petitioners appeal to.

Moreover, in addition to tailoring the content of petitions to their intended addressee, the authors also tailor them to their targeted signatories, mainly the Saudi general public, to gather as much support as possible for the petitions. In principle, at least, the more signatures a petition obtains, the more attention from the authorities it commands. This, too, affects what discursive tools the authors employ and how demands for rights are framed and justified.

While the stylistic qualities and discursive choices employed in the petitions can have the effect of legitimising the authority of the state and reproducing hegemonic discourses and hierarchies, scholars have warned against taking the text of petitions at face value. These rhetorical choices may reflect conscious political choices aimed at minimising the risk of retaliation by acknowledging and respecting the authority of the addressee through deferential language (Irfan 2020, 82). For instance, in her study of petitions submitted by Palestinian refugees, Irfan (2020, 81) observed that petitioners' use of hegemonic terms often signals familiarity with dominant discourses rather than genuine endorsement. In this context, the deployment of hegemonic language emerges as a tactical move to increase the likelihood of achieving specific goals.

However, this raises an important consideration, particularly in light of Knox (2012) distinction between tactics and strategy. While tactical choices may be necessary and even effective in the short term, they may also risk reifying exclusionary state boundaries and producing particular subjects of rights at the expense of others. Such outcomes may ultimately constrain, rather than advance, broader emancipatory feminist objectives.

Definitive conclusions about why the petition authors frame their demands in particular ways lie beyond the scope of this analysis. Instead, the petitions are approached as important textual artefacts that, given the constraints on political expression and limited access to information about other forms of social mobilisation, provide insight into how Saudi women have negotiated, challenged, reinscribed, and contributed to the construction of the existing gender order. They offer a valuable window into how Saudi women conceptualise and articulate rights claims, and the political imaginaries they generate in the process.

Islamic Feminism as the Basis of Rights Claims

What emerges from the analysis of the four petitions is the authors' minimal engagement with IHRL in articulating their rights claims. Across all four petitions, IHRL is mentioned only once—specifically in the 2012 petition, which states that women driving is "no more than the exercise of a right that has been granted by domestic and international laws and regulations, and that was taken from us only by the customs and traditions [of] some people." The timing of this petition offers useful insight into why IHRL may have been tactically invoked in this instance. The 2012 petition was issued in the wake of the late King Abdullah's public commitment to

women's rights in an effort to secure international legitimacy and defuse domestic unrest amid the Arab uprisings. It also coincides with the Women2Drive campaign, launched in 2011 by Saudi activists who sought to leverage the global spotlight on the region to draw attention to Saudi women's struggles. This unique invocation of IHRL thus signals an attempt by the petitioners to capitalise on the state's declared commitment to gender equality and the heightened international attention on political grievances in the region. In this context, the petition's invocation of IHRL appears to function as a "performative tactic deliberately designed to increase the likelihood of an appeal's success" (Irfan 2020, 82), rather than as an expression of genuine normative commitment to IHRL as the authoritative source of rights.

Aside from this singular reference, the petitions ground their rights claims primarily within the framework of IF. Their engagement with Islam takes multiple forms: affirming the Islamic identity of the petitioners as "Saudi Muslim women," appealing to the religious legitimacy of the ruler as "Custodian of the Two Holy Mosques," and, most importantly, engaging in a process of feminist *ijtihād* to root the right to drive in shari'a rather than in positive law. In this sense, the justificatory premise of the rights claim emerges as one that locates the authority and source of the right outside the state, even though petitions continue to hold the state accountable and responsible for protecting and upholding the rights they claim. This signals a critical departure from the logic of IHRL. As Madhok (2021) and Iqtidar (2024) have noted in their work on rights claims through the vernacular of *haqq*, this approach creates space for forging visions of justice beyond the state.

By positioning the source of rights as external to the state, IF has the potential to dislodge the methodological nationalism inherent to liberal legalism, which ties rights to citizenship and state recognition. This conceptual and epistemic grounding of rights outside the state "creates a route for securing rights through legislation and legal provision while keeping the dynamism of rights politics intact and open to areas and entitlements not already in place or secured through existing legislation" (Madhok 2024, 14). Indeed, through their engagement with IF, the petitions call into existence rights not already recognised or named by the state. While this can work challenge state boundaries and exclusions, the petitions' focus on juridical rights as the intended outcome of claim-making does reinforce the legal exclusion of particular groups from rights. In other words, the "universality of statist rights as instruments of justice" remains largely unchallenged (Iqtidar 2024, 7).

