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Jurnal Ilmu-Ilmu Ushuluddin

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Classical and Contemporary Perspectives**

Sukring Syamsuddin

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Ibn 'Arabī, *Fiqh*, and a Literal Reading of the Qur'an: Approaching the Outward Divine Commands as a Spiritual Realization

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Abstract

Ibn 'Arabī is sometimes regarded as unorthodox, refusing the outward aspects of religion. In fact, Ibn 'Arabī writes hundreds of pages on the topics of fiqh and is a serious proponent of Sharī'ah as the only way to gain the divine Truth or spiritual realization. He proposes to read the text literally (spiritual literalism). This paper discusses fiqh and an approach of reading Qur'anic commands from a spiritual perspective through his lens. Ibn 'Arabī believes that each ḥukm has both its outer and inner or spiritual dimensions, which is uncovered through a literal reading. He criticizes the use of ra'y and qiyas as a method of legal reasoning. His spiritual approach results in a democratization of ijtihād and authority. While this paper discusses its application of this approach to verses on 'ibādāt, as mainly conducted by Ibn 'Arabī himself in the Futūḥāt, it also touches on how this approach be applied and useful in the modern context.

Keywords: *Ibn 'Arabī, fiqh, literalism, spiritual realization*

Abstrak

Ibn 'Arabī terkadang dianggap menolak aspek luar agama. Kenyataannya, Ibn 'Arabī menulis ratusan halaman tentang topik fikih dan berpandangan bahwa Sharī'ah adalah satu-satunya jalan menuju Kebenaran atau realisasi spiritual. Dia mengusulkan untuk membaca teks secara harfiah (literalisme spiritual). Tulisan ini membahas pemikiran fikih dan pendekatan yang ditawarkan Ibn 'Arabī dalam memahami ayat-ayat Al-Qur'an dari perspektif sufistiknya. Ibn 'Arabī meyakini bahwa setiap "hukum" dalam al-Qur'an memiliki dimensi luar dan dimensi dalam, yang ditemukan melalui pembacaan literal. Dia mengkritik penggunaan ra'y dan qiyās sebagai metode penalaran hukum. Pendekatan spiritualnya menghasilkan demokratisasi ijtiḥād. Penerapan pendekatan Ibn 'Arabī terhadap ayat-ayat tentang 'ibādāt, seperti ditemukan di Futūḥāt, akan dibahas di tulisan ini. Selain itu, artikel ini akan mendiskusikan bagaimana pendekatan literalisme spiritual ini diterapkan dan bermanfaat untuk konteks modern.

Kata kunci: *Ibn 'Arabī, fikih, literalisme, realisasi spiritual*

Introduction

This paper is an attempt to present a reading of *fiqh* from a spiritual perspective, that is from the lens of a seemingly controversial Sufi, Muhyiddīn Ibn 'Arabī (d. 1240). Some modern Sufis think that Ibn 'Arabī is dangerous and unorthodox, refusing the stability of religion.¹ In fact, Ibn 'Arabī writes hundreds of pages on the topics of *fiqh* and is a serious proponent of Sharī'ah as the only way to gain the divine truth. Not only that, Ibn 'Arabī advocates a "spiritual literal reading" of the text and its importance as a spiritual realization (*tahqīq*). Eric Winkel once states that Ibn 'Arabī's reading of the Qur'an is the most literal interpretation he had read.² Hence, the reading of his thought on *fiqh* is needed to bridge the gap between the common assumption and misunderstanding of his position and his original thought.

Ibn 'Arabī has been the subject of many works. William C. Chittick, Seyyed Hossein Nasr, Henri Corbin, Michel Chodkiewicz, Claude Addas extensively discuss Ibn 'Arabī's complex metaphysics, philosophy and the Akbarian tradition. Sachiko Murata and Sa'diyya Shaikh wrote on Ibn 'Arabī's thought on gender. Their approach however is completely different. Murata, including Nasr, employs traditional framework, while Shaikh's work criticizes such an interpretation of Ibn 'Arabī. On Ibn 'Arabī's *fiqh*, there have been several works. Eric Winkel studies Ibn 'Arabī in light of his legal discourse or jurisprudence (*fiqh*). James Morris also produced several works mainly dealing with the aspect of spiritual literalism. Sa'diyya Shaikh also examines Ibn 'Arabī's approach to Qur'anic commands on gender issues. This paper draws from previous works and attempt to provide a more comprehensive outlook of his approach to Qur'anic commands, which includes his

approach and method (spiritual literalism) and his attitude towards *ra'y*, *qiyas*, *ijtihad*, as well as the social and academic context of his thinking.

On a critical-reflective note, this paper attempts to read Ibn 'Arabī's "spiritual literalism" and its significance in the modern period. This period witnesses new problems and scholars have proposed new methods of reading the Qur'an, which is theologically legitimized and contextually addressing the situation as well. In this attempt, there is concern on the lack of spirituality in the modern Islamic legal discourse.³ The argument is that in the contemporary context, law is divorced from spirituality and spirituality is divorced from law. The paper seeks whether Ibn 'Arabī's spiritual reading on Qur'anic commands and *fiqh* offers unique insights for modern-contemporary legal discourse.

