



The Theory of Fluidity of the Shariah Chair

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Abstract

The theory of the fluidity of the Shariah chair attempts to explain the dynamic and flexible nature of Shariah in the face of social and historical developments and to redefine its place in contemporary societies. Using a comparative historical analysis approach and citing religious sources, scholarly writings, and historical events, this research shows that Shariah, like a fluid flow, has the ability to adapt to the requirements of time and place. The research findings identify three main characteristics of different Shariahs, these characteristics are: the ability to influence all levels of society and social spheres (while considering the possibility of rebellion and rebellion if Shariah is suppressed), vulnerability and susceptibility to disasters if confronted and aligned with political and economic corruption existing in society and the governance structure, and the ability to change and be malleable based on time, place, social, and cultural conditions.

Case studies such as Islamic fundamentalism and the Western experience in adapting Shariah to democracy show the opposing dimensions of this dynamic. The practical consequences of this theory include the de-sanctification of Sharia law, limiting the scope of Sharia law to specific areas, emphasizing the relativity of the temporal and spatial validity of Sharia law, and strengthening the universal principles of religion.

This research shows that considering the fluidity of legislative laws, while maintaining the constant and common principles between different religions (such as the oneness of God and belief in the mission of prophets and the afterlife), not only reduces religious tensions, but also provides a basis for peaceful coexistence in the era of globalization.

Keywords: *Sharia law fluidity, religious flexibility, interaction between religion and society, social changes, peaceful coexistence*

Received: 17 March 2024

Accepted: 11 May 2024

Published: 25 May 2024

1. Introduction

The contemporary world has faced profound and widespread developments in the scientific, technological, and social fields that have challenged the traditional structures of societies and made it inevitable to rethink fundamental social concepts, including religion and Sharia. Religion, as one of the most influential social institutions, has long played a pivotal role in shaping individual and collective identities, moral norms, and legal systems of societies. However, static and inflexible perceptions of Sharia, especially in the face of the dynamics of the modern world, have sometimes led to identity crises, ideological conflicts, and even fundamentalist violence. In this regard, the theory of the fluidity of the Sharia seat, which seeks to explain the dynamic and flexible nature of Sharia in the context of social and historical developments, is a new attempt to redefine the position of Sharia in contemporary societies. Emphasizing the fundamental distinction between religion and Sharia, this theory seeks to provide a rational and sociological framework that, while maintaining fixed religious principles, allows Sharia rulings to adapt to temporal and spatial requirements. The aim of this article is to examine the theoretical and practical dimensions of the theory of the fluidity of the Sharia seat and to explain its potential in reducing religious conflicts and promoting the discourse of peace and coexistence in the global community. In recent decades, significant advances in experimental sciences and the expansion of mass communication media have made a huge amount of information and experiences of different societies available to humanity. This process, which at first glance

seemed to be a factor in bringing different religions and beliefs closer together, has sometimes led to increased divergences and even the promotion of fundamentalism due to the lack of dynamic currents of thought and intellectual renaissance (Bahmanzadeh, 2008: 15). Despite their unique capacities in exchanging information, mass communication media have become a tool for spreading superstitions and regressive beliefs in the absence of rational and critical discourses. This situation, especially in regions such as the Middle East, has fueled the emergence of extremist groups and bloody crimes against humanity. Therefore, the need to review the functions of religious institutions, especially the Shariah Chair, has become more and more apparent. The theory of the fluidity of the Shariah Chair, which has its roots in sociological and historical analyses, introduces Shariah not as a fixed and unchanging set, but as a fluid and adaptable flow that is formed in interaction with social, cultural and historical conditions. Inspired by the characteristics of fluids in nature, such as the ability to spread in existing spaces, sensitivity to environmental pollution and moldability, this theory explains the behavior of Shariah in the context of society. According to this view, if Shariah flows in a natural way and in accordance with the needs of society, it can become a factor for promoting human dignity and world peace. On the contrary, blocking the path of Shariah or imposing inappropriate molds on it will lead to the accumulation of destructive energies and the emergence of extremist currents (Bahmanzadeh, 2008: 112). The distinction between religion and Sharia is one of the main axes of the theory of the fluidity of the seat of Sharia. Religion, as a set of universal principles such as the oneness of God, belief in prophets, and divine justice, has a transcendental and transcendental validity (Tabatabai, 1983, Vol. 5: 523-535). In contrast, Sharia is a set of practical rules that are formulated to regulate social relations in a specific historical and cultural context and, for this reason, has a temporary and changeable nature. This distinction, which has been neglected in many religious societies, has paved the way for many distortions and deviations in the field of Sharia. The mixing of these two concepts has elevated the Sharia rules to a sacred and unquestionable position and has exposed any attempt to reform or revise them to the charge of heresy or apostasy (Ali Akbarian, 1991: 130). The theory of the fluidity of the Shariah seat, by emphasizing this distinction, seeks to resolve this historical misunderstanding and present a rational approach to Shariah that, while respecting religious principles, provides the possibility of critiquing and revising legislative rulings.