A clear example of the engagement with IF emerges from the first petition from 1990 which states: "Through an objective look at our demand, you will notice that ultimately, we have not asked for a right that our religion and its lenient teachings reject. On the contrary, it is something that the religion supports." The petition goes further and engages in a process of independent interpretive reasoning to dispute the state's instrumentalisation of Islam to legitimise the driving ban. For example, in listing their arguments against the ban, the petition invokes the Islamic concept of *khilwa*, which refers to the prohibition on the seclusion of an unrelated man and women to prevent the commission of sinful acts. As explained above, in 1990, several fatwas were issued to support the ban. The most prominent, issued by Saudi Arabia's Grand Mufti, Abdalaziz bin Baz, included the finding that women's driving is a known "source of undeniable

vices, inter alia, the legally prohibited 'khilwa'".[4] Turning this logic on its head, the petitioners contend that reliance on male drivers who are often unrelated to them actually forces women into situations of *khilwa*, thereby increasing the very risks the ban purported to avoid.

This invocation of *khilwa* illustrates how the petitioners deploy IF to challenge patriarchal readings of Islam. They do not dispute the concept of *khilwa* to demand sexual autonomy as promoted within the liberal human rights framework, where the free woman emerges as she who is sexualised, autonomous, and unveiled (Mahmood 2012; Kapur 2020). Rather, the rights subject constructed in the petition is one who values the seclusion and protection *khilwa* offers to women and seeks to uphold it in the process of rights claiming.

Another example of IF in the 1990 petition is its emphasis on "the greatness and inclusivity of Islam," which the authors support by citing the Prophet Muhammad's saying: "Take half your religion from this Ḥumayrāʾ." This reference to Aisha, one of the Prophet's wives and a revered figure in Islamic tradition, affirms the authority and intellectual significance of women in Islamic history. By invoking this hadith, the petitioners underscore the inconsistency between such foundational teachings and the contemporary restrictions on women's mobility—restrictions that they argue contradict the inclusive spirit of Islam itself.

The reliance on the shari'a as the source of rights continues in the 2011 petition, which opens with the declaration that its authors are "the women of Saudi Arabia who want to exercise our legitimate right to drive a car." Here, the reference to a 'legitimate right' signals a right grounded in shari'a, thereby locating both the epistemic and political grounding for the claim outside the state. The petitioners further affirm this positioning by stating their intention to exercise any rights granted by the state "with full respect for the values of their generous nation and its Islamic roots." In doing so, they reaffirm their commitment to Islam while simultaneously aligning their claims with the state's own professed Islamic identity.

The 2013 petition also engages heavily with IF. It is the only petition to be published in both Arabic and English, though there are minor differences between the two versions. IF is first employed when the petition states that the issue of driving constitutes "the acknowledgement and recognition of the… God-given rights of women". In doing so, the petition disrupts what Madhok (2024, 14) describes as the "originary, symmetric, coincident and correlative relations between [rights] and the positive legal order of the state." By naming God as the source of women's rights, the petition establishes a hierarchy between divine and state authority, implying that positive law cannot override rights already granted by God.

The petition also asserts that "there is no single Islamic text or jurisprudential edict that prohibits women from driving and that current justification for any reluctance [to lift the ban] stems from traditions and customs that have no relation to religion." Based on this, they demand the state step in to uphold and protect the rights that Islam already recognises, without founding those rights on the state. In

[4] 'حكم قيادة المرأة للسيارة'. n.d. Accessed 7 January 2024. حكم قيادة المرأة للسيارة—موقع الشيخ ابن باز.

the Arabic version, the petition also draws on Islamic history to show that women's mobility was not restricted during the life of the Prophet Mohammed—the highest human authority on Islam. The authors state that historically women rode camels for transportation, supporting their claim that the ban is not required by shari'a but is rather a product of the institutionalisation of patriarchal norms.