Ibn 'Arabī, Fiqh and the *Futūḥāt*

Ibn 'Arabī's work on *fiqh*⁴ is vastly found in his *Futūḥāt al-Makkiyyah*.⁵ Chapter 68 to 72 of the book deal greatly with ritual ablution, prayer, alms, fasting and pilgrimage. Although there are several passages on the issue of *mu'āmalāt* (human relationship and the legitimacy of political power), his main focus is indeed the

³ For example, read Basher M. Nafi, "The Rise of Islamic Reformist Thought and its Challenge to Traditional Islam," in Suha Taji-Farouki and Basheer M. Nafi' (eds.), *Islamic Thought in the Twentieth Century*, IB Tauris, 2004.

⁴ Ibn 'Arabī seems to treat *fiqh* as "a superstructure of Sharī'ah conducted by the intellectual elites of the community," or as "an Islamic legal discourse." See Eric Winkel, "Ibn 'Arabī's *Fiqh*: Three Cases from the *Futūḥāt*," *Journals of the Muhyiddin Ibn 'Arabī*, VIII (1993), 54. Ibn 'Arabī understands that the mandate of *fiqh* is from Q. 9:122 and upon it, he tried to restore its meaning into its original Qur'anic term with the bulk of spiritual dimensions in it. See Winkel, *Islam and the Living Law*, vii; James Winson Morris, "Ibn 'Arabī's "Esotericism": The Problem of Spiritual Authority," *Studia Islamica* 71 (1990), 49.

⁵ Mahmud Ghurab has collected and summarized Ibn 'Arabī's work on *fiqh* in his *Al-Fiqh 'inda al-Shaykh al-Akbar* (1981). Yet, his work is less helpful due to the absence of reference. See Michel Chodkiewicz, *An Ocean Without Shore*, 54; Winkel, "Ibn 'Arabī's *Fiqh*," (Albany: State University of New York Press, 1993).

¹ Eric Winkel, *Islam and the Living Law: The Ibn 'Arabī Approach* (Oxford, New York, Delhi: Oxford University Press, 1997), ix.

² Winkel, 19.

issue of *ibādāt*.⁶ Michel Chodkiewicz states that Ibn 'Arabī had an intention to discuss the whole aspect of legal questions, but he decided to limit himself with the essential.⁷

In the first place, one should realize that Ibn 'Arabī's *fiqh* is "only" part of his *Futūḥāt*. It means that one might fail to understand his *fiqh* unless by situating it under the bigger picture of this book, or Ibn 'Arabī's writings in general. As James Morris outlines, Ibn 'Arabī's ultimate aim of writing this book is to provide a "set of guidelines, allusions, 'mirrors' and spiritual catalysts primarily drawn from the Qur'an, hadith and the related reflection or inspirations" to support the reader's uniquely personal process of spiritual realization.⁸ In other words, the *Futūḥāt* is a form of *naṣīḥah* or spiritual advice, rather than "a purely intellectual and worldly practical concern."⁹

Ibn 'Arabī, then, in any sense never divorces spiritual path from *Sharī'ah*. In fact, he understood *Sharī'ah* as the way to divine Truth:

"Now you must know that if the fully human being (*al-insān*) renounces his (own personal) aims, takes a loathing to his carnal self (*nafs*), and instead prefers his Lord: then the Real (*al-Haqq*) will give him a form of divine guidance in exchange for the form of his carnal self, ...so that he walks in garments of light. And (this form) is the revealed-pathway (*Sharī'ah*) of his prophet and the message of His messenger."¹⁰

In order to "utilize" *Sharī'ah* as a way to the truth, *ijtihād* needs to be conducted. Here,

Ibn 'Arabī has a different understanding of what *ijtihād* means. To him, *ijtihād* cannot be achieved simply based on an outward authenticity conducted by the exoteric scholars. This type of *ijtihād* can only provide "form of words" or a clarification that the Prophet says this and that. Rather, it should seek "to know what should be understood from that original Prophetic saying," or to attain the inward meaning of it.¹¹ Thus, Mahmoud Ayoub puts it correctly, when he says that to Ibn 'Arabī, *Sharī'ah* is the way to *ḥaqīqah* (Truth or divine reality) and yet at the same time *Sharī'ah* should also kneel before the latter.¹² At the same time, *ijtihād* also means as an act of relying on God for the lack of knowledge of the property of things, and in fact when a human reaches this stage of "radical passivity," it is like "when the Prophet Muhammad believed that he threw the sand at the battle of Badr but it was God who throws" (Q. 8:17).¹³

Reading Ibn 'Arabī in His Context

Ibn 'Arabī's work mirrors not only an assimilation of previous legal discourse but also a serious response to the need of his context.¹⁴ He criticized different groups of his time. He attacked the *Bāṭiniyyah* group for discharging the *Sharī'ah* for its inwardness as well as the *Ibāhiyyah* group, who relativized *Sharī'ah* and made everything permissible.¹⁵ His criticism to the two groups, again, expressed the importance of implementing the *Sharī'ah* in its outwardness.