One of the main challenges of religious communities in the modern era is the de-sanctification of Sharia law and its adaptation to social changes. In many Islamic societies, the influence of religious leaders and the extreme sanctity of Sharia law have posed serious obstacles to the presentation of critical opinions. This situation, especially in countries ruled by jurists, has led to the weakening of empirical sciences and the reduction of scientific innovation capacities (Soroush, 1991: 45). The theory of the fluidity of the Sharia chair, by proposing the creation of spaces free from Sharia law in specialized fields such as empirical sciences and economics, seeks to limit the scope of Sharia law's influence on spiritual and moral matters. This approach not only prevents the hardening of social forces, but also paves the way for synergy between religion and science. From a historical perspective, bitter human experiences, from the Crusades in the Middle Ages to the emergence of extremist groups such as ISIS and the Taliban in contemporary times, indicate the profound impact of religious beliefs on social and political changes (Sadri, 2006: 22). These experiences highlight the need to reconsider the status of Sharia and its functions. The theory of the fluidity of the seat of Sharia, by emphasizing the flexibility of Sharia laws and the necessity of adapting them to the customs and culture of each society, seeks to reduce religious conflicts and promote a discourse of peace and coexistence. This theory introduces Sharia as a secondary and branched path from the highway of religion that should serve the lofty goals of religion, such as human dignity and social justice (Tabatabai, 1983, vol. 5: 523-535). From a sociological perspective, religion, as an identity-building and unifying factor, plays an irreplaceable role in the development of collective conscience and moral awareness of societies (Durkheim, 1991: 79-80). However, the misuse of religion for the purpose of gaining power and wealth has sometimes led to serious deviations in its functions. The theory of the fluidity of the seat of Sharia, emphasizing the necessity of protecting Sharia from political and social contamination, seeks to restore Sharia to its original position as a tool for moral and spiritual guidance of society. This theory, relying on the three principles of fluidity, namely diffusion, susceptibility to contamination, and malleability, provides an analytical framework that enables the prediction and management of Sharia behaviors in the context of

society. Globalization, as one of the prominent features of the present era, has crossed the traditional boundaries between societies and has made the necessity of intercultural dialogue more and more evident (Qavam, 2001: 30-31). Meanwhile, Sharia, due to its close connection with local culture and traditions, cannot be considered as a universal prescription for all societies. The theory of the fluidity of the seat of Sharia, by emphasizing that the Sharia rules are bound to a specific time and place, seeks to eliminate this misunderstanding and promote a discourse that places Sharia at the service of the local and indigenous needs of each society. This approach not only prevents the imposition of foreign laws on societies, but also paves the way for the rapprochement of religions and the reduction of ideological conflicts. Finally, the theory of the fluidity of the seat of Sharia, as a new approach to religion and Sharia, offers significant capacities for responding to the challenges of the modern era. By emphasizing the dynamism and flexibility of Sharia, this theory seeks to create a balance between preserving religious principles and adapting to social changes. Given the profound impact of religion on individual and social life, this theory can be used as a scientific source for researchers in the humanities and sociology of religion and provide practical solutions for promoting peace, justice, and human dignity in the global community.

2. Literature and Research Background

In recent decades, profound social, cultural, and technological developments have challenged the traditional structures of societies and made it inevitable to rethink fundamental social concepts, especially in the field of religion and Sharia. Religion, as one of the most influential social institutions, has long played a pivotal role in shaping individual and collective identities, moral norms, and legal systems of societies. However, static and inflexible perceptions of Sharia, especially in the face of the dynamics of the modern world, have sometimes led to identity crises, ideological conflicts, and even fundamentalist violence. In the meantime, the theory of the fluidity of the Sharia seat, which seeks to explain the dynamic and flexible nature of Sharia in the context of social and historical developments, is a new attempt to redefine the position of Sharia in contemporary societies. Emphasizing the fundamental distinction between religion and Sharia, this theory seeks to provide a rational and sociological framework that, while preserving fixed religious principles, enables the adaptation of Sharia rulings to the requirements of time and place.

Religion, as a set of beliefs, rituals, and moral norms that answer fundamental human questions about existence, the purpose of life, and the relationship with God, has been widely studied in the scientific literature. Emile Durkheim, a prominent sociologist, defines religion in his book *The Elementary Forms of Religious Life* as a system of beliefs and practices related to sacred matters that unites society (Durkheim, 1991: 45). This definition emphasizes the role of religion in strengthening social cohesion and introduces religion as a collective phenomenon. On the other hand, Max Weber, in his book *The Protestant Ethic and the Spirit of Capitalism*, examined the effects of religion on economic and social developments and showed how religious teachings can become a catalyst for social change (Weber, 1996: 112). This perspective considers religion not only as a static factor, but also as a dynamic force that acts in interaction with other social spheres. In Islamic literature, Allama Tabataba'i, in his commentary on *Al-Mizan*, defines religion as a set of principles of belief and practical rulings that have been revealed by God to guide mankind (Tabataba'i, 1983, vol. 1: 23). This definition places the belief and practical aspects of religion side by side and provides the basis for distinguishing between religion and Sharia. Sharia, which literally means path and method, in religious terminology refers to a set of practical rulings and laws that have been formulated based on the principles of religion and to regulate social and individual relations. In Islam, Sharia is derived from the four sources of the Quran, Sunnah, consensus, and reason, and as a part of religion, it is responsible for regulating the practical behaviors of followers (Motaheri, 1989: 56). However, in the field of sociology of religion, Sharia has been considered as the institutional dimension of religion. In his book *The Sacred Awning*, Peter Berger introduces Sharia as a part of religion that is formed in interaction with social structures and has the ability to change in response to historical and social conditions (Berger, 1997: 89). This view removes Sharia from the status of a fixed set of laws and transforms it into a dynamic phenomenon that evolves in the context of time and space. Such a view provides the basis for examining Sharia within the framework of the fluidity theory of the Sharia chair, which considers flexibility and dynamism as inherent characteristics of Sharia. The Sharia chair, as an institution or position responsible