Therefore, in the petitions, IF is employed to show that the rights they demand are indeed recognised within Islam, which had been a central pillar of the state's legitimacy narrative. Alongside this religious framing, the petitioners also assert that there is no written domestic legislation explicitly prohibiting women from driving. The 2012 petition, for instance, clearly states that restrictions on women's driving are not grounded in law, but rather that the right was "taken from us only by the customs and traditions of some people." While highlighting the lack of clear legislative basis for the driving ban is intended to strengthen their claim, it has the notable effect of exonerating the state of its responsibility for its role in enforcing the ban through state institutions and mechanisms.

This distinction between society and state has been a hallmark of official Saudi responses to criticism regarding the driving ban. For example, in its combined third and fourth periodic report to the CEDAW Committee in 2016, the Saudi government framed the issue of women's driving as "purely a social issue, inasmuch as the right to freedom of movement is guaranteed for all under the laws of the Kingdom." However, this narrative has been challenged by Saudi activists who are acutely aware of how such framing benefits the state. For example, Saudi activist Eman Al-Nafjan (2013), a Saudi activist and blogger who used her blog to document the demands of the Women2Drive campaigners wrote that:

> "When government officials are asked about the driving ban, they respond that… it is only socially maintained. The King himself stated so. Others who have made similar statements include the Minister of Justice, the Head of the Commission for the Promotion of Virtue and Prevention of Vice, and the Chief of Traffic Police. Yet when a woman gets behind the wheel of her car, it isn't society that stops her but the police. In many cases the woman is then taken to the nearest police station and her male guardian is called. The woman and her guardian are both made to sign pledges to ensure that this case of driving while female is not repeated." (Eman Al-Nafjan 2013)

Therefore, by attributing the driving ban to custom and tradition, the petition inadvertently reinforces and legitimises the state's narrative, which has consistently placed blame on 'society' for the persistence of the ban. According to this framing, the state is portrayed as willing to grant women the right to drive but is constrained by a society that is not yet ready for such a shift (Le Renard 2014, 3). This narrative also echoes and reinforces the broader, homogenising narrative propagated by international agencies and adopted by the Saudi state, in which society is constructed as "the cause of underdevelopment" and the state positioned as "the primary agent for progress" (Hasso 2009, 75).

However, the 2013 petition marks a notable departure from this position. It states that: "Deferring women driving to a societal consensus only increases division and is not reasonable nor logical to force people to unanimously agree before lifting

the ban." The petition continues: "If the state refuses lift the current ban on women driving, we demand that it provides citizens justification for its refusal, and not to transfer responsibility for such a decision to a societal consensus as an alternative justification". In doing so, the authors emphasise the state's responsibility to end discriminatory practices.

Importantly, this petition also marks the first instance across all four documents in which the authors refer to themselves as citizens, signalling a significant shift in the political subjectivity of the rights claimant.

While the engagement with IF animates all four petitions, the subjectivities that are engendered through the authors' practice of rights claim-making evolve over the years. In the first three petitions, when demanding the right to drive, the petitioners do not refer to themselves as citizens, nor do they demand rights as individualised subjects detached from a collective unit. Instead, they gesture toward modes of sociality that challenge the liberal legalist logic of individual subjectivity (Petersmann 2024). The petitions draw on familial references and "appeal to paternalistic codes" (Irfan 2020, 81), reflecting the framework of Article 8 of the Saudi Basic Law of Governance, which identifies the family as the foundational unit of society.

Family values are invoked in the petitions in two primary ways. The first is with reference to the nation as a family, exemplifying Yuval-Davis (2003, 9) contention that "nations have been imagined as 'natural' extensions of the family". This is evident in how petitioners position themselves as "daughters of the nation," appealing to the King to open his "big, fatherly heart" and grant the Saudi woman her "humane request" to drive. Through this framing, they reinforce a paternalistic father–daughter dynamic rather than a relationship between state and citizen.

Secondly, the authors speak from their positions within the family unit—as mothers and wives—justifying their demands in terms of how driving would enhance their ability to fulfil traditional caregiving roles. For example, in the 2011 driving ban petition, the authors state that the right to drive would enable them to manage domestic responsibilities with more ease, including raising children and caring for ill or elderly family members. The 2012 petition also highlights the negative impact of the driving ban on families and states that in campaigning against the driving ban, they are simply doing "what is best for our families and our society, from facilitating their lives and the lives of their families, with full regard for the values of their nation." By emphasising the harmful effects of the driving ban on women's familial roles, the petitioners both contest and uphold the patriarchal family structure institutionalised in Saudi family law. Their claims affirm women's traditional responsibilities within the private sphere, while leveraging those responsibilities to argue for legal reform.