⁶ Chodkiewicz, 54–56.

⁷ Chodkiewicz, 157.

⁸ Morris, *Approaching Ibn 'Arabī: Foundations, Contexts, Interpretations, Forthcoming*, n.d., 130–31.

⁹ Morris, "Freedom and Responsibilities: Ibn 'Arabī and the Political Dimension of Spiritual Realisation," *Journals of the Muhyiddin Ibn 'Arabī*, XXXVIII XXXVIII (2005): 6–7. by studying Ibn 'Arabī's *fiqh* from a purely *fiqh* perspective, has misunderstood Ibn 'Arabī.

¹⁰ Morris, "Ibn 'Arabī's 'Esotericism'," 62; Morris, "Freedom and Responsibilities: Ibn 'Arabī and the Political Dimension of Spiritual Realisation," *Journals of the Muhyiddin Ibn 'Arabī*, XXXIX, 109 Part II (2006): 62.

¹¹ Morris, 2.

¹² Mahmoud Ayoub, "Law and Grace in Islam: Sufi Attitudes toward the *Sharī'ah*," in Edwin Firmage (Ed.), *Religion and Law: Biblica-Judaic and Islamic Perspectives* (Winona Lake: Eisenbrauns, 1990), 226.

¹³ Winkel, *Islam and the Living Law: The Ibn 'Arabī Approach*, 17.

¹⁴ Sa'diyya Shaikh, "In Search of Al-Insān: Sufism, Islamic Law and Gender," *Journal of American Academy of Religion*, 2009, 816.

¹⁵ Winkel, *Islam and the Living Law: The Ibn 'Arabī Approach*, 17–18.

Most importantly, in relation to the topic under discussion, Ibn 'Arabī's corpus is an expression of his criticism to the phenomenon of legal discourse in his time. Principally, his criticism to the *fuqahā'* was based on their neglect of the spiritual foundations and the finality of revelation. Accordingly, his aim was rhetorical in nature, namely turning the attention of the readers to the deeper spiritual reality.¹⁶ In other words, he hoped to intensify the already existing legal discourse with spiritual dimensions in it. Ibn 'Arabī, thus, did not in any way attempt to replace the existing schools of law or propose a reformed legal method or opinions; nor did he attack all *fuqahā'* in his time, rather he heavily criticized only the "unenlightened" ones.¹⁷ Among those were *fuqahā'* who learnt *fiqh* only to attain the world and reputation, seek the people's approval, involve in debate and controversies, and disapprove the people of hereafter to whom God had granted a true knowledge or the friends of God (*awliyā'*).¹⁸ From his description, Ibn 'Arabī seemed to have problems with several *fuqahā'* who claimed their knowledge to be the ultimate gain in the religion and who "persecute" other approaches, especially spiritual approach, other than theirs. The following section describes Ibn 'Arabī's proposal of how to approach *fiqh*.

Spiritual Literalism

In his *Futūḥāt*, when discussing a certain topic, Ibn 'Arabī always starts with providing an extended section on the divergent opinions of scholars (*ikhtilāf al-'ulamā'*) on that specific topic. It shows that he was well-versed with the

¹⁶ Morris, "'Ibn 'Arabī's 'Esotericism,'" 62; Morris, "Freedom and Responsibilities: Ibn 'Arabī and the Political Dimension of Spiritual Realisation," 49.

¹⁷ Morris, 49.

¹⁸ Ghurab, "*Muhyiddin Ibn Al-'Arabī Amidst Religions (Adyān) and Schools of Thought (Madhdhāhib)*," in Stephen Hirtenstein and Michael Tiernan (Eds.), *Muhyiddin Ibn 'Arabī: A Commemorative Volume* (Shaftesbury: Element, 1993), 216. A translation from Ibn 'Arabī's *Rūḥ al-Quds fī al-Muḥāsabāt al-Nafs*.

differing arguments that had been produced by legal scholars and built his own argument upon this tradition. Then, he presents the opinion that he prefers, or proposes his own argument and discusses the connection between the outward or superficial and inward or deeper reality (*'ibrah*) behind his position or those of other *fuqahā'*. Ibn 'Arabī believed that each *ḥukm* has both its outer and inner dimensions, in which the two can be attained through a serious dedicated understanding of the text in its literal form. As a result of this approach, a reader of Ibn 'Arabī will gain a deeper understanding of different opinions both in outward and especially in its inward manifestations.¹⁹

1. What is "Spiritual Literalism" and Why?

One might be surprised that Ibn 'Arabī, who is popularly known as an unorthodox Sufi, is a "literalist" and an opponent of *qiyās* and *ra'y*. Spiritual literalism is Morris' term to denote the attitude of his understanding of the revealed texts, which is a "constant insistence on the ultimate coincidence (not simply in outward formulation) between the precise, revealed literal formulations of the Qur'an or hadith and their essential spiritual truth and intentions as realized and verified by the *awliyā'*."²⁰ Ibn 'Arabī treats revelation as entirely meaningful and that as an *'abd* (servant), a person's effort in this life is truly following what is revealed by God.²¹

The example of his spiritual literal reading is in the case of whether *tayammum* is a substitution of ablution (*wudū'*) and full-body ritual purification (*ghusl*) (Q. 4:43; 5:6). Ibn

¹⁹ Winkel, *Islam and the Living Law: The Ibn 'Arabī Approach*, 59.