for explaining, interpreting, and implementing Sharia rules, is of particular importance in Islamic societies. This chair is usually occupied by jurists and mujtahids who issue fatwas and rulings based on religious sources (Soroush, 1991: 34). In traditional understandings, the Sharia chair is considered a sacred and unchangeable institution whose rules must be implemented regardless of social changes. However, the fluidity theory of the Shariah Chair considers this institution as a dynamic and flexible place that must review and amend rulings in interaction with social and cultural developments. This view is in contrast to traditional views and emphasizes the necessity of adapting Shariah to the needs of contemporary societies. The concept of fluidity, which has its roots in the natural sciences and refers to the property of materials that have the ability to flow and adapt to the shape of a container, is used in social sciences as a metaphor to describe dynamic and flexible phenomena. Zygmunt Bauman, in his book *Fluid Modernity*, used this concept to describe the characteristics of modern society and showed that in the modern world, social structures change rapidly and stability gives way to dynamism (Bauman, 2008: 23). This idea is used in the theory of the fluidity of the seat of Sharia to view Sharia as a fluid flow that changes its form and content in interaction with social and historical conditions. Such an approach transforms Sharia from a fixed legal system to a dynamic process that can adapt to the exigencies of time and place. The sociology of religion, as a branch of sociology that examines the role of religion in society and its interactions with other social institutions, forms the main theoretical framework of this study. In his critique of Hegel's *Philosophy of Right*, Karl Marx introduces religion as a tool in the hands of the ruling classes that is used to control and exploit the masses (Marx, 1980: 78). This view, although critical, emphasizes the social role of religion. In contrast, Durkheim sees religion as a factor for social cohesion and strengthening collective solidarity (Durkheim, 1991: 56), while Weber focuses on the effects of religion on economic and social developments (Weber, 2006: 145). These different perspectives all emphasize the importance of religion as a social and historical phenomenon and provide the basis for analyzing Sharia as a part of religion in a social context. A review of the research background shows that the issue of the distinction between religion and Sharia and the dynamics of Sharia laws has been considered in numerous works. Allameh Tabataba'i, in his commentary on *Al-Mizan*, distinguished between religion and Sharia and emphasized that religion is a set of fixed principles of belief, while Sharia includes practical rules that can change based on the requirements of time and place (Tabataba'i, 1983, Vol. 5: 523-535). This perspective has been the basis for many subsequent discussions on the dynamics of Sharia. Abdul Karim Soroush, in his book *The Theoretical Acquisition and Expansion of Sharia*, has also criticized static perceptions and emphasized the necessity of adapting rulings to social developments, emphasizing the role of reason and experience in understanding Sharia (Soroush, 1991: 67). In the field of jurisprudence, the concept of *ijtihad* as a process for deducing new rulings confirms the dynamism of Sharia. Ayatollah Khomeini, in *Tahrir al-Wasilah*, has emphasized the necessity of continuous *ijtihad* and adapting rulings to new conditions (Khomeini, 1999, vol. 1: 45). Also, Mohammad Mojtahid Shabestari, in *Hermeneutics, Kitab va Sunnah*, has used hermeneutical methods to examine the understanding of religious texts in a historical and cultural context and has emphasized the necessity of dynamic interpretation of Sharia (Shabestari, 1991: 112). In the field of sociology of religion, Peter Berger, in *The Sacred Canopy*, has analyzed how religious institutions are formed and changed in interaction with social structures (Berger, 1997: 98). Brian Turner, in *Religion and Social Theory*, has examined the role of religion in modern societies and its adaptation to social changes (Turner, 1999: 134). In Islamic literature, Mahmoud Sadri, in his article *Modernity and Religion from a Sociological Perspective*, has examined the challenges of Islamic societies in facing modernity and the role of religion in this process (Sadri, 2006: 22). The concept of fluidity has also been used in the works of Zygmunt Bauman as a framework for explaining the dynamics of modern society, which is used in this study to describe the nature of Sharia (Bauman, 2008: 34). Given this background, the theoretical framework of this article is based on a combination of sociological and religious perspectives. Theories of the sociology of religion, including those of Durkheim, Weber, and Berger, examine Sharia as a social phenomenon, while Islamic thinkers such as Tabatabaei, Soroush, and Shabestari emphasize the dynamics and adaptation of Sharia. The concept of fluidity has also been used as a tool to explain this dynamics. The fluidity theory of the Sharia Chair considers Sharia as a fluid flow that changes in interaction with social, cultural, and historical conditions. This theory, while preserving fixed religious principles, allows for the adaptation of rulings to the

requirements of time and place, and helps reduce religious conflicts and promote the discourse of peace and coexistence. This framework paves the way for synergy between religion and science in contemporary societies and offers a new approach to the study of Sharia.

3.Theoretical foundations

The concept of religion as one of the most fundamental social institutions encompasses a set of beliefs, rituals, and moral norms that answer fundamental human questions about existence, the purpose of life, and the relationship with God. Emile Durkheim, a prominent French sociologist, defines religion as a system of beliefs and practices related to sacred matters that unites society and strengthens social cohesion (Durkheim, 1991: 45). This definition emphasizes the role of religion in creating a collective identity and maintaining social order. In the Islamic tradition, Allameh Tabataba'i also considers religion to be a set of principles of belief and practical rulings that have been revealed by God to guide mankind (Tabataba'i, 1983, vol. 1: 23). The principles of belief of religion, such as belief in the oneness of God, prophecy, and resurrection, are considered its fixed and unchanging core that transcends the limitations of time and space. In contrast, Sharia refers to the set of practical rules and laws that are based on these principles and regulate the social and individual behavior of followers. Morteza Motahari introduces Sharia as a part of religion that is derived from the four sources of the Quran, Sunnah, consensus, and reason (Motahari, 1989: 56). However, unlike the fixed principles of religion, Sharia rules are capable of change and evolution in interaction with social and historical conditions. Peter Berger, a contemporary sociologist, considers Sharia as the institutional dimension of religion and believes that this part of religion is formed in the context of social structures and changes in response to historical and cultural requirements (Berger, 1997: 89).