The petitioners' emphasis on their roles within the family reflects Fernea (2010, 416) notion of "family feminism," in which "Islamic feminists strive to create equality, not for the woman as an individual but for the woman as part of the family, a social institution still seen as central to the organization and maintenance of any society." In other words, rather than invoke a liberal notion of individual autonomy and freedom, the petitioners' "'contextual self' emerges as an identity that may be tied to family, tribe, and religion" (Strobl 2010, 63).

This rejection of individualised subjectivity also resonates with the explicit critiques some Saudi women have directed at international legal frameworks such as CEDAW, which they perceive as promoting a liberal individualism that conflicts with their values. For example, in her work on Saudi women's activism, Tsujigami (2009) identifies a category of women whom she labels "anti-cedawiyat". These women reject CEDAW and other United Nations conventions as part of a broader de-Westernisation trend. For them, the rights enshrined in CEDAW are seen as undermining their valued role within the family.

While this allows the petitioners to express a collective subjectivity that disrupts the liberal ideal of the "individuated and self-possessed human" (Petersmann 2024, 1287), it also replicates the Saudi state's instrumental construction of the Saudi women as mothers and carers, tasked with transmitting to their children the values of the nation (Yuval-Davis 1997, 3). Yet, this invocation of patriarchal and paternalistic frames may not be purely deferential. It could also be read as a form of "subversiveness through reappropriation," in which the writer "plays with her cultural subordination in the symbolic order by replicating herself in the syntax of its familiar grammar, but always as a commentary on it" (Irigaray, cited in Zaeske 2002, 158).

The appeal to familial references decreases in the post-2011 petitions, reflecting the state's propagation of a neoliberal discourse of 'women's empowerment' that visibilises and enables the success of Saudi women by facilitating their participation in the work force. This discursive transformation, which gained traction following the Arab uprisings, is mirrored in the petitions through a gradual reconfiguration of subjectivity: from the woman as part of a family unit (including the nation-as-family trope) to an increasingly individualised subject who accumulates legal rights as a means to achieve economic participation and independence.

In framing the right to drive as a means of facilitating access to employment, the petitioners conflate the interests of a relatively privileged group of urban, middle-class women with a singular and universalised category of the 'Saudi woman'. This framing fails to account for the structural implications of such empowerment claims. For example, the petitions do not question who will replace the employed Saudi woman in her domestic duties, a role likely to be filled by women from Saudi Arabia's migrant working class.

This reveals a limitation in the way IF is engaged within the petitions. It does not fully disrupt statist boundaries and exclusions or address the hierarchies embedded in the globalised gendered division of labour, which Ahmed (2017, 85) describes as the "freeing up of time and energy for some by the employment of the limbs of others." What emerges from this is a feminist consciousness that remains constrained within, and that ultimately reproduces, the bounds and hierarchies produced by the state and the market.

The decreased reference to the family also signals an important transformation of the rights claimant from a subject and daughter of the nation to a citizen with rights in relation to the state. This shift becomes evident in the 2013 driving ban petition, which, as noted above, refers to the petitioners as citizens for the first time. The petition explicitly states: "[t]he state is not a parent and citizens are not children or minors." In asserting their citizenship, the authors move away from the paternalistic dynamic prevalent in the first three petitions. Rather than framing their demands

as appeals for protection from kinship-based harms, they articulate them as rights owed to them by virtue of their status as citizens.[5] However, in adopting a rights-based discourse that predicates access to legal rights upon citizenship, the petitions also reproduce the citizen/non-citizen hierarchies through which class relations are deeply constituted in the Gulf (Hanieh 2013, 123-44).

Although the 2013 petition is the first to explicitly invoke citizenship, the exclusionary boundaries inherent in the concept of citizenship remain unchallenged across all four petitions, thus articulating a conception of justice that is not structural. The nationality of the rights claimant—the Saudi woman—is explicitly foregrounded as early as the 1990 petition. Thus, as discussed above, while IF holds the potential to disrupt statist logics and exclusions by grounding the source rights outside the state, its mobilisation to ultimately claim juridical rights results the reproduction of legal exclusions.