²⁰ Morris, "'Ibn 'Arabī's 'Esotericism,'" 62; Morris, "Freedom and Responsibilities: Ibn 'Arabī and the Political Dimension of Spiritual Realisation," 45.

²¹ Chodkiewicz, *An Ocean Without Shore*, 54; Winkel, "*Ibn 'Arabī's Fiqh*," 55–57.; Winkel, *Islam and the Living Law: The Ibn 'Arabī Approach*, ix..

'Arabī disagreed with most scholars in this case. He viewed that there is no question of denigrating *tayammum* only because dust is not a rational form of purification. Both *tayammum* and ablution is set by *shar'*. Ibn 'Arabī instead delved more deeply into the 'ibrah of water and dust. Water is a metaphor of language and dust is an insight of humility. Thus, *tayammum* or humility is performed in the situation when water or knowledge is not found. Interestingly, Ibn 'Arabī came to a concept of *taqlīd* (to the people of remembrance, *ahl al-dhikr*) from this discussion.²²

Another example is with regard to women leading prayer, in which Ibn 'Arabī took an affirmative position. His argument is based on the idea that leading prayer is part of *imamate* (leadership) and sources report that women's *imamate* is sound.²³ Ibn 'Arabī stated:

"Some people allow the *imamate* of women absolutely before a congregation of men and women. I agree with this. Some forbid her *imamate* absolutely. Others permit her *imamate* in a congregation exclusively of women. How to evaluate this? The prophet has testified about the spiritual perfection (*kamāl*) of some women just as he witnessed of some men, even though they may be more men than women in such perfection. This perfection is Prophethood. And being a prophet is taking the role of a leader. Thus, women's *imamate* is sound. The basic principle is allowing women's *imamate*. Thus, whoever asserts that it is forbidden without proof, he should be ignored. The one who forbids this has no explicit text (*naṣṣ*). His only proof in forbidding this is a shared (negative opinion) of her. This proof is substantial and the basic principle remains which is

²² Winkel, *Islam and the Living Law: The Ibn 'Arabī Approach*, 42–43; Ghurab, "Muhyiddin Ibn Al-'Arabī Amidst Religions (*Adyān*) and Schools of Thought (*Madhdhāhib*)," in Stephen Hirtenstein and Michael Tiernan (Eds.), *Muhyiddin Ibn 'Arabī: A Commemorative Volume*, 101.

²³ Ibn 'Arabī, *Futūḥāt*, Vol. 2, 103-104; Winkel, *Islam and the Living Law: The Ibn 'Arabī Approach*, 40.

allowing women's *imamate*."²⁴

Spiritual literalism is in fact a door into multiple understandings as the nature of the text itself is polysemantic. The best example for this case is an issue whether one should wipe or wash the feet in the ablution ritual (Q. 5:6).²⁵ The consequence of its polysemantic nature is that scholars only could come to an answer of "this or perhaps that" or "this and that." After presenting varied opinions on this matter, Ibn 'Arabī asserts that his position is the combination of both. The deeper scholars delve into the text, the more divine mysteries unable to uncover and the more aware of not knowing. In this situation, Ibn 'Arabī suggests to return to *taqwā*, which is a form of humble receptivity of the text and divine command.²⁶ In addition, humility and recognition of one's ignorance is a fundamental necessity for entering spiritual realm.²⁷

2. Ibn 'Arabī on *Qiyās* and *Ra'y*

Ibn 'Arabī, first of all, insisted on the acknowledgement of the limitation of reason, that it is inadequate to understand the actual meaning of revelation.²⁸ Yet, far from putting an end to any role of reason, he instead opened the endless "spiritual intelligence."²⁹ As previously highlighted, he invited people to uncover the literal meaning of the text. In line with this notion, Ibn 'Arabī does not believe in *qiyās* as a method of legal reasoning.³⁰

An example is the question about beating

²⁴ Ibn 'Arabī, *Futūḥāt*, Vol. 2, 103-104. The translation is by Shaikh, "In Search of al-Insān," 814.

²⁵ Ibn 'Arabī, *Futūḥāt*, Vol. 1, 517-518.

²⁶ Winkel, *Islam and the Living Law: The Ibn 'Arabī Approach*, 67–82.

²⁷ Morris, "Ibn 'Arabī's 'Esotericism,'" 62; Morris, "Freedom and Responsibilities: Ibn 'Arabī and the Political Dimension of Spiritual Realisation," 92.

²⁸ Morris, 90.

