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DECONSTRUCTING ISLAMIC STUDIES

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On Secularization of *Fiqh* in Contemporary Iran

Mahmoud Pargoo

Introduction

IN THE WAKE of Islamic encounter with Europe, *sharī'a* has undergone a revolutionary transformation. Initially it was redefined (metamorphosed and constructed) as positive law of newly formed nation-states (*étatisation*) and its jurisdiction shrank and was limited mainly to personal status. This was in tandem with the European invention of the modern concept of religion¹ and the process of *scripturalism*, which made *sharī'a* central to the social imaginary in many Muslim societies. Subsequently, a general reaction of revival of *sharī'a* began, which took different shapes depending on varying local circumstances and sociocultural milieux. Simultaneous with these processes, the Muslim world has undergone a deep process of secularization, which has undermined the pillars upon which a firm belief in *sharī'a* rested. This paper focuses on how *sharī'a* was secularized during its modern transformation; in so doing, it argues that the contemporary concept of *sharī'a* has metamorphosed into a secular one, thereby creating new secular *sharī'a* that is removed from its past moral, cosmological and ontological grounds. The first part of my chapter covers the wider Islamicate world while the second part pays particular attention to the Iranian Shī'i experience, in which I explain the contemporary drivers of secularization of *fiqh* as a disengaged enquiry.

What Is Secularization?

"Secularization" in its most broad sense signifies the displacement of religion from the center of the human life² or the decline in social significance of religion.³ Secularization may address different realms of human life. It may denote a decline in individual religious belief or practice, including

1. Smith 1964; Asad 2009, 27–54; Nongbri 2013.
2. Bruce 2011, 1.
3. Wilson 1983, 149.