In other words, in struggling through and for juridical rights, the petitions risk "enclos[ing] struggles for transformational change within a politics of optimism that secures not only the material and exclusionary status quo but also its pervasive… racism" (Odysseos and Sokhi-Bulley 2024, 1210). This is evident, for example, in the first three petitions, which emphasise that the right to drive would alleviate the financial burden placed on Saudi women who must hire a "foreign driver." In highlighting the economic costs without interrogating the structural violence of the Kafala (visa sponsorship) system through which migrant work is regulated, and which played a key role in sustaining the driving ban, the authors reinscribe the relations of dominance and inequality produced through it.

The racial hierarchies on which the kafala system is predicated are also reproduced through the petition's invocation of *khilwa*, discussed above. In arguing that the right to drive would prevent situations of *khilwa* between a Saudi woman and a foreign driver, the petitions draw a link between foreignness and harm and immorality. This is clear in the 1990 petition which states that granting women the right to drive would prevent the "occurrence of moral issues in the house as a result of the presence of foreign driver in the home." Similarly, the 2011 refers to "the great harm that comes with drivers due to their lack of discipline and moral deviation which threatens family members, for there have been many recorded cases of abuse". In making these claims, the petitions reproduce harmful and exclusionary stereotypes that equate foreignness with violence and moral danger.

By focusing on the potential harm Saudi women might face at the hands of foreign drivers, the petitions fail to acknowledge how restrictions on Saudi women's mobility have resulted in their own complicity with the everyday regulation, control, and exploitation of migrant workers. In asserting rights on behalf of the 'Saudi woman', the petitions also obscure and leave intact the double burden that migrant women are subjected to, both, as women whose internal mobility is restricted by the driving ban, and whose bodies and lives are more largely and pervasively constrained by the kafala system.

As the petitions evolve, it becomes increasingly clear that the engagement with IF to demand juridical rights serves to secure justice primarily for "deserving

[5] The notion of citizenship becomes central to petitions challenging the MGS in later years, which I have analysed in other work.

individuals" (Moyn 2018, 159), while leaving intact a broader "hostile environment in which rights produce abandonment for racialised subjects" (Sokhi-Bulley 2024, 3). The politics of rights engendered through Islamic feminist claim-making in the petitions therefore both challenges the conceptual and epistemic foundations of IHRL and simultaneously reproduces statist hierarchies and exclusions of the very kind produced in and through it.

Toward More Emancipatory Alternatives

This article has examined IF as a rights framework through which Saudi women's rights activists articulate their demands for legal reform. By analysing four petitions challenging the former ban on women driving, it sought to disrupt liberal human rights narratives that often obscure and marginalise non-Western and non-liberal rights discourses. The analysis engaged with the petitions as sites of epistemic presence and feminist resistance, exploring the conceptions of rights they produce and the political subjectivities they engender. Through this, the article contributes to expanding conceptual thinking around rights politics in 'most of the world', highlighting important differences between the conceptual and epistemic core of IF and that of IHRL.

The article, however, remained attentive to the ways in which Saudi women's engagement with IF does not transcend relations of power and domination. Their appeals to the state and market, and their pursuit of juridical rights, reveal how IF, while capable of challenging statist boundaries and exclusions, can also become complicit in reproducing gendered, racialised, and class-based hierarchies. IF thus emerges not as a utopian alternative, but as a contested rights framework that holds the potential to both disrupt and reinforce dominant structures.

In light of this, the article reaffirms the importance of scholarship and praxis that seriously engages with non-liberal languages and cultures of rights, not as case studies illustrating the proliferation of universal human rights, but as sites of knowledge production that generate different and significant modes of resistance and rights claim-making. Such work must go beyond recognising and celebrating alternative rights discourses as a counterweight to IHRL's epistemic hegemony. It must also critically interrogate the ways in which these discourses may themselves be implicated in structures of domination. Crucially, the limits of juridical rights, whether pursued through IHRL or IF, and their entanglement with processes of alienation, exclusion, and dispossession must be reckoned with. Without this, feminist struggles risk reproducing the very hierarchies they seek to dismantle, foreclosing the possibility of a structural, non-exploitative politics of justice grounded in relational solidarities and more inclusive forms of living.

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