²⁹ Morris, "Freedom and Responsibilities: Ibn 'Arabī and the Political Dimension of Spiritual Realisation," 90–92.

³⁰ Ibn 'Arabī, *Futūḥāt*, Vol. 1, 559.

one's father. A number of scholars argued that since there is no revealed text regulating this, there is a need to expand meaning and significance of the "say no "uff" to them" (Q. 17:23).³¹ Ibn 'Arabī's position was against this argument and showed that *qiyās* is not needed in this case. He continued that in the text itself it is said to "treat them with kindness," in which beating a father is clearly not in agreement with this idea. Ibn 'Arabī asserted, "So we did not make as *ḥukm* anything but the revealed text, and we do not need *qiyās*."³²

According to Morris, his objection of *qiyās* came from his fear that reason tends to "obscure the primary spiritual intentions of the original revelation."³³ His disagreement also had another specific background, which was a support of his following principles in *fiqh*. First, *al-ibāḥah al-aṣḥiyah*; this is a status of original licitness for matters that Sharī'ah is silent about or apart from matters unambiguously forbidden. This principle is supported by the verse, "Do not ask us about those things that if they were shown to you would bring you wrong" (Q. 5:101).³⁴ The second one is based on Q. 22:78, which reads, "He has imposed nothing difficult on you in matters of religion." Ibn 'Arabī viewed that in this sense *qiyās* tends to widen or extend the scope of Sharī'ah beyond what is actually revealed and at the same time to claim a religious authority into personal opinion.³⁵ His position suggests

³¹ See Ghurab, *Raḥmah min al-Raḥmān*, Vol. 2, 539.

³² Ibn 'Arabī, *Futūḥāt*, Vol. 1, 559-600. The English translation is by Winkel. See Winkel, *Islam and the Living Law*, 43-44.

³³ Winkel, *Islam and the Living Law: The Ibn 'Arabī Approach*.

³⁴ See Ghurab, *Raḥmah min al-Raḥmān*, vol. 2, 49; Chodkiewicz, *An Ocean Without Shore*, 55; Morris, "Ibn 'Arabī's 'Esotericism'," 62; Morris, "Freedom and Responsibilities: Ibn 'Arabī and the Political Dimension of Spiritual Realisation," 110; Chodkiewicz, *An Ocean Without Shore*, 54; Winkel, "Ibn 'Arabī's *Fiqh*," 55.

³⁵ Morris, "Ibn 'Arabī's 'Esotericism'," 62; Morris, "Freedom and Responsibilities: Ibn 'Arabī and the Political Dimension of Spiritual Realisation," 67. In another place, Winkel reveals another Ibn 'Arabī's radical argument

that for matters that are not literally stated in the Sharī'ah, people have freedom to find the best answers. Ibn 'Arabī also believed that the Prophet is desired to reduce the difficulty of "traveling the Path" for his community.³⁶ A deeper explanation of his rejection of *qiyās* is based on his conception of *wilāyah*. Chodkiewicz summarizes Ibn 'Arabī's argument: "*Qiyās* can only find its justification in the absence of the Prophet, who is *par excellence*, the interpreter of Divine law. Now for the people of unveiling, the Prophet, he is always present."³⁷

Ibn 'Arabī yet agreed with *qiyās* as a general sense of intellectual inquiry or reflection for arriving at basic principles of divine revelation.³⁸ Thus, his problem seems to be in the general claim of scholars that their rational inquiry is religious in nature and should be followed. Ibn 'Arabī himself, on the other hand, never accused or forbade those who believe that *qiyās* is a sound method. He in fact defended them from the *Zāhirīs* who accused them, while at the same time, with the same logic, suggested the proponents of *qiyās* to let the *Zāhirīs* express their criticism.³⁹ Ibn 'Arabī tends to embrace diversity of opinions.

3. Ibn 'Arabī on the Question of Authority

Ibn 'Arabī has problems with the practice of *taqlīd* in his time. The reason behind his

that to transgress the line between *manqūl* and *maskūt* is to take Lordship of ourselves. See Winkel, *Islam and the Living Law: The Ibn 'Arabī Approach*, 41-42. Ghurab, *Raḥmah min al-Raḥmān*, vol. 3, 182-184.

³⁶ Morris, "Ibn 'Arabī's 'Esotericism'," 53. Morris says that the Prophet urges the faithful to "leave me alone (i.e., don't ask for any more divine commandments) as long as I leave you alone."

³⁷ Chodkiewicz, *An Ocean Without Shore*, 54; Winkel, "Ibn 'Arabī's *Fiqh*," 149.

³⁸ Morris, "Ibn 'Arabī's 'Esotericism'," 62; Morris, "Freedom and Responsibilities: Ibn 'Arabī and the Political Dimension of Spiritual Realisation," 53-54.