This distinction between religion and Sharia, which is sometimes ignored in religious communities, has led to misunderstandings and distortions in the understanding of Sharia. The mixing of these two concepts has elevated the Sharia rulings to a sacred and uncriticizable status and has faced serious obstacles to any attempt to revise or amend them (Ali Akbarian, 2011: 130). By emphasizing this distinction, the theory of the fluidity of the Sharia chair proposes a rational approach that, while maintaining respect for fixed religious principles, provides the possibility of criticizing and revising the changing Sharia rulings. The concept of fluidity, which has its roots in the natural sciences, refers to the property of materials that have the ability to adapt to the shape of a container and flow in different spaces. In social sciences, this concept is used metaphorically to describe dynamic and flexible phenomena. Zygmunt Bauman, a prominent theorist, in his work entitled "Liquid Modernity," uses fluidity to describe the characteristics of modern society and shows that in these societies, social structures change rapidly and stability gives way to evolution and dynamism (Bauman, 2008: 23). The fluidity theory of the Sharia Chair applies this concept to the field of Sharia and considers Sharia as a fluid flow that reconstructs its form and content in interaction with social, cultural, and historical conditions. This approach transforms Sharia from a fixed and unchanging legal system into a dynamic process that adapts to the needs of time and place. The adaptation of fluidity to Sharia is based on three main characteristics of fluids in nature: the ability to spread in existing spaces, sensitivity to environmental pollution, and malleability. Sharia, like a fluid, has the ability to penetrate all social and individual aspects, but at the same time, it may be affected by social and cultural anomalies and its form may change according to time and place (Bahmanzadeh, 2008: 112). This adaptation allows for the analysis of the behavior of Sharia in the context of society and provides tools for predicting and managing the challenges that arise from it. For example, Sharia may be implemented more strictly in traditional societies, while in modern societies, influenced by rationality and individualism, it shows greater flexibility. This view presents Sharia not as a set of immutable rules, but as a living and dynamic phenomenon that is in constant interaction with its environment. The sociology of religion, as a branch of social science that examines the role of religion in society and its interaction with other institutions, constitutes the main theoretical framework of this research. In his work entitled "Primitive Forms of Religious Life", Emile Durkheim considers religion as a factor in strengthening social cohesion and collective solidarity (Durkheim, 1991: 56). He believes that religion helps to maintain social order by creating shared beliefs and collective rituals. This perspective highlights the positive role of religion and, consequently, the Sharia in regulating social norms. On the other hand, Max Weber, a German sociologist,

in his book “The Protestant Ethic and the Spirit of Capitalism,” examined the effects of religion on economic and social developments and showed how religious teachings can become a driver for social change (Weber, 2006: 112). Emphasizing the role of religion in shaping moral and economic attitudes, Weber considers it a dynamic force that operates in interaction with other social spheres. This perspective introduces Sharia as a historical and social phenomenon that evolves in response to the needs of society. The combination of these two perspectives provides a comprehensive framework for analyzing the theory of the fluidity of the Sharia seat. Durkheim emphasizes the role of Sharia in maintaining social cohesion, while Weber highlights the possibility of its evolution and adaptation to new conditions. These two complementary approaches present Sharia as a multifaceted institution that is both stabilizing and capable of change.

Modernity and globalization, as two key processes in the contemporary world, have had profound effects on religious institutions, including Sharia. Modernity, with its emphasis on rationality, science, and individualism, has challenged traditional structures and provided the basis for a revision of religious concepts. In these circumstances, Sharia, as a set of practical rulings, is bound to adapt to new realities. In his book “The Theoretical Acquisition and Expansion of Sharia,” Abdul Karim Soroush, emphasizing the role of reason and experience in understanding Sharia, emphasizes the necessity of adapting rulings to social developments and criticizes static and unchangeable perceptions of Sharia (Soroush, 1991: 67). Globalization, by eliminating traditional boundaries between societies and promoting intercultural dialogue, has raised the need to redefine the position of Sharia in the contemporary world. Sharia, historically bound up with local cultures and traditions, cannot function as a universal prescription for all societies. The theory of the fluidity of the seat of Sharia, by emphasizing the binding nature of Sharia rulings to a specific time and place, proposes an approach that places Sharia at the service of the local and indigenous needs of each society (Qavam, 2001: 30-31). For example, Sharia rulings in Islamic societies may be redefined in order to adapt to new circumstances in the face of universal values such as human rights or gender equality. This adaptation not only removes Sharia from isolation but also makes it an active part of the global discourse.

4. Research Methodology

This research uses a qualitative approach using historical-comparative analysis. Historical-comparative analysis examines phenomena in a historical context and compares them in different societies, allowing for a deep and multidimensional explanation of the theory of the fluidity of the seat of Sharia. The data sources in this study include religious texts, works of scholars, and historical events. Religious texts such as the Quran and Avesta are used as primary sources to extract the fixed principles of religion and the changing rulings of Sharia. The works of scholars such as Abdul Karim Soroush and Karl Marx provide the basis for theoretical and critical analysis of concepts. Soroush, emphasizing the flexibility of Sharia, and Marx, criticizing the role of religion in social structures, provide complementary perspectives for this research. Historical events such as the Crusades and the emergence of ISIS also show the effects of Sharia in the context of society as concrete examples. The Crusades represent the interaction of Sharia with political and religious conflicts in the Middle Ages, while the rise of ISIS presents a contemporary example of the misuse of Sharia for ideological purposes. The combination of these sources allows for a comprehensive examination of the theory of the fluidity of the seat of Sharia from different angles, allowing the researcher to present accurate and reliable results.

5. Findings and Analysis

This section presents findings and analyses related to the theory of the fluidity of the Shariah seat. This theory, which is based on historical examples, sociological data, and theoretical analyses, considers Shariah as a fluid phenomenon that exhibits different behaviors in interaction with social, political, and cultural conditions. The structure of this section is based on two main axes: the characteristics of the fluidity of Shariah and case studies.

