



Book Review

**Islamic Law in Saudi Arabia, by Dominik Krell, Leiden,
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Abstract

Dominik Krell's *Islamic Law in Saudi Arabia* offers an incisive exploration of how the Saudi legal system negotiates the tension between divine authority and state control. Moving beyond the simplistic binaries of "traditional versus modern", the book situates Islamic law as a discursive tradition shaped by jurists, judges, and state institutions. Krell traces the evolution of *siyāsah shar'īyyah*, the codification debates, and the narrowing of *ijtihād*, showing how Saudi jurists mediate between the Hanbali school and contemporary reforms, including the 2022 Family Code. His use of court decisions, interviews, and archival sources provides a rare empirical depth. The book's strength lies in demonstrating how orthodoxy is produced through power and discourse, while its limitation is the under-representation of marginalised voices such as women and Shi'a scholars. This work significantly contributes to Islamic legal studies, comparative law, and debates on law-state relations in Muslim societies.

[*Buku Islamic Law in Saudi Arabia karya Dominik Krell menyajikan analisis mendalam mengenai bagaimana sistem hukum Saudi menegosiasikan otoritas ilahi dengan kendali negara. Alih-alih terjebak pada dikotomi "tradisional versus modern," buku ini menempatkan hukum Islam sebagai tradisi diskursif yang dibentuk oleh ulama, hakim, dan institusi negara. Krell menelusuri perkembangan konsep siyāsa shar'īyya, perdebatan kodifikasi, serta penyempitan*



ruang ijtihād, dengan menyoroti peran para yuris Saudi dalam menengahi antara mazhab Hanbali dan reformasi kontemporer, termasuk hadirnya Family Code 2022. Penggunaan putusan pengadilan, wawancara, serta sumber arsip menjadikan penelitian ini memiliki kedalaman empiris yang langka. Kekuatan utama buku ini terletak pada penjelasan bagaimana ortodoksi diproduksi melalui relasi kuasa dan wacana, sementara keterbatasannya adalah minimnya representasi kelompok marginal seperti perempuan dan ulama Syiah. Buku ini memberikan kontribusi penting bagi studi hukum Islam, hukum perbandingan, dan perdebatan tentang relasi hukum-negara di dunia Muslim.]

Keywords: *Siyāsah Shar‘iyyah*, Codification of Islamic Law, *Ijtihād* and Judicial Practice, Saudi Legal System, Discursive Tradition.

Introduction

The study of Islamic law in contemporary Muslim societies has long grappled with the challenge of reconciling legal tradition with the demands of modern state structures. Few contexts illustrate this tension as sharply as Saudi Arabia, a state that claims to uphold an Islamic legal system in its entirety while simultaneously introducing profound reforms to its judiciary. In *Islamic Law in Saudi Arabia*, Dominik Krell situates Saudi law within this paradox, presenting a nuanced account of how jurists, judges, and state institutions negotiate authority, legitimacy, and reform. At a time when Islamic law is frequently discussed in binary categories—such as “traditional versus modern” or “progressive versus conservative”—this book offers a refreshing departure. It frames Saudi legal practice as a discursive tradition, an evolving conversation that links the past to the present and the future, rather than a fixed body of immutable rules.

The relevance of Krell’s work lies in its ability to show how Islamic law is simultaneously preserved and transformed within the Saudi context. Saudi Arabia represents a unique case in Islamic legal studies: unlike most Muslim-majority countries, which have incorporated civil law or common law traditions into their systems, Saudi Arabia continues to claim the exclusive primacy of the *Sharī‘ah*. Yet, this claim is not static. Over the past four decades, the Saudi judiciary has undergone the most significant reforms in its history, including the codification of family law in 2022, the expansion of appellate courts, and the digitisation of legal procedures. Krell’s book not only documents these changes but also interprets them through the lens of power, discourse, and orthodoxy. For scholars of Islamic law, the book demonstrates how Saudi jurists reconcile

classical doctrines with modern institutional requirements, thus highlighting the dynamic nature of Islamic legal thought in practice.