³⁹ Chodkiewicz, *An Ocean Without Shore*, 54; Winkel, "Ibn 'Arabī's *Fiqh*," 57; Morris, "Ibn 'Arabī's 'Esotericism'," 62; Morris, "Freedom and Responsibilities: Ibn 'Arabī and the Political Dimension of Spiritual Realisation," 53; Morris, 53.

criticism and his own ideas of *taqlīd* can be understood by discussing his concept of authority. There are two types of authority. First, the divinely guided authority. For him, *taqlīd* is not following the people of strict intellectualism, but the people of remembrance (*ahl al-dhikr*). Ibn 'Arabī stated that the ones who deserve to be followed (*muqallad*) are those who have truly qualified authorities, both outwardly and inwardly. To understand and interpret the divine commands requires a deep understanding of different aspects, which can be expected only from the very few numbers of individuals, *ahl al-dhikr*; those whose spiritual authority is designated in the Qur'an (Q. 16:43; 21:7).⁴⁰ This discussion is also related to his concept *owilāyah* (true friends of God). Upon this basis, Ibn 'Arabī fundamentally questioned the ability and right of any scholar to impose their interpretive understanding of the *Sharī'ah* to the people.⁴¹

Second, individual responsibility. According to Morris, by criticizing *taqlīd*, Ibn 'Arabī's ultimate goal is not to liberate people from legal constraint, rather as a form of his consistent concern on the "individual's inalienable responsibility" to contemplate "the spiritual intention or intended meaning of revelation."⁴² Morris states:

All of these aspects are summed up in his characteristic understanding of the obligation of *ijtihād* as the ongoing "individual effort," in every area of each person's life, required to grasp and realize

⁴⁰ See Ibn 'Arabī, *Rahmah min al-Rahmān*, vol. 2, 488-489. On the divergent interpretation of what the term *ahl al-dhikr* in this verse means, see Khaleel Mohammed, "The Identity of the Qur'an's Ahl al-Dhikr."

⁴¹ Morris, "Ibn 'Arabī's 'Esotericism,'" 62; Morris, "Freedom and Responsibilities: Ibn 'Arabī and the Political Dimension of Spiritual Realisation," 60; Morris, 100.; Morris, 100.. Ibn 'Arabī's critical attitude towards his contemporary '*ulamā*' can be found in the chapter 366 of his *Futūḥāt*.

⁴² Morris, "Ibn 'Arabī's 'Esotericism,'" 62; Morris, "Freedom and Responsibilities: Ibn 'Arabī and the Political Dimension of Spiritual Realisation," 63.

the deeper intentions of revelation.⁴³

From this point of view, *ijtihād* is a responsibility of each individual and since its nature is personal, the consequence is diversity and openness. In this case, again, Morris reminds the reader of not misunderstanding Ibn 'Arabī for his "radical impracticality" seen from the perspective of any system of law. Ibn 'Arabī's main concern was to awaken "the reality of spiritual authority and responsibility."⁴⁴ From the second concept of authority comes the lowest form of *wilāyah*. Ibn 'Arabī stated:

"Therefore the lowest form of "right rulership" (*wilāyah*) is your governance of your soul and your actions. So uphold God's limits respecting them until (you reach) the "greater *Khilāfah*" – for you are God's representative (*nā'ib*) in every situation regarding your soul/self (*nafs*) and what is above it (the Spirit)!"⁴⁵

4. Ibn 'Arabī among Different Schools of Law

Due to his literalism, Ibn 'Arabī is categorized, by both classical and contemporary scholars, into the proponent of the *Zāhirī* school, despite the fact that Ibn 'Arabī himself rejected this claim.⁴⁶ He differed from the *Zāhirī* school in both the *uṣūl* and *furū'*. They had different opinion in the cases of praying for one committing suicide and whether touching a woman invalidates the ablution (Q. 4:43; 5:6).⁴⁷

⁴³ Morris, 57.

⁴⁴ Morris, 58.

⁴⁵ The translation is by Morris, "Ibn 'Arabī's Messianic Secret: From 'the Mahdī' to the Imamite of the Soul," *Journals of the Muhyiddin Ibn 'Arabī*, XXX (2001): 10.18 from Ibn 'Arabī's *Futūḥāt* chapter 560.

⁴⁶ Ghurab, *al-Fiqh 'inda Shaykh al-Akbar*, 7-8. The answer of Ibn 'Arabī in his *al-Diwān* is: "They said I follow the school of Ibn Ḥazm, although I am not one who quote Ibn Ḥazm not him not others, my writing quotes the texts of the Qur'an: that is my knowledge what the Messenger said or consensus upon these I base my judgement." See Ghurab, "Muhyiddin Ibn 'Arabī," 200; Chodkiewicz, *An Ocean Without Shore*, 55.

