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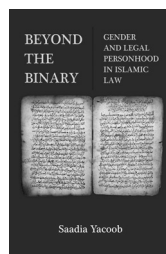
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Saadia Yacoob,
*Beyond the Binary: Gender and Legal
 Personhood in Islamic Law.*

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In classical Islamic law, particularly within the Hanafi legal tradition, the legal status of an individual is not determined solely by gender. Instead, this status is shaped by the intersection of various social identities, including age, servitude status, religion, lineage, and social status. Hanafi is the most widely influential madhhab (Islamic legal tradition) in the Islamic world, including the regions of Central Asia, India, Pakistan, Turkey, and much of the rest of the Muslim world. Saadia Yacoob's book contends that an intersectional approach has revealed the intricacies of social hierarchies that influence individuals' legal rights and obligations. The book's central argument challenges contemporary assumptions about gender categories as binary, and instead proposes an examination of legal categories in Hanafi law as situational and relational, not entirely dependent on gender alone. This approach, as Yacoob contends, facilitates a re-examination of the Islamic legal legacy from a more dynamic and contextualised perspective.

Yacoob's work elucidates the manner in which classical Islamic law generates legal identities through various social dimensions, including gender, age, and slavery status, thereby demonstrating that power and rights are not equally distributed. This offers a perspective for political science, elucidating how social hierarchies, including gender, shape the distribution of power in historical as well as modern societies. The recent findings of Yacoob in this book can serve as a basis for encouraging policy-making that is more sensitive to multiple identities in modern societies, taking into account how policies affect different groups according to the intersection of their identities.

The book's core arguments and analyses of its central themes can be found in Chapters 1 and 4, which provide a comprehensive overview of the subject matter. Chapter 1 explores the understanding of gender in classical Islamic law, with a particular focus on the Hanafi legal tradition. This chapter examines the normative construction of masculinity and feminin-

ity, as well as active-passive roles in legal structures. Here, Yacoob introduces the concept that gender is not the sole factor in determining personhood, thereby opening the door for analyses of intersectionality. In Chapter 4, Yacoob attempts to bring together the themes of the previous chapter. She asserts that legal personhood in Hanafi law is not based on gender as a single category. Instead, personhood is the result of interactions between gender, slavery status, age, and other social identities. This chapter thus represents the high point of the book's argument, offering a theory of legal personhood that is both intersectional and relational in the Hanafi tradition.

In terms of her contribution, Yacoob succeeded in establishing a foundation for the Muslim women's movement in Indonesia to challenge binary gender views while operating within the framework of Islamic law. This approach has the potential to reinforce the argument for legal reform without contradicting Islamic tradition, thus highlighting the significance of her work. This contribution is significant for two main reasons: firstly, it provides conceptual tools to revise Islamic legal rules that hinder gender equality without the need to abandon the foundation of sharia. Secondly, it strengthens the intersectional approach in empowering Muslim women who face multiple discrimination. Overall, the book's contribution to a country like Indonesia lies in its ability to encourage an approach to Islamic law that is inclusive, intersectional, and relevant to the needs of modern society, paving the way for a richer discussion on how the values of justice in Islam can be applied amidst Indonesia's social diversity and complexity.

Applying Yacoob's theory of intersectionality, it is demonstrated that classical Islamic law considers not only gender, but also other identities such as age, and social status. This lends support to the argument that legal identities in Islamic law are complex and cannot be reduced only to binary categories of gender. The integration of this theoretical framework with the book's argumentation serves to challenge conventional perspectives on gender and Islamic law, thereby enriching the text's content and theoretical underpinnings.

However, this does not imply that the theory is entirely without flaws. Indeed, intersectional theory has shortcomings, particularly in its analysis of discrimination in Western societies, and often focuses on the experiences of black women. When applied to classical Islamic law, there is a risk that the theory ignores the different historical, cultural and epistemological contexts of Islam. This theoretical framework may, therefore, risk oversimplifying the intricacies of Islamic law, reducing it to a mere analysis of modern social categories, which may, in turn, overlook the inherent logic of the law itself.

The book draws on theories of intersectionality, which are rooted in Western social and historical contexts. While this theory has relevance, it may not fully align with the logic of classical Islamic law, which is characterised by a different epistemology. There is a concern that these analyses may reflect modern theoretical constructs rather than providing a profound comprehension of the Islamic legal tradition itself. To address this imbalance, there is a necessity for a more balanced integration of modern theories with Islamic tradition-based approaches. This could be achieved by undertaking a more in-depth examination of the principles of *maqashid sharia* (the purpose of Islamic law) or the logic of *ushul fiqh*, as employed by classical scholars. The term '*maqashid sharia*' is employed in Islamic law to denote the fundamental objectives of that legal system. The concept's function is to facilitate comprehension of the underlying rationale behind the injunctions and proscriptions within Islamic jurisprudence, with the objective being the application of the law in a manner that considers the advantages (*maslahah*) and evades deleterious consequences (*mafsadah*). Concurrently, *Ushul Fiqh* constitutes a discipline that engages with the methodology and foundational principles employed in the interpretation of Islamic law from the sources of sharia. *Ushul fiqh* is the term given to the body of Islamic legal doctrine that serves as a framework for producing valid legal decisions (*ijtihad*).

The book provides a comprehensive insight into the intricacies of classical Islamic law, which often eschews binary gender categories, instead incorporating a multitude of social identities, including social status, age, and slavery. It posits that legal interpretation should not be rigid, but rather contextualised, thus addressing a significant gap in the literature on personhood in Islamic law, particularly with regard to the manner in which Islamic law navigates multiple social identities. For legal practitioners, the book provides a framework for interpreting Islamic law flexibly in court or legal mediation in modern society. For women activists, it provides robust arguments to challenge conservative interpretations of gender in Islamic law. For political scientists, it offers an analytical framework to understand how Islamic law can play a role in political legitimacy and human rights in Muslim-majority countries. Finally, the book's general readership is presented with the opportunity to recognise the malleability of Islamic law, and to understand that it can be a vehicle for social justice, rather than one that is inherently rigid and patriarchal.

