



# musawah

For Equality in the Muslim Family

## **Islamic law, Sufism and Gender: Rethinking the Terms of the Debate** **Sa'diyya Shaikh**

In this chapter, Sa'diyya Shaikh proposes a Sufi corrective to juristic constructions of gender relations and rights. She argues that Sufism's rich relationship with Islamic law has not been sufficiently developed in terms of the possibilities that can be offered by the former to rethink contemporary gender ethics. Shaikh critically engages with what she considers a deficit in gendered religious anthropology underpinning dominant juristic views on *qiwamah* and *wilayah* and proposes a new reading that problematizes inherited gender constructs in *fiqh* in light of Sufi theological concepts on what it means to be a human being, to relate to God and to relate to other humans.

Shaikh examines two Sufi concepts and shows how they can provide a basis for rethinking Islamic juristic tradition on gender. The first concept is the notion that 'every human being has the ability and responsibility to strive towards and realize the same ultimate goals, and gender is irrelevant to the realization of such existential goals'. She points to Sufi teachings which place central value on a person's inner state as the crucial site of moral and spiritual worth - as opposed to hierarchal value being attributed to the gendered body. Shaikh argues that patriarchal relations of power reflect on a collective level, the triumph of base and unrefined inclinations of lower self. Thus she maintains that from a Sufi perspective, patriarchy presents a spiritual obstacle that needs to be conquered. Shaikh demonstrates that the central Sufi concept of the existential equality of each human being can provide us with a theological and ethical basis for resisting the patriarchal tenet that 'the male body is entitled to claim social and ontological superiority'. (p. 3)

The second Sufi concept is the notion of the relationship between the human and God and human striving for complete spiritual realization of refined divine attributes, a state known in Sufi thought as *al-Insan al-Kamal*. To understand this concept, Shaikh draws on the work of the thirteenth century Sufi thinker Ibn al-Arabi. She sheds light on Ibn Arabi's view that 'all spiritual capacities are equally open to women and men alike', and she argues that organically such spiritual equality has direct implications for the realms of sociality and the law. She shows that commitment to spiritual advancement as part of seeking the path of a closer God-human relationship, which is incumbent on men and women, can be the basis for egalitarian gender relations and roles. By bringing Sufi perspectives to debates on gender in Islamic law, she draws attention to how Muslim feminists can create spaces from which they can rethink the formulation of the *fiqh* canon in light of the 'deepest existential and religious priorities in Islam'.