1-5- Characteristics of the Fluidity of Shariah

The characteristics of the fluidity of Shariah, as the theoretical foundations of this theory, explain the behavior of this institution in different societies. These characteristics include influence at all social levels and the risk of rebellion if restricted, contamination with political and economic corruption, and malleability based on time-space conditions, which are explained below.

1. Influence at all levels of society and the risk of rebellion if restricted

As a set of religious rules and regulations, Sharia has the ability to influence all aspects of social and individual life. This characteristic stems from the fluid nature of Sharia, which enables it to be present in the fields of ethics, law, economics, and politics and to act as a reference for regulating relationships. In religious societies, Sharia not only determines behavioral norms, but also becomes part of the collective identity (Soroush, 1991: 45). For example, in Iran after the Islamic Revolution of 1979, Sharia became the basis of legislation and governance and penetrated all aspects of society. This widespread presence indicates the capacity of Sharia to adapt to social structures. However, restricting or suppressing Sharia can have serious consequences. When the natural path of Sharia influence is blocked, social energy accumulates and leads to rebellion. The historical experience of the Soviet Union in suppressing religions, especially Islam, in the Central Asian republics is a telling example of this phenomenon. In these regions, severe restrictions on Sharia law not only did not lead to its elimination, but also paved the way for the emergence of fundamentalist and extremist groups that used Sharia law as a symbol of resistance to the secular system and resorted to violent activities (Dekmchian, 2004: 11). This uprising shows that Sharia, if blocked, becomes an uncontrollable force that can endanger social stability.

2. Contamination with political and economic corruption

Sharia is exposed to contamination with social anomalies due to its proximity to structures of power and wealth. This feature reveals the vulnerability of Sharia in interaction with political and economic corruption. Numerous historical evidences confirm this claim. During the Sasanian era, Zoroastrianism, as the official state religion, was influenced by the interests of rulers and clergy and became a tool for justifying tyranny and special interests (Bahmanzadeh, 2008: 112). In the Avesta texts, Zoroastrianism mentions the association of the Kirpans (clergy) with those in power and wealth as a factor in the people's misfortune (Avesta, Gatheha: 112). Similarly, in the Middle Ages in Europe, the Catholic Church, with its monopoly on the interpretation of Christian Sharia, became a corrupt and power-hungry institution and used its religious position to gain material and political benefits (Weber, 2006: 145).

These contaminations indicate that Sharia, if not properly managed, can deviate from its spiritual and normative function and become a tool for legitimizing corruption. Such a situation not only undermines the credibility of Sharia, but also reduces public trust in religious institutions.

3. Flexibility based on temporal and spatial conditions

Sharia takes on different forms and contents in interaction with different cultures and circumstances. This flexibility demonstrates the ability of Sharia to respond to the needs of contemporary societies. For example, Sharia laws in traditional Islamic societies, such as those related to hijab or corporal punishment, have been redefined and modified in modern Islamic societies under the influence of global values. In countries such as Turkey and Tunisia, Sharia has been interpreted within the framework of secular and democratic systems in a way that is compatible with human rights and individual freedoms (Sadri, 2006: 22). In Western societies, Christian Sharia was influenced by rationality and modern science during the Renaissance and Enlightenment and gradually moved from the public to the private sphere (Berger, 2007: 98).

This flexibility demonstrates the capacity of Sharia to adapt to changing conditions. However, imposing Sharia law without regard to temporal and spatial requirements can lead to inefficiency and social tensions. Therefore, the flexibility of Sharia should be seen as an advantage that allows it to coexist with modernity.

2.5-Case Studies

The following case studies examine the practical application of the fluid characteristics of Sharia in two contrasting contexts: Islamic fundamentalism as an attempt to consolidate Sharia in a traditional form, and the Western experience of harmonizing Sharia with democracy and modern science as an example of successful adaptation.

1. Islamic fundamentalism and the attempt to reconstruct the “golden age” of Islam

Islamic fundamentalism is an attempt to revive Sharia in its original form and to reconstruct the “golden age” of Islam. This trend, emphasizing a return to the basic principles of religion and strict implementation of Sharia, is in opposition to modernity and globalization. Groups such as the Muslim Brotherhood, the Taliban, and ISIS, relying on extremist interpretations of Sharia, seek to establish political and social systems based on medieval precepts (Dekmchian, 2004: 11). For example, ISIS, by imposing Sharia in a harsh and inflexible manner, not only violated human rights but also destroyed the cultural and social heritage of the areas under its control.

These efforts have led to identity crises and bloody conflicts in Islamic societies. By ignoring the malleability of Sharia, fundamentalists try to reconstruct an idealized past that is incompatible with contemporary realities. This approach limits the fluidity of Sharia and turns it into a factor of regression and violence.



2. The Western Experience in Harmonizing Sharia with Democracy and Modern Sciences

In Western societies, Christian Sharia gradually moved from the public to the private sphere in interaction with the processes of modernization, and the role of the church in politics and economics decreased (Berger, 1997: 98). This development paved the way for the peaceful coexistence of religion with science and democracy. For example, in European countries, Christian Democratic parties, emphasizing the moral values of Christianity, operate within the framework of democratic systems and interpret Sharia in a way that is compatible with human rights and individual freedoms (Bashiriya, 1995: 222).

This experience shows that Sharia, if adapted to modern conditions, can act as a factor in strengthening morality and social cohesion, rather than an obstacle to progress. The West’s success in this regard goes

back to using the malleability of Sharia and managing its influence in appropriate areas. Overall, the analyses presented show that Sharia, as a dynamic and fluid phenomenon, is in constant interaction with social, cultural, and historical conditions. The characteristics of Sharia fluidity, including its influence at all levels of society, its contamination with political and economic corruption, and its malleability based on temporal and spatial conditions, make it a multifaceted institution that can both contribute to social cohesion and, if mismanaged, lead to serious challenges. Case studies of Islamic fundamentalism and the Western experience demonstrate the opposing dimensions of this dynamic. The theory of the fluidity of the Sharia chair, by providing an analytical framework, emphasizes the need for a balance between preserving religious identity and adapting to contemporary requirements so that Sharia can play its constructive role in modern societies.