The theoretical contribution of *Islamic Law in Saudi Arabia* is substantial. By employing Talal Asad's notion of Islam as a "discursive tradition," Krell shifts the study of Islamic law away from rigid categorisations and toward a recognition of ongoing debate and negotiation. This framework allows readers to understand how concepts like *siyāṣah sharʿiyyah* (Islamic governance), *ijtihād* (juristic reasoning), and codification are not simply inherited doctrines but contested terrains where scholars, judges, and the state assert competing interpretations. Such an approach is particularly significant in the Saudi context, where the relationship between the monarchy and the *ʿulamā* has historically defined the contours of legal authority. By foregrounding discourse, Krell highlights how orthodoxy is not merely inherited but constructed—produced at the intersection of knowledge, power, and social practice.

Equally important is the book's engagement with contemporary scholarly debates in Islamic legal studies. First, it directly contributes to discussions on codification. While much of the literature has framed codification as a modernising move that subordinates the *Shariʿah* to state law, Krell demonstrates that Saudi jurists resisted codification not simply as a political act but as a defence of Islamic law's inherent flexibility and plurality. This perspective nuances our understanding of codification as both a tool of reform and a potential limitation on juristic creativity. Second, the book speaks to debates on *ijtihād* and legal authority. By analysing court cases on issues such as child custody and *khuluʿ* divorce, Krell illustrates how Saudi judges exercise independent reasoning within, and sometimes beyond, the confines of the Hanbali school. This empirical insight contributes to broader discussions on the adaptability of Islamic law in modern societies. Third, the book intersects with debates on gender in Islamic law, particularly through its treatment of women's rights in family law. The analysis of the 2022 Family Code, with its provisions on marriage age, divorce rights, and child custody, situates Saudi Arabia within global conversations on gender justice and Islamic reform. Finally, the book resonates with ongoing enquiries into Islamic law and the state, offering a case study of how religious authority and political power are intertwined yet constantly renegotiated.

The significance of these debates extends beyond the Saudi context. For scholars of Islamic law, Krell's work demonstrates how the Saudi experience can illuminate broader questions about the nature of *Shariʿah* in the modern world.

For comparativists, it provides a valuable counterpoint to studies of legal pluralism and codification in other Muslim societies, such as Egypt, Indonesia, or Morocco. For socio-legal scholars, it underscores the importance of examining law not only as text but also as practice—embedded in courts, institutions, and the lived experiences of litigants. The book’s comparative and methodological insights thus extend its relevance to multiple audiences across disciplines.

The target audience of this book is diverse. Academically, it will appeal to scholars and students of Islamic law, Middle Eastern studies, legal anthropology, and comparative law. For graduate students, the book provides a model of how to combine theoretical frameworks with empirical data, while for advanced researchers, it offers fresh insights into long-standing debates. Practitioners—such as legal professionals and policymakers engaged with Islamic law in both domestic and international contexts—will find Krell’s analysis instructive in understanding how Saudi Arabia navigates reform while maintaining claims to Islamic authenticity. Finally, the book has relevance for a broader readership interested in the intersection of religion, law, and politics, particularly those seeking to move beyond simplistic portrayals of Saudi Arabia as either a bastion of tradition or a site of rapid modernisation.

In this review, my position is to examine the book’s theoretical contribution to Islamic legal studies and its relevance for ongoing scholarly debates, rather than its immediate applicability in legal practice. The review aims to highlight how Krell’s methodological approach—situating law as a discursive tradition—reshapes the way scholars might think about Saudi law and Islamic law more generally. By doing so, the review underscores the book’s contribution not only as an empirical study of Saudi Arabia but also as a conceptual framework for rethinking Islamic law in contemporary contexts.

Critical Outline of the Book

Dominik Krell’s *Islamic Law in Saudi Arabia* is divided into seven substantive chapters, framed by an introduction and conclusion. Each chapter addresses a central question of how the Saudi legal system negotiates the relationship between Shari‘a, juristic authority, and state reform. Rather than treating the book merely as a descriptive account, it is essential to recognise how Krell integrates theoretical reflection with empirical material, particularly court judgements, archival sources, and interviews with Saudi jurists and judges. This

methodological combination represents one of the major contributions of the book, although it also reveals certain limitations that warrant attention.