⁴⁷ For Ibn 'Arabī's arguments on the two matters, see

They even differed in the seeming agreement, their rejection of *qiyās*, in two senses. First, Ibn 'Arabī's rejection is understood as a form of rejecting the vast expansion of the number of practices due to the application of *qiyās*. Second, Ibn 'Arabī defended of the proponents of *qiyās* against their opponents.⁴⁸

Furthermore, I view that one should also raise a question whether Ibn 'Arabī is a *faqīh* or intended to write a treatise on pure *fiqh*. Due to the nature of his writing, the answer is not easy. Ghurab and Chodkiewicz argue that Ibn 'Arabī is a *mujtahid muṭlaq* or the founder of *madhhab Akbarī*, not a *muqallid* or *tābi*.⁴⁹ Ibn 'Arabī agreed and disagreed in some respects with the four main schools. His position, in many respects, has a precedence, including the debatable topics like the status of women leading the prayer which was argued by such earlier scholars as Abu Thawr, even though for a different reason, that the leader of prayer should be the one whose recitation is the best, and it does not specify whether it is a man or a woman.⁵⁰ On the other hand, he also had some legal judgments that uniquely his, like his understanding of *'awrah* for women.⁵¹

Ibn 'Arabī, *Futūḥāt*, vol. 2, 230-232 and vol. 1, 535-536. See also Ghurab, "Muhyiddin Ibn Al-'Arabī Amidst Religions (Adyān) and Schools of Thought (Madhdhāhib)," in Stephen Hirtenstein and Michael Tiernan (Eds.), *Muhyiddin Ibn 'Arabī: A Commemorative Volume*, 200.; Chodkiewicz, *An Ocean Without Shore*, 54; Winkel, "Ibn 'Arabī's Fiqh," 8-9.; Chodkiewicz, 149.

⁴⁸ Ghurab, "Muhyiddin Ibn Al-'Arabī Amidst Religions (Adyān) and Schools of Thought (Madhdhāhib)," in Stephen Hirtenstein and Michael Tiernan (Eds.), *Muhyiddin Ibn 'Arabī: A Commemorative Volume*, 107.

⁴⁹ Ghurab, 199-202.; Chodkiewicz, *An Ocean Without Shore*, 54; Winkel, "Ibn 'Arabī's Fiqh," 149.

⁵⁰ Winkel, *Islam and the Living Law: The Ibn 'Arabī Approach*, 70.

⁵¹ Ghurab, "Muhyiddin Ibn 'Arabī," 201; Ghurab, *al-Fiqh 'inda Ibn 'Arabī*, 5. Ibn 'Arabī's opinion on the *'awrah* of women is the following. After presenting some arguments on the matter: that the *'awrah* of women is all of their body except their face and palms, and that all is *'awrah*, Ibn 'Arabī states that his argument is none of them. He says that there is nothing *'awrah* of women except their private parts. His argument is based on a literal understanding of Q. 7:22 on the story of the fall of

Morris, on the other hand, seems reluctant to read Ibn 'Arabī from a pure perspective of Islamic law.⁵² Rather, he tries to situate Ibn 'Arabī's thought on *fiqh* in the general aim of the *Futūḥāt* as explained in the previous section.

Conclusion:

Reading Ibn 'Arabī for Contemporary Context

Seen from the legal perspective, Ibn 'Arabī's proposal is indeed impractical. His concern on individual responsibility for "*ijtihād*" can be easily criticized by the established legal discourse.⁵³ Yet, in this case, I agree with Sa'diyya Shaikh who argues that Ibn 'Arabī's distinctive personal approach had addressed the "deeper structural issues in the formulation of *fiqh* in much more fundamental ways."⁵⁴ Morris repeatedly also argues that Ibn 'Arabī's intention is to intensify and enrich the established legal opinions with spiritual nourishment. His work seems to be an invitation for his readers to taste the spiritual value of "strict obedience" rather than a proposal for a reformed law.

From this perspective, Ibn 'Arabī's way of reading the Qur'anic commands, even though in his *Futūḥāt* it mainly discusses topics on *ibadat*, offers a uniquely distinctive approach in terms of its "spiritual literalism." In addition, Ibn 'Arabī's commitment to *Shari'ah*, that is in its literal form, contradicts a kind of living Islam

Adam and Eve. In short, Ibn 'Arabī views that *'awrah* is confused with covering. Yes, Shari'ah commands women to "cover" more of their body but it is not because of it being *'awrah*. See Winkel, 89-90.; Ibn 'Arabī, *Al-Futūḥāt Al-Makkiyyah*, Ed. Ahmad Shams Al-Din (Beirut: Dār al-Kutub al-'Ilmiyyah, 1999), 110.

⁵² Morris, "Freedom and Responsibilities: Ibn 'Arabī and the Political Dimension of Spiritual Realisation," 90.

⁵³ See Murad Abd al-Hakim, *Understanding the Four Madhhabs: The Facts about Ijtihad and Taqlid* (London: The Muslim Academic Trust, 1999), 19.; Hajj, *Murabit Al-Fatwa Concerning the Obligations of Following Rightly Guided Scholars*, Trans. Hamza Yusuf (Hayward: Zaytuna Institute, 2001)..

