

Navigating Body Politics in Shi'i Legal Tradition: Examining Sayyid Kāẓim al-Yazdī's Account of Non- Binary Intersex

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Abstract

In this study, I offer a novel examination of intersex individuals as a third ontological category in Shi'i legal discourse. While scholars have confirmed that intersex individuals are sometimes perceived as a third legal or social category in certain Muslim contexts, there are hardly any studies demonstrating that scholars within the Muslim tradition recognise intersex individuals as an ontological third category of human beings. Drawing on the early twentieth-century scholar Sayyid Kāẓim al-Yazdī's account, I argue that Shi'i jurists were not merely concerned with assigning a legal sex but sought to uncover the actual nature of intersex individuals. Their inquiries centred on whether they were male, female, or a distinct third category. I demonstrate that a notable group of jurists viewed intersex individuals as a separate ontological category beyond male and female. I then contrast the non-binary position with the binary approach observed in several legal cases, highlighting the legal rights and responsibilities assigned to intersex individuals.

Keywords

intersex individuals – *khunthā* – *mamsūh* – body politics – binary/non-binary sex and gender divisions – Shi'i legal tradition – Sayyid Kāẓim al-Yazdī