Chapter 1: The Foundations of the Saudi Legal System

Krell begins by tracing the conceptual framework of *siyāsah shar‘iyyah*, the doctrine that legitimises state authority through the application of Islamic law. By linking Ibn Taymiyya’s mediaeval political thought to the Saudi monarchy’s claim to legitimacy, the chapter highlights the continuity between classical legal theories and contemporary Saudi governance. Importantly, Krell demonstrates how *siyāsah shar‘iyyah* has been reinterpreted to position the king as both a political ruler and guarantor of *Shari‘ah*, while leaving interpretive authority in the hands of the *‘ulamā’*. This analysis is valuable for showing how the Saudi state derives legitimacy not genealogically (as in Morocco or Jordan) but doctrinally.

Critically, however, the chapter tends to foreground elite discourses while underplaying the role of tribal structures and social dynamics that also shaped Saudi governance. While Krell acknowledges this briefly, the analysis would benefit from deeper engagement with works such as *Al-Atawneh’s* studies on Saudi state–religion relations, which emphasise the hybridity of tribal, political, and religious legitimacy. Nevertheless, the chapter succeeds in showing how *siyāsah shar‘iyyah* functions as a foundational yet contested concept in Saudi legal discourse.

Chapter 2: Ibn ‘Abd al-Wahhāb, Salafī Islam, and the Saudi Judiciary

This chapter situates *Wahhābism* and Salafism within Saudi legal thought, examining how the Hanbali school has historically shaped judicial practice. Krell argues convincingly that contemporary Saudi jurists do not see themselves as bound exclusively to Hanbali precedent but rather navigate a pluralist landscape of opinions. By analysing debates on *ijtihād* and juristic authority, he shows that Saudi judges selectively draw upon classical texts to legitimise flexibility.

The strength of this chapter lies in its careful distinction between *Wahhābism* and Salafism—terms often conflated in both scholarly and popular discourse. Krell situates *Wahhābism* as a local reformist project with deep ties to *Ibn ‘Abd al-Wahhāb’s* eighteenth-century agenda, while Salafism is framed as a broader transnational current. This differentiation helps explain why Saudi law, though often portrayed as rigidly Hanbali, actually accommodates normative pluralism. Yet, the limitation is that the chapter remains doctrinally focused and

does not fully consider the lived experiences of judges and litigants who navigate these identities in court practice.

Chapter 3: The Dilemma of Codified Law

The third chapter addresses one of the most pressing debates in modern Islamic legal studies: codification. Krell demonstrates that Saudi resistance to codification is not simply a matter of political rivalry between jurists and the king, but stems from jurists' concern that codification would undermine the inherent flexibility of *Shari'ah*. By engaging classical debates on school coherency and individual justice, he shows how Saudi scholars fear that codified rules would produce unjust outcomes in specific cases.

Here, Krell's analysis is particularly strong, as it dialogues with comparative works such as Hallaq's *Shari'a: Theory, Practice, Transformations* and Messick's *Shari'ah Scripts*. He situates the Saudi debate within broader scholarly conversations about the nature of Islamic law as an adaptable system. At the same time, one limitation is the relative absence of economic and political factors—such as global legal harmonization and WTO compliance—that also drive codification pressures.

Chapter 4: Narrowing the Gate of *Ijtihād*

Krell examines the institutionalisation of prevailing practice (*mā jarā 'alayhi al-'amal*) and the expansion of appellate courts, which effectively create a proto-system of judicial precedent. By showing how appeals constrain judicial discretion, he argues that Saudi law has undergone a subtle but profound transformation toward formalisation, even without full codification.

This chapter makes an important contribution to debates on judicial authority. It shows how Saudi Arabia, despite rejecting codification for decades, effectively standardised practice through hierarchical review. However, a critical observation is that Krell could have engaged more explicitly with socio-legal theory—particularly Ewick and Silbey's work on “the commonplace of law”—to highlight how precedent shapes legal consciousness. Nonetheless, the chapter persuasively illustrates how *ijtihād* is increasingly constrained by institutional mechanisms.

Chapter 5: *Ijtihād* in Court

Using child custody as a case study, Krell demonstrates how judges employ *ijtihād* within and beyond school boundaries. He highlights the incorporation of the “best interests of the child” principle, showing how Saudi courts adapt *Shari'ah* to contemporary social realities. The analysis reveals the selective use of

minority opinions and the adaptation of doctrine to modern life, thereby challenging the notion of a rigid Hanbali orthodoxy.

This is one of the strongest chapters in the book, as it moves beyond theory into concrete judicial practice. Krell's use of court decisions adds rare empirical depth, filling a gap often left by purely doctrinal studies. The limitation, however, is that the discussion remains focused on judicial reasoning and does not engage with litigants' perspectives. A more ethnographic approach could have enriched the analysis by showing how families themselves experience and contest these rulings.