⁵⁴ Shaikh, "In Search of Al-Insān: Sufism, Islamic Law and Gender," 815.

which elevates the spiritual life but discarding the law. Another contradicting trend is the lack of spirituality in the legal discourse, without which Shari'ah is only a body without a soul. The latter appears when the Qur'an is, some people might argue, uncarefully read and interpreted only to fit in modern language and worldview.⁵⁵ Ibn 'Arabī's approach as such challenges the dry restrictive intellectualizing and obsessive concern on the outward manifestations of divine command. It is also an invitation to see divine command from a different point of view while seeing the limitation of the self, which in the end yields a sense of humility. In fact, for Ibn 'Arabī, the main and first task of human being is to cultivate his or her own spiritual realization. After all, it remains a question as to the implementation of his approach in the modern context. Today when the world's social and political system and worldview change dramatically, one might question how to apply his proposal to verses beyond *'ibādāt*, such as on gender relations and *hudūd*; a group of verses, which the modernist and reformists spend their intellectual commitment to offer new modern and contextual interpretations. Should these verses be observed literally and the Muslims instead delve in the spiritual or inner meaning behind them? Would a literal reading of these passages in fact produce a contextual meaning for the modern time? An endeavor to envision Ibn 'Arabī's approach to these verses and the likes is another interesting exercise.

While Ibn 'Arabī's interpretation of other verses on gender and *hudūd* need to be studied, a hint as to what Ibn 'Arabī might propose can be found in his discussion on women's status as

⁵⁵ This claim is not in any way meant as a generalization. I deeply acknowledge that there are significant numbers of Muslims who have been committed to submission to God by seeking to internalize the Shari'ah in a deeper spiritual meaning. For this tendency, see Ayoub, "Law and Grace in Islam," 223; Stuart Brown, "A Note on Islamic Spirituality," *The Ecumenical Review*, 38, 1(1986), 74.

witnesses. In *Futūḥāt* Ch. 324 where he discusses the spiritual potentiality of women and men, Ibn 'Arabī argues that a women's testimony is equal to two men in matters whose knowledge belongs to women:

Usually a judge does not make a definite judgement except with the testimony of two men. Yet in some circumstances, the testimony of one woman equals that of two men. For example, the judge's acceptance of her testimony about menstrual cycles as it related to the waiting period after divorce (*'iddah*), or the husband accepting her statement about his paternity of the child – despite the uncertainty pertaining to such situations. [Another example of this] is the acceptance of her testimony that she is menstruating. So she occupies in such situations, the position of two reliable male witnesses just as the man occupies the position of two women in cases of testimony about debt.⁵⁶

Shaikh argues that Ibn 'Arabī's statement suggests that he took context and men or women's experience and knowledge into consideration when determining the legal application of the text.⁵⁷ In today's world, where there is a shift in gender relations in comparison to Ibn 'Arabī's lifetime, it is safe to assume that his statement suggests that it is possible that women's testimony is equal to men's in public matters. In other words, it is possible to read beyond the literal meaning of the text.

Another question may arise. Ibn 'Arabī is not favorable with the practice of *qiyās* because it resulted in the expansion of religious commands. *Qiyās* is an important tool in the modern period to find Shari'ah based answers for new problems. Therefore, according to Ibn 'Arabī, what would be a Qur'anic response to issues that are not

⁵⁶ 'Arabī, *Al-Futūḥāt Al-Makkiyyah*, Ed. Aḥmad Shams Al-Dīn, 130. Translation by Shaikh, "In Search of Al-Insān: Sufism, Islamic Law and Gender," 123. (Ibn Arabi, 1911, vol. 3, p. 89)

⁵⁷ Shaikh, "In Search of Al-Insān: Sufism, Islamic Law and Gender," 123.

specifically mentioned in the Qur'an? In this case, it is necessary to return to his very principle that Muslims are not required to apply what the Shari'ah is silent about (*maskūt*). In this regard, Ibn 'Arabī's approach offers a sense of freedom for today's Muslims to seek for the best answers and solution to these issues. Winkel argues that the endeavor is conducted by examining the Shari'ah as a whole, or in other words, finding the universal principles of the Shari'ah. In the idea of the need to find the universal underpinning of the Shari'ah, Ibn 'Arabī's approach can be regarded as similar to Fazlur Rahman's concept of *ratio legis*.⁵⁸

Finally, as a reflective note, I view that any honest reading of traditional Islamic thought would show two things. First, Islam is not monolithic and "monomeaning" in any ways.⁵⁹ The obsession of both *some* salafis and reformists to offer a universal form of Islam in a way betrays the traditional legacy. Second, traditional scholars view knowledge or 'ilm as one package of virtue, praxis, knowledge and sanctity.⁶⁰ In this sense, there is no such separation between law and spirituality, which is what Ibn 'Arabī tries to argue in his *Futūḥāt*. As such, a Sufistic reading of *fiqh* provides valuable insights to the rethinking of reading Qur'anic commands in the contemporary world by suggesting a holistic approach to approaching Qur'anic commands.

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⁵⁸ Winkel, "Ibn 'Arabī's Fiqh: Three Cases from the *Futūḥāt*," 54-74.

⁵⁹ Winkel, *Islam and the Living Law: The Ibn 'Arabī Approach*, 90.

⁶⁰ Winkel, 15.

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