-2-6- Why is the Shariat Chair fluid?

In social science and sociology studies, scholars sometimes use the achievements of empirical sciences, especially the laws of physics and the natural rules governing the material world, to explain individual actions and social relations. For example, the interaction of adjacent particles on each other in physics provides a model for understanding the impact of individual relationships on the family and its consequences on society Ghadiripour 2013 (15) This approach, which can be called a quantum approach to social sciences, enables humans to look at themselves and the world around them with a new perspective and to better analyze the functioning of social institutions (Taylor, 2011: 34). Accordingly, a logical comparison between human behaviors and reactions and the structure of civil institutions such as the family with natural laws brings beneficial results for humanities researchers. These adaptations strengthen the ability to analyze and predict social events and make it easier to discover the laws governing life within this framework of laws (Easton, 1965: 243). Scientific and experimental physics about the behavior of fluids, especially weather and air, can also be used to understand the nature of Sharia. A comparative analysis of the characteristics of fluids in nature provides the opportunity to examine the positive functions and possible challenges of the Sharia seat. Regarding the characteristics of the fluidity of Sharia, it can be said that three main characteristics of fluids in nature are in line with the behavior of Sharia in society, which are explained below.

1.Ability to move and spread

Fluids have the capacity to move and penetrate all existing levels and spaces. Similarly, Sharia also has the potential to spread in various dimensions of society. Restricting or blocking the path of Shariah movement leads to the accumulation of energy and force that can lead to unpredictable and uncontrolled social upheavals and developments

2.Lack of resistance to pollution ..

Fluids cannot resist environmental pollution in their path of movement and carry these pollutants with them. Shariah, if exposed to cultural or social pollution, may also absorb these elements and transform into ineffective or undesirable forms

3. Containerability

Fluids take the form of the container or mold in which they are placed. An inappropriate mold for fluids creates undesirable shapes. Similarly, Sharia is also influenced by social structures and molds, and if it is formed in an undesirable mold, it may lose its effectiveness and become incompatible. In general, the material characteristics of fluids also apply to the seat of Sharia in the context of society. Understanding these adaptations helps to more accurately analyze the role of Sharia in society and illuminates the opportunities and challenges it faces. This analytical approach, by utilizing natural laws, has opened a new horizon for understanding Sharia and its place in the humanities.

2-7- Why do we still need a discourse on religion and Sharia in the twenty-first century?

Religion has always had a strong presence in human individual and social life, and on the eve of the third millennium, we are witnessing the deep penetration of religious beliefs in various societies. These beliefs

accompany humans from birth to death. Although history has witnessed many abuses of religion and many crimes have been committed under its name, the fact that the power of religion has made it an effective tool for changing societies should not be ignored. The fundamental question is that if religion is abused by power-seekers due to its widespread influence, why don't social reformers use this capacity to advance justice and human rights? Many religious scholars and sociologists, regardless of prejudices, have emphasized the key role of religion in shaping the collective moral conscience (Durkheim, 1912, 45).) Another reason for the necessity of religious discourse is the general acceptance of the language of religion by society. For example, during the French Revolution, Jean-Jacques Rousseau, relying on religious teachings, considered the legitimacy of government not divine but derived from the "social contract" and, using religious language, questioned the false legitimacy of the ruling system. (Rousseau, 1762, 102).

2-8- Is it possible to eliminate religion from individual and social life and what are the consequences of such an action?

A significant part of the function of religion in the ideological and cultural macrostructure appears as a factor in creating unity and identity among different ethnicities and nations. Therefore, many social and civil norms are more capable of being followed and understood by using the language of religion, and it is possible to create public support in following social norms by using the capacity of religion (Barbieh, 2005). On the other hand, if efforts are made to reject social discomforts and anomalies using the simple and popular language of religion, the public will be more receptive to such an approach, and citizens will find in their subconscious minds a heavenly, honest, and permanent observer to perform social duties and not commit existing anomalies. On the other hand, by removing religion from the social scene as the common axis of society's beliefs and existing norms, we will witness the emergence of turmoil and the spread of an "identity crisis" at the societal level. Therefore, by removing some social standards that mainly have a religious identity, a significant part of the cultural and ideological structure of society will collapse and will cause the society to suffer from ideological turmoil and confusion, to the point that many thinkers and experts in the field of social issues consider the emergence of some terrorist sects such as ISIS and the Taliban, as well as the emergence of numerous crises such as the crisis of legitimacy, chaos, class conflicts, military weakness, and cultural crisis to be the result of the creation of an "identity crisis" in Islamic societies. (Dekmchian, 2004, 11).

Therefore, in a situation where some anti-religious and secular thinkers are calling for the "death of the old God" and consider the way to save humanity to be the rejection of all religious norms and beliefs (Kate Ebsell, Pearson, 1975). The values and criteria of good and evil among the masses will lose their meaning and credibility, and the desire to gain power and pleasure with all its attractions will take over the souls and spirits of humans, and all the ancient moral bonds and restraints will be removed from the rebellious souls of humans, and the acquisition of wealth, violence and cruelty will emerge as the only symbols of honor and power in society (Daniel Bell.1976: Irving Kristol 1983,)

Accordingly, many Western thinkers consider the rejection of religious values and norms in the process of modernity to be the cause of the emergence of a violent and totalitarian face of European nationalism in the 20th century, a deadly plague and disease that caused devastating world wars. (Einstein, letter 1921). Therefore, from the perspective of Western thinkers, it can also be said that with the elimination of religion and the collapse of the religious foundation of society, we will witness the establishment of a predatory and organized modern system, a system in which only personal gain has meaning and order has become merely a limitation of hardship and suffering, and the concept of humanity, regardless of the value and dignity of man, is limited to the position of action of individuals. (Gilcott, 1965:430). Therefore, it seems that the attempt to eliminate and reject religion due to the abuses that have been made of this social tool throughout history is like cutting down a powerful and fruitful tree in order to infect it with various pests.