Chapter 6: Legal Reform beyond the State

This chapter analyses how Saudi jurists expanded the scope of *ḥirāba* to include drug trafficking and gradually allowed women greater access to *khul'* divorce. These case studies illustrate how reform often originates within juristic discourse rather than being imposed externally by the state. Krell convincingly argues that Saudi jurists diverged from classical consensus when social and political realities demanded adaptation.

The strength of this chapter lies in its challenge to the widespread assumption that Saudi law is purely state-driven. By highlighting juristic agency, Krell shows that reform emerges from within Islamic legal tradition itself. Yet, one limitation is the lack of engagement with gender studies literature (e.g., Mir-Hosseini, Sonbol), which could have contextualized the implications of expanding *khul'* rights for broader debates on Islamic family law.

Chapter 7: What Happens When Islamic Law Is Codified

The final substantive chapter turns to the 2022 Family Code, marking the first comprehensive codification of Saudi personal status law. Krell carefully traces its drafting process, provisions, and departures from Hanbali doctrine, such as the minimum age of marriage, recognition of women's rights to separation, and new rules on child custody. He argues that the Code codifies prevailing court practices rather than imposing radical reform, thereby challenging the narrative that codification represents a rupture with tradition.

This chapter is particularly timely and relevant for contemporary debates on gender, law, and reform in the Muslim world. Krell demonstrates that codification, while significant, reflects continuity with juristic reasoning rather than a top-down imposition. However, one limitation is that the chapter does not explore how the Code will be implemented in practice—especially given Saudi

Arabia's uneven judicial capacity. Future research could track whether the codified law truly transforms family disputes on the ground.

Overall Evaluation of the Book's Contribution

Taken together, the chapters present a coherent and empirically grounded account of Saudi law as a dynamic discursive tradition. Krell's integration of doctrinal analysis, case law, and interviews makes the book a significant contribution to Islamic legal studies. Its main strength lies in challenging essentialist portrayals of Saudi Arabia as either exceptionally rigid or exceptionally reformist, showing instead how law is negotiated in practice.

Nonetheless, the book has limitations. Its focus on Sunni male jurists sidelines marginalised voices, particularly women, *Shi'ah* communities, and non-elite practitioners. While Krell acknowledges this, future research could benefit from broader perspectives. Additionally, the book could have more systematically engaged with socio-legal theory to situate Saudi law within global conversations on legal pluralism.

Despite these limits, *Islamic Law in Saudi Arabia* stands out as a major scholarly resource. It not only illuminates the Saudi legal system but also provides a conceptual framework for understanding Islamic law as a living, contested, and evolving tradition in the modern world.

Conclusion

This study makes a major intellectual contribution to the field of Islamic legal scholarship by reframing the Saudi legal system as a dynamic discursive tradition rather than a rigid orthodoxy or an exceptional model. Its core strength lies in demonstrating how jurists, judges, and state institutions continuously negotiate the authority of *Shari'ah*, particularly in areas of family and criminal law. Through the integration of doctrinal analysis, court judgements, and interviews, the book provides empirical depth that significantly advances comparative debates on codification, juristic authority, and the relationship between law and state.

The work will be especially valuable for academics and graduate students in Islamic law, Middle Eastern studies, and comparative law, who will find both fresh data and a conceptual framework applicable beyond Saudi Arabia. Legal practitioners and policymakers, particularly those engaged with family law reform and governance in Muslim contexts, can also benefit from the book's

insights into how codification and precedent operate within a religious legal system.

Beyond its immediate findings, the study stimulates further research by highlighting areas underexplored in Saudi legal discourse—such as the role of marginalised voices, including women and *Shi‘ah* jurists—and by suggesting the potential of socio-legal and ethnographic approaches to complement doctrinal analysis. For teaching, the book offers a comprehensive case study for courses on Islamic jurisprudence, law and society, and comparative legal systems, providing both substantive knowledge and a methodological model.

Overall, this work is highly recommended as a rigorous and authoritative resource. It is particularly valuable in academic contexts that examine Islamic law in practice, in policy discussions on legal reform in Muslim-majority states, and in classroom settings where students can engage critically with the evolving intersections of law, religion, and state power.

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