2-9- Was religion removed from the scene of social life in the West and developed countries in line with the modern policy of social, political and economic development?

Although during the tumultuous era of the Industrial Revolution in Europe, many efforts were made to consider religion as a purely individual category and to reduce its scope of influence by banishing religion to the corners of churches, many scholars in the fields of politics and sociology believe that the emphasis on the secularization of social life and politics (secularism) not only did not eliminate religion from the public sphere, but also increased the possibility of religious interference in politics. (Bashiriyah, 374: 222). Although on the surface, the religious establishment in Europe does not play an active role in politics and government, religion still has an impact on political life in those countries, to the extent that today's Western capitalism is considered the result of Protestant ethics and teachings. (Ibid.: 235) On the other hand, secularism has been defined in two areas: objective (i.e., a view of modernity that does not oppose religion) and subjective secularism (a view that does not tolerate spirituality and religiosity). Therefore, at the beginning of the twentieth century, most first-class Western sociologists believed that these types of secularism were two stages of the process of de-religionization, and after objective secularism, it was time for subjective secularism to move towards the decline of religion and the eradication of spirituality. However, the historical result of this claim was the opposite, and religion not only did not lose its place in the public mind, but also grew day by day, to the point that the famous American sociologist, Talcott Parsons, in the second half of the twentieth century, along with concepts such as economics, politics, and law, also emphasized the need to preserve religious patterns.

On the other hand, one of the factors for the formation and development of political parties in most European countries must be sought in religious conflicts and divisions, and in Catholic countries, the role of religion in politics is more prominent. Also, in Spain and Portugal, the church itself is considered part of the middle class. In Ireland, the Catholic Church still enjoys a privileged and powerful position in social changes. In Germany and Italy, Christian Democratic parties have labor, peasant, youth, and women's branches and have great influence in rural areas. In the Netherlands, the two major churches, along with liberal and socialist non-religious groups and parties, are always recognized as the three main pillars of social events and changes. Therefore, in such countries, the relative dominance of the church has led to the division of political society into two pro-church and anti-church sectors, especially in Italy, where the influence of the church in the social sphere of that country is guaranteed by the 1929 cooperation agreement, and the Christian Democratic Party of this country has a wide influence among the lower classes of society, obtaining a quarter (1/4) of their votes on average. In France, the influential party "Gliste" also relies on the votes of religious people, and in Belgium, where the majority of the population is Catholic, the Christian Social Party has always won over anti-church parties, and in Australia, like England, where the majority of the population is Protestant, they have supported the Labor Party since the 19th century, and we more or less witness such a position of the church in Latin American countries.

Regarding the impact of the Industrial Revolution on the formation of modernity and the redefinition of the position of Sharia in the West, it should be added that the Industrial Revolution, as one of the most fundamental developments in human history, initiated the process of transition from an agricultural-based economy to machine and mass production in the mid-18th century, centered on England. Although this event was apparently refers to sudden changes in the field of technology and industry, researchers believe that its roots go back to the intellectual, philosophical and even religious developments of the sixteenth and seventeenth centuries (Zare and Shaterzadeh, 2016: 45). In fact, this revolution was not an overnight change, but the result of a gradual and multifaceted process that transformed, in addition to industry, the social, political and cultural structures of Europe. Historical evidence shows that England, as the initial origin of these developments, became a model for other European countries by creating economic and technological infrastructures. The transition from a rural to an urban industrial system in the middle of the eighteenth century is considered a turning point in the history of this country (ibid.: 47). Population growth, growth in industrial production and mechanization of production processes are the main characteristics of this period, which gradually spread to other parts of Europe. These developments affected not only the economy, but also the lifestyle of people and changed the face of cities from a predominantly agricultural society to an industrial city. The key question in this context is the role of religious institutions in confronting modernity. Contrary to the common discourse that places religion in opposition to modernism, historical evidence indicates that the seat of Sharia in the West was not only not rejected, but rather, by

redefining its position, moved towards convergence with scientific and democratic achievements. This development was a conscious reaction to the conservative and utilitarian approach of the church in the Middle Ages. In other words, by accepting the role of guidance in the field of morality and social justice, religious institutions began to rebuild their legitimacy in a society that was rapidly industrializing (Zare and Shaterzadeh, 2016: 55). In general, the industrial revolution, as a multidimensional phenomenon, transformed not only the mode of production but also the intellectual ideas of humanity. These developments, by creating an inextricable link between technological progress and social development, provided the necessary basis for the formation of modernity. Meanwhile, religious institutions, by transcending traditional approaches, emerged as mediators between tradition and modernity, placing Sharia at the service of human freedom and the scientific and economic development of Western societies. Such interaction demonstrates the fluidity of the seat of Sharia in response to the changing needs of society.

Why is the seat of Shariat fluid?

In some cases, thinkers in the field of social sciences and sociology have used the findings of experimental sciences and the laws of physics and basic sciences, as well as the natural rules governing the material world, such as the mutual influence of adjacent particles on each other, and have explained and interpreted some individual actions and social relationships, such as the influence of individual relationships on the family and the effects of the family on society and vice versa. [Dr. Mostafa Ghadiripour, Quantum Phenomenon, 2013]

Therefore, the quantum perspective has caused humans to have a new view of themselves, the world around them, and everything that is happening in the world.

Therefore, based on these innovations and initiatives in the field of social sciences, the performance of many members and social institutions can be predicted and explained and interpreted. [Taylor, Everything is Predictable, 2011]

Therefore, a logical comparison of human actions and reactions and the inherent and structural essence of civil institutions such as the family with some laws governing nature, and through the material nature of man as the smallest component of social institutions, provides very accurate and useful results to thinkers in the field of human sciences, and doubles the power of analyzing and predicting social events and the possibility of discovering many laws of human life. [Easton, 1965, Comparative Politics, p. 243]

According to this introduction, it can be said that the scientific and empirical laws of physics based on the behavior of fluids in the material world, especially weather, are also completely true regarding the "nature of the Sharia" and by comparative and behavioral analysis and considering the behavioral and inherent characteristics of fluids in the natural world, one can achieve analytical and acceptable results regarding the useful and acceptable functions of the seat of the Sharia, as well as its possible harms and shortcomings.

On this basis, it can be said that the three main characteristics of fluids in nature are in complete agreement with the behavior of Sharia in society.

This means that Sharia, like fluids, has the potential ability and capacity to move and spread in all existing levels and spaces, and blocking and limiting the path of its movement and spread will cause the accumulation of extraordinary energy and force, which will ultimately cause floods and unpredictable social destruction beyond the control of the existing structure.

Also, fluids in their movement and process do not have the necessary strength to resist existing environmental pollution, and they carry the pollution with them in their state of movement and spread. Finally, fluids are containerized and take on the shape and form in which they are placed, so an undesirable and unwanted shape for fluids will cause the emergence of unpleasant and ineffective forms, and these material characteristics of fluids are also completely true regarding the seat of Sharia in the context of society.

Conclusion

1. The necessity of the dynamic seat of Sharia in the face of global developments

The present study, by analyzing the historical, social and philosophical roots of the interaction between religion and Sharia, explains the necessity of the flexibility of the seat of Sharia in the contemporary world as an inevitable necessity. The findings show that Sharia, as a set of practical rulings, is inherently dependent on temporal, spatial and cultural contexts. Resistance to the redefinition of Sharia and ignoring the requirements of the modern world has led to the emergence of crises such as structural violence, generational rupture and identity crisis. Historical examples such as the emergence of fundamentalist groups such as ISIS and the Taliban reveal the destructive consequences of intellectual stagnation in the interpretation of Sharia. In contrast, accepting the dynamic seat of Sharia not only allows for adaptation to modern values such as human rights and gender equality, but also guarantees the survival of the positive function of religion in the era of globalization.

2. Social Contamination and Challenges to Sharia's Advancement

By analyzing the mechanisms of Sharia's contamination with social harms, this research emphasizes that Sharia is easily subject to abuse when confronted with structures of power and wealth. Cases such as the stateization of religion during the Sasanian era or the alliance of the church with feudal governments in medieval Europe are evidence of Sharia becoming a tool for justifying tyranny and political corruption. To protect the authenticity of Sharia, it is necessary to establish independent supervisory institutions and strengthen critical discourse within the religion. Without these mechanisms, Sharia, instead of playing a normative role, becomes a factor in undermining justice and human dignity.

3. Sharia Flexibility and Reducing Social Tensions

Sharia, like natural fluids, has the capacity to adapt to changing social conditions. This research shows that imposing historical patterns on modern societies leads to crises such as systematic violence and generational divides. For example, the efforts of groups such as the Muslim Brotherhood to rebuild society based on the model of early Islam not only failed, but also led to the reproduction of violence. In contrast, the experience of Western countries in aligning Christian Sharia with democratic values proves that the malleability of Sharia can strengthen social cohesion and reduce tensions. This flexibility is a necessary condition for maintaining the legitimacy of Sharia in today's complex societies.

4. Practical Achievements of the Dynamic Theory of the Sharia Chair

This research extracts seven key practical achievements from the theory of fluidity:

1. Relativism in Sharia rulings: Updating rulings prevents Sharia from becoming a tool for sanctifying and justifying violence.
2. Limiting the scope of Sharia influence: Sharia's distancing from specialized fields such as empirical sciences and economics prevents conflicts with scientific advances.
3. Emphasis on temporal and spatial relativity: Interpreting Sharia law in accordance with the culture and geography of each society reduces sectarian conflicts.
4. Strengthening the universal principles of religion: Focusing on concepts such as justice and monotheism creates a platform for interfaith dialogue and world peace.
5. Purifying Sharia law from corruption: Transparency and accountability of religious institutions in issuing rulings ensure the health of Sharia law.
6. Keeping pace with modern science: Sharia law's alignment with scientific achievements maintains its credibility in modern societies.
7. Supporting civil rights: Sharia law should support individual and social rights instead of restricting freedoms.

In summary, the theory of the fluidity of the Sharia chair is an analytical framework for understanding contemporary religious crises and providing practical solutions for transforming religion into a driving

force on the path of human development. This research proves that Sharia law, if it accepts flexibility and avoids stagnation, can meet the complex needs of today's world while maintaining religious identity. Separating the fixed principles of religion from the changing rules of Sharia law is the key to this transformation. Historical experiences, from the Crusades to the rise of extremist groups, warn that imposing static interpretations of Sharia leads to stagnation of social change and accumulation of destructive energies. In contrast, societies that accept Sharia as a dynamic process are better able to adapt to the challenges of modernity and globalization. Accepting the fluidity of Sharia is a necessary step in the transition from religious violence to a society based on rationality and universal ethics. The success of this theory depends on the cooperation of religious, scientific and political institutions to create practical mechanisms, such as strengthening dynamic *ijtihad*, promoting critical discourse and establishing international institutions for interfaith dialogue. It is hoped that this research will help reduce tensions and strengthen world peace as a starting point for future studies in the field of the interaction of religion, Sharia and social change.

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